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# federal register

Friday
June 9, 1995

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## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

### 8 CFR Part 238

**[INS No. 1681–94]**

**RIN 1115–AD85**

### Contracts With Transportation Lines; Signatory Authority

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends Immigration and Naturalization Service (Service) regulations regarding the listing of preinspection stations and airlines who have entered into agreements with the Service. This rule is necessary so that air carriers, who become signatory to preinspection agreements with the Service, are listed in Service regulations.

**EFFECTIVE DATE:** June 9, 1995.

**FOR FURTHER INFORMATION CONTACT:** Una Brien, Assistant Chief Inspector, Inspections Division, Immigration and Naturalization Service, 425 I Street, NW., Room 7228, Washington, DC 20536, telephone (202) 514–2681.

**SUPPLEMENTARY INFORMATION:** Under the current regulations, air carriers are required to enter into contracts with the Service in order to participate in the preinspection program. Contracts have been signed using Forms I–425 (Agreement for Preinspection) and I–426 (Immediate and Continuous Transit Agreement) under the purview of section 238 of the Immigration and Nationality Act (Act). This rule also adds Dublin, Ireland, to the list of preinspection stations. Accordingly, 8 CFR 238.3 and 8 CFR 238.4 are being amended to include these changes.

### Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities, as the revisions are administrative in nature and merely update the current listing of preinspection stations and airlines who have entered into agreements with the Service.

### Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

### Executive Order 12612

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 rule does not have sufficient federalism implications to warrant the preparation of a Federal Assessment.

### Executive Order 12606

The Commissioner of the Immigration and Naturalization Service certifies that she has assessed this rule in light of the criteria in Executive order 12606 and has determined that this regulation will not have an impact on family well-being.

### List of Subjects in 8 CFR Part 238

Administrative practice and procedures, Air carriers, Aliens, Government contracts, Travel.

Accordingly, part 238 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

## PART 238—CONTRACTS WITH TRANSPORTATION LINES

1. The authority citation for part 238 continues to read as follows:

**Authority:** 8 U.S.C. 1103, 1228; 8 CFR part 2.

**§ 238.3 [Amended]**

2. In § 238.3, paragraph (b) is amended by removing ''Aeroflot—Soviet Airlines.'', ''Aeronaves de Mexico, S.A.'', ''Eastern Airlines, Inc.'', ''LAP-Lineas Aereas Paraguayas.'', Pan Am Express'', and ''Pan American World Airways, Inc.'' from the list of carriers.

3. Section 238.3 paragraph (b) is further amended by adding the following airline carriers in alphabetical sequence to read as follows:

**§ 238.3 Aliens in immediate and continuous transit.**

* * * * *

(b) * * *

Aero Costa Rica

* * * * *

Aeroflot Russian International Airlines

* * * * *

Aerovias de Mexico, S.A. de C.V.

* * * * *

Gulf Air

* * * * *

Lineas Aereas de Paraguay Sociedad Anonima

* * * * *

North American

* * * * *

Pacific Islands Airways, Inc.

* * * * *

Turks and Caicos

* * * * *

USAfrica Airways, Inc.

* * * * *

4. Section 238.4 is amended by removing ''Eastern Airlines, Inc.'', and ''Pan American World Airways, Inc.'' at each location that any of these air carriers are listed as signatory to a preinspection agreement.

5. Section 238.4 is further amended by adding the following preinspection stations and airline carriers in alphabetical sequence within each location, to read as follows:

**§ 238.4 Preinspection outside the United States.**

* * * * *

At Aruba

* * * * *

American Trans Air, Inc.
AvAtlantic
Carnival Airlines
Express One International, Inc.

* * * * *

At Bermuda

* * * * *

AvAtlantic

* * * * *

At Calgary

* * * * *

Air Niagara Express, Inc.

* * * * *

Express One International, Inc.

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At Dublin

Air Lingus
American Trans Air, Inc.
Delta Airlines
Tower Air

At Edmonton

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Express One International, Inc.

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At Freeport

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Express One International, Inc.

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At Montreal

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Air Niagara Express, Inc.

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Express One International, Inc.

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At Nassau

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Continental

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Express One International, Inc.

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Florida Air, Inc.

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At Paradise Island

Express One International

* * * * *

At Toronto

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Astral Aviation, Inc. d/b/a Skyway Airlines

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Chautauqua Airlines, Inc. d/b/a USAir Express

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Express One International, Inc.

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At Shannon

Aer Lingus

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Condor

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Tower Air

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At Vancouver

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Air Niagara Express, Inc.

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Empire Airlines, Inc.

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Express One International, Inc.

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At Winnipeg

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Air Niagara Express, Inc.

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Express One International, Inc.

Dated: June 1, 1995.

**Doris Meissner,**

*Commissioner, Immigration and Naturalization Service.*

[FR Doc. 95–14124 Filed 6–8–95; 8:45 am]

BILLING CODE 4410–10–M

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

**[Airspace Docket No. 95–AWP–2]**

## Amendment to Class D Airspace; Glendale, AZ and Class E Airspace; Luke Air Force Base (AFB), AZ

**AGENCY:** Federal Aviation Administration [FAA], DOT.

**ACTION:** Final rule.

**SUMMARY:** This action amends the Class D airspace area at Glendale, AZ, and Class E airspace area at Luke AFB, AZ. This action is necessary due to the relocation of the Luke AFB TACAN. This amendment will provide adequate Class D and E airspace for instrument flight rules (IFR) operations at these locations.

**EFFECTIVE DATE:** 0901 UTC, September 14, 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:**

### History

On March 3, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by modifying the Class D airspace area at Glendale, AZ, and Class E airspace area at Luke AFB, AZ (60 FR 13931).

Interested parties were invited to participate in this proposed rulemaking by submitting written comments to the FAA. No comments were received. Class D and E airspace designations are published in paragraphs 5000 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. Class D 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 D airspace area at Glendale, AZ, and Class E airspace area at Luke AFB, AZ. The relocation of the Luke AFB TACAN has made this action necessary. The intended effect of this action is to provide adequate Class D and E airspace for aircraft executing instrument approach procedures at these locations.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 10034; 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).

### The Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

## PART 71—[AMENDED]

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

**Authority:** 49 U.S.C. 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 the Federal Aviation

Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

*Paragraph 5000 Class D Airspace.*

* * * * *

**AWP AZ D Glendale, AZ [Revised]**

Glendale Municipal Airport AZ
(lat. 33°31′38″ N, long. 112°17′42″ W)

That airspace entending upward from the surface to and including 3,100 feet MSL within a 3-mile radius of the Gendale Municipal Airport excluding that portion west of a line beginning at lat. 33°29′00″ N, long. 112°19′26″ W; to lat. 33°29′29″ N, long. 112°19′29″ W; to lat. 33°33′24″ N, long. 112°18′04″ W, to lat. 33°34′32″ N, long. 112°16′43″ W. This Class D 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*

* * * * *

**AWP AZ E2 Phoenix, Luke AFB, AZ [Revised]**

Luke AFB, AZ
(lat. 33°32′06″ N, long. 112°22′59″ W)
Luke AFB TACAN
(lat. 33°32′16″ N, long. 112°22′49″ W)

That airspace extending upward from the surface to and including 3,600 feet MSL within 4.4-mile radius of the Luke AFB and within 2 miles each side of the Luke TACAN 220° radial, extending from the 4.4-mile radius to 5.2 miles southwest of the Luke TACAN, excluding that portion within the Glendale, AZ Class D airspace area. 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 Los Angeles, California, on May 31, 1995.

**Dennis T. Koehler,**

*Acting Manager, Air Traffic Division, Western-Pacific Region.*

[FR Doc. 95–14176 Filed 6–8–95; 8:45 am]

BILLING CODE 4910–13–M

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## 14 CFR Part 97

**[Docket No. 28239; Amdt. No. 1668]**

## Standard Instrument Approach Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** An effective date for each SIAP is specified in the amendatory provisions

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

*For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

*For Purchase*—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located

*By Subscription*—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–8277.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviations Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refers to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents in unnecessary. The provisions of this amendment state the affected CFR (an FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

### The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAM for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been cancelled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these chart changes SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air

commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

### Conclusion

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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regularly Flexibility Act.

### List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (Air).

Issued in Washington, DC, on June 2, 1995.

**Thomas C. Accardi,**

*Director, Flight Standards Service.*

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

**Authority:** 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

**§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33 and 97.35 [Amended]**

By amending: § 97.23 VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * Effective Upon Publication

| FDC date | State | City | Airport | FDC No. | SIAP |
|---|---|---|---|---|---|
| 05/23/95 | PA | Carlisle | Carlisle | 5/2277 | VOR/DME OR GPS–A AMDT 1. |
| 05/23/95 | PA | Carlisle | Carlisle | 5/2278 | NDB OR GPS RWY 28 AMDT 2 |
| 05/24/95 | MO | St. Louis | St. Louis/Lambert-St. Louis Intl | 5/2298 | LDA/DME RWY 30L, AMDT 1A. |
| 05/25/95 | NC | Greenville | Pitt-Greenville | 5/2331 | ILS RWY 19 AMDT 2A. |
| 05/25/95 | NC | Greenville | Pitt-Greenville | 5/2332 | NDB RWY 19 AMDT 14. |
| 05/25/95 | WI | Juneau | Dodge County | 5/2345 | LOC RWY 26 ORIG. |
| 05/26/95 | AZ | Phoenix | Williams Gateway | 5/2370 | VOR OR TACAN OR GPS RWY 30C ORIG. |
| 05/26/95 | AZ | Phoenix | Williams Gateway | 5/2371 | ILS RWY 33L AMDT 6A. |
| 05/26/95 | MD | Baltimore | Baltimore-Washington Intl | 5/2349 | ILS RWY 33L AMDT 6A. |
| 05/26/95 | MD | Baltimore | Baltimore-Washington Intl | 5/2352 | VOR/DME RWY 33L ORIG. |
| 05/26/95 | MD | Baltimore | Baltimore-Washington Intl | 5/2353 | VOR/DME RWY 22 AMDT 8A. |
| 05/26/95 | MD | Baltimore | Baltimore-Washington Intl | 5/2354 | VOR OR GPS RWY 28 AMDT 21B. |
| 05/26/95 | MN | Maple Lake | Maple Lake Muni | 5/2368 | VOR–A AMDT 2A. |
| 05/30/95 | GA | Toccoa | Toccoa RG Letourneau Field | 5/2531 | VOR/DME OR GPS RWY 2 ORIG. |

[FR Doc. 95–14179 Filed 6–8–95; 8:45 am]

BILLING CODE 4910–13–M

## 14 CFR Part 97

**[Docket No. 28236; Amdt. No. 1667]**

## Standard Instrument Approach Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

*For Examination*—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

*For Purchase*—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription*—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence

Avenue, SW., Washington, DC 20591; telephone (202) 267–8277.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

## The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impractical and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

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. For the same reason, the FAA certifies that this amendment 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 97

Air traffic control, Airports, Navigation (Air).

Issued in Washington, DC on June 2, 1995.

**Thomas C. Accardi,**

*Director, Flight Standards Service.*

## Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

**Authority:** 49 U.S.C. 40103, 40113, 44701, 40120; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

### §§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33 and 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective June 22, 1995*

Fort Myers, FL, Southwest Florida Intl, ILS RWY 6, Amdt 4
Tallulah/Vicksburg, LA, Vicksburg Tallulah Rgnl, LOC RWY 36, Orig
Tallulah/Vicksburg, LA, Vicksburg Tallulah Rgnl, NDB RWY 36, Orig
Petersburg, VA, Petersburg Muni, LOC RWY 5, Orig
Petersburg, VA, Petersburg Muni, NDB OR GPS RWY 5, Amdt 4
Milwaukee, WI, General Mitchell International, LOC RWY 25L, Amdt 4
Milwaukee, WI, General Mitchell International, NDB or GPS RWY 1L, Amdt 4
Milwaukee, WI, General Mitchell International, NDB or GPS RWY 7R, Amdt 10
Milwaukee, WI, General Mitchell International, ILS RWY 1L, Amdt 7
Milwaukee, WI, General Mitchell International, ILS RWY 7R, Amdt 14
Milwaukee, WI, General Mitchell International, ILS RWY 19R, Amdt 9
Milwaukee, WI, General Mitchell International, RADAR–1, Amdt 23

** * * Effective July 20, 1995*

Jasper, AL, Walker County-Bevill Field, LOC/DME RWY 27, Orig
Ruston, LA, Ruston Rgnl, VOR/DME–A, Orig
Broken Bow, NE, Broken Bow Muni, VOR OR GPS RWY 14, Amdt 4
Broken Bow, NE, Broken Bow Muni, NDB RWY 14, Amdt 8
Burwell, NE, Cram Field, NDB OR GPS RWY 15, Amdt 4
Harvard, NE, Harvard State, VOR/DME RNAV RWY 35, Orig
Wapakoneta, OH, Neil Armstrong, VOR–A, Amdt 7
Wapakoneta, OH, Neil Armstrong, LOC RWY 26, Amdt 2
Wapakoneta, OH, Neil Armstrong, VOR/DME RNAV RWY 26, Amdt 5
Youngstown, OH, Youngstown Executive, VOR/DME or GPS–A, Amdt 10
Youngstown, OH, Youngstown Executive, VOR or GPS RWY 11, Amdt 6
Madison, SD, Madison Muni, NDB or GPS RWY 15, Amdt 8
Brownfield, TX, Terry County, NDB OR GPS RWY 2, Amdt 2
Uvalde, TX, Garner Fld, NDB OR GPS RWY 33, Amdt 1
Danville, VA, Danville Regional, VOR RWY 20, Orig

** * * Effective August 17, 1995*

Alexandria, LA, Alexandria Esler Regional, LOC BC RWY 8, Amdt 10

** * * Effective September 14, 1995*

Shell Lake, WI, Shell Lake Muni, VOR/DME RWY 32, Orig

** * * Effective Upon Publication*

Baltimore, MD, Baltimore-Washington Intl, ILS RWY 28, Amdt 9
Raleigh-Durham, NC, Raleigh-Durham International, RADAR–1, Amdt 7

**Note:** The FAA published an amendment in Docket No 28214, Amdt No 1662 to Part 97 of the Federal Aviation Regulations (FR Vol 60, No 91, Page 25127, dated May 11,

1995), under Section 97.23 effective June 22, 1995, which is hereby amended as follows:

Marion, IN, Marion Muni
VOR RWY 22
Change: Amdt 1 to Amdt 15.

The FAA published an amendment in Docket No. 28199, Amdt No. 1660 to Part 97 of the Federal Aviation Regulations (FR Vol 60, No. 81, Page 20625, dated April 27, 1995), under Section 97.25 effective July 20, 1995, which is hereby amended as follows:

Owensboro, KY, Owensboro Daviess County, LOC BC RWY 18, Orig. is RESCINDED.

[FR Doc. 95–14180 Filed 6–8–95; 8:45 am]

**BILLING CODE 4910–13–M**

## COMMODITY FUTURES TRADING COMMISSION

## 17 CFR Part 30

## Foreign Futures and Option Transactions

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Order.

**SUMMARY:** The Commodity Futures Trading Commission (''Commission'' or ''CFTC''), subject to the conditions specified below, is authorizing certain option contracts traded on the MEFF Sociedad Rectora de Productos Financieros Derivados de Renta Fija (the ''Exchange'' or ''MEFF Renta Fija'') to be offered or sold to persons located in the United States; and granting an exemption to designated members of the Exchange from the application of certain of the Commission's foreign futures and option rules based on substituted compliance with certain comparable regulatory and self-regulatory requirements of a foreign regulatory authority.

This Order is issued pursuant to Commission rule 30.3(a), 17 CFR 30.3(a), which makes it unlawful for any person to engage in the offer or sale of a foreign option product until the Commission, by order, authorizes such foreign option to be offered in the United States, and rule 30.10, 17 CFR 30.10, which allows certain persons to petition the Commission for exemption from the application of certain of the rules set forth in Part 30 and authorizes the Commission to grant such petition if the exemption is not otherwise contrary to the public interest or to the purposes of the provisions from which exemption is sought.

**EFFECTIVE DATE:** July 10, 1995.

**FOR FURTHER INFORMATION CONTACT:** Jane C. Kang, Esq., or Robert H. Rosenfeld, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254–8955.

**SUPPLEMENTARY INFORMATION:** On July 23, 1987, the Commission adopted final rules governing the domestic offer and sale of commodity futures and option contracts traded on or subject to the rules of a foreign board of trade. 52 FR 28980 (August 5, 1987). These rules, which are codified in Part 30 of the Commission's regulations, 17 CFR part 30, generally extend the Commission's existing customer protection regulations for products offered or sold on contract markets in the United States to foreign futures and option products [1] sold to United States customers by imposing requirements with respect to registration, disclosure, capital adequacy, protection of customer funds, recordkeeping and reporting, sales practice and compliance procedures that are generally comparable to those applicable to wholly domestic transactions.

With respect to foreign options, in view of the history of abuses in the options markets prior to the imposition of the options ban, [2] the Commission determined to phase in foreign options on a market-by-market basis through particularized review of applications submitted by individual markets and issuance of an authorization order, as appropriate, by the Commission.[3] In adopting the final rules which implement that procedure, the Commission stated that notwithstanding part 30, which provides a regulatory framework to govern transactions in both foreign futures and foreign options, and which has been the subject of extensive notice and comment, it would be unlawful for any person to engage in the offer or sale of a particular foreign option product until the Commission specifically authorizes such foreign option to be offered and sold in the United States.[4] As a consequence, rule 30.3(a) permits the Commission to consider, among other things, its ability to determine whether or not a particular trade has been transmitted to and executed on a foreign exchange as part of its decision to authorize transactions in specific foreign exchange-traded options.[5]

In issuing orders under rule 30.3(a), the Commission considers: (1) The existence of information sharing arrangements relevant to preventing abuses in the trading of option contracts on the exchange; (2) the arrangements in place for assuring that sales practice abuses in such options do not occur, including that sales practice compliance audits commensurate with those which apply to domestic products will be conducted with respect to firms engaged in the offer or sale of the exchange's option products in the United States; (3) the arrangements for United States customers to redress grievances with respect to matters directly pertaining to the conduct of trading or other activities relevant to the offer or sale of such products; and (4) the regulatory environment in which the options are traded.

In formulating a regulatory program to govern the offer and sale of foreign futures and option products to United States customers, the Commission, among other things, considers the potential extraterritorial impact of such a program and the desirability of avoiding duplicative regulation of firms engaged in international business. Based upon these considerations, the Commission, as set forth in Commission rule 30.10, determined to permit persons located outside the United States and subject to a comparable regulatory structure in the jurisdiction in which they are located to seek an exemption from certain of the requirements imposed by the Part 30 rules based upon substituted compliance with the comparable regulatory requirements imposed by the foreign jurisdiction.

In issuing orders under rule 30.10, the Commission evaluates whether the

[1] Commission rule 30.1(a), 17 CFR 30.1(a), defines the term ''foreign futures'' as ''any contract for the purchase or sale of any commodity for future delivery made, or to be made, on or subject to the rules of any foreign board of trade.''

Commission rule 30.1(b), 17 CFR 30.1(b), defines the term ''foreign option'' as ''any transaction or agreement which is or is held out to be of the character of, or is commonly known to the trade as, an ''option,'' ''privilege,'' ''indemnity,'' ''bid,'' ''offer,'' ''put,'' ''call,'' ''advance guaranty,'' or ''decline guaranty,'' made on or subject to the rules of any foreign board of trade.''

[2] *See* 51 FR 12104 (April 8, 1986). The pattern of abuses that was characteristic of option sales practices in the past, and which contributed to the Commission's decision to suspend all option sales in 1978, included the unavailability of data necessary to permit a determination of whether orders for options had in fact been executed or whether they simply had been ''bucketed''. *See* 43 FR 16155 (April 17, 1978).

[3] Although the statutory prohibition on the offer and sale of foreign options formerly contained in section 4c(c) of the Commodity Exchange Act (''CEA'' or the ''Act'') has been removed, *see* Futures Trading Act of 1986, Pub. L. No. 99–641, section 102, 100 Stat. 3556 (1987), the regulatory prohibition in Commission rule 32.11, 17 CFR 32.11, adopted pursuant to section 4c(b) of the CEA, remains in effect.

[4] 52 FR 28980 (August 5, 1987). Notwithstanding the prohibition in Commission rule 30.3(a), nondomestic exchange-traded options which are traded pursuant to the trade option exemption in Commission rule 32.4(a), 17 CFR 32.4(a), may continue to be offered and sold.

[5] 51 FR 12104, 12105 (April 8, 1986).

particular foreign regulatory program provides a basis for permitting substituted compliance for purposes of exemptive relief pursuant to Commission rule 30.10. The specific elements examined are set forth in Appendix A to Part 30, ''Interpretative Statement With Respect to the Commission's Exemptive Authority Under Section 30.10 of Its Rules'' (''Appendix A''). 17 CFR part 30, appendix A. These elements include: (1) Registration, authorization or other form of licensing, fitness review or qualification of persons (both individuals and firms) through which customer orders are solicited and accepted; (2) minimum financial requirements for those persons who accept customer funds; (3) protection of customer funds from misapplication; (4) minimum sales practice standards, including the disclosure of the risks of futures transactions; (5) recordkeeping and reporting requirements; (6) procedures to audit for compliance with, and to take action against those persons who violate, the requirements of the program; and (7) the existence of appropriate information-sharing arrangements. The Commission may apply additional conditions to ensure that brokers licensed under other regulatory regimes are not permitted to solicit U.S. customers while effectively evading U.S. requirements, such as those relative to statutory disqualification.

Moreover, the Commission specifically stated in adopting rule 30.10 that no exemption based on substituted compliance of a general nature would be granted unless the persons to whom the exemption is to be applied: (1) consent to jurisdiction in the United States and designate an agent for service of process in the United States with respect to transactions subject to Part 30 by filing a copy of the relevant agency agreement with the National Futures Association (''NFA''); (2) agree to make their books and records available in the United States to Commission and Department of Justice representatives; and (3) notify NFA of the commencement or termination of business in the United States.[6]

By letter dated May 14, 1993, as supplemented, counsel for the Exchange requested that the Commission: (1) Authorize the offer and sale of option contracts traded on the Exchange to persons located in the United States under rule 30.3(a); and (2) exercise its authority under Commission rule 30.10 to exempt certain members of the Exchange from compliance with Part 30's registration and other requirements with respect to brokerage activities undertaken on behalf of customers in the United States[7] with respect to transactions on or subject to the rules of MEFF Renta Fija, and which U.S. customers may trade.[8] The Exchange also has requested that the Commission confirm the application of the Commission's Limited Marketing Orders to MEFF Renta Fija member firms designated by the Exchange for rule 30.10 relief, and this request will be addressed separately.[9]

## Order

The Commission is hereby issuing the following order:

*ORDER UNDER CFTC RULE 30.3 PERMITTING OPTION CONTRACTS TRADED ON MEFF RENTA FIJA TO BE OFFERED OR SOLD IN THE UNITED STATES THIRTY DAYS AFTER PUBLICATION OF THE TERMS AND CONDITIONS OF THE PARTICULAR EXCHANGE OPTION CONTRACT IN THE* **FEDERAL REGISTER,** *UNLESS PRIOR TO THAT DATE THE COMMISSION RECEIVES ANY COMMENTS WHICH MAY RESULT IN THE DETERMINATION TO DELAY THE EFFECTIVE DATE OF THE ORDER;* AND

*ORDER UNDER CFTC RULE 30.10 EXEMPTING DESIGNATED MEMBERS OF THE MEFF RENTA FIJA FROM THE APPLICATION OF CERTAIN OF THE FOREIGN FUTURES AND OPTION RULES THE LATER OF THIRTY DAYS AFTER PUBLICATION OF THE ORDER HEREIN IN THE* **FEDERAL REGISTER** *OR AFTER THE FILING OF RELEVANT CONSENTS BY MEMBERS OF THE EXCHANGE AND EXCHANGE UNDER THE TERMS AND CONDITIONS OF THIS ORDER.*

The Commission has reviewed the information and representations contained in, among other things, the following submissions:

—Petition dated May 14, 1993;
—The Spanish Securities Market Act 24/1988;
—Royal Decree 1814 Governing Official Futures and Options Markets;
—Royal Decree 629/1993 of May 3, 1993 ''Concerning the Regulations Governing Participation in the Stock Markets and Obligatory Registers of Transactions;''
—MEFF Renta Fija Articles of Association (1992);
—MEFF Renta Fija Rules and Regulations;
—Letters dated October 1, 8, and 15 1993; December 23, 1993; August 26, 1994; December 20, 1994; and January 31, 1995, from Philip McBride Johnson, Skadden, Arps, Slate, Meagher & Flom, counsel for the Exchange;
—Letters dated May 19, 1994 and September 28, 1994 from the Comision Nacional del Mercado de Valores (''CNMV''); and
—Letter dated January 12, 1995 from MEFF Renta Fija.

Based upon its review of the above supporting materials, and the memorandum from the Division of Trading and Markets dated April 24, 1995 (the ''Staff Memorandum'') and subject to the conditions set forth below, the Commission has determined to issue this Order which:[10]

(a) As to matters subject to rule 30.3(a), will become effective thirty days after publication of the terms and conditions of the particular Exchange option contract in the **Federal Register**, unless prior to that date the Commission receives any comments which may result in the determination to delay the effective date of the Order pending review of such comments (under such circumstances, the Commission will provide notice); and

[6] 52 FR 28980, 28981 and 29002.

[7] *See* Letter dated May 14, 1993, from Philip McBride Johnson, Esq., to Jean A. Webb, Commission, Re: Petition for Authorization of the Offer and Sale in the United States of Futures and Options Contracts Traded on the MEFF Renta Fija (''Petition'').

By letter dated August 26, 1994, MEFF confirmed that it seeks initial authorization for the following contracts: options on the three year Spanish government bond futures contracts, monthly and quarterly options on the ten year Spanish government bond futures contracts and options on the MIBOR '90 futures contract. Spanish government debt obligations have been designated by the U.S. Securities and Exchange Commission as ''exempted securities'' under SEC rule 3a12–8, a prerequisite before an option product based on such a foreign government debt futures contract may be offered or sold in the United States. *See* 59 FR 54812 (November 2, 1994).

[8] The Part 30 rules apply solely with respect to foreign futures and foreign options, which are defined by reference to the term ''foreign board of trade.'' *See* note 1 above. For purposes of this Order, the term ''foreign board of trade'' shall mean any board of trade, exchange or market located outside the United States, its territories or possessions, whether incorporated or unincorporated, where foreign futures or foreign options transactions are entered into. Commission rule 1.3(ss), 17 CFR 1.3(ss). Thus, contracts that are traded on a market that has been designated as a contract market pursuant to section 5a of the Commodity Exchange Act (CEA) are not within the scope of this Order.

[9] *See* letter dated January 31, 1995 from Philip McBride Johnson, Skadden, Arps, Slate, Meagher & Flom, to Jane C. Kang, CFTC. The Commission has authorized, subject to certain conditions, direct limited marketing activities from within the United States by rule 30.10 firms. *See* 57 FR 49644 (November 3, 1992), and 59 FR 42156 (August 17, 1994) (''Limited Marketing Orders'').

[10] Although the Commission in the past has issued separate orders under rules 30.3(a) and 30.10 as requested by the petitioners, there are many issues common to the consideration of the two types of petitions such that the review of one would facilitate the review of the other.

(b) As to matters subject to rule 30.10, will become effective the later of thirty days after publication of this Order in the **Federal Register** or the filing of consents by members of the Exchange and the Exchange to the terms and conditions of the Order herein.

In particular, pursuant to Commission rule 30.3(a), the Commission authorizes the offer and sale in the United States of options traded on the Exchange subject to the conditions described below:

(1) Except as otherwise permitted under the Commodity Exchange Act and regulations thereunder, that no offer or sale of any MEFF Renta Fija option product in the United States shall be made until thirty days after publication in the **Federal Register** of notice specifying the particular option(s) to be offered or sold pursuant to this Order, unless prior to that date the Commission receives any comments which may result in the determination to delay the effective date of the Order pending review of such comments (under such circumstances, the Commission will provide notice);

(2) That the CNMV and MEFF Renta Fija represent that all transactions with respect to the option(s) referenced in such **Federal Register** notice will be governed by the Securities Market Act (''SMA''), Royal Decree 1814 (''R.D. 1814''), Royal Decree 629 (''R.D. 629'') and related statutes and MEFF Renta Fija rules as more particularly discussed in the Staff Memorandum and that the CNMV and/or MEFF Renta Fija will provide the Commission with information as to all material changes thereto promptly;

(3) That options on futures on stock indices [11] and options on futures on foreign government debt securities [12] will not be permitted to be offered or sold hereunder absent certain additional procedures;

(4) That options traded pursuant to this Order may only be offset on the MEFF Renta Fija or another market with respect to which the Commission has issued an order under Commission rule 30.3(a) authorizing its option products to be offered or sold in the United States; and

(5) That options traded pursuant to this Order herein may only be offered or sold by persons registered in the appropriate capacity under the Act or by persons who have been granted an exemption from registration under rule 30.10 based on substituted compliance with the terms of that exemption order and relevant laws of the jurisdiction, provided such persons also provide customers resident in the United States with the options risk disclosure statement in Commission rule 33.7, 17 CFR 33.7, or the generic risk disclosure statement approved by the Commission pursuant to Commission rule 1.55(c).[13]

Furthermore, subject to the conditions set forth below, the Commission concludes that the standards for relief set forth in Commission rule 30.10 and, in particular, Appendix A thereof, have generally been satisfied and that compliance with the SMA, R.D. 1814, R.D. 629 and MEFF Renta Fija and CNMV rules may be substituted for compliance with certain sections of the Act as more particularly set forth herein. By this Order, the Commission hereby exempts, subject to specified conditions, those firms identified to the Commission as eligible for the rule 30.10 relief granted herein from:

(1) Registration with the Commission;

(2) Certain sections of Part 1 of the Commission's rules relating to financial regulations and books and records that apply to foreign futures and options sold in the United States as set forth in Part 30;

based upon substituted compliance by such persons with the applicable statutes and relevant Exchange and other rules in effect in Spain.

This determination to permit substituted compliance is based on, among other things, the Commission's finding that the regulatory scheme governing the persons trading on the Exchange who would be exempted hereunder provides:

(1) A system of qualification or licensing of firms and persons who deal in transactions subject to regulation under Part 30 that includes, for example, criteria and procedures for granting, monitoring, suspending and revoking licenses, and provisions for requiring and obtaining access to information about licensees;

(2) Financial requirements for licensees;

(3) A system for the protection of customer funds that applies to all customers and which requires the separate accounting for such funds, augmented by funds designed to compensate customers who have suffered a loss as a result of fraud or insolvency or other failure of an Exchange member;

(4) Recordkeeping and reporting requirements pertaining to financial and trade information including, without limitation, order tickets, trade confirmations, customer account statements, customers' deposit records, and accounting records for customer and proprietary trades;

(5) Sales practice standards for licensees which include, for example, required disclosures to prospective customers and prohibitions on (a) certain representations, (b) conflicts of interest, and (c) improper trading activities;

(6) Procedures to audit for compliance with, and to redress violations of, customer protection and sales practice requirements including, without limitation, a surveillance program and the existence of broad powers to conduct investigations and to impose sanctions; and

(7) Mechanisms for sharing information between the Exchange and the CNMV and the Commission on an ''as needed'' basis including, without limitation, confirmation data, data necessary to trace funds, position data, data on firms' standing to do business and financial condition, and mechanisms for cooperating with the Commission in inquiries, compliance matters, investigations and enforcement proceedings.[14]

This Order does not provide an exemption from any provision of the Act or regulations thereunder not specified herein, for example, without limitation, the antifraud provision in Commission rule 30.9, 17 CFR 30.9, or the disclosure provisions of Commission rules 1.55, 30.6 and 33.7, 17 CFR 1.55, 30.6 and 33.7, including the requirements of rule 1.55(f), 30.6(e) and 33.7(f).[15] Moreover, the relief granted is limited to brokerage activities undertaken on behalf of customers in the United States with respect to transactions on or subject to the rules of MEFF Renta Fija, and which U.S. customers may trade.

The relief does not extend to rules or regulations relating to trading, directly or indirectly, on United States exchanges. For example, such a firm trading in United States markets for its own account would be subject to the Commission's large trader reporting requirements. *See, e.g.,* 17 CFR Part 18. Similarly, if such a firm were carrying a position on a United States exchange on behalf of foreign clients, it would be subject to the reporting requirements applicable to foreign brokers. *See, e.g.,* 17 CFR parts 17 and 21. The relief herein does not apply to firms that solicit United States customers for transactions on United States markets.

The eligibility of any firm to seek rule 30.10 relief under this exemptive Order is subject to the following conditions:

(1) The regulatory or self-regulatory organization responsible for monitoring the compliance of such firm with the regulatory requirements described in the rule 30.10 petition must represent in writing to the CFTC that:

[11] *See* 52 FR 28980, 28982 n. 6 and section 2a(1) of the CEA.

[12] *See* section 2a(1) of the CEA, section 3(a)(12) of the Securities Exchange Act of 1934 and Rule 3a12–8 promulgated thereunder. As previously noted, Spanish government debt obligations have been designated as ''exempted securities'' by the SEC.

[13] 59 FR 34376, 34379 (July 5, 1994).

[14] The Exchange and its regulator, CNMV, have provided assurances to the Commission, subject to certain agreed upon principles, regarding the availability of information relevant to Part 30 on an ''as needed'' basis. *See* Letter dated October 1, 1993 from Philip McBride Johnson, Skadden, Arps, Slate, Meagher & Flom (Skadden); and letter May 19, 1994 from Eudald Canadell, CNMV, to Andrea M. Corcoran, CFTC (confirming that information may be shared between the CFTC and the CNMV pursuant to the Memorandum of Understanding on Mutual Assistance and Exchange of Information of October 1992. *See* also letter dated January 31, 1995 from Philip McBride Johnson, Skadden, Arps, Slate, Meagher & Flom to Jane C. Kang, CFTC Division of Trading and Markets.

[15] These rules essentially provide that delivery of a mandated risk disclosure statement does not eliminate any obligation under the Act to disclose all material information to existing or prospective customers even if the information is not specifically required by the applicable risk disclosure rule.

(a) Each firm for which relief is sought is registered, licensed or authorized, as appropriate, and is otherwise in good standing under the standards in place in Spain; such firm is engaged in business with customers located in Spain as well as in the United States; and, such firm would not be statutorily disqualified from registration under section 8a(2) of the CEA, 7 U.S.C. 12(a)(2);

(b) It will monitor firms to which relief is granted for compliance with the regulatory requirements for which substituted compliance is accepted and will promptly notify the Commission or NFA of any change in status of a firm which would affect its continued eligibility for the exemption granted hereunder, including the termination of its activities in the United States;

(c) All transactions on the Exchange with respect to customers resident in the United States will be made on or subject to the rules of the Exchange and the Commission will receive prompt notice of all material changes to MEFF Renta Fija rules, the SMA and other laws relevant to futures and options (*e.g.*, Royal Decree 1814 and Royal Decree 629);

(d) Customers resident in the United States will be provided no less stringent regulatory protection than Spanish customers under all relevant provisions of Spanish law; and

(e) It will cooperate with the Commission with respect to any inquiries concerning any activity subject to regulation under the Part 30 rules, including sharing the information specified in Appendix A to the Part 30 rules on an ''as needed'' basis in accordance with the agreed information sharing arrangement and will use its best efforts to notify the Commission if it becomes aware of any information which in its judgment affects the financial or operational viability of a Spanish-domiciled firm doing business in the United States under the exemption granted by this Order.

(2) Each firm seeking rule 30.10 relief hereunder must apply in writing whereby it:

(a) Consents to jurisdiction in the United States under the Act and files a valid and binding appointment of an agent in the United States for service of process in accordance with the requirements set forth in Commission rule 30.5, 17 CFR 30.5;

(b) Acknowledges that it can be required by the Exchange to provide the Exchange immediate access to its books and records related to transactions under Part 30 required to be maintained under the applicable laws and Exchange rules in effect in Spain and that the Exchange will cooperate in providing access to such books and records to the Commission in accordance with the agreed upon information sharing arrangement;

(c) Represents that no principal, and no employee who solicits or accepts orders from United States customers, would be disqualified from directly applying to do business in the United States under section 8a(2) of the CEA, 7 USC 12a(2), and consents to notify the Commission promptly of any change in that representation based on a change in control as generally defined in Commission rule 3.32, 17 CFR 3.32;

(d) Consents that all futures or options transactions for customers located in the United States will be undertaken from a location in Spain (except as otherwise permitted by the Commission) solely with respect to transactions on or subject to the rules of MEFF Renta Fija, and which U.S. customers may trade;

(e)(1) If a Clearing Member of the Exchange which carries the accounts of customers located in the United States: agrees to maintain funds equivalent to the aggregate ''secured amount'' (described in Commission rule 1.3(rr), 17 CFR 1.3(rr)), for all United States customers in a separate account as set forth in Commission rule 30.7, 17 CFR 30.7, and to treat those funds in the manner described by that rule;

(e)(2) If a Non-Clearing Member of the Exchange: agrees to comply with relevant Spanish laws and Exchange rules prohibiting them from accepting or otherwise handling customer funds;

(f) Agrees to provide customers with account statements on at least a monthly basis;

(g) Discloses the identity of each subsidiary or affiliate domiciled in the United States with a related business (*e.g.*, banks and broker/dealer affiliates) and provides a brief description of such subsidiary's or affiliate's principal business in the United States;

(h)(1) Consents to participate in any NFA arbitration program which offers a procedure for resolving customer disputes on the papers where such disputes involve representations or activities with respect to transactions under Part 30, and consents to notify customers resident in the United States of the availability of such a program; *provided, however,* that the firm may require its customers resident in the United States to execute the consent attached hereto as Exhibit A concerning the exhaustion of certain mediation procedures made available by the Exchange prior to bringing an NFA arbitration proceeding; and *provided further* that the firm must undertake to provide the customer with information concerning how to commence such procedures pursuant to the consent attached hereto as Exhibit A;

(h)(2) *Provided, however,* that until the Exchange adopts a procedure for an ''on the papers'' hearing applicable to all Exchange arbitrations, consents to notify such customers that if they elect Exchange arbitration, they or their agent could be required to appear personally at a hearing, and if the customer elects NFA arbitration, consents to participate in such proceeding even in circumstances where the dispute arises primarily out of delivery, clearing, settlement or floor practices;

(i) Undertakes to comply with the applicable provisions of Spanish law and Exchange and CNMV rules which form the basis upon which this exemption from certain provisions of the Act is granted; and

(j) Agrees to provide to any U.S. customers either the generic risk disclosure statement approved by the Commission under rule 1.55(c), or the risk disclosure statements mandated by Commission rules 30.6(a) [*i.e.*, 1.55(a)] and 33.7, and applicable Commission orders, as appropriate.[16]

[16] *See, e.g.*, CFTC Advisory No. 90–1 [1987–1990 Transfer Binder] Comm. Fut. L. Rep. (CCH) ¶ 24,597 (disclosure statement related to the deferred payment of option premiums).

Upon filing of the notice required under paragraph (1)(b) as to any such firm, the rule 30.10 relief granted by this Order may be suspended immediately as to that firm. That suspension will remain in effect pending further notice by the Commission, or the Commission's designee, to the firm and the Exchange and/or any applicable regulatory or self-regulatory organization.

Any material changes or omissions in the facts and circumstances pursuant to which this Order is granted might require the Commission to reconsider its finding that the standards for issuance of an order under Commission rules 30.3(a) and 30.10, including Appendix A of rule 30.10, have generally been satisfied.

Further, if experience demonstrates that the continued effectiveness of this Order in general, or with respect to a particular firm or product, would be contrary to public policy or the public interest, or that the systems in place for the exchange of information or other circumstances do not warrant continuation of the exemptive relief granted herein, the Commission may condition, modify, suspend, terminate, withhold as to a specific firm or product, or otherwise restrict the exemptive relief granted in this Order, as appropriate, on its own motion. If necessary, provisions will be made for servicing existing client positions.

**Terms and Conditions of MEFF Renta Fija Options**

*Option on the MIBOR'90 Futures*

*Underlying Asset:* MIBOR'90 Futures Contract
*Contract Size:* 1 futures contract
*Exercise Style:* American
*Traded Options:* Options on futures with expiration on the four nearest months of the quarterly cycle (March, June, September and December)
*Last Trading Day:* The last business day prior to the expiration date
*Expiration Date:* Third Wednesday of the underlying futures contract month (same date and time as the underlying futures expiration date)
*Quotation Method:* Multiples of Ptas. 250
*Tick Value:* The minimum fluctuation of the premium is one basis point, equal to Ptas. 250
*Margining:* Margin is calculated taking into account the overall futures and options portfolio

*Option on the 3-Year Government Bond Futures*

*Underlying Asset:* 3-year Government Bond Futures Contract

*Contract Size:* 1 futures contract
*Exercise Style:* American
*Traded Options:* Options on futures with expiration on the two nearest months of the quarterly cycle (March, June, September and December)
*Last Trading Day:* Expiration date
*Expiration Date:* First Wednesday of the underlying futures contract month (two weeks prior to the underlying futures contract expiration date)
*Quotation Method:* In percentage of nominal
*Tick Value:* The minimum fluctuation of the premiums is one basis point, equal to Ptas. 1,000
*Margining:* Margin is calculated taking into account the overall futures and options portfolio

*Monthly Option on the 10-Year Government Bond Futures*

*Underlying Asset:* 10-year Government Bond Futures Contract
*Contract Size:* 1 futures contract
*Exercise Style:* American
*Traded Options:* One spot month on the underlying nearby futures contract
*Last Trading Day:* Expiration date
*Expiration Date:* First Wednesday of each month
*Quotation Method:* In percentage of nominal
*Tick Value:* The minimum fluctuation of the premium is one basis point, equal to Ptas. 1,000
*Margining:* Margin is calculated taking into account the overall futures and options portfolio

*Quarterly Option on the 10-Year Government Bond Futures*

*Underlying Asset:* 10-year Government Bond Futures Contract
*Contract Size:* 1 futures contract
*Exercise Style:* American
*Traded Options:* Options on futures with expiration on the two nearest months of the quarterly cycle (March, June, September and December)
*Last Trading Day:* Expiration date
*Expiration Date:* First Wednesday of the underlying futures contract month (two weeks prior to the underlying futures contract expiration date)
*Quotation Method:* In percentage of nominal
*Tick Value:* The minimum fluctuation of the premium is one basis point, equal to Ptas. 1,000
*Margining:* Margin is calculated taking into account the overall futures and options portfolio

**List of Subjects in 17 CFR Part 30**

Commodity futures, Commodity options, Foreign futures and options.

Accordingly, 17 CFR part 30 is amended as set forth below:

## PART 30—FOREIGN FUTURES AND FOREIGN OPTION TRANSACTIONS

1. The authority citation for part 30 continues to read as follows:

**Authority:** Secs. 2(a)(1)(A), 4, 4c, and 8a of the Commodity Exchange Act, 7 U.S.C. 2, 6, 6c and 12a.

2. Appendix B to part 30 is amended by adding the following entry alphabetically:

**Appendix B—Option Contracts Permitted To Be Offered or Sold in the U.S. Pursuant to § 30.3(a)**

| Exchange | Type of contract | FR date and citation |
|---|---|---|
| * * | * * * * * | |
| MEFF Renta Fija ..... | Options on the: Mibor'90, 3-Year and monthly and quarterly 10-Year Spanish Government Bond futures contracts. | June 9, 1995, 60 FR. _____ |
| * * | * * * * * | |

3. Appendix C to part 30 is amended by adding the following entry to read as follows:

**Appendix C—Foreign Petitioners Granted Relief From the Application of Certain of the Part 30 Rules Pursuant to § 30.10**

* * * * *

Firms designated by the MEFF Sociedad Rectora de Productos Financieros Derivados de Renta Fija (''MEFF Renta Fija'').

FR date and citation: June 9, 1995, 60 FR _____.

* * * * *

Issued in Washington, D.C., on June 5, 1995.

**Jean A. Webb,**

*Secretary to the Commission.*

**Note:** The following Exhibit will not be published in the Code of Federal Regulations.

**Exhibit A—Form of Consent to Undertake Mediation Prior to NFA Arbitration**

In the event that a dispute arises between you [name of customer resident in the United States] and [name of MEFF Renta Fija member firm] with respect to transactions subject to Part 30 of the Commodity Futures Trading Commission's rules, various forums may be available for resolving the dispute, including courts of competent jurisdiction in the United States and Spain and arbitration programs made available both in the United States and Spain.

In the event you wish to initiate an arbitration proceeding against this firm to resolve such dispute under the applicable rules of the National Futures Association (''NFA'') in the United States, you hereby consent that you will first commence mediation in accordance with such procedures as may be made available by the MEFF Sociedad Rectora de Productos Financieros Derivados de Renta Fija (''MEFF Renta Fija'' or ''Exchange''), information on which is provided to you herewith. The outcome of such MEFF Renta Fija mediation is nonbinding. You may subsequently accept this resolution, or you may proceed either to binding arbitration under the rules of the MEFF Renta Fija or to binding arbitration in the United States under the rules of NFA. If you accept the mediated resolution or elect to proceed to arbitration, or to any other form of binding resolution under the rules of the Exchange, you will be precluded from subsequently initiating an arbitration proceeding at NFA.

You may initiate an NFA arbitration proceeding upon receipt of documentation from MEFF Renta Fija:

(1) Evidencing completion of the mediation process and reminding you of your right of access to NFA's arbitration proceeding; or

(2) Representing that more than nine months have elapsed since you commenced the mediation process and that such process is not yet complete and reminding you of your right of access to NFA's arbitration proceeding.

The documentation referred to above must be presented to NFA at the time you initiate the NFA arbitration proceeding. NFA will exercise its discretion not to accept your demand for arbitration absent such documentation.

By signing this consent you are not waiving any other right to any other legal remedies available under the law.

_____

Customer

_____

Date

[FR Doc. 95–14147 Filed 6–8–95; 8:45 am]

BILLING CODE 6351–01–P

## DEPARTMENT OF JUSTICE

## 28 CFR Part 16

**[AAG/A Order No. 105–95]**

## Exemption of System of Records Under the Privacy Act

**AGENCY:** Department of Justice.

**ACTION:** Final rule.

**SUMMARY:** The Department of Justice (DOJ), U.S. Marshals Service (USMS), amends its Privacy Act regulations in 28 CFR part 16 to exempt a new Privacy Act system of records entitled, ''Joint Automated Booking Stations (JABS), USM–014.'' This system of records is exempted from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(5), (e)(8) and (g) of the Privacy Act (5 U.S.C. 552a). Information in this system of records relates to matters of law enforcement, and the exemptions are necessary to avoid interference with law enforcement responsibilities and to protect the privacy of third parties. The reasons for the exemptions are set forth in the text below.

**EFFECTIVE DATE:** June 9, 1995.

**FOR FURTHER INFORMATION CONTACT:** Patricia E. Neely on (202) 616–0178.

**SUPPLEMENTARY INFORMATION:** A proposed rule with invitation to comment was published in the **Federal Register** on April 13, 1995 (60 FR 18784). The public was provided 30 days in which to comment. No comments have been received.

This order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, it is hereby stated that the order will not have ''a significant economic impact on a substantial number of small entities.''

### List of Subjects in 28 CFR Part 16

Administrative Practices and Procedures, Courts, Freedom of Information Act, Government in the Sunshine Act, and the Privacy Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793–78, 28 CFR part 16 is amended as set forth below.

Dated: May 22, 1995.

**Stephen R. Colgate,**

*Assistant Attorney General for Administration.*

## PART 16—[AMENDED]

1. The authority for part 16 continues to read as follows:

**Authority:** 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

2. 28 CFR 16.101 is amended by redesignating paragraph (s) as paragraph (u), and by adding new paragraphs (s) and (t) as set forth below.

**§ 16.101 Exemption of U.S. Marshals Service (USMS) Systems—Limited Access, as indicated.**

* * * * *

(s) The following system of records is exempt from 5 U.S.C. 552a(c) (3) and (4), (d), (e) (1), (2), (3), (e) (5) and (e) (8) and (g):

Joint Automated Booking Stations, Justice/USM–014

(t) These exemptions apply only to the extent that information in the system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2). Where compliance would not interfere with or adversely affect the law enforcement process, the USMS may waive the exemptions, either partially or totally. Exemption from the particular subsections are justified for the following reasons:

(1) From subsections (c)(3) and (d) to the extent that access to records in this system of records may impede or interfere with law enforcement efforts, result in the disclosure of information that would constitute and unwarranted invasion of the personal privacy of collateral record subjects or other third parties, and/or jeopardize the health and/or safety of third parties.

(2) Where access to certain records may be appropriate, exemption from the amendment provisions of subsection (d)(2) in necessary to the extent that the necessary and appropriate justification, together with proof of record inaccuracy, is not provided, and/or to the extent that numerous, frivolous requests to amend could impose an impossible administrative burden by requiring agencies to continuously review booking and arrest data, much of which is collected from the arrestee during the arrest.

(3) From subsection (e)(1) to the extent that it is necessary to retain all information in order not to impede, compromise, or interfere with law enforcement efforts, e.g., where the significance of the information may not be readily determined and/or where such information may provide leads or assistance to Federal and other law enforcement agencies in discharging their law enforcement responsibilities.

(4) From subsection (e)(2) because, in some instances, the application of this provision would present a serious impediment to law enforcement since it may be necessary to obtain and verify information from a variety of sources other than the record subject to ensure safekeeping, security, and effective law enforcement. For example, it may be necessary that medical and psychiatric personnel provide information regarding the subject's behavior, physical health, or mental stability, etc. To ensure proper care while in custody, or it may be necessary to obtain information from a case agent or the court to ensure proper disposition of the subject individual.

(5) From subsection (e)(3) because the requirement that agencies inform each individual whom it asks to supply information of such information as is required by subsection (e)(3) may, in some cases, impede the information gathering process or otherwise interfere with or compromise law enforcement efforts, e.g., the subject may deliberately withhold information, or give erroneous information.

(6) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance and the accuracy of such information can only be determined in a court of law. The restrictions imposed by subsection (e)(5) would restrict the ability to collect information for law enforcement purposes and may prevent the eventual development of the necessary criminal intelligence or otherwise impede effective law enforcement.

(7) From subsection (e)(8) to the extent that such notice may impede, interfere with, or otherwise compromise law enforcement and security efforts.

(8) From subsection (g) to the extent that this system is exempt from the access and amendment provisions of subsection (d).

* * * * *

[FR Doc. 95–14106 Filed 6–8–95; 8:45 am]

BILLING CODE 4410–01–M

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 721

**[OPPTS–50591G; FRL–4951–7]**

**RIN 2070–AB27**

## 2–Propenoic Acid, 2–Methyl-, 2[3-(2*H*-Benzotriazole-2-yl)-[4-hydroxyphenyl]ethyl Ester and 2–Substituted Benzotriazole; Modification of Significant New Use Rules

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is modifying the significant new use rules (SNURs) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for 2-propenoic acid, 2-methyl-, 2[3-(2*H*-benzotriazole-2-yl)-4-hydroxyphenyl]ethyl ester and 2-substituted benzotriazole based on a modification to the TSCA 5(e) consent order regulating the substances.

**DATES:** The effective date of this rule is July 10, 1995.

**FOR FURTHER INFORMATION CONTACT:** Susan B. Hazen, Director, TSCA Assistance Office (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–543B, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554–1404, TDD: (202) 554–0551.

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of April 25, 1991 (56 FR 19228), EPA issued SNURs establishing significant new uses for 2-propenoic acid, 2-methyl-, 2[3-(2*H*-benzotriazole-2-yl)-4-hydroxyphenyl]ethyl ester and 2-substituted benzotriazole based on the section 5(e) consent order for the substances. Because of additional data EPA has received for these substances, EPA is modifying the SNURs.

### I. Background

The Agency proposed the modification of the SNURs for these substances in the **Federal Register** of December 14, 1994 (59 FR 64365). The background and reasons for the modification of the SNURs are set forth in the preamble to the proposed modification. The Agency received one public comment concerning the proposed modification urging EPA to finalize the SNUR modification as soon as possible. As a result EPA is modifying these SNURs.

### II. Objectives and Rationale of Modification of the Rule

During review of the PMNs submitted for the chemical substances that are the subject of this modification, EPA concluded that regulation was warranted under section 5(e) of TSCA pending the development of information sufficient to make a reasoned evaluation of the health effects of the substances. EPA identified the tests considered necessary to evaluate the risks of the substances and identified the protective equipment necessary to protect any workers who may be exposed to the substances. The basis for such findings is in the rulemaking record referenced in Unit III. of this preamble. Based on these findings, a section 5(e) consent order was negotiated with the PMN submitter and SNURs were promulgated. In light of the petition to modify the consent order and SNUR provisions and the recalculation of the risk assessment of the PMN substances based on information provided by the petitioner, the Agency determined air-purifying respirators equipped with high efficiency particulate air filter cartridges would adequately protect the workers who may be exposed to the PMN substances via inhalation. The Agency has determined, therefore, that modifying the consent order and SNUR provisions would not pose an unreasonable risk to human health. The modification of SNUR provisions for the substances designated herein is consistent with the provisions of the section 5(e) order.

### III. Rulemaking Record

The record for the rule which EPA is modifying was established at OPPTS–50591. This record includes information considered by the Agency in developing the rule and includes the modification to consent orders to which the Agency has responded with this modification. A public version of the record, without any Confidential Business Information, is available in the TSCA Nonconfidential Information Center (NCIC) from 12 noon to 4 p.m., Monday through Friday, except legal holidays. The TSCA NCIC is located in Rm. NE–B607, 401 M St., SW., Washington, DC.

### IV. Regulatory Assessment Requirements

EPA is modifying the requirements of the rule by eliminating one of the recordkeeping requirements. Any costs or burdens associated with the rule will be reduced when the rule is modified. Therefore, EPA finds that no additional assessments of costs or burdens are necessary under Executive Order 12866, the Regulatory Flexibility Act (5 U.S.C. 605(b)), or the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

### List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous materials, Reporting and recordkeeping requirements, Significant new uses.

Dated: May 30, 1995.

**Charles M. Auer,**

*Director, Chemical Control Division, Office of Pollution Prevention and Toxics.*

Therefore, 40 CFR part 721 is amended to read as follows:

## PART 721—[AMENDED]

1. The authority citation for part 721 continues to read as follows:

**Authority:** 15 U.S.C. 2604, 2607, and 2625(c).

2. In § 721.1765 by revising paragraph (a)(2)(i) to read as follows:

**§ 721.1765 2–Substituted benzotriazole.**

(a) * * *

(2) * * *

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(ii), (a)(5)(iv), (a)(5)(v), (a)(6)(i), (a)(6)(ii), (a)(6)(iv), (b) (concentration set at 0.1 percent), and (c).

* * * * *

3. In § 721.8450 by revising paragraph (a)(2)(i) to read as follows:

**§ 721.8450 2–Propenoic acid, 2-methyl-, 2[3-(2*H*-benzotriazole-2-yl)-4-hydroxyphenyl]ethyl ester.**

(a) * * *

(2) * * *

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(ii), (a)(5)(iv), (a)(5)(v), (a)(6)(i), (a)(6)(ii), (a)(6)(iv), (b) (concentration set at 0.1 percent), and (c).

* * * * *

[FR Doc. 95–14202 Filed 6–8–95; 8:45 am]

BILLING CODE 6560–50–F

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

### 49 CFR Part 218

**[FRA Docket Number RSOR–11, Notice No. 5]**

**RIN 2130–AA77**

## Protection of Utility Employees

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Suspension of amendment to final rule; extension of comment period.

**SUMMARY:** On March 1, 1995, FRA published an amendment (49 CFR 218.24) to the final rule on safety standards for utility employees working as temporary members of train and yard crews. The amendment, which permitted one-person crews to work within the protections provided for train and yard crews, became effective on May 15th and is hereby suspended as of May 15. FRA also reopens the comment period.

**DATES:** The amendment to § 218.24 published on March 1, 1995 (60 FR 11047) is suspended as of May 15, 1995. Comments on the amendment (49 CFR 218.24) will be accepted and reviewed until FRA publishes further notice.

**ADDRESSES:** Comments on the amendment should be submitted to the Docket Clerk, Office of Chief Counsel, RCC–30, Federal Railroad Administration, 400 Seventh Street SW., Room 8201, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** James T. Schultz, Chief, Operating Practices Division, Office of Safety, FRA, RRS–11, Washington, DC 20590 (telephone: 202–366–9252), or Kyle M. Mulhall, Trial Attorney, Office of Chief Counsel, FRA, Washington, DC 20590 (telephone: 202–366–0443).

**SUPPLEMENTARY INFORMATION:** On March 1, 1995, FRA published an amendment to the final rule on utility employees. 60 FR 11047. The utility employee rule set safety standards for temporary members of train or yard crews to join these crews and work with alternative protection to blue signals. The amendment (49 CFR 218.24) permitted one-person crews to work within the crew exclusion from the blue signal rule.

In response to comments and petitions received, FRA suspends the effect of 49 CFR 218.24 until further notice. By this notice, FRA also reopens the comment period on this amendment regarding only the issue of one-person crews, until further notice. All other amendments and corrections made in the March 1st publication took effect on May 15th and remain in effect.

**Jolene M. Molitoris,**

*Federal Railroad Administrator.*

[FR Doc. 95–13981 Filed 6–8–95; 8:45 am]

BILLING CODE 4910–06–P

# Proposed Rules

Federal Register
Vol. 60, No. 111
Friday, June 9, 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.

## FARM CREDIT ADMINISTRATION

### 12 CFR Parts 615 and 620

**RIN 3052–AB60**

### Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Disclosure to Shareholders; Director Elections

**AGENCY:** Farm Credit Administration.

**ACTION:** Proposed rule.

**SUMMARY:** The Farm Credit Administration (FCA), by the Farm Credit Administration Board, proposes to amend the regulations relating to the implementation of cooperative principles to allow greater flexibility in the method by which directors of Farm Credit System associations and banks for cooperatives are elected, consistent with cooperative principles. The amendments are intended to permit regional election of directors.

**DATES:** Comments should be received on or before July 10, 1995.

**ADDRESSES:** Comments may be mailed or delivered (in triplicate) to Patricia W. DiMuzio, Associate Director, Regulation Development, Office of Examination, Farm Credit Administration, McLean, Virginia 22102–5090. Copies of all communications received will be available for examination by interested parties in the Office of Examination, Farm Credit Administration, McLean, Virginia.

**FOR FURTHER INFORMATION CONTACT:**

John J. Hays, Policy Analyst, Regulation Development, Office of Examination, (703) 883–4498, TDD (703) 883–4444;

or

Rebecca S. Orlich, Senior Attorney, Regulatory Operations Division, Office of General Counsel, (703) 883–4020, TDD (703) 883–4444.

**SUPPLEMENTARY INFORMATION:** The FCA has received requests from a number of Farm Credit System associations to reconsider its regulation pertaining to the at-large election of directors of associations. This regulation is one of many promulgated by the FCA in 1988 to implement extensive changes to the structure of the System affected by the Agricultural Credit Act of 1987. It provides that voting shareholders of associations and Banks for Cooperatives (BCs) shall:

> [b]e accorded the right to vote in the election of each director and, unless otherwise provided in the capitalization bylaws, be allowed to cumulate such votes and distribute them among the candidates in the shareholder's discretion.

12 CFR 615.5230(a)(1)(ii). At the time of promulgation, the FCA believed that enabling each shareholder to vote in the election of each director was necessary to ensure that each director is accountable to all shareholders of the institution, since each director owes fiduciary duties to all shareholders. The FCA was also concerned that shareholders in regions with a small number of shareholders would be able to wield proportionately more voting power than shareholders in regions with a greater number of shareholders. It therefore required the at-large election of directors but permitted associations that, in 1988, had bylaws providing for regional elections of directors to continue to do so until January 1, 1993. In response to the desire for regional representation expressed in the comments, the FCA placed no restrictions on the institution's ability to provide for geographic representation on the board and provided for cumulative voting unless shareholders approved bylaws providing otherwise.

A number of associations have objected that the prohibition of regional election of directors imposes an unreasonable burden on director candidates, who must campaign over widespread territories, and deprives voting shareholders of the ability to elect a representative to the board who lives and farms in their area, and with whom they could become acquainted. Furthermore, these associations have argued that regional voting in agricultural cooperatives is increasingly commonplace and is consistent with cooperative principles. In response to these concerns, the FCA has reconsidered the issue and has determined that its concerns about director accountability and equitable voting power can be addressed in a less burdensome way, consistent with cooperative principles, that will permit the regional election of directors. The Agency has also determined that regional voting should be an option for BCs. This proposed regulation has no application to agricultural credit banks at this time, because issues pertaining to corporate governance for an agricultural credit bank, including board structure, are being studied separately. The FCA does welcome comments concerning Farm Credit Bank director elections on a regional basis, as stated later in this proposed rule.

The FCA proposes to amend § 615.5230(a)(1)(ii) to permit the regional election of directors of associations and BCs subject to the following conditions:

(1) To ensure that a director is accountable to all shareholders, institutions with bylaws providing for shareholder removal of directors must provide that each director may be removed by a majority vote of all voting shareholders and may not be removed by a vote of only the shareholders in his or her region; and

(2) The bylaw provides for the apportionment of the institution's territory into voting regions with approximately equal numbers of voting shareholders and ensures equitable representation from each voting region through an annual evaluation by the institution's board of directors.

The bylaw procedure to ensure equitable voting regions may, for example, contain procedures to redraw the boundaries of the voting regions, alter the number of directors from a region, or other similar action.

The FCA also proposes a conforming amendment to § 620.21(d)(1) of the FCA regulations. This regulation would be amended to require disclosures regarding regional voting in the association's annual information statement.

Since these proposed amendments would significantly affect the voting rights of individual borrower/shareholders and cooperatives, rather than the rights of associations and BCs, the FCA specifically seeks comment on the proposals from voting shareholders. The FCA strongly encourages the associations and BCs to call on their member-borrowers to make their views known to the FCA on this matter.

There are certain director election matters that would not be changed by an association's or BC's adoption of

regional voting. Pursuant to section 4.15 of the Act, there would continue to be only one nominating committee for an association, who would ''endeavor to assure representation to all sections of the association territory and as nearly as possible to all types of agriculture practiced within the area.'' Both association nominating committees and BCs must assure that there are at least two nominees for each elective office to be filled. Nominations for association directors will continue to be accepted from the floor and may be made by any eligible voting shareholder, whether or not he or she resides in the nominee's region, unless the bylaws provide otherwise. In addition, each director would continue to owe a fiduciary duty to all the shareholders of the association, not just to the shareholders in his/her region.

Finally, the FCA has received a request from one System association to propose amendments to the regulations that would extend regional voting to elections of Farm Credit Bank directors and make changes regarding the cumulative voting requirement. The FCA is considering this request and seeks comment on whether other System institutions, shareholders, or members of the public share the requester's same interest.

It is the FCA's view that this proposed regulation is consistent with the FCA Board's Policy Statement on Regulatory Philosophy and achieves the statement's objectives of: (1) Addressing specifically identified risks in a way that causes the least burden for institutions; (2) formulating regulations that are clear and easy to understand; and (3) providing flexibility to institutions in their election procedures.

**List of Subjects**

*12 CFR Part 615*

Accounting, Agriculture, Banks, banking, Government securities, Investments, Rural areas.

*12 CFR Part 620*

Accounting, Agriculture, Banks, banking, Reporting and recording requirements, Rural areas.

For the reasons stated in the preamble, parts 615 and 620 of chapter VI, title 12 of the Code of Federal Regulations are proposed to be amended to read as follows:

## PART 615—FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS

1. The authority citation for part 615 continues to read as follows:

**Authority:** Secs. 1.5, 1.7, 1.10, 1.11, 1.12, 2.2, 2.3, 2.4, 2.5, 2.12, 3.1, 3.7, 3.11, 3.25, 4.3, 4.9, 4.14B, 4.25, 5.9, 5.17, 6.20, 6.26, 8.0, 8.4, 8.6, 8.7, 8.8, 8.10, 8.12 of the Farm Credit Act (12 U.S.C. 2013, 2015, 2018, 2019, 2020, 2073, 2074, 2075, 2076, 2093, 2122, 2128, 2132, 2146, 2154, 2160, 2202b, 2211, 2243, 2252, 2278b, 2278b-6, 2279aa, 2279aa-4, 2279aa-6, 2279aa-7, 2279aa-8, 2279aa-10, 2279aa-12); sec. 301(a) of Pub. L. 100–233, 101 Stat. 1568, 1608.

### Subpart I—Issuance of Equities

2. Section 615.5230 is amended by adding a new paragraph (a)(1)(iii) and revising paragraphs (a)(1)(ii) and (a)(3) to read as follows:

**§ 615.5230 Implementation of cooperative principles.**

(a) * * *

(1) * * *

(i) * * *

(ii) Unless regional election of directors is provided for in the bylaws pursuant to § 615.5230(a)(3), be accorded the right to vote in the election of each director (except for a director that is elected by the other directors);

(iii) Unless regional election of directors is provided for in the bylaws, or unless otherwise provided in the bylaws, be allowed to cumulate such votes and distribute them among the candidates in the shareholder's discretion.

(2) * * *

(3) Regional election of directors is permitted under the following conditions:

(i) A bylaw establishing regional elections is approved by a majority of voting shareholders, voting in person or by proxy;

(ii) The bylaw provides for the apportionment of the institution's territory into voting regions with an approximately equal number of voting shareholders and ensures equitable representation from each voting region by means of an annual evaluation by the institution's board of directors; and

(iii) If there is a bylaw providing for shareholder removal of directors, it provides that all voting shareholders of the institution, whether or not they reside in the director's region, have the right to vote to remove each director.

* * * * *

## PART 620—DISCLOSURE TO SHAREHOLDERS

3. The authority citation for part 620 continues to read as follows:

**Authority:** Secs. 5.17, 5.19, 8.11 of the Farm Credit Act (12 U.S.C. 2252, 2254, 2279aa-11); sec. 424 of Pub. L. 100–233, 101 Stat. 1568, 1656.

### Subpart D—Association Annual Meeting Information Statement

**§ 620.21 [Amended]**

4. Section 620.21 is amended by adding the words ''or elected'' after the word ''nominated'' in the first sentence of paragraph (d)(1).

Dated: June 6, 1995.

**Floyd Fithian,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. 95–14217 Filed 6–8–95; 8:45 am]

BILLING CODE 6705–01–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. 94–NM–243–AD]**

## Airworthiness Directives; Airbus Model A300 and A300–600 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the supersedure of an existing airworthiness directive (AD), applicable to all Airbus Model A300 series airplanes, that currently requires repetitive inspections for cracking of the No. 2 flap beams, and replacement of the flap beams, if necessary. That AD was prompted by reports of cracking of the No. 2 flap beams. This action would provide optional modifications for extending certain inspection thresholds, and an optional terminating modification for certain inspections. This action also would expand the applicability of the existing AD to include Model A300–600 series airplanes. The actions specified by the proposed AD are intended to prevent asymmetry of the flaps due to cracking of the No. 2 flap beams.

**DATES:** Comments must be received by July 21, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–243–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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at

the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Tim Backman, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2776; fax (206) 227–1181.

**SUPPLEMENTARY INFORMATION:**

## Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 94–NM–243–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–243–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

## Discussion

On March 25, 1985, the FAA issued AD 85–07–04, amendment 39–5027 (49 FR 45755, April 2, 1985), applicable to all Airbus A300 series airplanes, to require repetitive inspections for cracking of the No. 2 flap beams, and replacement of the flap beams, if necessary. That action was prompted by reports of cracking detected in the No. 2 flap beams. The requirements of that AD are intended to prevent asymmetry of the flaps due to cracking in the No. 2 flap beams.

Since the issuance of that AD, Airbus has issued the following service bulletin revisions for Model A300 series airplanes:

1. Airbus Service Bulletin A300–57–116, Revision 6, dated July 16, 1993, which describes procedures for repetitive ultrasonic inspections for cracking in the base member and side members of the No. 2 flap beams, and replacement of the beams, if necessary. (Revision 1 of this service bulletin was referenced in the existing AD.)

2. Airbus Service Bulletin A300–57–128, Revision 3, dated January 26, 1990, which describes procedures for optional modification of the No. 2 flap beams (Modification 4740). This modification entails performing an eddy current inspection of the bolt holes of the flap beam and oversizing these holes. Accomplishment of this modification will provide a new flight cycle threshold before the next inspection is necessary. (The original issue of this service bulletin was referenced in the existing AD.)

3. Airbus Service Bulletin A300–57–141, Revision 7, dated July 16, 1993, which describes a second optional modification (Modification 5815). This modification will extend the fatigue life of the flap beams. The modification involves cold working and increasing the size of the bolt holes, and installing interference fit bolts. As with Modification 4740, accomplishment of Modification 5815 will provide a new flight cycle threshold before the next inspection is necessary.

Since Model A300–600 series airplanes are similar in design to Model A300 series airplanes in the subject area, the Model A300–600 is subject to the same addressed unsafe condition. Accordingly, Airbus has issued the following service bulletins that apply to Model A300–600 series airplanes:

1. Airbus Service Bulletin A300–57–6005, Revision 2, dated December 16, 1993, which describes procedures for repetitive ultrasonic inspections for cracking in the base member and side members of the No. 2 flap beams. (These inspections are identical to the inspections specified for Model A300 series airplanes in Airbus Service Bulletin A300–57–116.)

2. Airbus Service Bulletin A300–57–6006, Revision 4, dated July 25, 1994, which describes procedures for installing Modification 5815. This modification entails increasing the size of and cold working certain holes in the No. 2 flap beams. Once accomplished, this modification increases the life of the flap beam and eliminates the need for repetitive inspections, if it is accomplished after 15,000 total landings have been accumulated and if no cracking is detected while performing the inspections described in Airbus Service Bulletin No. A300–57–6005, Revision 2, dated December 16, 1993.

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, has approved these service bulletins, and has issued French airworthiness directive 86–187–076(B)R3, dated March 2, 1994, in order to assure the continued airworthiness of these airplanes in France.

These airplane 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 DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 85–07–04 to continue to require repetitive inspections for cracking of the No. 2 flap beams of Model A300 series airplanes, and replacement of the flap beams, if necessary. The proposed AD would require identical inspections of Model A300–600 series airplanes. The proposed AD also would provide an optional terminating modification for the repetitive inspections on the Model 300–600 series airplanes, and optional modifications for extending certain inspection thresholds for Model A300 series airplanes. The actions would be required to be accomplished in accordance with the service bulletins 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 68 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 6 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $24,480, or $360 per airplane, per inspection cycle.

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.

Should an operator of a Model A300–600 series airplane elect to accomplish the optional terminating action rather than continue the repetitive inspections, it would take approximately 55 work hours to accomplish it, at an average labor rate of $60 per work hour. Based on these figures, the total cost impact of the optional terminating action would be $3,300 per airplane.

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 removing amendment 39–5027 (49 FR 45755, April 2, 1985), and by adding a new airworthiness directive (AD), to read as follows:

**Airbus Industrie:** Docket 94–NM–243–AD. Supersedes AD 85–07–04, Amendment 39–5027.

*Applicability:* All Model A300 and A300–600 series airplanes, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (f) 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 asymmetry of the No. 2 flaps, accomplish the following:

**Note 2:** Paragraph (a) of this AD restates the requirement for an initial and repetitive inspections contained in paragraph A. of AD 85–07–04. Therefore, for operators who have previously accomplished at least the initial inspection in accordance with AD 85–07–04, paragraph (a) of this AD requires that the next scheduled inspection be performed within the intervals specified in (a)(1), (a)(2), or (a)(3), as applicable, after the last inspection performed in accordance with paragraph A. of AD 85–07–04.

**Note 3:** Measurement of crack length is performed by measurement of the probe displacement (perpendicular to symmetry plane of beam) between defect indication appearance and its complete disappearance. The bolt hole indication should not be interpreted as an indication of a defect. These two indications appear very close together because the defects originate from the bolt holes.

(a) For Model A300 series airplanes: Prior to the accumulation of 15,000 total landings, or within the next 120 days after May 9, 1985 (the effective date of AD 85–07–04, amendment 39–5027), whichever occurs later, inspect for cracking of the base steel member and light alloy side members of the No. 2 flap beams, left hand and right hand, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–57–116, Revision No. 6, dated July 16, 1993.

**Note 4:** Inspections required by paragraph (a) of this AD that have been accomplished prior to the effective date of this AD in accordance with Airbus Service Bulletin A300–57–116, Revision 1, dated August 27, 1983; Revision 2, dated April 24, 1984; Revision 3, dated July 20, 1984; Revision 4, dated August 13, 1986; or Revision 5, dated July 10, 1989; as applicable; are considered acceptable for compliance with the applicable action specified in this amendment.

(1) If no cracking is detected: Except as provided by paragraph (c) of this AD, repeat the inspection at intervals not to exceed 1,700 landings until the requirements of paragraph (b) of this AD are accomplished.

(2) If any crack is detected that is less than or equal to 4 mm: Repeat the inspection at intervals not to exceed 250 landings, until the requirements of paragraph (b) of this AD are accomplished.

(3) If any crack is detected that exceeds 4 mm: Prior to further flight, replace the flap beam in accordance with the service bulletin, and prior to the accumulation of 15,000 flight cycles on the replaced flap beam, perform the ultrasonic inspection as required by paragraph (b) of this AD.

(b) For Model A300 series airplanes: Prior to the accumulation of 15,000 total landings, or within the next 1,000 landings after the effective date of this AD, whichever occurs later, perform an ultrasonic inspection to detect cracking of the No. 2 flap beams, in accordance with Airbus Service Bulletin No. A300–57–116, Revision 6, dated July 16, 1993. Accomplishment of this inspection terminates the inspection required by paragraph (a) of this AD.

(1) If no cracking is detected: Except as provided by paragraph (c) of this AD, repeat the ultrasonic inspections thereafter at intervals not to exceed 1,700 landings.

(2) If any crack is detected beyond the bolt hole, and that crack that is less than or equal to 4 mm in length: Repeat the ultrasonic inspections thereafter at intervals not to exceed 250 landings.

(3) If any crack is detected beyond the bolt hole and that crack is greater than 4 mm in length: Prior to further flight, replace the flap beam in accordance with the service bulletin, and prior to the accumulation of 15,000 flight cycles on the replaced flap beam, perform the ultrasonic inspection as required by this paragraph.

(c) For Model A300 series airplanes: After accomplishing the initial inspection required by paragraph (b) of this AD, accomplishment of either paragraph (c)(1) or (c)(2) of this AD extends the fatigue life of the No. 2 flap track beam as specified in those paragraphs, provided that no cracking is detected during any inspection required by paragraph (a) or (b) of this AD.

(1) Removal of any damage and the installation of larger diameter bolts on the No. 2 flap track beam (Modification No. 4740), in accordance with Airbus Service Bulletin No. A300–57–128, Revision 3, dated January 26, 1990, extends the interval for the first repetitive inspection required by paragraph (b) of this AD from 1,700 landings to 12,000 landings, provided that Modification No. 4740 is accomplished prior to the accumulation of 16,700 total landings on the flap beams. Following accomplishment of the first repetitive inspection, subsequent repetitive inspections shall be performed at intervals not to exceed 1,700 landings. Or

(2) Cold working of the bolt holes and the installation of larger diameter bolts on the No. 2 flap track beam (Modification No. 5815), in accordance with Airbus Service Bulletin No. A300–57–141, Revision 7, dated July 16, 1993, extends the interval for the first repetitive inspection required by paragraph (b) of this AD from 1,700 landings to the interval specified in paragraph (c)(2)(i) or (c)(2)(ii) of this AD.

(i) If interference fit bolts that are 15/32-inch in diameter are fitted, the interval for the first repetitive inspection required by paragraph (b) of this AD is extended to 22,000 landings, provided that Modification 5815 is accomplished prior to the accumulation of 16,700 total landings on the flap beam. Following accomplishment of the first repetitive inspection required by paragraph (b) of this AD, subsequent repetitive inspections shall be performed at intervals not to exceed 1,700 landings. Or

(ii) If interference fit bolts that are 7/16- or 3/8-inch in diameter are fitted, the interval for the first repetitive inspection required by paragraph (b) of this AD is extended to 33,000 landings, provided that Modification 5815 is accomplished prior to the accumulation of 16,700 total landings on the flap beam. Following accomplishment of the first repetitive inspection required by paragraph (b) of this AD, subsequent repetitive inspections shall be performed at intervals not to exceed 1,700 landings.

(d) For Model A300–600 series airplanes: Prior to the accumulation of 15,000 total landings, or within the next 1,000 landings after the effective date of this AD, whichever occurs later, perform an ultrasonic inspection to detect cracking of the No. 2 flap track beams, in accordance with Airbus Service Bulletin No. A300–57–6005, Revision 2, dated December 16, 1993.

(1) If no cracking is detected, repeat the ultrasonic inspections thereafter at intervals not to exceed 1,700 landings.

(2) If any crack is detected beyond the bolt hole and that crack that is less than or equal to 4 mm in length: Repeat the ultrasonic inspections thereafter at intervals not to exceed 250 landings.

(3) If any crack is detected beyond the bolt hole and that crack is greater than 4 mm in length: Prior to further flight, replace the flap beam in accordance with the service bulletin, and prior to the accumulation of 15,000 landings on the replaced flap beam, perform the ultrasonic inspection required by paragraph (b) of this AD.

(e) For Model A300–600 series airplanes: Installation of oversized transition fit bolts in cold-worked holes, in accordance with Airbus Service Bulletin No. A300–57–6006 (Modification 5815), Revision 4, dated July 25, 1994, constitutes terminating action for the repetitive inspection requirements of paragraph (d) of this AD, provided that no cracking is detected during any inspection required by paragraph (d) of this AD, and provided that the installation is accomplished prior to the accumulation of 15,000 total landings. If any bolt requires oversizing above 7/16-inch diameter during accomplishment of this installation, prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

**Note 5**: If Airbus Service Bulletin No. A300–57–6005, Revision 2, dated December 16, 1993, is accomplished concurrently with Airbus Service Bulletin No. A300–57–6006 , Revision 3, dated December 16, 1993 (Modification 5815), the ultrasonic inspection for cracking required by paragraph (d) of this AD need not be performed since the eddy current inspection detailed for Modification 5815 is more comprehensive.

(f) 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 6:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

Issued in Renton, Washington, on June 5, 1995.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95–14168 Filed 6–8–95; 8:45 am]

BILLING CODE 4910–13–U

## 14 CFR Part 39

**[Docket No. 94–NM–184–AD]**

## Airworthiness Directives; British Aerospace Model BAC 1–11 200 and 400 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace Model BAC 1–11 200 and 400 series airplanes. This proposal would require various repetitive inspections to detect cracks in certain panels of the lower skin of the wing, and in certain fixed ribs of the leading edge of the wing. This proposal would also require repair or replacement of cracked parts, which would terminate certain repetitive inspections. This proposal is prompted by reports of cracking in certain panels of the lower skin of the wing, and in certain fixed ribs of the leading edge of the wing due to fatigue-related stress. The actions specified by the proposed AD are intended to ensure the structural integrity of the wing by detecting fatigue-related cracking in a timely manner in the panels of the lower skin of the wing or in the fixed ribs of the leading edge of the wing.

**DATES:** Comments must be received by July 21, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–184–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from British Aerospace, Airbus Limited, P.O. Box 77, Bristol BS99 7AR, England. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1149.

**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–184–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–184–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

## Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all British Aerospace Model BAC 1–11 200 and 400 series airplanes. The CAA advises that it has received reports of cracking in panel number 1 at rib 6 of the lower skin of the wing on these airplanes that had accumulated 17,000 to 42,000 total flight cycles. Cracking was also found in the panel number 2 at rib 10 of the lower skin of the wing on these airplanes that had accumulated 45,000 to 53,000 total flight cycles. Furthermore, cracking was found in fixed ribs 6, 10, and 14 of the leading edge of the wing. Investigation revealed that the cause of this cracking has been attributed to fatigue-related stress. Fatigue-related cracking in the panels of the lower skin of the wing or in the fixed ribs of the leading edge of the wing, if not detected and corrected in a timely manner, could reduce the structural integrity of the wing.

British Aerospace has issued Alert Service Bulletin 57–A-PM5992, Issue 1, dated October 14, 1992, which describes procedures for various repetitive inspections to detect cracks in panel number 1 at rib 6 and in panel number 2 at rib 10 of the lower skin of the wing, in the rebate radius of panel number 2 at the joint between panels 1 and 2 of the lower skin of the wing, and in the top and bottom flanges of fixed ribs 6, 10, and 14 of the leading edge of the wing. This alert service bulletin also describes procedures for repair or replacement of cracked parts, which would eliminate the need for certain repetitive inspections. The CAA classified this alert service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

This airplane model is manufactured in the United Kingdom 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 CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require various repetitive inspections to detect cracks in panel number 1 at rib 6 and in panel number 2 at rib 10 of the lower skin of the wing, in the rebate radius of panel number 2 at the joint between panels 1 and 2 of lower skin of the wing, and in the top and bottom flanges of fixed ribs 6, 10, and 14 of the leading edge of the wing. This proposed AD would also require repair or replacement of cracked parts, which would constitute terminating action for certain repetitive inspection requirements. The actions would be required to be accomplished in accordance with the alert service bulletin described previously. If any cracks are detected at rib 10, the repair of panel number 2 would be required to be accomplished in accordance with a method approved by the FAA.

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 31 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 14 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $26,040, or $840 per airplane.

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

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

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

location provided under the caption **ADDRESSES.**

### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

### The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**British Aerospace Airbus Limited (Formerly British Aerospace Commercial Aircraft Limited, British Aerospace Aircraft Group):** Docket 94–NM–184–AD.

*Applicability:* All Model BAC 1–11 200 and 400 series airplanes, certificated in any category.

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

*Compliance:* Required as indicated, unless accomplished previously.

To ensure the structural integrity of the wing, accomplish the following:

(a) Prior to the accumulation of 12,000 total landings or within 1,500 landings after the effective date of this AD, whichever occurs later, perform a close visual and dye penetrant inspection to detect cracks in panel number 1 at rib 6 and in panel number 2 at rib 10 of the lower skin of the wing, in accordance with British Aerospace Alert Service Bulletin 57–A–PM5992, Issue 1, dated October 14, 1992.

(1) If no crack is detected, repeat the inspections thereafter at intervals not to exceed 8,000 landings.

(2) If any crack is detected at rib 6, prior to further flight, repair panel number 1 in accordance with the alert service bulletin. Accomplishment of this repair constitutes terminating action for the repetitive inspections of panel number 1 as required by this paragraph.

(3) If any crack is detected at rib 10, prior to further flight, repair panel number 2 in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(b) Prior to the accumulation of 30,000 total landings or within 1,500 landings after the effective date of this AD, whichever occurs later, perform an eddy current inspection to detect cracks in the rebate radius of panel number 2 at the joint between panels 1 and 2 of lower skin of the wing, in accordance with British Aerospace Alert Service Bulletin 57–A–PM5992, Issue 1, dated October 14, 1992.

(1) If no crack is detected, repeat the inspection thereafter at intervals not to exceed 8,000 landings.

(2) If any crack is detected, prior to further flight, repair panel number 2 in accordance with the alert service bulletin. Accomplishment of this repair constitutes terminating action for the repetitive inspections of panel number 2 as required by this paragraph.

(c) Prior to the accumulation of 30,000 total landings or within 1,500 landings after the effective date of this AD, whichever occurs later, perform a close visual inspection to detect cracks in the top and bottom flanges of fixed ribs 6, 10, and 14 of the leading edge of the wing, in accordance with British Aerospace Alert Service Bulletin 57–A–PM5992, Issue 1, dated October 14, 1992.

(1) If no crack is detected, repeat the inspection thereafter at intervals not to exceed 8,000 landings.

(2) If any crack is detected, prior to further flight, replace the cracked rib with a new rib, in accordance with the alert service bulletin. Prior to the accumulation of 30,000 total landings on the newly installed rib, perform a close visual inspection to detect cracks on the newly installed rib in accordance with the service bulletin. Repeat the inspection thereafter at intervals not to exceed 8,000 landings.

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

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

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

Issued in Renton, Washington, on June 5, 1995.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95–14169 Filed 6–8–95; 8:45 am]

BILLING CODE 4910–13–U

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## 14 CFR Part 39

**[Docket No. 94–NM–232–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 modification of the rear spar-to-fuselage attachment. This proposal is prompted by a report indicating that, during full-scale fatigue tests on a Model F28 Mark 0100 test article, cracking was found in the coupling plate and web plate of the rear spar end fitting at the attachment to the main frame at fuselage station 17011 due to fatigue-related stress. The actions specified by the proposed AD are intended to prevent fatigue-related cracking in the rear spar-to-fuselage attachment which, if not detected and corrected in a timely manner, could result in reduced structural integrity of the wing.

**DATES:** Comments must be received by July 21, 1995.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–232–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) 227–1100.

**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–232–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–232–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, during full-scale fatigue tests on a Model F28 Mark 0100 test article, cracking was found in the coupling plate and web plate of the rear spar end fitting at the attachment to the main frame at fuselage station 17011. Additional cracks were found around the fastener holes in the rear spar end fitting. Such cracking is attributed to fatigue-related stress. Fatigue-related cracking in the rear spar-to-fuselage attachment, if not detected and corrected in a timely manner, could result in reduced structural integrity of the wing.

Fokker has issued Service Bulletin SBF100–53–039, dated February 10, 1993, which describes procedures for modification of the rear spar-to-fuselage attachment. This modification involves reinforcement and cold sleeve expansion of the coupling of the rear spar-to-fuselage attachment and of the fastener holes of the rear spar end fitting. This modification improves the fatigue life of the rear spar-to-fuselage attachment. The RLD classified this service bulletin as mandatory and issued Dutch airworthiness directive BLA 93–027 (A), dated February 24, 1993, 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 modification of the rear spar-to-fuselage attachment. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 21 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 176 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 $9,000 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $410,760, or $19,560 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 94–NM–232–AD.

*Applicability:* Model F28 Mark 0100 series airplanes; having serial numbers 11244 through 11319 inclusive, 11321, and 11323 through 11332 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 fatigue-related cracking in the rear spar-to-fuselage attachment, which could result in reduced structural integrity of the wing, accomplish the following:

(a) Prior to the accumulation of 24,000 total flight cycles or within 6 months after the effective date of this AD, whichever occurs later, modify the rear spar-to-fuselage attachment, in accordance with Fokker Service Bulletin SBF100–53–039, dated February 10, 1993.

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

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

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

Issued in Renton, Washington, on June 5, 1995.

**Darrell M. Pederson,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95–14170 Filed 6–8–95; 8:45 am]

BILLING CODE 4910–13–U

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## 14 CFR Part 71

**[Airspace Docket No. 95–AGL–6]**

## Proposed Modification of Class E Airspace; Mount Vernon, IL

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to modify the Class E2 airspace near Mount Vernon-Outland Airport, Mount Vernon, IL, by changing the airspace area's effective hours from part-time to full-time. The intent of this proposed action is to enhance safety for all potential users of this airspace by providing segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions. An automated Weather Observation System (AWOS) provides 24-hour weather reporting capability for the airport which makes it possible to designate a full-time Class E2 airspace area. The appropriate publications would be modified to provide the aviation public with updated information.

**DATES:** Comments must be received on or before July 25, 1995.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of Assistant Chief Counsel, AGL–7, Rules Docket No. 95–AGL–6, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, System Management Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

**FOR FURTHER INFORMATION CONTACT:** Angeline Perri, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294–7571.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Comments wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 95–AGL–6.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, S.W., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

### The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the Class E2 airspace area near Mount Vernon-Outland Airport, Mount Vernon, IL, by changing the airspace area's effective hours from part-time to full-time. The intent of this proposed action is to enhance safety for all potential users of this airspace by providing segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions. An AWOS provides 24-hour weather reporting capability for the airport which makes it possible to designate a full-time Class E2 airspace area. The appropriate publications would be modified to provide the aviation public with updated information.

Class E airspace designations designated as a surface area for an airport are published in Paragraph 6002 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 designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and

routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed 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).

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

## PART 71—[AMENDED]

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

**Authority:** 49 U.S.C. 40103, 40113, 40102; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

### § 71.1 [Amended]

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

*Paragraph 6002 Class E airpsace areas designated as a surface area for an airport.*

* * * * *

**AGL IL E2 Mount Vernon, IL [Revised]**

Mount Vernon-Outland Airport, IL
(Lat. 38°19′24″ N, long. 88°51′31″ W)
Mount Vernon VOR/DME
(Lat. 38°21′43″ N, long. 88°48′26″ W)

Within a 4.2-mile radius of Mount Vernon-Outland Airport and within 4 miles each side of the Mount Vernon VOR/DME 044° radial extending from the 4.2-mile radius to 9.1 miles northeast of the VOR/DME.

* * * * *

Issued in Des Plaines, Illinois on May 30, 1995.

**Roger Wall,**

*Manager, Air Traffic Division.*

[FR Doc. 95–14173 Filed 6–8–95; 8:45 am]

BILLING CODE 4910–13–M

## 14 CFR Part 71

**[Airspace Docket No. 95–AGL–5]**

## Proposed Modification of Class E Airspace; Devils Lake, ND

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to modify the Class E5 airspace near Devils Lake, ND. Based on the results of an airspace review the existing geographic size of the E5 airspace area is insufficient to accommodate existing instrument approach procedures to Devils Lake Municipal Airport, Devils Lake, ND. The intent of this proposed action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions. The area would be depicted on aeronautical charts to provide a reference for pilots operating under Visual Flight Rule (VFR).

**DATES:** Comments must be received on or before July 25, 1995.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 95–AGL–5, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, System Management Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

**FOR FURTHER INFORMATION CONTACT:** Angeline Perri, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294–7571.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 95–AGL–5.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, S.W., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

### The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the Class E5 airspace near Devils Lake, ND. Based on the results of an airspace review the existing geographic size of the E5 airspace area is insufficient to accommodate existing instrument approach procedures to Devils Lake Municipal Airport, Devils Lake, ND. The intent of this proposed action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions. The area would be depicted on aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures.

Class E airspace designations for airspace extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 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 designation listed in this document would be published subsequently in the Order.

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

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

## PART 71—[AMENDED]

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

**Authority:**49 U.S.C. 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 the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

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

* * * * *

**AGL ND E5 Devils Lake, ND [Revised]**

Devils Lake Municipal Airport, ND

(Lat. 48°06′ 51″ N, long. 98°54′ 32″ W)
Devils Lake VORTAC
(Lat. 48°06′ 48″ N, long. 98°54′ 29″ W)

That airspace extending upward from 700 feet above the surface within an 8.7-mile radius of the Devils Lake Municipal Airport and that airspace extending upward from 1,200 feet above the surface within a 22-mile radius of the Devils Lake VORTAC.

* * * * *

Issued in Des Plaines, Illinois on May 30, 1995.

**Roger Wall,**

*Manager, Air Traffic Division.*

[FR Doc. 95–14174 Filed 6–8–95; 8:45 am]

BILLING CODE 4910–13–M

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## 14 CFR Part 71

**[Airspace Docket No. 95–ANM–6]**

## Proposed Realignment of VOR Federal Airway V–421; CO

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed rule would extend Federal Airway V–421 from the Kremmling, CO, Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) to Robert, CO, Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) to the HAHNS Intersection. This action would improve traffic flow and reduce pilot/controller workload.

**DATES:** Comments must be received on or before July 28, 1995.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ANM–500, Docket No. 95–ANM–6, Federal Aviation Administration, 1601 Lind Avenue, SW., Renton, WA 98055–4056.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

**FOR FURTHER INFORMATION CONTACT:** Norman W. Thomas, 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) 267–9230.

**SUPPLEMENTARY INFORMATION:**

### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 95–ANM–6.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

### The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to extend Federal Airway V–421 from the Kremmling, CO, VORTAC to the Robert, CO, VOR/DME to the HAHNS Intersection. In addition, this action would create two new intersections,

''ECHO'' and ''HAHNS,'' to support a new instrument approach procedure for the Steamboat Springs Bob Adam Airport. This action would improve traffic flow and reduce pilot/controller workload. Domestic VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Domestic VOR Federal airway listed in this document would be published subsequently in the Order.

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

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

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

## PART 71—[AMENDED]

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

**Authority:** 49 U.S.C. 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 the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

*Paragraph 6010(a) Domestic VOR Federal Airways*

* * * * *

**V–421 [Revised]**

From Zuni, NM, via Gallup, NM; Farmington, NM; Durango, CO; Blue Mesa, CO; Red Table, CO; Kremmling, CO; Robert, CO; INT Robert 340° T(327 °M) and Hayden, CO, 055° T(041° M) radials.

* * * * *

Issued in Washington, DC, on June 5, 1995.

**Harold W. Becker,**

*Manager, Airspace-Rules and Aeronautical Information Division.*

[FR Doc. 95–14175 Filed 6–8–95; 8:45 am]

BILLING CODE 4910–13–U

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## 14 CFR Part 71

**[Airspace Docket No. 95–AWP–9]**

## Proposed Revocation of Class D Airspace Area at Miramar NAS, CA

**AGENCY:** Federal Aviation Administration [FAA], DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to revoke the Class D airspace area at Miramar NAS, CA. This airspace is presently contained within the San Diego, CA, Class B surface area, and is no longer required.

**DATES:** Comments must be received on or before July 10, 1995.

**ADDRESSES:** Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, System Management Branch, AWP–530, Docket No. 95–AWP–9, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California, 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California, 90261.

An informal docket may also be examined during normal business hours at the Office of the Manager, System Management Branch, Air Traffic Division, at the above address.

**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:**

### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with the comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 95–AWP–9.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the System Management Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

### Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

### The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) by revoking the Class D airspace area at Miramar NAS, CA. This airspace is presenting located within the San Diego, CA, Class B surface area. Class D airspace designations are published in paragraph 5000 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 D airspace designation listed in this document would be removed subsequently in this Order.

The FAA has determined that this proposed regulation only involves established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 10034; 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 proposed 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).

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

## PART 71—[AMENDED]

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

**Authority:** 49 U.S.C. 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 the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

*Paragraph 5000 Class D Airspace*

* * * * *

**AWPCA D Miramar NAS, CA [Removed]**

* * * * *

Issued in Los Angeles, California, on May 31, 1995.

**Dennis T. Koehler,**

*Acting Manager, Air Traffic Division, Western-Pacific Region.*

[FR Doc. 95–14177 Filed 6–8–95; 8:45 am]

BILLING CODE 4910–13–M

## SOCIAL SECURITY ADMINISTRATION

## 20 CFR Parts 404 and 416

**RIN 0960–AE06**

## Administrative Review Process, Testing Modifications to Prehearing Procedures and Decisions by Adjudication Officers

**AGENCY:** Social Security Administration.

**ACTION:** Proposed rule.

**SUMMARY:** We propose to amend our rules to establish the authority to test the position of an adjudication officer who, under the *Plan for a New Disability Claim Process* approved by the Commissioner of Social Security in September 1994 (the disability redesign plan), would be the focal point for all prehearing activities when a request for a hearing before an administrative law judge (ALJ) is filed. The adjudication officer is an integral element of the disability redesign plan. We expect that our test of the adjudication officer position will provide us with sufficient information to determine the effect of the position on the hearing process. This proposed rule only refers to the changes to the disability procedures we will test. Unless specified, all other regulations related to the disability determination process remain unchanged.

**DATES:** To be sure that your comments are considered, we must receive them no later than July 10, 1995.

**ADDRESSES:** Comments should be submitted in writing to the Commissioner of Social Security, P.O. Box 1585, Baltimore, Maryland 21235, sent by telefax to (410) 966–2830, sent by E-mail to ''regulations@ssa.gov,'' or delivered to the Division of Regulations and Rulings, Social Security Administration, 3–B–1 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments may be inspected during these same hours by making arrangements with the contact person shown below.

The electronic file of this document is available on the Federal Bulletin Board (FBB) at 9:00 a.m. on the date of publication in the **Federal Register**. To download the file, modem dial (202) 512–1387. The FBB instructions will explain how to download the file and the fee. This file is in Wordperfect and will remain on the FBB during the comment period.

**FOR FURTHER INFORMATION CONTACT:** Harry J. Short, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, (410) 965–6243.

**SUPPLEMENTARY INFORMATION:**

### BACKGROUND

The Social Security Administration (SSA) decides claims for Social Security benefits under title II of the Social Security Act (the Act) and for Supplemental Security Income (SSI) benefits under title XVI of the Act in an administrative review process that generally consists of four steps. Claimants who are not satisfied with the initial determination we make on a claim may request reconsideration. Claimants who are not satisfied with our reconsidered determination may request a hearing before an ALJ, and claimants who are dissatisfied with an ALJ's decision may request review by the Appeals Council. Claimants who have completed these steps and who are not satisfied with our final decision, may request judicial review of the decision in the Federal courts.

Generally, when a claim is filed for Social Security or SSI benefits based on disability, a State agency makes the initial and reconsideration disability determination for us. A hearing requested after we have made a reconsideration determination is conducted by an ALJ in one of the 132 hearing offices we have nationwide.

Applications for Social Security and SSI benefits based on disability have risen dramatically in recent years. The number of new disability claims SSA received in Fiscal Year (FY) 1994—3.56 million—represented a 40 percent increase over the number received in FY 1990—2.55 million. Requests for an ALJ hearing also have increased dramatically. In FY 1994, our hearing offices had almost 540,000 hearing receipts, and most of these receipts were filed by persons claiming disability benefits. In that year, the number of hearing receipts we received exceeded the number of receipts we received in FY 1990 by more than 70 percent.

Despite management initiatives that resulted in a record increase in ALJ productivity in FY 1994 and the hiring of more than 200 new ALJs and more than 650 new support staff in that year, the number of cases pending in our hearing offices has reached unprecedented levels—more than 480,000 at the end of FY 1994.

In order to process this workload the disability redesign plan contains other changes to the disability determination process by which SSA plans to decrease processing times while providing world class service. For example, the disability redesign plan envisions a streamlined

initial disability determination process which will result in more timely determinations and the elimination of the reconsideration step in the administrative review process for disability claims. We expect that one consequence of these initiatives will be an increase in the number of requests for hearings filed over the next several years. In light of these growing workload expectations, and to process more efficiently the hearing requests now pending at our hearing offices, we are issuing this notice of proposed rule making (NPRM) which proposes to establish the authority to test having an adjudication officer conduct prehearing development and, if appropriate, issue a decision wholly favorable to the claimant.

We expect that use of an adjudication officer process, as described in our *Plan for a New Disability Claim Process*, will enable us to ensure development of a complete record and to issue decisions in a more efficient manner when a request for a hearing has been filed. Under this NPRM, we propose initially to test the adjudication officer position before implementing it as contemplated in the disability redesign plan. We anticipate that our tests of the adjudication officer position will provide us with information regarding the effect the position has on the hearing process currently, and how to best implement it under the redesigned disability process. We will do this by testing the adjudication officer position alone and in combination with one or more of the tests we are conducting pursuant to the final rule ''Testing Modifications to the Disability Determination Procedures,'' which was published in the **Federal Register** on April 24, 1995 (60 FR 20023).

We consider testing and implementation of the adjudication officer position to be a high priority. It is a complementary approach to short-term disability processing initiatives we currently are undertaking which are designed to reduce pending requests for hearings from more than 480,000 at the end of FY 1994 to 375,000 at the end of FY 1996. One short-term initiative is set out in the NPRM we published in the **Federal Register** on April 14, 1995 (60 FR 19008) to authorize attorney advisors in our Office of Hearings and Appeals to conduct certain prehearing proceedings and, where appropriate, issue decisions which are wholly favorable to the claimant. The principal aim of the attorney advisor procedures is to expedite decisions on pending requests for hearings. The adjudication officer process is focused on making more efficient use of existing resources so that ongoing cases are processed more timely and in a more efficient manner. This proposed rule authorizing testing of an adjudication officer process, if published as a final rule, will allow us to test the effect of a process that we expect will allow us to better manage the hearing process in the years to come.

In view of the salutary effect we expect this rule to have on our ability to improve our service to claimants, and the importance we place on ensuring that we adjudicate claims timely and accurately, we are providing a 30-day comment period for this rule rather than the 60-day period we usually provide. We also believe that a 30-day comment period is appropriate in this instance because we previously provided the public with the opportunity to comment on all aspects of the disability redesign plan, including the establishment of the adjudication officer position. We believe that for these reasons, a 30-day comment period is sufficiently long to allow the public a meaningful opportunity to comment on the proposed rule in accordance with Executive Order 12866.

The proposed rules are explained below in more detail.

**Prehearing Procedures Under the Disability Redesign Plan**

On April 15, 1994, SSA published a notice in the **Federal Register** (59 FR 18188), setting out a proposal to reengineer the initial and administrative review process we use to determine an individual's entitlement to Social Security and SSI benefits based on disability. Comments on this comprehensive and far-reaching proposal were requested, and during the comment period that began on April 1, 1994, and ended on June 14, 1994, SSA received, from a broad spectrum of respondents, over 6,000 written responses and extensive verbal comments. The commenters expressed their belief that improvements were needed to provide better service and to manage the claims process more effectively. While some concerns were expressed, the commenters praised SSA for taking on the task of redesigning the disability claim process.

On September 7, 1994, the Commissioner of Social Security accepted the revised disability redesign plan that was submitted for her approval on June 30, 1994, with the full understanding that some aspects of the proposal would require research and testing. The plan as approved by the Commissioner was published in the **Federal Register** on September 19, 1994 (59 FR 47887).

The plan anticipates a redesigned, two-level process for deciding social security and SSI claims based on disability. The claimant's right of administrative review following an initial determination will be to request an ALJ hearing. When a hearing is requested, as planned in the redesigned process, the focal point for prehearing activities will be an adjudication officer who will work with, among others, claimants and their representatives. Adjudication officers will have authority to make decisions wholly favorable to the claimant where such decisions are warranted by the evidence.

The adjudication officer, together with the claimant and his or her representative, will have responsibility for ensuring that claims coming before ALJs are fully developed.

The procedures outlined in the disability redesign plan make the best use of representatives' services by defining the clear responsibility on the part of claimants and their representatives to submit evidence. One of the features of the adjudication officer process is an informal conference with a claimant's representative to identify the issues in dispute and to prepare written agreements regarding those issues which are not in dispute and those issues proposed for hearing. We would not ask a claimant who does not have a representative to limit issues prior to the hearing. However, if the claimant obtains representation subsequent to the AO's conclusion that the case is ready for a hearing, the case will be returned to the AO who will conduct an informal conference with the claimant and his representative.

In this NPRM we propose to amend our rules by adding new §§ 404.943 and 416.1443 to establish the authority to test having an adjudication officer be the focal point for prehearing activities, as described in the disability redesign plan.

For many years, our hearing offices nationwide have productively utilized various forms of prehearing development. We have successfully conducted tests of a standard prehearing development process. Our recent experience with many of the elements of the adjudication officer's responsibilities and duties has given us some information about the effect the establishment of an adjudication officer position would have on the administrative review process. However, as we believe that further information will be helpful, we will begin testing the adjudication officer position as soon as possible after publication of a final rule in order to

assess whether the position meets the goals of the disability redesign process and whether it will have an effect on administrative and program expenditures. We propose that the adjudication officer's functions will be performed when a hearing before an ALJ is requested. We will be closely managing the tests of the adjudication officer position to ensure that the procedures are consistently and effectively applied at all locations.

In accordance with the goals and directives of the National Performance Review I and II and our disability redesign plan, the nature of the adjudication officer must be flexible to make the best use of available program resources consistent with providing world class service to our customers. Accordingly, the rule as proposed for testing permits the adjudication officer to be a qualified employee of the SSA or a State agency that makes disability determinations for us. The adjudication officer may be located in field offices or program service centers, in State agencies that make disability determinations for us, in our Office of Hearings and Appeals, or in our Regional Office of Program and Integrity Reviews.

**Adjudication Officer Qualifications**

The adjudication officer will be expected to bring relevant experience to the position, with additional training provided as may be essential to complete the preparation of the individual to assume the full range of duties. The adjudication officer must be qualified to communicate effectively with the public (including claimant representatives), in informal conferences and in writing. The adjudication officer must, of necessity, be able to manage a substantial caseload, must be able to review independently the claim file information and determine the need for additional evidence, and then be able to evaluate that evidence under the applicable provisions of the Social Security Act, our regulations and rulings. In addition, where appropriate, the adjudication officer must be able to write a comprehensive, factually correct and legally sound decision that can be readily understood by the public.

**Evaluation of Implementation of Prehearing Procedures and Decisions by Adjudication Officers**

This NPRM proposes to establish the authority to test implementation of prehearing procedures involving the adjudication officer. We plan to test the procedures in multiple sites to provide a means of determining the effect of the procedures in an operational environment. Each test will involve a representative mix of geographic areas and caseloads. Before we commence each test we will publish a notice in the **Federal Register** designating the test site and duration of the test. The notice will also describe when the test will be conducted in combination with one or more of the tests we are conducting pursuant to the final rule ''Testing Modifications to the Disability Determination Procedures.'' We will evaluate test outcomes against the objectives of the disability redesign:

- Is the process user friendly?
- Does the process maintain a high level of payment quality?
- Does the process take less time?
- Is the process efficient?
- Does the process result in satisfying work for employees?

One of the most important measures is the effect of the procedures on overall disability allowance rates. The adjudication officer's functions are not designed to change the overall allowance rates. In order to determine whether the prehearing procedures result in processing improvements consistent with expected outcomes, the Commissioner of Social Security will review evaluation results on a quarterly basis. If there is evidence that overall allowance rates increase or decrease unacceptably, the Commissioner will cease use of, or make appropriate adjustments to the prehearing procedures consistent with this regulatory authority.

SSA published a final rule, ''Testing Modifications to the Disability Determination Procedures,'' at 60 FR 20023 on April 24, 1995 which provided authority for us to test several elements of the disability redesign plan. In the preamble to that final rule, we indicated that we plan to test the adjudication officer prehearing procedures, as well as other aspects of the disability redesign which do not require regulatory changes, in combination with one or more of the four models described in that final rule at some test sites. This continues to be our intention. Such tests will provide us with a body of information about each individual part of the redesign, as well as whether the combined effect of the redesign meets our goals of making the disability process user friendly, more timely and more accurate and efficient. It will also provide us with information about program expenditures in connection with the overall redesign.

**Regulatory Procedures**

*Executive Order No. 12866*

We have consulted with the Office of Management and Budget (OMB) and determined that this proposed rule meets the criteria for a significant regulatory action under Executive Order (E.O.) 12866. Thus it was subject to OMB review. This rule does not adversely affect State, local or tribal governments. The administrative costs of the tests will be covered within budgeted resources. No program costs are expected. We have not, therefore, prepared a cost/benefit analysis under E.O. 12866.

*Regulatory Flexibility Act*

We certify that this regulation will not have a significant economic impact on a substantial number of small entities because it affects only individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

*Paperwork Reduction Act*

This regulation imposes no new reporting or record keeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance Program Nos. 93.802, Social Security-Disability Insurance; 93.807, Supplemental Security Income)

**List of Subjects**

*20 CFR Part 404*

Administrative practice and procedure, Death benefits, Disability benefits, Old-Age, Survivors and Disability Insurance, Reporting and record keeping requirements, Social Security.

*20 CFR Part 416*

Administrative practice and procedure, Aged, Blind, Disability benefits, Public assistance programs, Supplemental Security Income (SSI), Reporting and record keeping requirements.

Dated: May 4, 1995.

**Shirley S. Chater,**

*Commissioner of Social Security.*

For the reasons set out in the preamble, subpart J of part 404 and subpart N of part 416 of chapter III of title 20 of the Code of Federal Regulations are proposed to be amended as set forth below.

## PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950– )

### Subpart J—[Amended]

1. The authority citation for subpart J of part 404 is revised to read as follows:

**Authority:** Secs. 201(j), 205(a), (b), and (d)–(h), 221(d), 225 and 702(a)(5) of the Social Security Act; (42 U.S.C. 401(j), 405 (a), (b), and (d)–(h), 421(d), 425 and 902(a)(5); 31 U.S.C. 3720A.

2. New § 404.943 is added under the undesignated center heading ''Hearing Before an Administrative Law Judge'' to read as follows:

**§ 404.943 Responsibilities of the adjudication officer.**

(a)(1) *General.* Under the procedures set out in this section we will test modifications to the prehearing procedures we follow when you file a request for a hearing before an administrative law judge in connection with a claim for benefits based on disability where the question of whether you are under a disability as defined in § 404.1505 is at issue. These modifications will enable us to test the effect of having an adjudication officer be your primary point of contact after you file a hearing request and before you have a hearing with an administrative law judge. The tests may be conducted alone, or in combination with the tests of the modifications to the disability determination procedures which we conduct under § 404.906. The adjudication officer, working with you and/or your representative, identifies issues in dispute, develops evidence, conducts informal conferences, and conducts other prehearing proceedings as may be necessary. The adjudication officer has the authority to make a decision wholly favorable to you if the evidence so warrants. If the adjudication officer does not make a decision on your claim, your hearing request will be assigned to an administrative law judge for further proceedings.

(2) *Procedures for cases included in the tests.* Prior to commencing tests of the adjudication officer position in selected site(s), we will publish a notice in the **Federal Register**. The notice will describe where the specific test site(s) will be and the duration of the test(s). We will also state whether the tests of the adjudication officer position in each site will be conducted alone, or in combination with the test of the modifications to the disability determination process which we conduct under § 404.906. The individuals who participate in the test(s) will be assigned randomly to a test group in each site where the tests are conducted.

(b)(1) *Prehearing procedures conducted by an Adjudication Officer.* When you file a request for a hearing before an administrative law judge in connection with a claim for benefits based on disability where the question of whether you are under a disability as defined in § 404.1505 is at issue, the adjudication officer will conduct an interview with you. The interview may take place in person, by telephone, or by videoconference, as the adjudication officer determines is appropriate under the circumstances of your case. If you file a request for an extension of time to request a hearing in accordance with § 404.933(c), the adjudication officer may develop information on, and may decide in wholly favorable decisions that you had good cause for missing the deadline for requesting a hearing. To determine whether you had good cause for missing the deadline, the adjudication officer will use the standards contained in § 404.911.

(2) *Representation.* The adjudication officer will provide you with information regarding the hearing process, including your right to representation. As may be appropriate, the adjudication officer will provide you with referral sources for representation, and give you copies of necessary documents to facilitate the appointment of a representative. If you have a representative, the adjudication officer will conduct an informal conference with the representative, in person or by telephone, to identify the issues in dispute and prepare written agreements regarding those issues which are not in dispute and those issues proposed for the hearing. If you decide to proceed without representation, the AO may hold an informal conference with you. If you obtain representation subsequent to the AO's conclusion that your case is ready for a hearing, your case will be returned to the AO who will conduct an informal conference with you and your representative.

(3) *Evidence.* You, or your representative, may submit, or may be asked to obtain and submit, additional evidence to the adjudication officer. As the adjudication officer determines is appropriate under the circumstances of your case, the adjudication officer may refer the claim for further medical or vocational evidence.

(4) *Referral for a hearing.* The adjudication officer will refer the prepared claim to the administrative law judge for a hearing when the development of evidence is complete, and you or your representative agree that a hearing is ready to be held. At this point, the administrative law judge conducts all further hearing proceedings, including scheduling and holding a hearing and issuing a decision or dismissal of your request for a hearing, as may be appropriate.

(c)(1) *Wholly favorable decisions issued by an adjudication officer.* (i) If, after a hearing is requested but before it is held, the adjudication officer decides that the evidence in your case warrants a decision which is wholly favorable to you, the adjudication officer may issue such a decision. For purposes of the tests authorized under this section, the adjudication officer's decision shall be considered to be a decision as defined in § 404.901.

(ii) If the adjudication officer issues a decision under this section, it will be in writing and will give the findings of fact and the reasons for the decision. The adjudication officer will evaluate the issues relevant to determining whether or not you are disabled in accordance with the provisions of the Social Security Act, the rules in this part and part 422 of this chapter and applicable Social Security Rulings, which are available from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402. For cases in which the adjudication officer issues a decision, he or she may determine your residual functional capacity in the same manner that an administrative law judge is authorized to do so in § 404.1546. The adjudication officer may also evaluate the severity of your mental impairments in the same manner that an administrative law judge is authorized to do so under § 404.1520a. The adjudication officer's decision will be based on the evidence which is included in the record and, subject to paragraph (c)(2) of this section, will complete the actions that will be taken on your request for hearing. A copy of the decision will be mailed to all parties at their last known address. We will tell you in the notice that the administrative law judge will not hold a hearing unless a party to the hearing requests that the hearing proceed. A request to proceed with the hearing must be made in writing within 30 days after the date the notice of the decision of the adjudication officer is mailed.

(2) *Effect of a decision by an adjudication officer.* A decision by an adjudication officer which is wholly favorable to you under this section, and notification thereof, completes the administrative action on your request for hearing and is binding on all parties to the hearing and not subject to further review, unless—

(i) You or another party requests that the hearing continue, as provided in paragraph (c)(1) of this section;

(ii) The Appeals Council decides to review the decision on its own initiative under the authority provided in § 404.969;

(iii) The decision is revised under the procedures explained in §§ 404.987 through 404.989; or

(iv) In a case remanded by a Federal court, the Appeals Council assumes jurisdiction under the procedures in § 404.984.

(3) *Fee for a representative's services.* The adjudication officer may authorize a fee for your representative's services if the adjudication officer makes a decision on your claim that is wholly favorable to you, and you are represented. The actions of, and any fee authorization made by, the adjudication officer with respect to representation will be made in accordance with the provisions of subpart R of this part.

(d) *Who may be an adjudication officer.* The adjudication officer described in this section may be an employee of the Social Security Administration or a State agency that makes disability determinations for us.

## PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

### Subpart N—[Amended]

1. The authority citation for subpart N of part 416 is revised to read as follows:

**Authority:** Sec. 702(a)(5), 1631, and 1633 of the Social Security Act; (42 U.S.C. 902(a)(5), 1383, and 1383b.)

2. New § 416.1443 is added under the undesignated center heading ''Hearing Before an Administrative Law Judge'' to read as follows:

#### § 416.1443 Responsibilities of the adjudication officer.

(a)(1) *General.* Under the procedures set out in this section we will test modifications to the prehearing procedures we follow when you file a request for a hearing before an administrative law judge in connection with a claim for benefits based on disability where the question of whether you are under a disability as defined in §§ 416.905 and 416.906 is at issue. These modifications will enable us to test the effect of having an adjudication officer be your primary point of contact after you file a hearing request and before you have a hearing with an administrative law judge. The tests may be conducted alone, or in combination with the tests of the modifications to the disability determination procedures which we conduct under § 416.1406. The adjudication officer, working with you and/or your representative, identifies issues in dispute, develops evidence, conducts informal conferences, and conducts other prehearing proceedings as may be necessary. The adjudication officer has the authority to make a decision wholly favorable to you if the evidence so warrants. If the adjudication officer does not make a decision on your claim, your hearing request will be assigned to an administrative law judge for further proceedings.

(2) *Procedures for cases included in the tests.* Prior to commencing tests of the adjudication officer position in selected site(s), we will publish a notice in the **Federal Register**. The notice will describe where the specific test site(s) will be and the duration of the test(s). We will also state whether the tests of the adjudication officer position in each site will be conducted alone, or in combination with the test of the modifications to the disability determination process which we conduct under § 416.1406. The individuals who participate in the test(s) will be assigned randomly to a test group in each site where the tests are conducted.

(b)(1) *Prehearing procedures conducted by an Adjudication Officer.* When you file a request for a hearing before an administrative law judge in connection with a claim for benefits based on disability where the question of whether you are under a disability as defined in §§ 416.905 and 416.906 is at issue, the adjudication officer will conduct an interview with you. The interview may take place in person, by telephone, or by videoconference, as the adjudication officer determines is appropriate under the circumstances of your case. If you file a request for an extension of time to request a hearing in accordance with § 416.1433(c), the adjudication officer may develop information on, and may decide in wholly favorable decisions that you had good cause for missing the deadline for requesting a hearing. To determine whether you had good cause for missing the deadline, the adjudication officer will use the standards contained in § 416.1411.

(2) *Representation.* The adjudication officer will provide you with information regarding the hearing process, including your right to representation. As may be appropriate, the adjudication officer will provide you with referral sources for representation, and give you copies of necessary documents to facilitate the appointment of a representative. If you have a representative, the adjudication officer will conduct an informal conference with the representative, in person or by telephone, to identify the issues in dispute and prepare written agreements regarding those issues which are not in dispute and those issues proposed for the hearing. If you decide to proceed without representation, the AO may hold an informal conference with you. If you obtain representation subsequent to the AO's conclusion that your case is ready for a hearing, your case will be returned to the AO who will conduct an informal conference with you and your representative.

(3) *Evidence.* You, or your representative, may submit, or may be asked to obtain and submit, additional evidence to the adjudication officer. As the adjudication officer determines is appropriate under the circumstances of your case, the adjudication officer may refer the claim for further medical or vocational evidence.

(4) *Referral for a hearing.* The adjudication officer will refer the prepared claim to the administrative law judge for a hearing when the development of evidence is complete, and you or your representative agree that a hearing is ready to be held. At this point, the administrative law judge conducts all further hearing proceedings, including scheduling and holding a hearing and issuing a decision or dismissal of your request for a hearing, as may be appropriate.

(c)(1) *Wholly favorable decisions issued by an adjudication officer.*

(i) If, after a hearing is requested but before it is held, the adjudication officer decides that the evidence in your case warrants a decision which is wholly favorable to you, the adjudication officer may issue such a decision. For purposes of the tests authorized under this section, the adjudication officer's decision shall be considered to be a decision as defined in § 416.1401.

(ii) If the adjudication officer issues a decision under this section, it will be in writing and will give the findings of fact and the reasons for the decision. The adjudication officer will evaluate the issues relevant to determining whether or not you are disabled in accordance with the provisions of the Social Security Act, the rules in this part and part 422 of this chapter and applicable Social Security Rulings which are available from the Superintendent of Documents United States Government Printing Office, Washington DC 20402. For cases in which the adjudication officer issues a decision, he or she may determine your residual functional capacity in the same manner that an administrative law judge is authorized

to do so in § 416.946. The adjudication officer may also evaluate the severity of your mental impairments in the same manner that an administrative law judge is authorized to do so under § 416.920a. The adjudication officer's decision will be based on the evidence which is included in the record and, subject to paragraph (c)(2) of this section, will complete the actions that will be taken on your request for hearing. A copy of the decision will be mailed to all parties at their last known address. We will tell you in the notice that the administrative law judge will not hold a hearing unless a party to the hearing requests that the hearing proceed. A request to proceed with the hearing must be made in writing within 30 days after the date the notice of the decision of the adjudication officer is mailed.

(2) *Effect of a decision by an adjudication officer.* A decision by an adjudication officer which is wholly favorable to you under this section, and notification thereof, completes the administrative action on your request for hearing and is binding on all parties to the hearing and not subject to further review, unless—

(i) You or another party requests that the hearing continue, as provided in paragraph (c)(1) of this section;

(ii) The Appeals Council decides to review the decision on its own initiative under the authority provided in § 416.1469;

(iii) The decision is revised under the procedures explained in §§ 416.1487 through 416.1489; or

(iv) In a case remanded by a Federal court, the Appeals Council assumes jurisdiction under the procedures in § 416.1484.

(3) *Fee for a representative's services.* The adjudication officer may authorize a fee for your representative's services if the adjudication officer makes a decision on your claim that is wholly favorable to you, and you are represented. The actions of, and any fee authorization made by, the adjudication officer with respect to representation will be made in accordance with the provisions of subpart O of this part.

(d) *Who may be an adjudication officer.* The adjudication officer described in this section may be an employee of the Social Security Administration or a State agency that makes disability determinations for us.

[FR Doc. 95–14037 Filed 6–8–95; 8:45 am]

BILLING CODE 4190–29–P

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Part 1

**[EE–61–93]**

**RIN 1545–AS23**

## Disallowance of Deductions for Employee Remuneration in Excess of $1,000,000; Hearing

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of public hearing on proposed rulemaking.

**SUMMARY:** This document provides notice of public hearing on amendments to the proposed regulations relating to the disallowance of deductions for employee remuneration in excess of $1,000,000.

**DATES:** The public hearing will be held on Friday, August 11, 1995, beginning at 10:00 a.m. Requests to speak and outlines of oral comments must be received by Friday, July 21, 1995.

**ADDRESSES:** The public hearing will be held in the Internal Revenue Service Auditorium, Seventh floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW, Washington, DC. Requests to speak and outlines of oral comments should be mailed to the Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:DOM:CORP:T:R [EE–61–93], room 5228, Washington, DC 20044.

**FOR FURTHER INFORMATION CONTACT:** Christina Vasquez of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622–6803 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is proposed amendments to the Income Tax Regulations under section 162(m) of the Internal Revenue Code of 1986. The proposed regulations appeared in the **Federal Register** for Friday, December 2, 1994 (59 FR 61844).

The rules of § 601.601(a)(3) of the ''Statement of Procedural Rules'' (26 CFR part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than Friday, July 21, 1995, an outline of the oral comments/testimony to be presented at the hearing and the time they wish to devote to each subject.

Each speaker (or group of speakers representing a single entity) will be limited to 10 minutes for an oral presentation exclusive of the time consumed by the questions from the panel for the government and answer thereto.

Because of controlled access restrictions, attenders cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the persons testifying. Copies of the agenda will be available free of charge at the hearing.

**Cynthia E. Grigsby,**

*Chief, Regulations Unit, Assistant Chief Counsel (Corporate).*

[FR Doc. 95–14135 Filed 6–8–95; 8:45 am]

BILLING CODE 4830–01–P

## 26 CFR Part 301

**[Notice 95–14]**

## Simplification of Entity Classification Rules; Correction

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Correction to notice of public hearing on regulations.

**SUMMARY:** This document contains a correction to the notice of public hearing (Notice 95–14), which was published in the Federal Register on Wednesday, May 10, 1995, (60 FR 24813) on simplifying the classification regulations to allow taxpayers to treat domestic unincorporated business organizations as partnerships or as associations on an elective basis.

**FOR FURTHER INFORMATION CONTACT:** Armando Gomez at (202) 622–3050, (not a toll-free call).

**SUPPLEMENTARY INFORMATION:**

### Background

The regulations that are the subject of this correction pertain to section 7701(a)(2) of the Internal Revenue Code.

*Need for Correction*

As published, the Notice 95–14 contains an error which may prove to be misleading and is in need of clarification.

*Correction of Publication*

Accordingly, the publication of Notice 95–14, which is the subject of FR Doc. 95–11414, is corrected as follows:

On page 24813, column 2, under the caption ''SUMMARY:'', last line, the language ''elective basis.'' is corrected to read ''elective basis. The Service and Treasury also are considering adopting

similar rules for foreign business organizations.''.

**Cynthia E. Grigsby,**

*Chief, Regulations Unit, Assistant Chief Counsel (Corporate).*

[FR Doc. 95–14136 Filed 6–8–95; 8:45 am]

BILLING CODE 4830–01–P–M

## DEPARTMENT OF LABOR

## Occupational Safety and Health Administration

## 29 CFR Part 1926

## Steel Erection Negotiated Rulemaking Advisory Committee

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice of Committee meeting.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act (FACA), notice is hereby given of a meeting of the Steel Erection Negotiated Rulemaking Advisory Committee (SENRAC). Notice is also given of the location of the meeting. This meeting will be open to the public.

**DATES:** The meeting is scheduled for June 27–29, 1995. The meeting will begin at 9:00 a.m. on June 27th.

**ADDRESSES:** U.S. Department of Labor, DOL Academy, Room C–5320, Seminar Room 6, 200 Constitution Avenue, N.W. Washington, D.C. 20210.

**FOR FURTHER INFORMATION CONTACT:** Anne Cyr, Acting Director, Office of Information and Consumer Affairs, OSHA, U.S. Department of Labor, Room N–3647, 200 Constitution Avenue, N.W., Washington, D.C. 20210; telephone (202) 219–8151.

**SUPPLEMENTARY INFORMATION:** On May 11, 1994, OSHA announced that it had established the Steel Erection Negotiated Rulemaking Advisory Committee (SENRAC) (59 FR 24389) in accordance with the Federal Advisory Committee Act (FACA), the Negotiated Rulemaking Act of 1990 (NRA) and section 7(b) of the Occupational Safety and Health Act (OSH Act) to resolve issues associated with the development of a Notice of Proposed Rulemaking on Steel Erection. Appointees to the Committee include representatives from labor, industry, public interests and government agencies.

SENRAC began negotiations in mid June, 1994, and has met eight times since. Initial meetings dealt with procedural matters, including schedules, agendas and the establishment of workgroups. The Committee established workgroups to address issues on Fall Protection, Allocation of Responsibility, Construction Specifications and Scope. During subsequent meetings, foundations for negotiations were established and additional workgroups were formed. In addition, the resolution of issues and the drafting of a revised rule continues.

This is the last scheduled meeting of SENRAC. It is expected that consensus will be reached on a draft proposal at this meeting at which time OSHA will complete the preamble and prepare the document in the proper **Federal Register** format for publication. It is anticipated that SENRAC will reconvene once OSHA has prepared the document to give final approval to the document.

All interested parties are invited to attend the Committee meetings at the time and place indicated above. No advanced registration is required. Seating will be available to the public on a first-come, first-served basis. Persons with disabilities, who need special accommodations, should contact the Facilitator by June 20, 1995.

During the meeting, members of the general public may informally request permission to address the Committee.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, N–2625, 200 Constitution Ave., N.W., Washington, D.C. 20210; telephone (202) 219–7894. Copies of these materials may be obtained by sending a written request to the Facilitator.

The Facilitator, Philip J. Harter, can be reached at Suite 404, 2301 M Street, NW, Washington, D.C. 20037; telephone (202) 887–1033, FAX (202) 887–1036.

### Authority

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, pursuant to section 3 of the Negotiated Rulemaking Act of 1990, 104 Stat. 4969, Title 5 U.S.C. 561 *et seq.*; and Section 7(b) of the Occupational Safety and Health Act of 1970, 84 Stat. 1597, Title 29 U.S.C. 656.

Signed at Washington, D.C., this 6th day of June, 1995.

**Joseph A. Dear,**

*Assistant Secretary of Labor.*

[FR Doc. 95–14161 Filed 6–8–95; 8:45 am]

BILLING CODE 4510–26–P

## Mine Safety and Health Administration

## 30 CFR Parts 56 and 57

**RIN 1219–AA17**

## Safety Standards for Explosives at Metal and Nonmetal Mines

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice of public hearings; Close of record.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) will hold public hearings on its January 6, 1995, proposed safety standards for explosives at metal and nonmetal mines. The hearings will be held in Cleveland, Ohio and Elko, Nevada.

**DATES:** The hearings will be held in Cleveland, Ohio, July 6, 1995; and Elko, Nevada, July 12, 1995. Both hearings will begin at 9:00 a.m. MSHA requests that persons planning to participate in the public hearings notify the Agency at least five days prior to the public hearing date. There will be an opportunity for other persons, who have not made prior arrangements with MSHA and wish to speak, to register at the beginning of each public hearing. The public record for the rulemaking will close on August 18, 1995.

**ADDRESSES:** The hearings will be held at the following locations:

1. July 6, 1995—Quality Inn Airport, 16161 Brookpark Road, Cleveland, Ohio 44142.
2. July 12, 1995—Holiday Inn, 3015 Idaho Street, Elko, Nevada 89081.

Send requests to make oral presentations to: Mine Safety Health Administration, Office of Standards, Regulations and Variances, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

**FOR FURTHER INFORMATION CONTACT:** Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, (703) 235–1910.

**SUPPLEMENTARY INFORMATION:**

### A. Rulemaking Background

MSHA published comprehensive revisions to its explosives safety standards for metal and nonmetal mines in January 1991 (56 FR 2070). Prior to the effective date of the rule, MSHA stayed several provisions due to compliance issues raised by the mining community and explosives manufacturers. The provisions involved were subsequently reproposed on October 16, 1992, (57 FR 47524), and a public hearing was held in April 1993. On December 30, 1993, (58 FR 69596), MSHA published the final rule which became effective on January 31, 1994.

Some of the mining industry and explosive manufacturers challenged the final rule. In response to their concerns, MSHA issued Program Policy Letter (PPL) No. P94–IV–3 on September 30, 1994. This current policy provides information to the mining community regarding the proper usage of the IME–22 Container as a ''laminated partition'' under §§ 56/57.6000, §§ 56/57.6133, §§ 56/57.6201. The Agency also interpreted the ''continuous loading'' requirements of §§ 56/57.6306; clarified the meaning of the term ''good condition'' as it applies to vehicles used in §§ 56/57.6202; clarified the application of §§ 56/57.6501 regarding double trunklines or loop systems when using low energy detonating cord with inhole delays; and interpreted §§ 56/57.6602(e) on static electricity dissipation during loading as it applies to the use of plastic hole liners.

On January 5, 1995, MSHA published a proposed rule, (60 FR 1866) which included revisions to §§ 56/57.6000 concerning the definition of ''laminated partition;'' §§ 56/57.6133 concerning powder chests; §§ 56/57.6201 concerning separation of transported explosive material; §§ 56/57.6302 concerning separation of explosive material; §§ 56/57.6306 concerning loading, blasting and security; and §§ 56/57.6602 concerning static electricity dissipation during loading. Also, the proposal would add a new provision, §§ 56/57.6905 to address hangup blasting which was merged with requirements for separation of explosive material; would delete the security provisions of existing §§ 56/57.6313 and would incorporate them into proposed §§ 56/57.6306; and would clarify in the preamble to the final rule the meaning of the term ''good condition'' as used in §§ 56/57.6202. The standards in part 56 apply to all surface metal and nonmetal mines; those in part 57 apply to all underground and all surface areas of underground metal and nonmetal mines.

The comment period closed on March 6, 1995. MSHA received numerous comments concerning the proposed provisions, including requests for public hearings.

MSHA is conducting these rulemaking hearings pursuant to section 101 of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. 801 *et. seq.* The purpose of the hearings is to give the public further opportunity to submit comments on the proposal and to discuss their concerns. The hearings will be conducted in an informal manner by a panel of MSHA officials. Although formal rules of evidence or cross-examination will not apply, the presiding MSHA official may exercise discretion to ensure the orderly progress of the hearings and may exclude irrelevant or unduly repetitious material and questions.

The hearings will begin with an introduction from MSHA, followed by an opportunity for members of the public to make oral presentations. The hearing panel will be available to address relevant questions. At the discretion of the presiding official, speakers may be limited to a maximum of 20 minutes for their presentations. In the interests of conducting productive hearings, MSHA will schedule speakers in a manner that allows all points of view to be heard as effectively as possible.

Verbatim transcripts of the proceedings will be prepared and made part of the rulemaking record. Copies of the hearing transcripts will be made available to the public for review.

MSHA will also accept for the record additional written comments and other related data from any interested party, including those who do not present oral statements. Written comments and data submitted to MSHA will be included in the rulemaking record. To allow for the submission of any post-hearing comments, the record will remain open until August 18, 1995.

**B. Issues**

Commenters posed various questions about the proposed rule. Of greatest concern to commenters are the issues discussed below.

1.
§§ 56/57.6000 Definition of Laminated Partition
§§ 56/57.6133 Powder Chests
§§ 56/57.6201 Separation of Transported Explosive Material.

Existing §§ 56/57.6000 defines the composition of a ''laminated partition,'' that may be used to separate detonators from other explosive materials under .6133 and .6201. The existing definition also states that the IME–22 Container meets the criteria of a ''laminated partition.'' This definition and the nominal dimensions of the partition were derived from the Institute of Makers of Explosives' (IME) Safety Library Publication No. 22, ''Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials,'' 1985.

IME objected to allowing the container to be used in a manner that is inconsistent with their recommendations for proper and safe usage. IME states that the IME–22 Container should not be used as a ''laminated partition'' when certain detonators are transported with explosives or blasting agents in the same vehicle or stored together in powder chests.

Existing §§ 56/57.6133(b) allows the storage of detonators with other explosives in the same powder chests, as long as they are separated by 4-inches of hardwood, laminated partition, or equivalent. Similarly, existing §§ 56/57.6201 (a)(2) and (b)(2) allow the transportation of detonators with explosives as long as they are separated by 4-inches of hardwood, laminated partition, or equivalent. These current regulations make no distinction between different classes of detonators.

MSHA proposes minor revisions to the existing definition of ''laminated partition.'' The proposal specifies the construction requirements for a ''laminated partition'' as described in the IME Safety Library Publication No. 22 (May 1993), and the Generic Loading Guide for the IME–22 Container (October 1993). For compliance with §§ 56/57.6133(b) and §§ 56/57.6201 (a)(2) and (b)(2), the definition would allow alternative construction as well.

In addition, the proposal would revise the existing requirements for Powder chests, §§ 56/57.6133, and Separation of transported explosive material, §§ 56/57.6201, and require that whenever operators use the IME–22 Container under these regulations, they must follow the manufacturer's instructions included in the IME Safety Library Publication No. 22, ''Recommendations for the Safe Transportation of Detonators in a Vehicle with other Explosive Materials,'' (May 1993) and the ''Generic Loading Guide for the IME–22 Container,'' (October 1993).

Some commenters objected to MSHA's reference to the IME publications because the mining industry has not had an opportunity to comment on these publications. These commenters state that the IME publications are recommendations rather than federal regulations intended for the mining industry.

Regarding the term ''equivalent'' as used in proposed §§ 56/57.6133 and §§ 56/57.6201, some commenters requested that the Agency define the term, or specify in the regulation that any material or combination of materials providing the same degree of protection against the initiating force of detonators is equivalent to 4-inches of hardwood. At this stage, MSHA believes it would be appropriate to make this clarification in the preamble to the final regulation.

Another commenter requested that MSHA clarify the intent of the phrase ''4 inches of hardwood.'' At this stage,

MSHA believes it would be appropriate to do so by stating in the preamble to the final regulation that the purpose of the 4 inches of hardwood is not to contain the force of initiated detonators but to provide sufficient separation of explosive materials from detonators to impede propagation should detonators be initiated by outside forces.

Finally, commenters recommended that MSHA specify in the regulation that any transport of explosives over the public highways is subject to the requirements of the Department of Transportation, Title 49 of Code of Federal Regulations. MSHA intends to include this advisory in the preamble to the final rule.

MSHA requests comments regarding the compliance impact on the mining industry under §§ 56/57.6133 and §§ 56/57.6201 requiring that any laminated partition conform to IME's prescribed usage for their container, which is also a laminated partition. The IME documentation is currently available to commenters and is a part of the rulemaking record. However, MSHA will make this information available to commenters at the hearings.

2. Sections 56/57.6202 Vehicles

Existing paragraphs (a)(1) require that vehicles containing explosives be maintained in good condition. In the preamble to the final standard, some operators believed that the Agency intended for such vehicles to comply with licensing requirements of Federal, State, and local authorities for over-the-road use. These operators requested that the Agency clarify its position regarding the term ''good condition.'' In response to commenters' concerns, MSHA clarified the intended meaning of this term through policy and will include this language in the preamble to the final regulation. MSHA policy provides that a vehicle in ''good condition'' must be consistent with safe operating practices.

3. Sections 56/57.6306 Loading, Blasting, and Security.

Existing paragraphs (a) of §§ 56/57.6306 prohibit vehicles and other equipment from being driven over explosive material or initiating systems. Existing paragraph (b) allows haulage activity near the base of the highwall being loaded, if no other haulage access exists.

MSHA's proposed standard would redesignate these paragraphs, without change, as new paragraphs (b) and (c).

The proposal also would add a new paragraph (a), which would require that when explosive materials or initiating systems are brought to the blast site, the area must be barricaded and posted, or flagged against unauthorized entry.

Commenters stated that this provision is unnecessary and arbitrary, because it would require the demarcation of the blast site regardless of the presence of authorized personnel. These commenters suggested that MSHA modify the language of the standard by incorporating by reference the requirements of existing §§ 56/57.6313, which requires identification of the blast site only when the site is not attended.

Existing paragraph (c) of §§ 56/57.6306 require that the loading process be continuous, with certain exceptions. Currently, MSHA standards permit interruptions in the loading process for unfavorable atmospheric conditions, large equipment failure, or circumstances beyond the operator's control.

Similarly, existing paragraphs (e) of §§ 56/57.6306 require the firing of the blast without undue delay, with certain exceptions to minimize the risk of a partial detonation. The same permissible interruptions recognized under existing paragraph (c) are identified in this standard as well. However, the standard specifies that if the interruption will exceed 72 hours, the operator must notify the appropriate MSHA District Office before the 72 hours have elapsed.

MSHA's proposal would revise and combine into paragraph (d)(1) existing paragraphs (c) and (e) and the security provisions of existing §§ 56/57.6313 requiring that areas in which loading is suspended or loaded holes are awaiting firing be attended, barricaded and posted or flagged against unauthorized entry. The proposal would also delete the 72 hour notification requirement of existing paragraph (e).

Proposed paragraph (d)(1) of §§ 56/57.6306 would require that loading and firing of a blast be performed without undue interruption or delay. If loading is interrupted or firing of the blast is delayed for any reason, the proposed standard would require that the mine be attended to prevent unauthorized entry to the blast site.

Proposed paragraph (d)(1) of § 57.6306, for underground mines only, would add an additional sentence specifying that underground areas are secure against unauthorized entry when the entrance to the mine is through vertical shafts and inclined shafts or adits when locked at the surface.

MSHA specifies in the preamble to the proposal that the presence of maintenance and other personnel during off-shift and weekends could satisfy the requirements of the proposal, provided they prevent unauthorized entry to the blast site when loading is interrupted or firing is delayed.

Commenters objected to the proposed requirements as unreasonable, costly and burdensome, and requested that MSHA clarify the standard, specifically to reflect that the mine be attended rather than the blast site. Further, these commenters suggested that MSHA delete the phrase ''to prevent unauthorized entry to the blast site'' from the proposal because they believe that blast site would be protected by the proposed requirements in paragraph (a). Finally, these commenters objected to MSHA's concerns for trespassers as the basis for the regulation.

Other commenters requested that MSHA define what constitutes ''undue delay'' within the proposed regulation.

With regard to the underground provisions of proposed paragraph (d)(1), commenters indicated that the provisions were unrealistic and broad in that, in some instances, it is infeasible to require that inclined shafts and adits be locked or attended, since there are many multiple-adit mines that cannot be locked. Other commenters indicated that the underground requirements of proposed paragraph (d)(1) cannot be met without having a negative impact on compliance with MSHA ventilation requirements.

Proposed paragraph (d)(2) of §§ 56/57.6306 would require persons securing a blast site at a surface mine or at the surface area of an underground mine to withdraw from the blast site during the approach and progress of an electrical storm. For underground mines, MSHA proposes to include a new provision requiring that persons who are used to secure an underground blast site involving an electrical blasting operation capable of being initiated by lightning must be withdrawn from the blast site into a safe location. These proposed provisions are derived from existing §§ 56/57.6604, which requires the suspension of blasting operations and the withdrawal of all personnel from the blast area to a safe location during the approach and progress of an electrical storm.

Existing paragraphs (d) of §§ 56/57.6306 require that in electric blasting prior to connecting to the power source, and in nonelectric blasting, prior to attaching an initiating device, all persons vacate the blast area except persons in a blasting shelter or other safe location. MSHA's proposal would redesignate this provision as paragraph (e) without change.

Existing paragraphs (f) require clear escape routes from the blast area, and all access to the blast area be protected

against entry. Existing paragraphs (g) require, in part, that post-blast examinations be conducted by a person having the ability and experience to perform the examination. No changes were proposed to these existing paragraphs.

4. Sections 56/57.6302 Separation of Explosive Material. Sections 56/57.6905 Separation of Explosive Material and Hang-Up Blasting

Existing paragraphs (a) of §§ 56/57.6302 require that explosives and blasting agents be kept separated from detonators until loading begins. Paragraphs (b) require that explosive material be protected from impact and temperatures in excess of 150 °F when taken to the blast site.

This standard was promulgated under the ''Use'' portion of the explosives regulations. Shortly after publication, MSHA received information indicating a need to clarify that explosive material must be protected from impact during transportation and storage as well. MSHA agrees and the proposal would expand the scope of existing paragraph (b) to the cover storage and transportation, in addition to use. The Agency received no comments concerning proposed §§ 56/57.6302 and proposed paragraphs (a) and (b) of §§ 56/57.6905.

Under MSHA's proposal, the existing requirements of paragraph (a) of §§ 56/57.6302 would remain unchanged. The proposal, however, would revise the section heading to ''Separation of explosive material.''

Proposed § 57.6905, would include a new paragraph (c), which would require the use of detonating cord to initiate explosives placed in raises, chutes and ore passes to free hang-ups. MSHA's proposed rule would not preclude the use of such devices as ballistic disks which are initiated by a detonating cord.

With regard to proposed paragraph (c) of § 57.6905, commenters found the proposal too restrictive in that it would limit commonly accepted methods of blasting. Specifically, these commenters stated that the use of detonating cord as proposed by MSHA may introduce inherent hazards such as fire from the ignition of timber, loosening timber or other supports, contributing to fly rock, and loosening rib and back. These commenters also believe that MSHA's proposed standard would restrict technological developments in this area and questioned MSHA's evidence for requiring that operators use detonator cord in blasting hang-ups.

5. Sections 56/57.6313, Blast Site Security

As explained above, existing §§ 56/57.6313 requires that areas in which loading is suspended or loaded holes are awaiting firing be attended, barricaded and posted, or flagged against unauthorized entry.

MSHA's proposed rule would revise and incorporate the security provisions of existing §§ 56/57.6313 into §§ 56/57.6306 to ensure that the blast site is secure at all times.

6. Sections 56/57.6602 Static Electricity Dissipation During Loading

Existing §§ 56/57.6602 address the build-up of static electricity during pneumatic loading or dropping of explosive material into a blasthole and require that when explosive material is loaded pneumatically or dropped into a blasthole in a manner that could generate static electricity, an evaluation must be made of potential static electricity hazards and the hazard must be eliminated before loading begins.

Following publication of the final rule, MSHA received technical information indicating that the scope of this provision may be too broad because the term ''dropping'' encompasses dropping, pouring, or auguring explosive materials into blastholes which are performed at a low velocity. As a result, the generation of static electricity is insufficient to initiate the primer.

MSHA clarified the scope of the final standard through policy by interpreting the standard to apply only to pneumatic loading of explosive material. As indicated in the PPL, MSHA intends to delete the term ''dropping'' from the introductory text of existing §§ 56/57.6602. Some commenters believe that the provision, as revised, would still be too restrictive.

7. Executive Order 12866 and the Regulatory Flexibility Act

Based on an analysis of the impact of the proposed rule, MSHA estimates that the total annual recurring cost impact would be about $70,000. All of these costs are attributable to the attended provision of paragraph (d)(1) of §§ 56/57.6306. The total cost impact on all small mines, those employing fewer than 20 miners, would be nominal.

Some commenters stated that MSHA significantly understates the expense that will result from this requirement. These commenters believe that they would either have to hire specific persons for security or use managerial personnel which would cost approximately $300,000 annually. Another commenter stated that MSHA's analysis considered only medium-sized underground and most open pit mines, but did not adequately consider large mines.

Dated: June 2, 1995.

**J. Davitt McAteer,**

*Assistant Secretary for Mine Safety and Health.*

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## 30 CFR Parts 56 and 57

## Public Meetings on Development of Program Policy Letters; First Aid Training for Selected Supervisors; and Examination of Working Places

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Notice of public meetings.

**SUMMARY:** The Mine Safety and Health Administration (MSHA) will hold three public meetings to discuss the Agency's newly implemented process of soliciting public input on certain draft policy statements. The Agency will also discuss its draft policy statements which interpret existing MSHA regulations pertaining to metal and nonmetal mines concerning first aid training for selected supervisors, and draft policy statements which interpret existing MSHA regulations for metal and nonmetal mines concerning examination of working places.

**DATES:** MSHA requests that persons planning to participate in the public meetings notify the Agency at least five days prior to the public meeting date. All post-meeting written comments should be submitted by August 25, 1995. The public meetings will be held at the following locations: July 6 and 7, 1995 in Cleveland, Ohio; July 12 and 13, 1995, in Elko, Nevada; and July 19, 1995 in Dallas, Texas.

The meetings in Cleveland, Ohio and Elko, Nevada will commence immediately following the public hearings on MSHA's proposed rule on safety standards for explosives at metal and nonmetal mines. The public meeting in Dallas, Texas will commence on the date indicated, beginning at 9:00 a.m.

**ADDRESSES:** The public meetings will be held at the following locations:

1. July 6 and 7, 1995—Quality Inn Airport, 16161 Brookpark Road, Cleveland, Ohio 44142.
2. July 12 and 13, 1995—Holiday Inn, 3015 Idaho Street, Elko, Nevada 89081.
3. July 19, 1995—U.S. Department of Labor, 525 S. Griffin Street, 7th Floor, Room 754, Dallas, Texas, Zip 75202.

**FOR FURTHER INFORMATION CONTACT:** Rodric Breland, chief, Division of Safety, Metal and Nonmetal Mine Safety and Health, 703–235–8647.

**SUPPLEMENTARY INFORMATION:**

## A. Public Participation

The purpose of these public meetings is to provide a forum for the mining community to informally and openly exchange ideas with MSHA about how best to implement current regulatory requirements.

All persons who notify MSHA in advance that they plan to speak will have time allotted to them for their presentations. MSHA requests that the notification identify the person and organization, the amount of time requested for the presentation, and the location where the presentation will be made. Written statements are not required, but participants are encouraged to submit written materials and a computer disk containing the same information.

There will be an opportunity for other persons, who have not made prior arrangements with MSHA and wish to speak, to register at the beginning of each public meeting.

Discussion and comments may address revisions as well as alternative language for the policy statements. No transcript will be made of these public meetings.

## B. Background

On February 22, 1995, MSHA withdrew the following Program Policy Letters (PPL): PPL No. P94–IV–2, First Aid Training for Selected Supervisors; PPL No. P94–IV–4, Ventilation Plan; and PPL No. P94–IV–5, Examination of Working Places (60 FR 9986). On that date MSHA also informed the public of its intentions to establish a process which expanded public opportunity to comment on certain policies. As a part of the same notice, the agency requested public comment on draft interpretations of existing MSHA regulations at 30 CFR §§ 56/57.18010 concerning first aid training for selected supervisors, and 30 CFR §§ 56/57.18002 regarding examination of working places. Both draft interpretations pertain solely to metal and nonmetal mines.

## C. Discussion of Comments

Some commenters opposed MSHA's new process for issuing policy and suggested that the Agency should utilize its statutory rulemaking process to revise the regulations rather than issue a policy statement. These draft Program Policy Letters are intended to be clarifying statements of what existing MSHA regulations mean and require. As such, they do not substantively alter the applicable regulations and rulemaking is not required.

*56/57.18010—First Aid Training for Selected Supervisors*

Some commenters agreed with this draft policy statement, while other commenters wanted to make certain that MSHA interpreted the regulations as requiring first aid assistance to sick or injured employees on each working shift. These other commenters suggested that the agency add to the course content subject matter by addressing patient assessment, artificial ventilation, control of bleeding, control of shock, wounds and dressing, burns and scalds, musculoskeletal injuries, handling and transportation, and immediate treatment of exposure to hazardous liquids and gases. Some other commenters objected to MSHA's interpretations of course content, duration, refresher requirements and posting of course schedules. In addition, some commenters requested that a record of first aid training be kept on file.

A few commenters objected to MSHA's interpretation that the regulations require first aid trained supervisors to be present at the mine site during all production shifts.

Some commenters suggested that MSHA allow registered nurses, emergency medical technicians and other medical professionals to qualify as ''selected supervisors'' under the regulations. These same commenters also suggested that noncompliance with the standard could be handled by MSHA's current enforcement tools without the draft policy statement.

*56/57.18002—Examination of Working Places*

Some commenters agreed with MSHA's draft policy statement, while other commenters questioned the qualifications of persons assigned by operators to conduct required examinations under the regulations. Some of these commenters also stated that the draft policy could encourage operators to delegate the responsibilities under the regulations to conduct these examinations by hourly employees, who do not represent management.

Regarding recordkeeping requirements of the regulations, some commenters suggested that MSHA interpret the regulations to include remedial action taken to address hazardous conditions found during the examination, in addition to the interpretation of recordkeeping requirements included in the draft policy. Commenters also objected to the recordkeeping portion of the draft policy statement as being too detailed and going beyond the regulatory requirement. Commenters also recommended that operators be allowed to certify daily that the examination was conducted in order to satisfy the recordkeeping requirements of the regulations.

One commenter indicated that MSHA is interpreting the regulations to require pre-shift examinations. MSHA encouraged operators to perform these examinations prior to commencement of work in an area. MSHA, however, clarifies in the draft policy statement that the regulations allow for the examinations to be performed at any time during the shift. MSHA has no intentions of citing operators if such examinations are not conducted prior to each shift.

These commenters also suggested that a trained miner be considered a ''competent person'' under the regulations. Additionally, these commenters objected to MSHA's interpretation of the standard's language that operators promptly initiate appropriate action in order to correct hazardous conditions as requiring operators to ''promptly initiate the correction of any hazardous conditions that are found.'' These commenters support requiring withdrawal of all persons from affected areas in an imminent danger situation, but suggest that MSHA modify the draft program policy letter language to permit removing persons from the area and barricading or posting the area until it is safe for entry.

Dated: June 2, 1995.

**J. Davitt McAteer,**

*Assistant Secretary for Mine Safety and Health.*

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## DEPARTMENT OF THE INTERIOR

## Minerals Management Service

## 30 CFR Part 211

**RIN 1010–AB45**

## Amendments of Regulations to Establish Liability for Royalty Due on Federal and Indian Leases, and To Establish Responsibility to Pay and Report Royalty and Other Payments

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Minerals Management Service (MMS), Royalty Management

Program (RMP) proposes to amend its regulations to establish and clarify which persons may be held liable for unpaid or underpaid royalties, compensatory royalties, or other payments on Federal and Indian minerals leases. The proposed rules also would establish who is required to report and pay royalties on production from leases not in approved Federal or Indian agreements or leases in approved Federal or Indian agreements containing 100 percent Federal or Indian Tribal leases with the same lessor, the same royalty rate, and the same fund code for royalty distribution (hereinafter referred to as 100 percent Federal or Indian agreements). In the near future, MMS intends to issue a further notice of proposed rulemaking regarding who is required to report and pay royalties on production from leases in all other approved Federal or Indian Agreements.

**DATES:** Comments must be submitted on or before August 8, 1995.

**ADDRESSES:** Mail written comments, suggestions or objections regarding the proposed amendment to: Minerals Management Service, Royalty Management Program, Rules and Procedures Staff, P.O. Box 25165, MS 3101, Mail Stop 3101, Denver, Colorado 80225–0165.

**FOR FURTHER INFORMATION CONTACT:** David S. Guzy, Chief, Rules and Procedures Staff, telephone (303) 231–3432, FAX (303) 231–3194. Minerals Management Service, Royalty Management Program, building 85, P.O. Box 25165, Mail Stop 3101, Denver, Colorado 80225–0165.

**SUPPLEMENTARY INFORMATION:** The principal authors of this rule are members of a team of Minerals Management Service employees led by Cecelia Williams of the Office of Enforcement, Lakewood, Colorado, and attorneys from the Office of the Solicitor in Washington, D.C.

## I. General

Since its formation in 1982, and following the mandate of the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), 30 U.S.C. 1701 *et seq.*, MMS improved substantially the process of accounting for and collecting royalties on mineral production from Federal and Indian leases. MMS implemented automated procedures to detect potentially unpaid and underpaid royalties after payors file their monthly royalty reports, and developed an effective audit program in conjunction with states and Indian tribes.

When MMS determines that royalties are underpaid for a Federal or Indian lease, MMS generally bills the person who filed a Payor Information Form (PIF) (Form MMS–4025 for oil and gas and Form MMS–4030 for solid minerals) for that lease, and that payor usually resolves the matter with MMS. However, sometimes that royalty payor no longer is able to pay (*e.g.*, it is bankrupt or otherwise out of business), or it asserts that someone else is responsible for the royalty payment. In other situations, an interest in the lease is assigned between the time the royalty obligation accrued and the time MMS discovers and orders payment. In such events, the current payor often does not agree to pay the deficiency, requiring MMS to determine who is liable for the royalty or other payment deficiency.

The purpose of these proposed rules is to establish and clarify which persons are liable, either individually or in conjunction with others, if royalties, compensatory royalties, or other payments due for a Federal or Indian lease are unpaid or underpaid. As explained in more detail below, this includes record title owners of a lease and operating rights owners other than record title owners. In addition, MMS would amend the Payor Information Form (PIF) (Form MMS–4025 for oil and gas and MMS–4030 for solid minerals), required under 30 CFR 210.10, to expressly provide that the payor agrees to pay any additional royalties owed on the production for which it reported royalties originally. Operators and other persons could be liable for the underpayments in certain circumstances. The rules further would clarify how liability attaches, and terminates, when a record title interest is assigned or operating rights are transferred. For the most part, these proposed rules are consistent with current MMS practice and procedures.

MMS also proposes to amend its rules to provide who is required to report and pay royalties on production from, or attributable to, leases not in approved Federal or Indian agreements or leases in 100 percent Federal or Indian agreements (all leases in the agreement have the same lessor, the same royalty rate, and the same fund code for distribution, *e.g.* same state or county). MMS is reserving for a further notice of proposed rulemaking rules regarding who is required to report and pay royalties on production from leases in all other approved Federal or Indian agreements.

Commenters must recognize that the standards for who is required to report and pay could be different from the standards for determining liability for underpayments. For example, as explained in more detail below, if you hold half of the record title interest in a Federal lease (that is not in an approved Federal or Indian agreement), you would be liable ultimately for 50 percent of the royalties due on production from that lease. However, under the proposed rules, the person who actually takes and sells the production from a lease that is not in an approved Federal or Indian agreement is required to report and pay each month, so you may not be the person required initially to report that production and remit the royalties. If that payor underpaid royalties, MMS may seek to collect additional monies from you, and then only for 50 percent of the production.

## II. Section-by-Section Analysis

*Subpart A—General Provisions*

Section 211.10 Purpose

This section would explain that this part of the MMS rule is intended to address two principal issues. The first is to establish which persons are liable for royalty, compensatory royalty, and other payments on a lease by virtue of ownership of a lease interest or other connection to lease production. The second issue addressed in this part concerns which persons would be required to report and pay royalties on lease production each month or as otherwise required. However, as explained above, at this time MMS is proposing new rules addressing reporting and paying requirements only for leases not in approved Federal or Indian agreements or leases in 100 percent Federal or Indian agreements.

Section 211.11 Scope

This section would explain the general content of Subparts A, B, and C. Subpart A explains which leases the rules on liability and reporting and paying would apply to, and the definitions you would need to know. Subpart B establishes who would be liable under the leases set out in Subpart A and the extent of that liability. Subpart C explains who would be responsible for reporting and paying royalties on the leases set out in Subpart A, and would describe the obligations to report and pay properly.

Section 211.12 Leases to Which This Part Applies

This section would explain that the rules on liability contained in this part apply to all Federal and Indian mineral leases. This includes, but is not limited to, Indian oil and gas leases, onshore Federal oil and gas leases (whether on public domain or acquired lands, and regardless of the statute under which the lease was issued), oil and gas leases

on the Outer Continental Shelf (OCS), Federal and Indian coal leases, and Federal geothermal leases. Leases or other agreements under the Indian Mineral Development Act of 1982 also would be included.

As explained in more detail below, there will be situations where Federal or Indian leases are part of an approved Federal or Indian agreement (*e.g.*, a unit or communitization agreement) that includes state or fee leases. When the proposed rules refer to a lease, this includes only the Federal and Indian leases in that agreement.

Leases issued by private predecessors in interest to the Federal government, under which the Federal government subsequently became the lessor when it acquired land subject to such a lease, would not be included within the scope of these rules.

Section 211.13 Definitions

This section would include definitions of certain terms that are relevant to the regulations in this part.

• *Approved Federal or Indian agreement* would be defined as an agreement for exploration or development of mineral resources as described by 25 CFR Subchapter I, 30 CFR Subchapter B—Offshore, and 43 CFR Part 3000. This definition basically would incorporate existing descriptions of unit agreements and communitization agreements for Federal and Indian leases.

• *Compensatory Royalty* would be defined as the amounts the Bureau of Land Management (BLM) or Offshore Minerals Management assesses to compensate for failure to prevent drainage. This definition would basically summarize the BLM's regulations at 43 CFR 3100.2 (1993) and 43 CFR 3162.2(a) (1993). This term is separate and distinct from ''other payments'' defined below.

• *Operator* would be defined by referencing several existing definitions in 30 CFR and 43 CFR to maintain consistency between the proposed definition and existing definitions in departmental rules.

*Operating rights owner (working interest owner)* would be defined as a person who owns or has been transferred operating rights in a lease subject to the regulations in this proposed new part. The operating rights owner could be the record title owner. However, the record title owner may transfer some or all of its operating rights to another person who may further transfer those rights. The operating rights owner has the right to take and sell production from a Federal or Indian lease, and is often referred to as the working interest owner. (*See* BLM rules at 43 CFR 3100.0–5(d)).

*Other payments* would be defined to include, but not be limited to, rentals minimum royalties, bonuses, net profit share payments, gas storage agreement payments, late and erroneous reporting assessments, and late payment interest charges. The term is intended to include all payments due to MMS's Royalty Management Program (including payments directly to Indian lessors and other royalty recipients), except for compensatory royalty payments assessed for drainage. It would not include the cost of plugging and abandonment of wells, or other lease reclamation obligations.

• *Payor* would be defined by referencing several existing sections in 30 CFR to maintain consistency between the proposed definition and existing departmental rules. MMS proposes to combine the definition of payor at 30 CFR 208.2 with the payor rule at 30 CFR 210.51 which further defines payor. By combining the existent regulations, it is MMS' intent to make clear that a payor is the person who is responsible for reporting and paying royalties consistent with the liability provisions of this proposed rule in sections 211.14, 211.15, 211.16, 211.17, and 211.18.

• *Payor code* would be defined as the five-character code that MMS assigns to the persons required to report and pay royalties. The payor code uniquely identifies the persons responsible for reporting and paying royalties and other payments. The payor code is used on royalty reports, payments, and correspondence to MMS. Persons required to report and pay must obtain a payor code from MMS.

• *Payor Information Form (PIF)* would be defined as the Form MMS–4025 for oil and gas and geothermal resources, and Form MMS–4030 for solid minerals, as described in 30 CFR 210.10(c)(3) and (4). The PIF is a document that informs MMS who will report and pay royalties and other payments to the Federal or Indian mineral lessor. As explained below, the present PIF would be revised to provide expressly that the payor agrees to pay any additional royalties and other payments owed on production for which it reported, or should have reported, originally.

• *Person* would be defined basically the same as in FOGRMA at 30 U.S.C. § 1702(12). It would include, but not be limited to, any and all entities that report and make royalty and other payments to MMS or the Indian lessor.

• *Record title owner* would be defined as the person who has entered into a lease subject to this part or a person to whom the responsible leasing agency has approved assignment of all or part of the record title interest. This term also means the same as record title holder, record title interest owner, or lessee of record. The record title owner may transfer all or a part of the operating rights to another person and in fact may have no involvement in lease operations or the sale of production. After the record title owner transfers its operating rights, it usually maintains an overriding royalty interest, but the record title owner has no right to the production from or allocated to the operating rights it transferred.

• *Royalty* would be defined as any payment based on the volume or value of production from a lease subject to this part. This is basically the same definition as in FOGRMA, expanded to include other minerals.

• *Take* would be defined as occurring when the operating rights owner sells or removes production from or allocated to a lease, or when such sale occurs for the benefit of an operating rights owner. Production would be ''taken'' when it is removed from the lease or agreement. Production would not be ''taken'' if it is used on or for the benefit of the lease or agreement (and not subject to royalty under MMS rules), except for lease use gas for leases issued under section 6 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1335 (because that gas is subject to royalty under the lease terms). Also, for purposes of these rules, a purchaser who receives production would not be considered to have ''taken'' the production.

*Subpart B—Liability*

Section 211.14 Who is Liable for Royalties and Other Payments Due on a Lease?

The purpose of this section is to provide a comprehensive explanation regarding which persons are liable to the MMS for royalties or other payments due on a lease. It does not apply to compensatory royalties which are addressed in the next section. It also does not apply to, or affect, other lease obligations such as plugging and abandonment.

Unless you are subject to one of the paragraphs in this part of the rule, you would have no liability. However, you may be liable under more than one paragraph. For example, as explained further below, you may be liable for royalty on half the production on the lease under paragraph (a) of this section because you own 50 percent of the record title. In addition, you could be liable for all the royalty on production under paragraph (b) of this section if

you own operating rights in that lease and ''take'' 100 percent of that production.

a. *Record title owners.* Paragraph (a) of this section applies to record title owners. As explained in the definitions section, the record title owner is the person to whom the lease originally was issued, or the assignee of that person. You may be the record title owner for a whole lease or a portion of a lease. As a record title owner, you would be liable for royalties on the percentage of production from the lease that equals the percentage of your record title ownership in the lease. Therefore, if you are a 50 percent record title owner, and the MMS determines that the person who reported and paid royalties on the total production from the lease for a particular month undervalued that production, then you are responsible to MMS for 50 percent of the resulting underpayment plus any interest owed thereon. The amount of underpaid royalties or other payments would be determined through application of statutes, regulations (e.g., royalty valuation rules in 30 CFR Part 206), lease terms and orders.

It also is possible that you may be liable for royalties on production for a month that exceeds your percentage ownership of the lease. (Some leases may prescribe a royalty reporting period other than monthly. Because most leases are monthly, we will refer to the reporting ''month'' in this preamble. However, for your lease, a different period may be applicable). If you also own operating rights in the lease and for a month take production in an amount that exceeds your percentage of record title ownership, you are liable for the royalties due on that additional amount. Thus, if you are a 50 percent record title interest owner, but for a month you take 75 percent of the production, you are liable for the royalties due on 75 percent of the production. If MMS determines that the royalties on that production should be higher than what was paid, you are liable for those additional royalties plus interest.

When a lease is issued, the holders of record title also own operating rights in the lease. The liability of operating rights owners for royalties is addressed in the next section. It is important to understand, however, that under these proposed rules, even if you transfer a portion or *all* of your operating rights, you still are liable for royalties as the record title owner.

It also is important to remember that Subpart B of the proposed rules addresses only liability for royalty and other payments. It is Subpart C that establishes who must report and pay the royalties to MMS each month. Thus, even though you may have liability for unpaid or underpaid royalties for a production month, you may not be the person who is required initially to report and pay the royalties to MMS. For example, if you own 50 percent of the record title for the lease, but transferred all your operating rights to another person, you have no right to take production from the lease. However, if the person required to report and pay the royalties on the total lease production fails to pay, or underpays, MMS still would hold you liable for 50 percent of what was owed for that production.

As will be explained below, the record title owner is not the only person who is liable for royalty. In fact, several different persons may be liable, and the extent of each such person's responsibility is addressed in later sections of the rule. Section 211.14(a) would clearly provide that as a record title owner you are jointly and severally liable for the royalty and other payments (to the extent of your liability described above) with these other responsible persons including:

(1) Any person transferred some or all of the operating rights severed from your record title interest. This would include the original transferee and subsequent transferees. Note, however, the responsibility is limited to the extent of the transfer. Therefore, if you are the 100 percent record title owner, but transfer only 30 percent of your operating rights to another person, you and that person have joint and several liability for the 30 percent interest.

The transferee has no liability for the remaining 70 percent interest by virtue of holding operating rights—there may be liability for other reasons, discussed further below, such as a situation where that holder of 30 percent of the operating rights actually takes a greater percentage of the production.

(2) Any other person assigned or who has assumed the obligation to pay royalty due. By way of illustration, if the purchaser of production from your lease agrees in the sales contract to be responsible for the payment of all royalties, and if MMS determines royalties were underpaid, that purchaser would be liable for the royalties. However, you too would be liable up to the percentage of your record title interest or your takes if they are greater.

(3) Any person who filed a PIF with MMS for the production for which you are liable. As explained later in this preamble, if a person files a PIF for a lease and reports royalties for that lease, that person is liable for proper payment of royalties due on the production. Thus, if MMS determines that royalties were underpaid on that production, the filer of the PIF is responsible for the additional royalties. As a record title owner, you would be jointly and severally liable for those additional royalties up to the percentage of your record title interest or your takes if they are greater.

(4) Any other person liable under Part 211 for the royalty due for which you are responsible. This would be a general provision to cover an operator (but only in certain limited circumstances, discussed below), a person who takes production from your lease (under the limited circumstances discussed below), or any other person that is liable for royalty under the regulations in this subpart.

It is important to note that the joint and several liability described above is vertical, not horizontal. Therefore, if you are a 50 percent record title owner, you are not automatically liable for the debts of the other record title owners for the same lease (although liability may accrue by operation of other provisions of these regulations). However, if you are a 50 percent record title owner and transfer half of your operating rights, you would be jointly and severally liable with the transferee for the royalties and other payments due for the transferred operating rights interest.

Although this preamble has referred primarily to liability, including joint and several liability, for royalties, the rules also would apply to other payment obligations on the lease, including late payment charges, reporting assessment, and rentals. The proposed liability rules addressed above are intended to apply only to such payment obligations payable to MMS's Royalty Management Program or royalty recipients.

In these rules, MMS proposes that the record title owner's liability for payment of royalty and other payments be proportionate to its interest in a lease, because royalty and other payment obligations are divisible according to that interest. There are, however, other lease obligations of the several record title owners of a lease that are not divisible, including plugging and abandonment of wells, and other reclamation obligations. BLM enforces these and other lease obligations for onshore leases and MMS's Offshore Minerals Management program enforces lease obligations for offshore leases. These lease obligations are not subject to this rulemaking.

Liability for compensatory royalty payments, addressed in § 211.15, is also a lease obligation that is not divisible. Compensatory royalties are amounts assessed to compensate the Federal

Government when a lessee breaches its operational obligation to diligently protect the lease from drainage. *See Benson-Montin-Greer,* 123 IBLA 341 (1992); *See* 43 CFR 3100.2 and 3162.2(a). Just as the other means of satisfying the requirement to protect from drainage (drilling of an offset well or communitization) are indivisible, and thus joint and several, so is the alternative of compensatory royalty payments. It is proposed that the liability of a record title owner or operating rights owner for payment of compensatory royalty would not be proportionate to the share owned. In other words, each record title owner and operating rights owner would be jointly and severally liable for the total amount of compensatory royalty due.

As explained above, it is MMS's principal proposal in this rule that the liability of a record title owner for royalties and other payments is limited to its proportionate ownership interest in the lease, or takes if greater. However, MMS would like comment on whether MMS should hold each record title owner liable for the royalties and other payments due on all the production from the lease. In other words, under this alternative, all record title owners would be jointly and severally liable for all the royalties and other payments, like they are proposed to be for compensatory royalties. Commenters are requested to provide legal authority and citations to support their comments either in support of, or opposed to, this alternative proposal.

b. *Operating rights owners.* When a lease is issued, the record title owner owns operating rights for the lease equal to its percentage of record title. The operating rights owner is the person who has the right to take production from the lease equal to its percentage of operating rights ownership. The record title owner may sever some or all of its operating rights and transfer them to another person. In such event, under § 211.14.(b), if you are the transferee of the operating rights, you would incur liability for royalty due on production from, or allocated to, the lease, and for other payments, in the amount MMS determines to be owed. The liability would be determined essentially the same as for record title owners. Therefore, at a minimum, you would be liable for royalty and other payments based on a percentage equal to your percentage of operation rights ownership in the lease. To illustrate, assume a Lease is issued to Record Title Owner A and Record Title Owner B, each owning 50 percent. Record Title Owner A then transfers half of its operating rights to you. In this example, you would be liable for royalty due on 25 percent of the lease production. However, under proposed § 211.14(b)(1)(ii), if you actually take 40 percent of the production from the Lease and sell it, your liability extends to 40 percent of the production. Like record title owners, your liability exists even if you assigned the obligation to make the royalty payments to another person, such as the purchaser of the production.

Under proposed § 211.14(b)(2), if you own operating rights that were not transferred from your record title interest, paragraph (a) determines your liability. This is because your record title interest would be equal to or greater than your operating rights interest and would govern your liability. If you own operating rights that were transferred from the record title interest, you are jointly and severally liable for royalty and other payments with the person who holds the record title interest from which your operating rights were transferred. However, you are still only liable for your percentage interest. You are not jointly and severally liable for the percentage of the operating rights interest that the record title owner either retained or transferred to another person. But, if you take more than your percentage entitlement, then you expand your joint and several liability. Thus, if in the above-described example you take 40 percent of the production, Record Title Owner A takes 10 percent and Record Title Owner B takes 50 percent, you and Record Title Owner A are jointly and severally liable for 40 percent of the production. If the example is changed and you take 10 percent of the production and Record Title Owner A takes 40 percent, then you are jointly and severally liable with Record Title Owner A for royalty on 25 percent of the production (equal to your percentage of operating rights ownership). (Remember: this section addresses liability only. The responsibility to report and pay may be different and is addressed later.)

As an operating rights owner, you also would be jointly and severally liable with the same other persons as the record title owner described under proposed § 211.14(a), including:

- any other person assigned or who has assumed the obligation to pay royalty or make other payments,
- any person who filed a PIF for the production or other payments for which you are liable, and
- any other person who is liable for the payments under this part.

For operating rights owners, like for record title owners, MMS's principal proposal in these rules is to determine liability based on percentage of ownership, or takes if greater. MMS would like commenters to address whether it should provide instead that all operating rights owners are jointly and severally liable for all royalties and other payments due from the lease. Comments should include legal authority and citations in support of the comment.

c. *Persons who file PIFs with MMS.* Under MMS's current royalty accounting and collection procedures, any person may report and pay the royalties and other payments owed on lease production. It may be the record title owner, an operating rights owner, an operator or even a purchaser. However, the MMS's Automated Financial System (AFS) requires that a royalty payor file a Payor Information Form (PIF) (Form MMS–4025 for oil and gas and Form MMS–4030 for solid minerals) and be assigned a payor code before the system will accept the monthly Report of Sales and Royalty Remittance (Form MMs–2014). *See* the MMS ''Oil and Gas Payor Handbook,'' Volume 1, at Chapter 2; and the MMS ''Solid Minerals Payor Handbook'' at Chapter 2.

When MMS determines either through its automated compliance procedures or an audit that royalties are underpaid, MMS will bill or order payment from the payor for that deficiency. The payor is billed because that is the person on whom MMS has information in its system regarding that production; MMS's Royalty Management Program does not maintain data on record title owners or operating rights owners. Therefore, while there are other persons who may be liable for some or all of the royalty deficiency (such as the record title owner or an operating rights owner), it is essential that MMS be able to look first to the payor for the underpayment. It would be the payor's responsibility to then seek appropriate contribution from other parties.

Under existing procedures, MMS has always considered that the person who filed the PIF would be liable for underpaid royalties. However, in *Mesa Operating Limited Partnership,* 125 IBLA 29 (Dec. 31, 1992), Mesa filed Payor Information Forms and paid MMS royalties on production it purchased from several Indian oil and gas leases. Mesa did not own any interest in these leases. MMS ordered Mesa to pay additional royalties found to be owed on these leases. Mesa administratively appealed MMS's order and the Interior Board of Land Appeals (IBLA) held that when Mesa filed the Payor Information Forms and made royalty payments, that

did not demonstrate that Mesa had been assigned and accepted the royalty payment responsibility.

Although the IBLA held Mesa to be liable for other reasons, MMS is proposing § 211.14(c) to clarify the liability for the person who files the PIF. Under this subsection, if you file a PIF, you would be liable in the amount MMS determines for any unpaid or underpaid royalties on the volumes for which you reported or should have reported. Thus, if you are a purchaser of lease production and file a PIF for that lease, you would be liable for the royalties and other payments owed on the volume of production you received in a month. If you file a PIF and arrange a sale or other disposition of lease production for the benefit of an operating rights owner on the lease, you would be liable for that volume. This would occur in situations where you are the lease operator or a marketer. Finally, under § 211.14(c)(1)(iii), you would be liable for the amounts due on the volume reported to MMS on the Report of Sales and Royalty Remittance (Form MMS–2014) with your payor code. You would be allowed to correct reporting errors and adjust those volumes accordingly.

Concurrently with this proposed rulemaking, MMS proposes to modify the PIF. The new PIF would include a statement that the person executing the PIF agrees to be liable for all the royalties owed on the production for which it reports, or should report, each month. The new PIF would provide for the payor to include its Taxpayer Identification Number. A draft of the new PIF is attached to this notice of proposed rulemaking as Appendix A (oil and gas, page 1) and Appendix B (solid minerals). Commenters are requested to provide comments on the draft PIF.

Under proposed § 211.14(c)(2), if you are liable for royalties and other payments because you filed a PIF, you would be jointly and severally liable with:

- All record title owners who are liable for that production;
- All operating rights owners who are liable for that production; and
- Any other person liable under the proposed rules for the royalties and other payments due on that production.

The MMS is aware that companies have been set up to perform the service of reporting and paying royalty to MMS. These companies complete and submit monthly reports and payments to MMS using their clients' MMS-assigned payor code. If you use one of these service companies to report and pay royalties, under the proposed rules, the service company does not incur any additional liability by virtue of submitting a Form MMS–2014 and payments on your behalf. You would be liable for any unpaid or underpaid royalties and other payments because the service company acted as an agent on your behalf.

d. *Operators.* Under proposed § 211.14(d), if you are a lease operator, you would not be liable for royalty or other payments due on a lease simply because you are the operator. You only would be liable to the extent that you also may be a record title owner or an operating rights owner under § 211.14 (a) or (b).

Also, you assume liability if you file a PIF under § 211.14(c), or if you otherwise agree to be liable for royalty and other payments, as discussed in the next paragraph. You also may be liable if a regulation of the Department of the Interior provides that the operator is liable for royalty or other payment. See 30 CFR 250.8 (1993); 43 CFR 3162.1 (1993).

e. *Other liable persons.* Proposed § 211.14(e) is intended to be a general provision to establish the liability of any person who agrees to be liable. For example, a purchaser or a marketer may agree by contract to pay royalties on behalf of an operating rights owner. In that event, that purchaser or marketer would be liable to the same extent as the person on whose behalf it agreed to pay.

While this rule proposes generally to hold co-tenants responsible only for their entitled share of the production from a Federal or Indian lease, or their takes if they are greater, the rule recognizes that co-tenants or working interest owners may have other contractual relationships which may increase their liability. For example, co-tenants may decide to develop a property as partners or joint venturers. In addition, a less formal organizational structure, known as a ''mining partnership,'' also may result in expanded liability. The general rule of liability for all such joint venturers or partners is that each member is personally liable for all partnership obligations arising out of contract or tort. *Misco-United Supply, Inc.* v. *Petroleum Corp.*, 462 F.2d 75 (5th Cir. 1972).

f. *Operating rights owners of a lease in an approved Federal or Indian agreement.* The proposed liability rules in § 211.14(a)–(e) addressed thus far apply to all Federal or Indian leases, whether an individual lease or a lease that is included in an approved Federal or Indian agreement. However, for those Federal or Indian leases that are included in an approved Federal or Indian agreement, there are additional rules that would apply. Under proposed § 211.14(f), if you own operating rights in any Federal or Indian lease in the agreement, and you take production that is allocable to a Federal or Indian lease in that agreement, then you are liable for the royalties or other payments due on the production. What this means is that if you take production allocable to a Federal or Indian lease in your agreement, and you own operating rights in that lease or any other Federal or Indian lease in the agreement, MMS would hold you liable for royalties and other payments for that production. This would be the only section of the liability portion of these rules that could involve an interest owner with an interest in a lease other than the lease the production was from or attributable to.

For example, assume there is a unit that consists of four leases of equal acreage, two Federal leases (Federal A and Federal B), one state lease and one fee lease. Each lease is entitled to one-fourth of the unit production and each lease has only one operating rights owner. Assume that for the month of January 1994, the operating rights owner for the Federal A lease actually takes no production. Assume further that the operating rights owners for the Federal B and the state lease each take half of the production that was allocable to the Federal A lease. Under the proposed rule, the operating rights owner of the Federal B lease would be liable to MMS for royalty and other payments on the one-fourth of unit production allocable to the Federal B lease plus the portion of production it took that was allocable to the Federal A lease. The operating rights owner of the state lease would not be liable to MMS for royalty and other payments for the volume of production that it took that was allocable to the Federal A lease.

Under proposed § 211.14(f)(2), liability would be joint and several with the persons liable under the other subsections of the rule. Thus, in the above example, for the volumes allocable to the Federal A lease they took, the operating rights owners for the Federal B lease would be jointly and severally liable with the operating rights owners and record title owners for the Federal A lease (and, if applicable, any other liable party such as an operator or the filer of the PIF).

For this section MMS specifically would like comment on whether a Federal or Indian lessee, in an agreement should be held liable if it takes production from a Federal or Indian lease other than its own in an agreement situation. Commenters are requested to provide legal authority and citations in support of their comments.

g. *Other liability issues.* As explained earlier, the purpose of these rules is to address the legal issue of who is liable to MMS for royalty or other payments due on a lease. These rules do not address against whom MMS will take enforcement action if MMS discovers underpaid royalties. MMS is retaining the discretion to determine which person to pursue. However, since the liability of the person who files the PIF would be clearly established under these rules and the amended Forms, MMS–4025 and MMS–4030, in most cases MMS would issue a payment order to that person. That person could then seek contribution from other liable persons. While these proposed rules should make it easier to determine who all the liable parties are, it is not MMS's intention that these rules govern the relationship or liabilities between and among the affected parties other than MMS.

Section 211.15 Who is Liable for Payment of Compensatory Royalty?

The purpose of this section is to provide an explanation regarding which persons are liable to MMS for compensatory royalties due on a lease. If you are not subject to one of the paragraphs in this section, you would not be liable.

This section applies to record title owners. As explained in the definitions section, the record title owner is the person to whom the lease originally was issued, or the assignee of that person. You may be the record title owner for a whole lease or a portion of a lease. As a record title owner, no matter what your percentage interest, you are jointly and severally liable for the full amount of compensatory royalty owned with all other record title owners on that lease, all operating rights owners on that lease, and any other persons obligated to pay compensatory royalties under departmental rules.

This section also applies to operating rights owners. As explained in the definitions section, the operating rights owner is the person who has the right to take production from the lease equal to its percentage of operating rights ownership in the lease, or the transferee of that person. You may be the operating rights owner for a whole lease or a portion of a lease. As an operating rights owner, you are jointly and severally liable with all other operating rights owners on that lease, all record title owners on that lease, and any other person obligated to pay compensatory royalty under the regulations of the Department of the Interior, for payment of all compensatory royalty due on that lease, regardless of the percentage of your operating rights ownership interest in the lease. For example, if you are a 50 percent operating rights owner, and MMS determines compensatory royalties due on the lease equals $100,000, you are liable for the entire $100,000, not 50 percent of the $100,000.

It is important to note that, unlike liability for payment of royalties, liability for compensatory royalty is not proportionate to the ownership interest. In addition, unlike liability for payment of royalties, liability for compensatory royalty is joint and several among each liable group, i.e. horizontally as well as vertically. Therefore, if you are a 50 percent record title owner you are liable for payment of compensatory royalties with all other record title owners as well persons to whom you or another record title owner transferred operating rights.

Section 211.15 How Does Assignment of Record Title Interests or Transfer of Operating Rights Interests Affect Liability?

One of the other principal purposes of these proposed rules is to clarify how assignment of record title or transfer of operating rights affects the liability established in proposed § 211.14 or § 211.15. It is important to state at the outset that the rules proposed in this section, like the rules in the previous sections, relate only to liability for royalties and other payments, such as interest or assessments, or compensatory royalties, that are the responsibility of MMS's Royalty Management Program. They do not address responsibility for plugging and abandonment of wells, or other lease reclamation requirements. Under applicable law, a record title owner's responsibility for these other types of obligations may be different than what would be prescribed in these rules for royalty, compensatory royalty, or other payments.

Under paragraph (a) of this section of the proposed rule, if you are a record title owner and you assign some or all of your record title interest to another person, you would not be liable for royalties and other payments for the interest you assigned that accrue on or after the date of the assignment (unless you agree with the assignee to remain liable for those payments). However, under § 211.15 all record title owners are jointly and severally liable for compensatory royalties. Therefore, you would continue to be liable for compensatory royalties that accrue after the effective date of the assignment unless you assigned all of your record title interest in the lease.

Thus, for example, if you assign your record title and the effective date is January 1, you are liable for all obligations through December 31. If you assign only a part of your record title, your liability for royalties and other payments would extinguish only for the percentage assigned, but your liability for compensatory royalties would not end. Note, however, that the termination provision in this example relates only to liability under § 211.14(a) by virtue of record title ownership. You may continue to be liable for royalties or other payments if you retain operating rights, if you file a PIF for the production, or if you meet any of the other liability criteria in § 211.14 other than record title ownership. Your liability also may not end on the assignment date if a departmental regulation provides that your liability continues. In such event, that regulation would control.

Under § 211.16(a)(2), the person to whom you assign some or all of your record title interest would not be liable for royalties, compensatory royalties, or other payments for the percentage of the interest assigned that accrued prior to the effective date of the assignment (unless the assignee agrees to be liable for those payments). Therefore, if the effective date of the assignment is January 1, 1994, and in March 1994 MMS were to issue a payment demand for underpaid royalties that occurred for production in July 1993, the assignee would not be liable. This liability that accrued prior to the assignment would be the responsibility of the assignor. You should be aware, however, that a regulation of the leasing bureau could expand this liability to an earlier date.

The concepts embodied in the proposed rules for assignor/assignee liability are consistent with MMS administrative decisions. *See Branch Oil and Gas, MMS–88–0079–O&G (June 29, 1989).*

The limitations on liability just described apply only to royalty, compensatory royalty, and other payments. It may not apply to other lease obligations such as plugging and abandonment of wells under statutes, lease terms, or the regulations in Title 25, Title 30, or Title 43.

Under section 211.16(b), which is applicable to transfer of operating rights, the effects of that transfer are exactly the same as those described for assignment of record title. This section would apply to both a record title owner's transfer of operating rights and an operating rights owner's (who is not a record title owner) transfer of operating rights.

Section 211.17 How Does Liability Affect the Requirement to Report and Pay Royalties?

As stated earlier in this preamble, Subpart B of the proposed rules relates to liability, not to the requirement to report and pay royalties. Liability for royalties does not automatically mean that you are required to report and pay—it means that if the person required to report underpays, and if MMS does not resolve the underpayment with that person, then you are responsible for some or all of the deficiency.

The proposed rules on liability in § 211.14 rely in part on a person's ''entitled share'' of production, determined by its percentage of owned interest of record title or operating rights, to establish liability. However, as will be explained below regarding Subpart C, this would not mean that MMS is requiring reporting on what has been called an ''entitlement'' basis. In fact, it should be clear from these proposed rules that in actual situations where the lease is committed to an agreement in an approved Federal/Indian agreement, MMS proposes to rely on a ''takes'' system to establish who is obligated to report and pay royalties each month.

*Subpart C—Reporting and Paying Royalties.*

Subpart C would establish requirements for who is required to report and pay royalties each month on lease production. As explained above, all persons who are liable for royalties under Subpart B would not be required to report and pay. They would be responsible only if the person required to report and pay fails to pay or underpays.

Section 211.18 Who Is Required to Report and Pay Royalties?

*Persons Who Take Production From Leases not in an Approved Federal or Indian Agreement*

The basic requirement under the proposed rules is that if you are an operating rights owner who takes production from an individual lease that is not part of an approved Federal or Indian agreement, you must report and pay royalties for that production. If you own 40 percent of the operating rights for a lease, but you actually take 70 percent of the production for a month, you are required to report and pay on the 70 percent of the production you take.

As explained earlier, only the operating rights owners may take production from a lease. An operator or purchaser who is not an operating rights owner may be involved in the sales transaction, but they do not take production for purposes of these rules.

Under § 211.18(a)(1) of the proposed rule, if you take production and are required to report and pay, you must:

1. File a PIF with MMS as specified in 30 CFR Part 210 and the MMS Payor Handbook.

2. Report the volume and value of production and royalties owed on a Form MMS–2014.

3. Pay the royalties owed as specified in 30 CFR Part 218 and the MMS Payor Handbook.

However, as described below, under section 211.18(d), another person may agree to report and pay on your behalf.

Persons who Take Production Allocable to Leases in Approved Federal or Indian Agreements Containing 100 Percent Federal or Indian Tribal Leases

If all of the leases in an agreement have the same lessor, the same royalty rate, and the same fund code for royalty distribution (*e.g.,* all the leases are on the OCS and not subject to 43 U.S.C. 1337(g), all the leases are public domain leases in the same state, or all the leases have the identical Tribal Indian lessor), it would appear to not be necessary to specifically identify the individual leases in the agreement to which the production is attributable. Royalties would be reported and paid to the lessor on 100 percent of agreement production each month. Therefore, MMS is considering a simplified reporting procedure.

The current reporting requirements mandate that production be treated and reported for the lease to which it is attributable. *See* 30 CFR 202.100(e). MMS is considering allowing the taking party to report and pay royalties on the total volume taken on one or more of its AID numbers associated with the agreement without concern about which lease in the agreement the production actually is attributable to. However, for those payors whose production is committed to a royalty-in-kind contract, it would be necessary for them to continue to report volumes for the specific AID number for the leases committed to that contract. MMS proposes this option because specific lease identification is not necessary in these circumstances since all leases have the same lessor, royalty rate, and royalty distribution.

If this proposed rule is adopted, MMS would modify the Payor Handbook to reflect this simplified reporting. In addition to this method of simplified reporting, MMS also is considering simplified reporting at the agreement level, similar to how production is now reported. Under this option, MMS would establish a single AID number for each participating area in the agreement. Each party taking production from the agreement would report to MMS on this AID number.

MMS would report this information to the royalty recipient (States or Bureau of Indian Affairs) and they would then make further distribution to the actual owners or royalty recipients.

Each expansion or contraction of an existing unit would be reviewed to determine if the new participating area qualifies to be reported in this manner. If it does not meet the criteria for this type of reporting, MMS would assign a new agreement AID number to the property. (This option could be applied to all agreements, not just those that meet the criteria).

Again, as discussed below, another person may agree to report and pay royalties on your behalf.

Persons Who Take Production Allocable to Federal or Indian Leases in all Other Approved Federal or Indian Agreements

For leases in agreements containing a mixture of Federal, Indian, State, and/or fee leases or containing leases with varying royalty rates or funds distributions (called mixed agreements), MMS is not proposing any reporting or payment requirements under this rulemaking. At this time, MMS has chartered a Federal negotiated rulemaking committee **Federal Register**, 59 FR 32943, June 27, 1994) comprised of Federal, industry, and State representatives to develop a negotiated rulemaking that would address, among other matters, how to report and pay royalties for these mixed agreements. Therefore, until this committee completes its chartered task, MMS is not proposing rules for this section. Once the committee is finished, MMS will issue a further notice of proposed rulemaking with a recommendation for reporting and paying royalties for these mixed agreements.

What if Another Person Agrees To Report and Pay for You?

You may be relieved of the requirement to report and pay royalties under §§ 211.18(a)–(c) if another person files a PIF under its name and reports and pays the royalties for the production for which you are required to report and pay under §§ 211.18(a)–(c). For example, this could be an operator or a purchaser who would follow the requirements specified above. However, this relief relates only to the reporting and payment obligation, therefore, you

still would be liable for any unpaid or underpaid royalties under § 211.14.

Liable Persons Who MMS Requires To Report and Pay

Under proposed § 211.18(e), MMS may require any person liable for royalty payments under subpart B to report and pay. This could be necessary where the person principally required to report and pay under § 211.18 fails to do so.

Section 211.19 What Are the Obligations for Proper Reporting and Paying?

*How to report and pay.* This paragraph would state that if you are required to report and pay under § 211.18, then you must do so timely, accurately, and in the manner MMS specifies. This requires following instructions in the MMS Payor Handbook and the valuation regulations in 30 CFR Parts 202 and 206.

*What you must do if you report or pay royalties incorrectly.* Under this proposed paragraph, if you do not report and pay royalties properly, MMS may require you to submit amended reports and pay additional royalties.

## III. Procedural Matters

*The Regulatory Flexibility Act*

The Department certifies that this rule will not have significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 611 *et seq.*). The proposed rule will establish and clarify which persons are liable for unpaid or underpaid royalties, compensatory royalties, or other payments on Federal and Indian mineral leases. The proposed rule also clarifies who is required to report and pay royalties on production from those leases.

*Executive Order 12630*

The Department certifies that the rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, a Takings Implication Assessment need not be prepared under Executive Order 12630, ''Government Action and Interference with Constitutionally Protected Property Rights.''

*Executive Order 12778*

The Department has certified to the Office of Management and Budget that these final regulations meet the applicable standards provided in Sections 2(a) and 2(b)(2) of Executive Order 12778.

*Executive Order 12866*

This document has been reviewed under Executive Order 12866 and is not a significant regulatory action requiring Office of Management and Budget review.

*Paperwork Reduction Act of 1980*

The rule contains revised Payor Information Forms, therefore this rule will be submitted to the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

*National Environmental Policy Act of 1969*

We have determined that this rulemaking is not a major Federal action significantly affecting the quality of the human environment, and a detailed statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is not required.

**List of Subjects in 30 CFR Part 211**

Coal, Continental shelf, Geothermal energy, Indians-lands, Mineral resources, Mineral royalties, Natural gas, Oil, Public lands—mineral resources, Reporting and recordkeeping requirements.

Dated: March 21, 1995.

**Bob Armstrong,**

*Assistant Secretary—Land and Minerals Management.*

For the reasons set up in the preamble, 30 CFR Part 211 is proposed to be added as follows:

## PART 211—LIABILITY FOR ROYALTY DUE ON FEDERAL AND INDIAN LEASES AND RESPONSIBILITY TO REPORT ROYALTY AND OTHER PAYMENTS

### Subpart A—General Provisions

Sec.
211.10 Purpose.
211.11 Scope.
211.12 Leases to which this part applies.
211.13 Definitions.

### Subpart B—Liability

211.14 Who is liable for royalties and other payments due on a lease.
211.15 Who is liable for payment of compensatory royalty?
211.16 How does assignment of record title interests or transfer of operating rights interests affect liability?
211.17 How does liability affect the requirement to report and pay royalties?

### Subpart C—Reporting and Paying Royalties

211.18 Who is required to report and pay royalties?
211.19 What are the obligations for proper reporting and paying?

**Authority:** 5 U.S.C. 301 *et seq.*; 25 U.S.C. 396 *et seq.*, 396a *et seq.*, 2101 *et seq.*; 30 U.S.C. 181 *et seq.*, 351 *et seq.*, 1001 *et seq.*, 1701 *et seq.*; 43 U.S.C. 1301 *et seq.*, 1331 *et seq.*; 1801 *et seq.*.

### Subpart A—General Provisions

**§ 211.10 Purpose.**

Part 211 establishes who is liable for royalty, compensatory royalty, and other payments due on Federal and Indian leases. This part also establishes who must report and pay those royalties.

**§ 211.11 Scope.**

(a) Subpart A explains which leases are subject to this part and what definitions you need to know.

(b) Subpart B explains whether you are liable for royalties, compensatory royalties, or other payments under those leases and the extent of your liability. Nothing in this subpart applies to, or affects, liability for other lease obligations.

(c) Subpart C explains whether you must report and pay royalties on those leases and what your obligations are to report and pay properly.

(d) As explained under Subparts B and C, your liability may be different from your obligation to report and pay royalties.

**§ 211.12 Leases to which this part applies.**

This part applies to the following leases:

(a) Oil and gas leases subject to 30 U.S.C. § 1701 *et seq.* These leases include Federal onshore leases, Indian leases, and leases on the Outer Continental Shelf.

(b) Coal and other solid mineral leases and agreements that the Secretary of the Interior administers under the mineral leasing laws. These leases include Federal and Indian leases.

(c) Geothermal leases issued under the Geothermal Steam Act of 1970, 30 U.S.C. 1001 *et seq.*

(d) Leases or other agreements under the Indian Mineral Development Act of 1982.

(e) Other mineral leases or agreements for which the Secretary of the Interior collects royalty and other payments.

**§ 211.13 Definitions.**

In determining if you are liable or if you must report and pay royalties, the following definitions apply:

*Approved Federal or Indian agreement*—means an agreement for exploration or development of mineral resources as described at 25 CFR Subchapter I, 30 CFR Subchapter B-Offshore, and 43 CFR Part 3000.

*Compensatory royalty*—means the amount the Bureau of Land Management assesses to compensate for failure to prevent drainage under 43 CFR 3100.2 and 43 CFR 3162.2(a).

*Operator*—means a person as defined by 30 CFR 208.3—Royalty in kind; 30 CFR 216.6—Production accounting; 30 CFR 250.2—Offshore. Persons defined as operators in the following sections are included within the definition of operator in this section: 43 CFR 3100.0–5—Onshore Leasing: General; 43 CFR 3200.0–5(v)—Geothermal Resources Leasing: General; or 43 CFR 3400.0–5(cc)—Coal Management: General.

*Operating rights owner (working interest owner)*—means a person who owns operating rights in a lease that is subject to this part. A record title owner is the owner of operating rights under a lease except to the extent that the operating rights or a portion thereof have been transferred from record title.

*Other payments*—includes, but is not limited to, payments or assessments such as rentals, minimum royalties, bonuses, net profit share lease payments, gas storage agreement payments, late and incorrect reporting assessments, and late payment interest charges.

*Payor*—means any person responsible for reporting and paying royalties from a Federal or Indian lease or leases on Form MMS–2014, as defined in 30 CFR § 208.2 and as further defined in 30 CFR § 210.51.

*Payor code*—means the five-character MMS-assigned code that uniquely identifies the company or individual responsible for reporting and paying. It is used on royalty reports, payments, and correspondence to MMS.

*Payor Information Form (PIF)*—means Form MMS–4025 for oil, gas, and geothermal resources and Form MMS–4030 for solid materials, as described in 30 CFR 210.10(c)(3)(4).

*Person*—means any individual, firm, corporation, association, partnership, consortium, or joint venture (when established as a separate entity). The term does not include Federal agencies.

*Record title owner*—means the person who has entered into a lease subject to this Part or the person to whom the leasing agency has approved the assignment of all or a portion of the record title interest. For purposes of this Part, record title owner means the same as record title holder, record title interest owner, and lessee of record.

*Royalty*—means any payment based on the amount or value of production of oil, gas, or other minerals from the Outer Continental Shelf, Federal, or Indian lands, under any provision of a lease.

*Take*—occurs when the operating rights owner sells or removes production from or allocated to a lease, or when such sale or removal occurs for the benefit of an operating rights owner.

## Subpart B—Liability

### § 211.14 Who is liable for royalties and other payments due on a lease?

This section establishes which persons are liable for royalty or other payments due on a lease. You are not liable for royalty or other payments due on a lease except as provided in this section. However, you may be liable under more than one paragraph of this section. The limitation on liability established in this section applies only to royalty and other payments. This limitation does not apply to compensatory royalty and may not apply to other lease obligations established under statute, lease terms, or regulations in Title 25, Title 30, or Title 43.

(a) *Record title owners.*

(1) If you are a record title owner of a lease, you are liable for royalty due on production from or allocated to the lease, and for other payments, in the amount MMS determines under applicable statutes, lease terms, regulations, or orders. You remain liable even if you transfer some or all of your operating rights to another person or if you assign to another person the obligation to report and pay royalty on some or all of the production, or to make other payments. You are liable for royalties or other payments owed on:

(i) The percentage of production equal to the percentage of your record title ownership in the lease; and

(ii) The portion of production you take in a month that exceeds the volume in paragraph (a)(1)(i) of this section.

(2) If you are a record title owner, you are jointly and severally liable for the royalty or other payments due as described in paragraph (a)(1) of this section with:

(i) Any person who owns some or all of the operating rights for the lease that were transferred from the record title interest you currently own, but only to the extent of the transfer;

(ii) Any other person assigned or who has assumed the obligation to pay royalty due on the production or to make other payments for which you are liable;

(iii) Any person who filed a PIF with MMS for the production or other payments for which you are liable; and

(iv) Any other person liable under this part for the royalty due on the production, or for the other payments, for which you are liable.

(b) *Operating rights owners.*

(1) If you own operating rights that were not transferred from the record title interest, paragraph (a) determines your liability for royalty and other payments due on a lease. If you own operating rights that were transferred from the record title interest for a lease, you are liable for royalty due on production from or allocated to the lease, and for other payments, in the amount MMS determines under applicable statutes, lease terms, regulations, or orders. You are liable even if you assigned the obligation to pay royalty on some or all of the production, or to make other payments, to another person. You are liable for:

(i) The percentage of royalties or other payments owed that equals the percentage of your operating rights ownership in the lease; and

(ii) The portion of production you take that exceeds the volume in paragraph (b)(1)(i) of this section.

(2) If you own operating rights that were transferred from the record title interest, you are jointly and severally liable for the royalty or other payments due as described in paragraph (b)(1) of this section with:

(i) The person who owns the record title interest from which your operating rights were transferred;

(ii) Any other person assigned or who has assumed the obligation to pay royalty due on the production or to make other payments for which you are liable;

(iii) Any person who filed a PIF with MMS for the production or other payments for which you are liable; and

(iv) Any other person liable under this part for the royalty due on production or for the other payments for which you are liable.

(c) *Persons who file PIFs with MMS.*

(1) If you file a PIF with MMS, you are liable for royalty and other payments due on the production from or allocated to the lease specified on that PIF in the amount MMS determines under applicable statutes, lease terms, regulations, or orders. You are liable under this paragraph whether or not you own a record title interest or an operating rights interest in the lease. You are liable for royalties and other payments due on that production under one or more of the following paragraphs:

(i) The volume received in a month if you purchase production from or allocated to a lease.

(ii) The volume delivered in a month if you arrange a sale or other disposition of production from or allocated to the lease for the benefit of an operating rights owner on the lease.

(iii) The volume reported to MMS on the Report of Sales and Royalty Remittance (Form MMS–2014) with your payor code.

(2) If you file a PIF with MMS, you are jointly and severally liable for the royalty or other payments due as

described in paragraph (c)(1) of this section with:

(i) All record title owners who are liable for the royalty due on the production and for other payments;

(ii) All operating rights owners who are liable for the royalty due on the production and for other payments; and

(iii) Any other person liable under this part for the royalty due on production or for other payments for which you are liable.

(3) If another person uses your payor code to report royalties on Form MMS–2014, that person is not liable for those royalties solely on the basis of that reporting. However, that person may be liable under paragraphs (a), (b), (d), or (e) of this section.

(d) *Operators.*

(1) If you are an operator, you are liable for royalty or other payments due on a lease only if:

(i) You are subject to paragraph (a) or (b) of this section to the extent you are a record title or operating rights owner; or

(ii) You are subject to paragraph (c) of this section by filing a PIF; or

(iii) You are subject to paragraph (e) of this section by assuming royalty or other payment liability by contract or agreement; or

(iv) You are liable under a regulation of the Department of the Interior.

(e) *Other liable persons.*

(1) You are liable for royalty or other payments due in the amount MMS determines under applicable statutes, lease terms, regulations, or orders if:

(i) You have a contract or other agreement to assume that liability on behalf of another person who is liable for those royalties or other payments under this subpart; or

(ii) Liability is established under a regulation of the Department of the Interior.

(f) *Operating rights owners of a lease in an approved Federal or Indian agreement.*

(1) You are liable for the royalty and other payments due on production allocated to a Federal or Indian lease in an approved Federal or Indian agreement in the amount that MMS determines under applicable statutes, lease terms, agreement terms, regulations, or orders if:

(i) You own operating rights in that lease or in another Federal or Indian lease in that agreement and

(ii) You take that production specified under paragraph (f)(1) of this section.

(2) If you own operating rights and take production as provided in paragraph (f)(1) of this section, you are jointly and severally liable for the royalty and other payments with any other person who is liable for the payments under this subpart.

### § 211.15 Who is liable for payment of compensatory royalty?

If you are a record title owner or operating rights owner of all or a portion of a lease, you are jointly and severally liable for payment of all compensatory royalty owed for that lease with:

(a) All other record title owners on that lease;

(b) All other operating rights owners on the lease; and

(c) Any other persons obligated to pay compensatory royalties under regulations of the Department of the Interior.

### § 211.16 How does assignment of record title interests or transfer of operating rights interests affect liability?

(a) If you assign some or all of your record title interest in a lease to another person:

(1) You are not liable for royalties and other payments that accrue on or after the effective date of the assignment for the percentage of the interest you assign, except as provided in a regulation of the Department of the Interior or unless you agree with the assignee to remain liable for those payments. You will continue to be liable for compensatory royalties that accrue for a lease after the effective date of the assignment, unless you assigned all of your record title interest in that lease.

(2) The person to whom you assign some or all of your record title interest is not liable for royalties, compensatory royalties, or other payments for the percentage of the interest assigned that accrued prior to the effective date of the assignment, except as provided in a regulation of the Department of the Interior or unless the assignee agrees to be liable for those payments.

(3) The limitations on liability established in this section apply only to royalty, compensatory royalty, and other payments. This limitation may not apply to other lease obligations established under statutes, lease terms, or regulations in Title 25, Title 30, or Title 43.

(b) If you transfer some or all of your operating rights interest in a lease to another person:

(1) You are not liable for royalties and other payments that accrue on or after the effective date of the transfer for the interest you transfer, except as provided in a regulation of the Department of the Interior or unless you agree with the transferee to remain liable for those payments. You will continue to be liable for compensatory royalties that accrue for a lease after the effective date of the transfer, unless you transferred all of your operating rights interest in that lease.

(2) The person to whom you transfer some or all of your operating rights interest is not liable for royalties, compensatory royalties, or other payments for the interest transferred that accrued prior to the effective date of the transfer, except as provided in a regulation of the Department of the Interior or unless the transferee agrees to be liable for those payments.

(3) The limitations on liability established in this section apply only to royalty, compensatory royalty, and other payments. This limitation may not apply to other lease obligations established under statutes, lease terms, or regulations in Title 25, Title 30, or Title 43.

### § 211.17 How does liability affect the requirement to report and pay royalties?

Not all persons liable for royalty or other payments due on a lease are required to report and pay those amounts to MMS. Subpart C establishes the requirements for who reports and pays.

## Subpart C—Reporting and Paying Royalties

### § 211.18 Who is required to report and pay royalties?

You must report and pay royalties for Federal and Indian leases in accordance with this section. You also must report and pay royalties in accordance with applicable statutes, lease terms, regulations, and orders, and submit corrected reports or payments to MMS.

(a) *Persons who take production from leases not in an approved Federal or Indian agreement.*

Except as provided in paragraph (d) of this section, if you are an operating rights owner who takes production from a Federal or Indian lease that is not included in an approved Federal or Indian agreement, you must report and pay royalties and other payments on the production you take. You must:

(1) File a PIF with MMS as specified in Part 210 of this chapter and the MMS Payor Handbooks (see §§ 210.54 and 210.204 for availability)

(2) Report the royalties owed on a Form MMS–2014 as specified in Part 210 of this chapter and the MMS Payor Handbooks; and

(3) Pay royalties as specified in Part 218 of this chapter and the MMS Payor Handbooks.

(b) *Persons who take production allocable to leases in approved Federal or Indian agreements containing 100 percent Federal or Indian tribal leases.*

(1) This paragraph provides requirements and instructions for reporting and paying royalties and other payments for:

(i) Leases in an approved Federal agreement comprised only of Federal leases that each have the same royalty rate and funds distribution requirement; and

(ii) Approved Indian agreements comprised only of Indian tribal leases that each have the same royalty rate and tribal lessor.

(2) Except as provided in paragraph (d) of this section, if you are an operating rights owner who takes production allocated to a lease in an agreement under this paragraph, you must report and pay royalties on the production you take. You must:

(i) File a PIF with MMS as specified in Part 210 of this title and the MMS Payor Handbooks;

(ii) Report the royalties owed for that production on a Form MMS–2014. You must use one or more of your MMS-assigned lease accounting identification numbers (AID). Also, you must follow the instructions provided in Part 210 of this title and the MMS Payor Handbooks; and

(iii) Pay royalties on that production as specified in Part 218 of this title and the MMS Payor Handbooks.

(c) *Persons who take production allocable to Federal or Indian leases in all other approved Federal or Indian agreements.* [Reserved]

(d) *What if another agrees to report and pay for you?* If another person files a PIF under its own name and reports and pays royalties for the production for which you are required to report and pay under paragraphs (a)-(c) of this section, then you are not required to report and pay under paragraphs (a)-(c) of this section. However, you are not relieved of any underlying liability you may have on the lease and you may be required to report and pay under paragraph (e) of this section. The person filing the PIF under its own name must follow the requirements under paragraphs (a)-(c) of this section for the royalty or other payments due.

(e) *Liable persons who MMS requires to report and pay.* MMS may require any person liable for royalty or other payments under Subpart B of this part to report and pay royalties as provided by this subpart.

**§ 211.19 What are the obligations for proper reporting and paying?**

(a) *How to report and pay.*

If you are required to report and pay royalties under § 211.18, you are obligated to report and pay those royalties timely, accurately, and in the manner MMS specifies. Instructions for timely and proper reporting are provided under Parts 210 and 218 of this title and in the MMS Payor Handbooks. You also must report accurate volumes and values of production on which royalties are due under applicable statutes, lease terms, regulations, or orders. Parts 202 and 206 of this title provide instructions for proper valuation and volume determinations.

(b) *What you must do if you report or pay royalties incorrectly.*

If you incorrectly report or pay royalties, you must submit corrected reports or payments, or both, to MMS. Also, MMS may require you to:

(1) Submit adjustments on Form MMS–2014;

(2) Correct production regarding sales exceptions;

(3) Comply with audit orders to perform;

(4) Pay bills;

(5) Pay applciable late-payment charges; and

(6) Pay civil penalties.

**Note:** The Following Appendices A and B will not appear in the Code of Federal Regulations.

BILLING CODE 4310–MR–M

APPENDIX A

U.S. DEPARTMENT OF THE INTERIOR
Minerals Management Service
Royalty Management Program

# PAYOR INFORMATION FORM

OMB 1010-0033
(Expires June 30, 1997)
The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires us to inform you that this information is being collected to set up an automated accounting data base for Federal and Indian oil and gas lease production and sales. MMS will use the information to monitor and collect rents and royalties due the Government and Indians.

Public reporting burden for this form is estimated to average one-half hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form including suggestions for reducing this burden to the Information Collection Clearance Officer, Mail Stop 2053, Minerals Management Service, 381 Elden Street, Herndon, Va 22070; and the Office of Management and Budget, Paperwork Reduction Project (1010-0033), Washington, DC 20503.

**SECTION I — PAYOR INFORMATION**

PAYOR NAME _____ PAYOR CODE _____

PERSON TO CONTACT _____ AREA CODE ___ TELEPHONE NUMBER ___-____ EXTEN. ____

☐ EMPLOYER IDENTIFICATION NUMBER
OR
☐ SOCIAL SECURITY NUMBER _____

_____ agrees that as of the start date of this PIF and until the date the PIF is end dated, it is liable for the payment of all royalties, rents, and other payments due on production reported to MMS, or production which should have been reported to MMS, for the revenue source and selling arrangement for the lease specified on this PIF. _____ agrees that it will pay the amount MMS determines to be due under applicable statutes, lease terms, regulations and orders.

The undersigned individual represents and warrants that he/she is authorized to enter into this agreement on behalf of _____.

Date: _____ By: _____

Title: _____

**SECTION II — LEASE INFORMATION**

Bureau of Land Mgmt. / Outer Continental Shelf Lease No. or Bureau of Indian Affairs Contract No. _____

MMS Lease No. _____

**SECTION III — A.) LEASE LEVEL PAYMENTS**

FILL IN A., B., OR BOTH

☐ ADD
☐ CHANGE
☐ DELETE

START DATE ___ MO. ___ DAY ___ YR.

END DATE ___ MO. ___ DAY ___ YR.

RENTAL (RN) ☐ RENT RECOUPMENT (RR) ☐

MINIMUM ROYALTY (MR) ☐ OTHER (Well Fees, Gas Storage, Etc.) ☐

**B.) ROYALTIES ON PRODUCTION**

ROYALTY RATE _____ REVENUE SOURCE CODE ___

YOUR INTERNAL ID (NAME/NO.) _____

☐ UNITIZED PRODUCTION ALLOCATION (COMPLETE (C) UNIT AGREEMENT DATA)

☐ LEASE PRODUCTION (COMPLETE (D) WELL DATA)

☐ COMMUNITIZED PRODUCTION ALLOCATION (COMPLETE (C) COMM. AGREEMENT DATA)

☐ COMPENSATORY ROYALTY

**C.) UNIT/COMM AGREEMENT DATA (APPROVED AGREEMENT DATA ONLY)**

UNIT NAME (COMM. WELL NAME) _____

PARTICIPATING AREA (COMM. FORMATION) _____

BLM/OCS AGREEMENT NO. _____

MMS AGREEMENT NO. _____ TRACT NO. ___ TRACT % _____

**D.) WELL DATA (Use Well Data Continuation Sheet To List Additional Lease Basis Wells)**

1.) WELL NAME _____ FORMATION _____

API WELL NO. ___ ST. ___ CNTY. ___ WELL CODE ___ S/T ___ CMPL

-OR-

LOCATION ___ 1/4 ___ 1/4 ___ SEC. ___ TOWNSHIP ___ RANGE

COMMENTS:

FORM MMS-4025 (REV. 10/94)

APPENDIX B

U.S.DEPARTMENT OF THE INTERIOR
Minerals Management Service
Royalty Management Program

# PAYOR INFORMATION FORM
## SOLID MINERALS

OMB 1010-0064
(Expires 4/30/97)

FEDERAL ☐ INDIAN ☐

CHECK IF REVISED ☐

**PART 2: LEASE DATA**

| MMS Lease Number or BLM/BIA Number | | | |
|---|---|---|---|
| Lease producing - Y/N<br>Date of First Production | MSHA Mine Number | | |
| | Y/N | Start Date | End Date |
| Rent Payor? | | | |
| Minimum Royalty Payor? | | | |
| Advance Royalty Payor? | | | |
| Comments: | | | |

**PART 1: COMPANY DATA**

| Company Name | Payor Code MA- |
|---|---|
| Address | City, State, Zip |
| Person to Contact | Phone Number/Extension |

☐ EMPLOYER IDENTIFICATION NUMBER OR ☐ SOCIAL SECURITY NUMBER ☐☐☐☐☐☐☐☐☐

_____ agrees that as of the start date of this PIF and until the date the PIF is end dated, it is liable for the payment of all royalties, rents, and other payments due on production reported to MMS, or production which should have been reported to MMS, for the revenue source and selling arrangement for the lease specified on this PIF. _____ agrees that it will pay the amount MMS determines to be due under applicable statutes, lease terms, regulations and orders.

The undersigned individual represents and warrants that he/she is authorized to enter into this agreement on behalf of _____.

Date: _____ By: _____

Title: _____

**PART 3: PRODUCING LEASE DETAIL**

| Action Code | Effective Date | Mining Type Code | Royalty Rate, Range or Schedule | MMS Use Only | Product | Arm's Length or Non-Arm's Length Sales? | Percent of Sales | Royalty Reporting Codes | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Revenue Source | Product Code | Selling Arrangement |
| | | | | | | | | | | |
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Authorized Signature Date

WARNING: This is to inform you that failure to report accurately and timely in accordance with the statutes, regulations, or terms of the lease, permit, or contract may result in late payment charges, civil penalties, or liquidated damages being assessed without further notification. Intentional false or inaccurate reporting is subject to criminal prosecution in accordance with applicable Federal law(s).

The Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires us to inform you that this information is being collected to set up an automated accounting data base for Federal and Indian solid minerals lease production and sales. MMS will use the information in monitoring and collecting rents and royalties due the Government and Indians.

Public reporting burden for this form is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form including suggestions for reducing this burden to the Information Collection Clearance Officer, Mail Stop 2053, Minerals Management Service, 381 Elden Street, Herndon, Va. 22070; and the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (1010 - 0064), Washington, DC 20503.

FORM MMS-4030 (Rev. 10/94)

[FR Doc. 95–13856 Filed 6–8–95; 8:45 am]
BILLING CODE 4310–MR–C

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–52192]**

### 40 CFR Chapter I

### Open Meeting of the Negotiated Rulemaking Advisory Committee for Small Nonroad Engine Regulations

**AGENCY:** Environmental Protection Agency.

**ACTION:** FACA Committee Meeting—Negotiated Rulemaking on Small Nonroad Engine Regulations.

**SUMMARY:** As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), EPA is giving notice of the next meeting of the Advisory Committee to negotiate the Phase II rule to reduce air emissions from small nonroad engines. Small nonroad engines are engines which are spark ignited gasoline engines less than 25 horsepower. The meeting is open to the public without advance registration. Agenda items for the meeting include reports from the task groups and discussions of the emissions standard and standard structure. The Committee is hoping to finalize a series of recommendations to EPA regarding the control of emissions in Phase II of the rule.

**DATES:** The committee will meet on June 27, 1995 from 10:00 a.m. to 6:00 p.m., June 28, 1995 from 9:00 a.m. to 5:00 p.m. and on June 29, 1995 from 8:00 a.m. to 4:00 p.m..

**ADDRESSES:** The location of the meeting will be the Courtyard by Marriott, 3205 Boardwalk, Ann Arbor, MI 48108; phone: (313) 995–5900.

**FOR FURTHER INFORMATION CONTACT:** Persons needing further information on the substantive matters of the rule should contact Lisa Snapp, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Rd., Ann Arbor, MI 48105, (313) 668–4200. Persons needing further information on committee procedural matters should call Deborah Dalton, Consensus and Dispute Resolution Program, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460, (202) 260–5495, or the Committee's facilitators, Lucy Moore or John Folk-Williams, Western Network, 616 Don Gaspar, Santa Fe, NM, 87501, (505) 982–9805.

Dated: June 6, 1995.

**Deborah Dalton,**

*Designated Federal Official.*

[FR Doc. 95–14233 Filed 6–8–95; 8:45 am]

BILLING CODE 6560–50–M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

**[MM Docket No. 93–48; DA 95–1191]**

### Broadcast Services; Children's Television

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Commission granted a request filed jointly by the National Association of Broadcasters and the Association of Independent Television Stations, Inc., for a 90-day extension of time to file comments in this proceeding. The deadline for filing comments was originally June 16, 1995, and the deadline for reply comments was July 17, 1995. The Commission determined that the requested extension was warranted in order to facilitate the development of a full and complete record.

**DATES:** Comments are now due on September 14, 1995, and reply comments are now due on October 16, 1995.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Diane Conley, Mass Media Bureau, (202) 776–1653.

**SUPPLEMENTARY INFORMATION:**

Adopted: June 1, 1995.

Released: June 1, 1995.

By the Chief, Mass Media Bureau.

Comment Date: September 14, 1995.

Reply Comment Date: October 16, 1995.

1. On April 5, 1995, the Commission adopted a Notice of Proposed Rule Making seeking comment on proposals to amend the Commission's rules implementing the Children's Television Act of 1990. Notice of Proposed Rule Making in Million Docket No. 93–48, 60 FR 20586 (1995) (''NPRM''). Comments in this proceeding are currently due on June 16, 1995, and reply comments are due on July 17, 1995.

2. On May 30, 1995, the National Association of Broadcasters and the Association of Independent Television Stations, Inc. Filed a joint request for a 90-day extension of time to file comments in this proceeding. Petitioners argue primarily that additional time is needed to conduct and thoroughly evaluate studies relevant to the issues raised by the Commission in the NPRM.

3. As set forth in Section 1.46 of the Commission's Rules, 47 CFR 1.46, it is our policy that extensions of time for filing comments in rulemaking proceedings shall not be routinely granted. However, we recognize that it may take longer than the initial comment period established in this proceeding to collect the kinds of data sought by the Commission, and we believe that a 90-day extension of time to file comments and reply comments is warranted in order to facilitate the development of a full and complete record.

4. Accordingly, *it is ordered* that the Motion for Extension of Time filed in MM Docket No. 93–48 by the National Association of Broadcasters and the Association of Independent Television Stations, Inc., is granted.

5. *It is further ordered* that the time for filing comments in this proceeding is extended to September 14, 1995, and the time for filing reply comments is extended to October 16, 1995.

6. This action is taken pursuant to authority found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and Sections 0.204(b), 0.283 and 1.45 of the Commission's Rules, 47 CFR 0.204(b), 0.283 and 1.45.

Federal Commuunications Commission.

**Roy J. Stewart,**

*Chief, Mass Media Bureau.*

[FR Doc. 95–14085 Filed 6–8–95; 8:45 am]

BILLING CODE 6712–01–M

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### 49 CFR Part 571

**[Docket No. 95–28; Notice 1]**

**RIN 2127–AF73**

### Lamps, Reflective Devices and Associated Equipment; Establishment of Negotiated Rulemaking Advisory Committee

**AGENCY:** National Highway Traffic Safety Administration (NHTSA); DOT.

**ACTION:** Notice of proposal to form a negotiated rulemaking advisory committee and request for representation.

**SUMMARY:** NHTSA proposes to establish a Negotiated Rulemaking Advisory Committee under the Negotiated Rulemaking Act of 1990 and the Federal Advisory Committee Act to develop recommended specifications for altering the U.S. lower headlamp beam pattern to be more sharply defined. Such a pattern would facilitate visual

aimability of headlamps and might be the basis for a world-wide lower beam pattern. The Committee would develop its recommendations through a negotiation process. The Committee would be composed of persons who represent the interests affected by the rule such as domestic and foreign manufacturers of motor vehicles, headlamps, and headlamp aimers, motor vehicle inspection facilities, consumers, and State and Federal governments. NHTSA invites interested persons to submit nominations and applications for membership on the Committee, and comments on the subject matter.

**DATES:** NHTSA must receive written comments and requests for representation or membership not later than July 10, 1995.

**ADDRESSES:** Comments should mention the docket and notice number shown above and be submitted in triplicate to Docket Clerk, room 5109, 400 Seventh Street, SW, Washington, DC 20590. Docket hours are from 9:00 a.m. to 4:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Jere Medlin, Office of Vehicle Safety Standards, NHTSA (202–366–5276).

**SUPPLEMENTARY INFORMATION:**

## I. Background

### *(A) Petition for Rulemaking Submitted by General Motors*

General Motors Corporation (GM) petitioned NHTSA for rulemaking to amend Federal Motor Vehicle Safety Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment* to allow fractional balance optical amiability of certain replaceable bulb and integral beam headlamps. GM wants to use headlamps that can not be aimed with external mechanical aimers, or with the on-vehicle mechanical aimers now specified by the standard. Lamps that used fractional balance optical aim could be aimed only by means of a new optical aimer, which is estimated to cost about $3,000. The cost of a current mechanical aimer capable of achieving accurate headlamp aim is about $250.

Information submitted by GM with its petition indicates that most facilities performing motor vehicle inspections, whether owned privately or by the State, choose to check and adjust headlamp aim visually, rather than with the more objective mechanical aimers. In the most common form, aim in State inspections is judged subjectively by the eye of an inspector viewing a headlamp beam pattern cast upon a distant vertical surface, such as a wall or screen. Based on this subjective observation, the inspector decides whether the beam pattern falls in the area (s)he believes is correct. Another form of visual inspection involves the use of optical machines which condense the beam pattern onto an internal aiming screen so that the longer separation distance between lamp and target necessary for the other form of visual aiming is not necessary. The cost of these machines is moderate.

Until 1983, headlamps were required to be sealed beam in construction, of specific shapes and sizes and capable of mechanical aim. There was a standardized location for aiming pads on headlamp lenses, and only four simple adapters were required for the base mechanical aimer to fulfill its function. When Standard No. 108 was amended to permit replaceable bulb headlamps of no specific shape and size, headlamps began growing both smaller and larger for reasons of weight and drag reduction and style, requiring additional, adjustable adapters for aiming by mechanical means. To preclude designing separate adapters for mechanical aimers, and to permit even smaller headlamps not capable of using adapters, manufacturers developed on-board mechanical aiming devices, and Standard No. 108 was further amended to permit these ''vehicle headlamp aiming devices'' (VHADs). While this added modestly to vehicle cost, it eliminated the need to use external means to mechanically aim the headlamps. However, because of the need to reduce time and costs, the GM data indicate that inspection stations have resorted to judging aim visually, rather than through on-board or exterior mechanical aimers.

NHTSA granted GM's petition in order to engage in a review of the subject of headlamp aim and amiability.

### *(B) Regulatory Goals*

Visual aim of headlamps conforming to Standard No. 108 has a potential negative safety effect because U.S. lower beam patterns lack clearly defined borders which, if present, would permit a more objective visual determination of aim. Visual aiming of U.S. lower beam patterns introduces an element of subjectivity into the inspection process and substantial aim error that does not exist with mechanical or on-board aimers. Beam patterns with clearly defined fiducial marks or cutoffs, such as those typical of European or Japanese market headlamps, permit a more objective and more accurate determination of whether the aim of the headlamp is correct when the headlamp is visually aimed.

For some years, NHTSA has been engaged in harmonization efforts to find and implement windows of overlapping performance between the lighting requirements of Standard No. 108 and those of Europe and Japan. With respect to headlamps, to achieve such a window where a headlamp could comply with regulations worldwide, Standard No. 108 would need to move toward a beam pattern with more clearly defined features in it for visual amiability. Such a move would recognize the current reality of headlamp aiming inspection in the United States, and ultimately enhance safety by increasing the objectivity and accuracy of determining correct headlamp aim with the naked eye.

The Society of Automotive Engineers (SAE) has addressed the issue of a modified beam pattern in SAE Standard J1735 *Harmonized Vehicle Headlamp Performance Requirement.* SAE members from vehicle and lighting manufacturers around the world have participated in this effort for the sole purpose of developing a lower beam pattern that could be the model for a world-wide specification, if not the specification itself. It is similar, but not identical, to the European, Japanese and U.S. lower beam patterns, combining important features of each, while trying not to compromise features deemed essential by those regulatory jurisdictions.

In summary, given the trend away from mechanical aiming by those who aim headlamps and the desire to not offer a mechanically amiable headlamp on vehicles, the optimal solution for improving headlamp aim in the United States appears to be the development of a beam pattern that provides an objective visual determination of the accuracy of that aim.

## II. Regulatory Negotiation

Due to the increasing complexity and formalization of the written rulemaking process, it can be difficult for an agency to craft effective regulatory solutions to certain problems. During the rulemaking process, the participants may develop adversarial relationships that prevent effective communication and creative solutions. The exchange of ideas that can lead to solutions acceptable to all interested groups sometimes do not occur in the traditional notice and comment context. As the Administrative Conference of the United States (ACUS) noted in its Recommendation 82–4:

> Experience indicates that if the parties in interest work together to negotiate the text of a proposed rule, they might be able in some circumstances to identify the major issues, gauge their importance to the respective

parties, identify the information and data necessary to resolve the issues, and develop a rule that is acceptable to the respective interests, all within the contours of the substantive statute.

ACUS adopted this recommendation in ''Procedures for Negotiating Proposed Regulations,'' 47 FR 30708. The thrust of the recommendation is that representatives of all interests should be assembled to discuss the issue and all potential solutions, reach consensus, and prepare a proposed rule for consideration by the agency. After public comment on any proposal issued by the agency, the group would reconvene to review the comments and make recommendations for a final rule. This inclusive process is intended to make the rule more acceptable to all affected interests and prevent the need for petitions for reconsideration (and litigation) that often follow issuance of a final rule.

The movement toward negotiated rulemaking gained impetus with enactment of the Negotiated Rulemaking Act of 1990 (RegNeg), 5 U.S.C. Sec. 561 *et seq.* In 1993, Executive Order 12866 (58 FR 51735) added to this impetus:

> In particular, before issuing a notice of proposed rulemaking, each agency should, where appropriate, seek the involvement of those who are intended to benefit from and those expected to be burdened by any regulation * * * Each agency is also directed to explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking.
>
> (Sec. 6(a), p. 51740)

Although relatively new, negotiated rulemakings have been used successfully by agencies within DOT: the Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration, and the United States Coast Guard. NHTSA now intends to begin this process in a formal manner for the first time in promulgating a Federal motor vehicle safety standard. It welcomes the opportunity to work with those who will be affected directly by such a rule, and is confident that the agency, industry, and the public will benefit with the creation of an effective and reasonable regulation.

Pursuant to section 563(a) of RegNeg, an agency considering rulemaking by negotiation should consider whether:

(1) There is need for the rule;

(2) There is a limited number of identifiable interests;

(3) These interests can be adequately represented by persons willing to negotiate in good faith to reach a consensus;

(4) There is a reasonable likelihood that the committee will reach consensus within a fixed period of time;

(5) The negotiated rulemaking procedure will not unreasonably delay the notice of proposed rulemaking;

(6) The agency has adequate resources and is willing to commit such resources to the process; and

(7) The agency is committed to use the result of the negotiation in formulating a proposed rule if at all possible.

For the reasons stated in this Notice, NHTSA believes that these criteria have been met with regard to headlamp amiability and beam pattern issues.

The regulatory negotiation NHTSA proposes would be carried out by an advisory committee (Committee) created under the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App., and in a manner that reflects appropriate rulemaking directives, including pertinent executive Orders. NHTSA will be represented on the Committee and will take an active part in the negotiations as a Committee member. However, pursuant to section 566(c) of RegNeg, those representing NHTSA would not facilitate or otherwise chair the proceedings.

## III. Procedures and Guidelines

The following proposed procedures and guidelines would apply to NHTSA's negotiated rulemaking process, subject to appropriate changes made as a result of comments received on this Notice or as are determined to be necessary during the negotiating process.

(A) *Facilitator:* The Facilitator will not be involved with substantive development of this regulation. This individual will chair the negotiations, may offer alternative suggestions toward the desired consensus, and will determine the feasibility of negotiating particular issues. The Facilitator may ask members to submit additional information or to reconsider their position. NHTSA has contracted with the Federal Mediation and Conciliation Service for a Facilitator.

(B) *Feasibility:* NHTSA has examined the issues and interests involved and has made a preliminary inquiry among representatives of those interests to determine whether it is possible to reach agreement on: (a) individuals to represent those interests; (b) the preliminary scope of the issues to be addressed; and (c) a schedule for developing a notice of proposed rulemaking. The results are sufficiently encouraging to believe that a workable proposal could be developed, and that there are potential participants who could adequately represent the affected interests.

(C) *Participants and Interests:* The number of Committee participants generally should not exceed 25. However, it is not necessary that each individual or organization affected by a final rule have its own representative on the Committee. Rather, each interest must be adequately represented, and the Committee should be fairly balanced. However, individuals who are not part of the Committee may attend sessions and confer with or provide their views to Committee members.

The following interests have been tentatively identified as those that are likely to be significantly affected by the rule:

(1) Motor vehicle manufacturers
(2) Motor vehicle headlamp manufacturers
(3) Manufacturers of headlamp aiming devices
(4) International standards organizations
(5) State and Federal governments
(6) General public

NHTSA proposes that persons selected by the various interests be named to the Committee. In addition to NHTSA, the following interests have been tentatively identified as those that would supply Committee members:

(1) American Automobile Manufacturers Association (AAMA)
(2) Association of International Automobile Manufacturers, Inc. (AIAM)
(3) Society of Automotive Engineers, Road Illumination Devices Subcommittee
(4) Hopkins Manufacturing Corporation
(5) Groupe de Travail Brussels
(6) Liaison Committee for the Manufacturers of Automobile Equipment and Spare Parts
(7) Japanese Automobile Standards Internationalization Center
(8) American Association of Motor Vehicle Administrators (AAMVA)
(9) National Automobile Dealers Association
(10) Automotive Service Association
(11) Advocates for Highway and Auto Safety
(12) Federal Highway Administration

As indicated previously in this Notice, NHTSA invites applications for representation from any interests that will be affected by a final rule on the subject but are not named in this list or who may not be represented or be able to be represented by the interests on the list. Such applications must be filed within thirty days from the date of publication of this Notice, and must meet the requirements set forth herein. Also, such interests should provide the name(s) of the individual(s) they propose to represent their interest. As noted, the Committee should not exceed 25 members.

(D) *Good Faith:* Participants must be committed to negotiate in good faith. It

is therefore important that senior individuals within each interest group be designated to represent that interest. No individual will be required to ''bind'' the interest represented, but the individual should be at a high enough level to represent the interest with confidence. For this process to be successful, the interests represented should be willing to accept the final Committee product.

(E) *Notice of Intent to Establish Advisory Committee and Request for Comment:* In accordance with the requirements of FACA, an agency of the Federal government cannot establish or utilize a group of people in the interest of obtaining consensus advice or recommendations unless that group is chartered as a Federal advisory committee. It is the purpose of this Notice to indicate NHTSA's intent to create a Federal advisory committee, to identify the issues involved in the rulemaking, to identify the interests affected by the rulemaking, to identify potential participants who will adequately represent those interests, and to ask for comment on the use of regulatory negotiation and on the identification of the issues, interests, procedures, and participants.

(F) *Requests for Representation:* One purpose of this notice is to determine whether interests exist that may be substantially affected by a rule, but have not been represented in the list of prospective Committee members. Commenters should identify such interests if they exist. Each application or nomination to the Committee should include (i) the name of the applicant or nominee and the interests such person would represent; (ii) evidence that the applicant or nominee is authorized to represent parties related to the interest the person proposes to represent; and (iii) a written commitment that the applicant or nominee would participate in good faith. If any additional person or interest requests membership or representation on the Committee, NHTSA shall determine (i) whether that interest will be substantially affected by the rule, (ii) if such interest would be adequately represented by an individual on the Committee, and (iii) whether the requested organization should be added to the group or whether interests can be consolidated to provide adequate representation.

(G) *Final Notice:* After evaluating the comments received in response to this Notice, NHTSA will issue a further notice announcing the establishment of the Federal advisory committee, unless it determines that such action is inappropriate in light of comments received, and the composition of the Committee. After the Committee is chartered, the negotiations should begin.

(H) *Administrative Support and Meetings:* Staff support would be provided by NHTSA and meetings would take place in Washington, D.C. unless agreed otherwise by the Committee.

(I) *Tentative Schedule:* If the Committee is established and selected, NHTSA will publish a schedule for the first meeting in the **Federal Register**. The first meeting will focus on procedural matters, including dates, times, and locations of further meetings. Notice of subsequent meetings would also be published in the **Federal Register** before being held.

NHTSA expects that the Committee would reach consensus and prepare a report recommending a proposed rule within ten months of the first meeting. However, if unforeseen delays occur, the Administrator may agree to an extension of that time if it is the consensus of the Committee that additional time will result in agreement. The process may end earlier if the Facilitator so recommends.

(J) *Committee Procedures:* Under the general guidance of the Facilitator, and subject to legal requirements, the Committee would establish the detailed procedures for meetings which it considers appropriate.

(K) *Records of Meetings:* In accordance with FACA's requirements, NHTSA would keep a summary record of all Committee meetings. This record would be placed in Docket No. 95–28. Meetings of the Committee would be open to the public to observe, but not to participate.

(L) *Consensus:* The goal of the negotiating process is consensus. NHTSA proposes that the Committee would develop its own definition of consensus, which may include unanimity, a simple majority, or substantial agreement such that no member will disapprove the final recommendation of the Committee. However, if the Committee does not develop its own definition, consensus shall mean unanimous concurrence.

(M) *Regulatory Approach:* The Committee's first objective is to prepare a report recommending a regulatory approach for resolving the issues discussed in the BACKGROUND section of this notice. If consensus is not obtained on some issues, the report should identify the areas of agreement and disagreement, and explanations for any disagreement. It is expected that participants will be mindful of cost/benefit considerations.

NHTSA will issue a notice of proposed rulemaking based upon the approach recommended by the Committee.

(N) *Key Issues for Negotiation:* NHTSA has reviewed correspondence, reports, petitions, relevant data, and other information. Based on this information and rulemaking requirements, NHTSA has tentatively identified major issues that should be considered in this negotiated rulemaking. Other issues related to headlamp amiability and beam pattern not specifically listed in this Notice may be addressed as they arise in the course of the negotiation. Comments are invited concerning the appropriateness of these issues for consideration and whether other issues should be added. These issues are:

1. Should NHTSA be involved in specifying headlamp amiability requirements? Standard No. 108 applies only to the manufacture and sale of new vehicles and new equipment. It is the States that specify headlamp aim regulations for vehicles in service. Some States, at present, specify procedures for visually aiming headlamps, even though headlamps are not intended to be visually aimed. Is it appropriate for NHTSA to try to develop a single approach to visual aim or any other aim? Should NHTSA delete amiability requirements from Standard No. 108 and leave this subject to be regulated at the State level?

2. If negotiations produce a result, is it likely that the States and individual inspection stations would follow the results to adjust the aim of headlamps on vehicles in service, or would those groups continue to use inappropriate procedures to aim headlamps? If they would choose not to follow the procedures of the potential solution, is there any reason to proceed with negotiations?

3. Is SAE Standard J1735 *Harmonized Vehicle Headlamp Performance Requirement* acceptable to all parties as a starting point from which to begin negotiating the details of a visual aim provision in Standard No. 108?

## IV. Public Participation

NHTSA invites comments on all issues, procedures, guidelines, interests, and suggested participants embodied in this Notice. All comments and requests for participation should be submitted to the Docket Clerk, NHTSA, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590.

Issued on: June 7, 1995.

**Barry Felrice,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 95–14329 Filed 6–7–95; 12:50 pm]

**BILLING CODE 4910–59–P**

# Notices

Federal Register

Vol. 60, No. 111

Friday, June 9, 1995

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

### Notice of Intent to Grant Exclusive License

**AGENCY:** Agricultural Research Service, USDA.

**ACTION:** Notice of Intent.

**SUMMARY:** Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Pioneer Hi-Bred International, Inc. of Des Moines, Iowa a limited exclusive license to U.S. Patent Application Serial No. 08/215,065 filed March 17, 1994, ''Low Phytic Acid Mutants and Selection Thereof.'' Notice of Availability was published in the **Federal Register** on June 21, 1994.

**DATES:** Comments must be received on or before August 8, 1995.

**ADDRESSES:** Send comments to: USDA, ARS Office of Technology Transfer, Room 401, Building 005, BARC-West, Baltimore Boulevard, Beltsville, Maryland 20705–2350.

**FOR FURTHER INFORMATION CONTACT:** June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

**SUPPLEMENTARY INFORMATION:** The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Pioneer Hi-Bred International, Inc. has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

**R.M. Parry, Jr.,**

*Assistant Administrator.*

[FR Doc. 95–14162 Filed 6–8–95; 8:45 am]

BILLING CODE 3410–03–M

## Forest Service

### Application Power Company Transmission Line Construction-Cloverdale, Virginia, to Oceana, West Virginia. Jefferson National Forest, Appalachian National Scenic Trail, the New River, and R.D. Bailey Lake Flowage Easement Land. Virginia Counties of Botetourt, Roanoke, Craig, Montgomery, Pulaski, Bland, and Giles and the West Virginia Counties of Monroe, Summers, Mercer, and Wyoming

**AGENCY:** Forest Service, USDA.

**ACTION:** Revised Notice—Revises the publication date for the draft and final environmental impact statements; changes the length of the comment period for the draft environmental impact statement; changes the name of the responsible official for the US Army Corps of Engineers in West Virginia; changes the name of the responsible official for the USDA Forest Service; changes the name of the Jefferson National Forest to the George Washington and Jefferson National Forest; adds a new responsible official for the US Army Corps of Engineers in Virginia; and provides updated information on the federal agencies' analysis.

**SUMMARY:** The Forest Service will prepare a draft and final environmental impact statement on a proposed action to authorize the Appalachian Power Company to construct a 765,000-volt transmission line across approximately twelve miles of the George Washington and Jefferson National Forests, as well as portions of the Appalachian National Scenic Trail, the New River (at Bluestone Lake) and R.D. Bailey Lake Flowage Easement Land (at Guyandotte River).

The federal agencies identified a study area in which alternatives to the proposed action were developed. The study area includes land located in the Virginia counties of Botetourt, Roanoke, Craig, Montgomery, Pulaski, Bland and Giles and the West Virginia counties of Monroe, Summers, Mercer and Wyoming.

The Appalachian Power Company proposal involves federal land under the administrative jurisdiction of the USDA Forest Service (George Washington and Jefferson National Forests), the USDI National Park Service (Appalachian National Scenic Trail) and the US Army Corps of Engineers (New River and R.D. Bailey Lake Flowage Easement Land).

The Forest Service is the lead agency and is responsible for the preparation of the environmental impact statement. The National Park Service and the US Army Corps of Engineers are cooperating agencies in accordance with 40 CFR 1501.6.

In initiating and conducting the analysis the federal agencies are responding to the requirements of their respective permitting processes and the need for the Appalachian Power Company to cross federal lands with the proposed transmission line.

The Forest Service additionally will assess how the proposed transmission line conforms to the direction contained in the Jefferson National Forest's Land and Resource Management Plan (LRMP). Changes in the LRMP could be required if the transmission line is authorized across the George Washington and Jefferson National Forests.

The total length of the electric transmission line proposed by the Appalachian Power Company is approximately 115 miles.

The Notice of Intent for the proposed action was published in the **Federal Register** on November 21, 1991 (56 FR 58677–58679). The Notice was revised on March 13, 1992 (57 FR 8859), April 24, 1992 (57 FR 15049), June 16, 1993 (58 FR 33248–33250) and June 21, 1994 (59 FR 31975–31978).

**FOR FURTHER INFORMATION CONTACT:** Frank Bergmann, Forest Service Project Coordinator, George Washington and Jefferson National Forests, 5162 Valleypointe Parkway, Roanoke, Virginia, 24019/(703) 265–6005.

**TO PROVIDE COMMENTS TO THE FEDERAL AGENCIES:** Write to the George Washington and Jefferson National Forests, Attn: Transmission Line Analysis, 5162 Valleypointe Parkway, Roanoke, Virginia, 24019.

**SUPPLEMENTARY INFORMATION:** The Appalachian Power Company submitted an application to the Jefferson National Forests (the name changed in 1995) for authorization to construct a 765,000-volt electric transmission line across approximately twelve miles of the National Forest. Portions of the Appalachian National Scenic Trail, the New River (at Bluestone Lake), and R.D. Bailey Lake Flowage Easement Land (at Guyandotte River) would also be crossed by the proposed transmission line.

Studies conducted by the Appalachian Power Company and submitted to the Virginia State Corporation Commission, as part of its application and approval process, indicate a need to reinforce its extra high voltage transmission system by the mid-to-late 1990s in order to maintain a reliable power supply for projected demands within its service territory in central and western Virginia and southern West Virginia.

A study to evaluate potential route locations for the proposed transmission line was prepared for the Appalachian Power Company through a contract with Virginia Polytechnic Institute and State University (VPI) and West Virginia University (WVU). The information gathered by VPI and WVU, along with other information collected during the analysis process, will be utilized in the preparation of the environmental impact statement. General information about the transmission line route proposal is available from the Jefferson National Forest.

The decisions to be made following the environmental analysis are whether the Forest Service, the National Park Service, and the US Army Corps of Engineers will authorize Appalachian Power Company to cross the George Washington and Jefferson National Forests, the Appalachian National Scenic Trail, and the new River and R.D. Bailey Lake Flowage Easement Land, respectively, with the proposed 765,000-volt transmission line and, if so, under what conditions a crossing would be authorized.

In preparing the environmental impact statement a range of routing alternatives will be considered to meet the purpose and need for the proposed action. A no action alternative will also be analyzed. Under the no action alternative APCO would not be authorized to cross the George Washington and Jefferson National Forests, the Appalachian National Scenic Trail, the New River or R.D. Bailey Lake Flowage Easement Land. The alternatives developed by VPI and WVU will also be considered.

In July of 1994, the federal agencies identified a number of alternatives to the proposed action in the Virginia counties of Botetourt, Roanoke, Craig, Montgomery, Pulaski, Bland, and Giles and the West Virginia counties of Monroe, Summers, and Mercer.

The federal analysis will include an analysis of the effects of the proposed transmission line along the entire proposed route as well as all alternative routes which are considered in detail.

The significant issues identified for the federal analysis are listed below:

—The construction and maintenance of the 765kV transmission line and the associated access roads and right-of-way may (1) affect soil productivity by increasing soil compaction and erosion; (2) affect geologic resources (karst areas, Peters, Lewis, Potts Mountains, Arnolds Knob) and unique geologic features like caves through blasting, earthmoving or construction machinery operations; and (3) result in unstable structural conditions due to the placement of the towers.

—The construction and maintenance of the 765kV transmission line and the associated access roads and right-of-way may (1) degrade surface and ground water quality due to the application of herbicides; (2) degrade surface and ground water quality because of sedimentation resulting from soil disturbance and vegetation removal; (3) reduce the quantity of ground and spring water due to the disturbance of aquifers resulting from blasting, earthmoving or construction machinery operation; and (4) adversely affect the commercial use of ground and surface waters due to herbicide contamination and sedimentation.

—The construction and maintenance of the 765kV transmission line and the associated access roads and right-of-way may affect existing cultural resources, and historic structures and districts through the direct effects of the construction and maintenance activities and by changing the existing resource setting.

—The operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may adversely affect human health through (1) direct and indirect exposure to herbicides and (2) exposure to electromagnetic fields and induced voltage.

—The construction of the 765kV transmission line may adversely affect the safety of those operating aircraft at low altitudes or from airports located near the transmission line.

—The operation of the 765kV transmission line may (1) adversely affect communications by introducing a source of interference; (2) increase noise levels for those in close proximity to the line.

—The construction, operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may (1) adversely affect trails (including the Appalachian Trail) and trail facilities by facilitating vehicle access through new road construction and the upgrading of existing roads; and (2) reduce hiker safety by facilitating vehicle access to remote trail locations.

—The construction, operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may affect hunting, fishing, hiking, camping, boating and birding opportunities and experiences because (1) the setting in which these pursuits take place may be altered; and (2) the noise associated with the operation of the line may detract from the backcountry or recreation experience.

—The construction and operation of the 765kV transmission line and the associated access roads and right-of-way may affect local communities by (1) reducing the value of private lands adjacent to the line; (2) decreasing tax revenues due to the reductions in land value; and (3) influencing economic growth, industry siting, and employment.

—The construction, operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may (1) conflict with management direction contained in resource management plans and designations; (2) affect the uses that presently occur on and adjacent to the proposed right-of-way; (3) affect the wild, scenic and/or recreational qualities of the New River; (4) affect sensitive land uses like schools, churches, and community facilities; (5) affect the cultural attachment residents feel toward Peters Mountain; and (6) affect the scenic and/or recreational qualities of the Appalachian National Scenic Trail (Appalachian Trail).

—The construction, operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may adversely affect the visual attributes of the area because the line, the associated right-of-way, and access roads may (1) alter the existing landscape; and (2) conflict with the

standards established for scenic designations.

—The construction, operation and maintenance of the 765kV transmission line and the associated access roads and right-of-way may affect wildlife, plant and aquatic populations, habitat and livestock because(1) habitats are created, changed or eliminated; (2) herbicides are used and herbicides may be toxic; (3) the transmission line presents a flight hazard to birds; (4) electromagnetic fields and induced voltage may be injurious.

The following significant issues were added by the federal agencies in 1995:

—The construction of the 765kV transmission line and the associated access roads and right-of-way may have a disproportionately high and adverse human health or environmental effects on minority and low income populations as indicated in Executive Order 12898.

—The construction and operation of the 765kV transmission line may adversely affect astronomical observation activities at the Martin Observatory (VPI) due to the introduction of obstructions to the sky (lines and towers), the introduction of light from coronal discharge, and the disruption of sensitive electronic equipment by electromagnetic fields.

—The construction and operation of the 765kV transmission line may adversely affect seismological observation activities at the VPI seismic stations located near Forest Hill and Potts Mountain.

—The construction and maintenance of the 765kV transmission line and the associated access roads and right-of-way may affect the cultural attachment that residents have for the valley between Blacksburg and Catawba, Craig County, Mercer County and portions of Montgomery County.

The following permits and/or licenses would be required to implement the proposed action:

—Certificate of Public Convenience and Necessity (Virginia State Corporation Commission)

—Certificate of Public Convenience and Necessity (West Virginia Public Service Commission)

—Special Use Authorization (Forest Service)

—Right-of-Way Authorization (National Park Service)

Section 10 Permit (US Army Corps of Engineers)

Right-of-Way Easement (US Army Corps of Engineers)

Consent to Easement (US Army Corps of Engineers)

Other authorizations may be required from a variety of Federal and State agencies.

Public participation will occur at several points during the federal analysis process. The first point in the analysis was the scoping process (40 CFR 1501.7). The Forest Service obtained information, comments, and assistance from Federal, State and local agencies, the proponent of the action, and other individuals or organizations who are interested in or affected by the electric transmission line proposal. This input will be utilized in the preparation of the draft environmental impact statement. The scoping process included, (1) identifying potential issues, (2) identifying issues to be analyzed in depth, (3) eliminating insignificant issues or those which have been covered by a relevant previous environmental analysis.

Public participation was solicited through contacts with known interested and/or affected groups, and individuals; news releases; direct mailings; and/or newspaper advertisements. Public meetings were also held to hear comments concerning the Appalachian Power Company proposal and to develop the significant issues to be considered in the analysis.

A similar process of public involvement was implemented by the federal agencies for the Preliminary Alternative Corridors announced in July of 1995.

Other public participation opportunities will be provided throughout the federal analysis process.

The Forest Service will be publishing a number of reports in 1995 regarding the federal agencies' analysis of the transmission line proposal. In February a newsletter was published to update those interested in the federal agencies' analysis of the transmission line proposal. Similar newsletters are scheduled for publication in May and July of 1995. In March a report describing the public comments received by the federal agencies was published and distributed to a number of public repositories. An update to this report will be published and similarly distributed in May of 1995.

The draft environmental impact statement is expected to be filed with the Environmental Protection Agency (EPA) and available for public review by October 20, 1995. This revises the February 28, 1995 date previously announced. At that time, EPA will publish a notice of availability of the draft environmental impact statement in the **Federal Register**. The comment period on the draft environmental impact statement will be 90 days from the date the EPA publishes the notice of availability in the **Federal Register**. This changes the 45-day comment period previously announced.

Reviewers need to be aware of several court rulings related to public participation in the environmental impact statement review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 90-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

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

After the comment period ends on the draft environmental impact statement, the comments will be analyzed, considered, and responded to by the three federal agencies in preparing the final environmental impact statement. The federal agencies have decided to await the decisions of the Virginia State Corporation Commission and the West Virginia Public Service Commission on the Appalachian Power Company proposal before publishing the final environmental impact statement. It is not known when the two Commission's will issue their decisions. When these decisions are made the federal agencies

will announce the publication date of the final environmental impact statement. This revises the August 1, 1995 date previously announced.

The responsible officials will consider the comments, responses, environmental consequences discussed in the final environmental impact statement, and applicable laws, regulations, and policies in making a decision regarding this document. The responsible officials will document their decisions and reasons for their decisions in a Record of Decision.

The responsible official for the Forest Service is changed from Joy E. Berg to William E. Damon, Jr., Forest Supervisor, George Washington and Jefferson National Forests, 5162 Valleypointe Parkway, Roanoke, Virginia, 24019. The responsible official for the National Park Service is Don King, Acting Project Manager, Appalachian National Scenic Trail, National Park Service, Harpers Ferry Center, Harpers Ferry, West Virginia 25425. The responsible official for the US Army Corps of Engineers in West Virginia is changed from Colonel Earle C. Richardson to Colonel Richard Jemiola, US Army Corps of Engineers, Huntington District, 508 8th Street, Huntington, West Virginia 25701–2070. The responsible official for the US Army Corps of Engineers in Virginia is Colonel Andrew M. Perkins, Jr., US Army Corps of Engineers, Norfolk District, 803 Front Street, Norfolk, Virginia 23510.

Dated: June 2, 1995.

**William E. Damon, Jr.,**

*Forest Supervisor, George Washington and Jefferson National Forests.*

[FR Doc. 95–14093 Filed 6–8–95; 8:45 am]

BILLING CODE 3410–11–M

## Natural Resources Conservation Service

### Harquahala Valley Watershed, Maricopa and La Paz Counties, Arizona

**AGENCY:** Natural Resources Conservation Service.

**ACTION:** Notice of availability of record of decision.

**SUMMARY:** Humberto Hernandez, responsible Federal official for projects administered under the provisions of Public Law 83–566, 16 U.S.C. 1001–1008, in the State of Arizona, is hereby providing notification that a record of decision to delete the measure, Centennial Levee, Reach 2, from the Harquahala Watershed Plan is available.

No significant comments were received during the 45-day comment period as provided by the interagency review.

Because this was the last remaining measure to be built, Supplement No. 2, in effect will terminate all future planned construction in the Harquahala Watershed Project. Single copies of this record of decision may be obtained from Humberto Hernandez at the address shown below.

**FOR FURTHER INFORMATION CONTACT:** Humberto Hernandez, State Conservationist, Natural Resources Conservation Service, 3003 North Central Avenue, Suite 800, Phoenix, Arizona 85012. Telephone: (602) 280–8808.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904, Watershed Protection and Flood Prevention, and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.)

Dated: June 1, 1995.

**Humberto Hernandez,**

*State Conservationist.*

[FR Doc. 95–14108 Filed 6–8–95; 8:45 am]

BILLING CODE 3410–16–M

## DEPARTMENT OF COMMERCE

## Bureau of Export Administration

**[Docket No. 950510133–5133–01]**

### Summary of Secretarial Report Under Section 232 of the Trade Expansion Act of 1962, as Amended

**AGENCY:** Bureau of Export Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** On February 16, 1995, President William J. Clinton concurred in the Secretary of Commerce's finding that oil imports threaten to impair the national security. The President determined that no action is necessary to adjust imports of petroleum under Section 232 of the Trade Expansion Act of 1962, as amended, because on balance the costs to the economy of an import adjustment outweigh the benefits. Included herein is the Executive Summary of the Department of Commerce's Section 232 report to the President dated December 29, 1994.

**ADDRESSES:** A copy of the report is available for public review and duplication in the Bureau of Export Administration's Freedom of Information Facility, Room 4525, U.S. Department of Commerce, Washington, DC 20230, (202) 482–5653.

**FOR FURTHER INFORMATION CONTACT:** John A. Richards, Deputy Assistant Secretary for Strategic Industries and Economic Security, Bureau of Export Administration, U.S. Department of Commerce, Washington, DC 20230 (202) 482–4506.

**SUPPLEMENTARY INFORMATION:** On March 11, 1994, the Independent Petroleum Association of America (IPAA) and various other industry associations, companies, and individuals filed a petition under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. Section 1862 (1988)) requesting the Department to initiate an investigation of the impact on the national security of imports of crude oil and refined petroleum products.

On April 5, 1994, the Department initiated the investigation and invited public comment. The Department held three public hearings in New York, New York; Dallas, Texas; and Santa Clara, California. During the comment period, 69 people presented comments reflecting both support for and opposition to the allegations made by the petitioner. The Department also chaired an interagency working group that included the Departments of Energy, Interior, Defense, Labor, State, and Treasury, the Office of Management and Budget, the Council of Economic Advisors, and the U.S. Trade Representative to assist in the investigation.

On December 29, 1994, Secretary Ronald H. Brown submitted his investigation report to President Clinton. The Department found that since the previous Section 232 petroleum finding in 1988, there have been some improvements in U.S. energy security. The breakup of the Soviet Union and the apparent disarray within OPEC have enhanced U.S. energy security. However, the reduction in exploration, dwindling reserves, falling production, and the relatively high cost of U.S. production all point toward increasing imports from OPEC sources. Growing import dependence increases U.S. vulnerability to a supply disruption because non-OPEC sources lack surge production capacity, and there are at present no substitutes for oil-based transportation fuels. Given the above factors, the Secretary found that petroleum imports threaten to impair the national security.

The Secretary recommended, however, that the President not use his authority under Section 232 of the Trade Expansion Act to adjust oil imports through the imposition of tariffs because the economic costs of such a move outweigh the benefits, and because current Clinton Administration energy policies will limit the growth of

imports. On February 16, 1995, President Clinton approved Secretary Brown's finding and determined that no action to adjust oil imports under Section 232 need be taken.

The Executive Summary of the December 29, 1994, U.S. Department of Commerce Section 232 Study is reproduced below.

Dated: June 5, 1995.

**Sue E. Eckert,**

*Assistant Secretary for Export Administration.*

## Executive Summary

### *Introduction*

On March 11, 1994, the Independent Petroleum Association of America (IPAA) and various other industry associations, companies, and individuals filed a petition under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. Section 1862 (1988)) requesting the Department to initiate an investigation of the impact on the national security of imports of crude oil and refined petroleum products.

The IPAA petition alleged that U.S. energy security worsened since the Department's last Section 232 oil import investigation in 1988 because oil imports grew both in absolute terms and as a percentage of U.S. oil consumption, leaving the United States further subject to an oil supply disruption with the resultant economic costs. The petition also alleged that imports of low-priced oil are weakening the domestic petroleum industry to such an extent that it will not be able to support U.S. security needs in the event of a major conventional war.

On April 5, 1994, the Department initiated the investigation and invited public comment. The Department held three public hearings in New York, New York; Dallas, Texas; and Santa Clara, California. During the comment period, 69 people presented comments reflecting both support for and opposition to the allegations made by the petitioner.

Under Section 232, the Department had 270 days, until December 31, 1994, from the date of initiation of an investigation to submit a report of findings and recommendations to the President.

### *Methodology*

The Department chaired an interagency working group that included the Departments of Energy, Interior, Defense, Labor, State, and Treasury, the Office of Management and Budget, the Council of Economic Advisors, and the U.S. Trade Representative to assist in the investigation.

The Department used a two-step process to evaluate the petition. In the first step, the Department reviewed key factors from the 1988 investigation to determine whether they improved or deteriorated. These factors included: (1) domestic oil reserves; (2) domestic oil production; (3) industry employment; (4) the impact of low oil prices on the economy; (5) the status of the domestic oil industry; (6) oil import dependence; (7) import vulnerability, including measures to offset an oil supply disruption; (8) foreign policy flexibility; and (9) U.S. military requirements. The second step involved review of new factors that emerged since the last investigation, including: (1) the status of OPEC; (2) oil price transparency due to the emergence of a futures market; and (3) the demise of the Soviet Union.

The Department made use of the extensive data and analyses that were already available regarding the current and prospective status of the domestic petroleum industry and the world oil market. In view of this extensive body of available data, the Department determined that an industry survey was not necessary. The Department also drew upon the written comments and testimony from interested parties who participated in the public hearings.

This report is based on a number of agreed-upon economic assumptions including, *inter alia,* crude oil price levels, U.S. crude oil production, economic growth rates, and inflation.

## Review of Key Factors From the 1988 Investigation

### *1. Domestic Oil Reserves*

*Petition:* Low-priced oil imports (hereinafter referred to as low oil prices) were largely responsible for the decline in domestic oil reserves.

*DOC Analysis and Conclusion:* Since the 1988 investigation, U.S. proved crude oil reserves declined by 3.8 billion barrels. Low oil prices contributed to, but are not totally responsible for, the erosion of the U.S. oil reserves base. The underlying physical reality is that the U.S. already developed the bulk of its known and easily accessible low cost deposits and decided against developing other geological prospects such as the Arctic National Wildlife Refuge and the Outer Continental Shelf. Since the reserves base reflects the structural geological reality, given present technology, oil price increases at best can arrest, but not reverse this trend.

### *2. Domestic Oil Production*

*Petition:* Low oil prices are responsible for the decline in U.S. production.

*DOC Analysis and Conclusion:* The production outlook remains essentially the same as in the 1988 investigation. The United States is a high-cost producer compared to other countries because we have already depleted our known low-cost reserves. Since 1986, low oil prices have exacerbated the cost-price squeeze facing U.S. producers. U.S. production declined by 1.7 million barrels per day (MB/D) and net imports increased. The dislocation undercut U.S. exploration activities and impaired the development of competing energy sources, thereby enabling OPEC to recapture part of the market it lost after the price shocks of the late 1970s.

### *3. Exploration and Industry Employment*

*Petition:* Low oil prices are responsible for the massive falloff in drilling and in industry employment.

*DOC Analysis and Conclusion:* The Department found a sharp reduction in U.S. drilling and oil and gas industry employment between 1985 and 1993. The level of exploratory drilling, well completions, and rotary rigs in use for oil and gas exploration declined since 1988. Employment fell from 582,000 in 1985 to 351,000 in 1993. A large share of the lost jobs occurred in petroleum exploration and development sectors.

However, oil imports are *not* the only reason for the decline in exploratory drilling and well completions. U.S. companies are drilling less because they made substantial gains in total productivity by employing new exploration and drilling technology and focussing on the most productive geological opportunities.

### *4. The Impact on the Economy of Low Oil Prices*

*Petition:* The petitioner did not specifically address the benefits to the economy of low oil prices.

*DOC Analysis and Conclusion:* The Department found that the economic consequences of low prices resulted in positive benefits to the U.S. economy. Because the United States is now a net importer of oil, lower prices on balance helped the economy. The public benefitted from lower prices for transportation fuels and heating oil. For the economy as a whole, low oil prices contributed to a reduction in inflation, a rise in real disposable income, and an increase in the Gross Domestic Product.

*5. Current Status of the Domestic Oil Industry*

*Petition:* Low oil prices and the uncertainty concerning future price drops were forcing small producers to abandon many fields prematurely. The possible loss of these reserves and production would result in increased dependence on foreign oil.

*DOC Analysis and Conclusion:* The Department found that, as world crude oil prices declined since 1986, the relatively smaller U.S. oil fields with higher cost production became uneconomical and the operators shut-in or abandoned some wells. The impact of low prices has been especially severe on small producers operating stripper wells with average production of 15 barrels per day or less. If small producers continue to shut-in production because of low oil prices, this could result in reduced cash flow to reinvest in exploration and increased dependence on lower-cost foreign oil.

*6. Oil Import Dependence*

*Petition:* U.S. national security worsened because oil imports have increased since 1988 both in absolute terms and as a percentage of U.S. oil consumption and our dependence on imported oil will continue.

*DOC Analysis and Conclusion:* The Department found that net U.S. imports have grown from 5.9 MB/D in 1987 to 7.5 MB/D in 1993. Imports currently account for 44 percent of domestic consumption compared to 37 percent in 1987. Imports from Persian Gulf countries increased from 1.07 MB/D in 1987 to 1.64 MB/D in 1993.

U.S. demand for imported oil is expected to continue growing because of declining production and increased economic growth. The Energy Information Administration of the U.S. Department of Energy (EIA/DOE) projects that net imports will increase to 11 MB/D by 2000 and account for approximately 51.5 percent of domestic consumption.

To the extent the United States and other countries import more oil in the future, EIA/DOE projects that they will turn increasingly to OPEC countries located in the Persian Gulf which has the largest amount of known low-cost reserves and surplus production capacity. The Persian Gulf producers will account for approximately 55 percent of world crude oil exports by 2000.

*7. Vulnerability to a Supply Disruption*

*Petition:* Increased reliance on low-priced oil imports will leave the United States subject to a supply disruption and resulting costs to the economy.

*DOC Analysis and Conclusion:* The Department found that political and economic problems in the Persian Gulf region make supply disruptions a possibility in the near-term. Disruptions are possible in other regions, but the risks to the U.S. and other importing countries are lower because oil production facilities elsewhere are not as concentrated as they are in the Persian Gulf.

The United States and the OECD countries have limited prospects to offset a major oil supply disruption because: (1) there is little surplus production outside the Persian Gulf; (2) U.S. and OECD government oil stocks today provide less protection from an interruption than was the case in 1988; and, (3) there is currently no substitute for liquid transportation fuels which account for approximately two-thirds of all oil consumption in the United States. During a major oil supply disruption, there could be substantial economic austerity as a result of the decreased availability of oil. This, in turn, could pose hardships for the U.S. economy.

*8. Foreign Policy Flexibility*

*Petition:* The petitioner did not raise this issue.

*DOC Analysis and Conclusion:* The Department found that our allies' and trading partners' dependence on potentially insecure sources of oil may affect their willingness to cooperate with the United States during a major oil supply disruption.

*9. U.S. Military Requirements*

*Petition:* Low oil prices are weakening the domestic petroleum industry to such an extent that it will not be able to support U.S. security needs in the event of a global conventional war.

*DOC Analysis and Conclusion:* The Department of Defense advised that the military requirements for petroleum fuels could be satisfied under current planning scenarios.

*10. Other Factors*

The Department evaluated several factors that served to improve the security of U.S. oil supplies since the 1988 investigation. Foremost among these factors are the following:

*Status of OPEC:* Low oil prices are in large part a symptom of the apparent disarray within OPEC. The ability of OPEC to manipulate prices has been impaired because its members have been unable to coordinate production levels among themselves.

*Transparency of Oil Markets:* The growth of the futures market into a full-fledged commodity market has made crude oil prices more transparent and less subject to manipulation. Computerized trading, options, and forward contracts have connected refined products and crude oil markets more closely than was the case in 1988.

*Demise of the Soviet Union:* The end of the Cold War and the breakup of the Soviet Union removed the risk of Middle East oil becoming a pawn in East-West competition. The demise of the Soviet Union also has reduced the probability of a conventional war that could jeopardize Western Europe's and Japan's access to Middle East oil.

**Finding**

Since the previous Section 232 petroleum finding in 1988, there have been some improvements in U.S. energy security. The breakup of the Soviet Union and the apparent disarray within OPEC have enhanced U.S. energy security. Lower oil prices on balance benefitted the U.S. economy. However, the reduction in exploration, dwindling reserves, falling production, and the relatively high cost of U.S. production all point toward a contraction of the U.S. petroleum industry and increasing imports from OPEC sources. Growing import dependence, in turn, *increases* U.S. vulnerability to a supply disruption because non-OPEC sources lack surge production capacity; and there are at present no substitutes for oil-based transportation fuels. Given the above factors, the Department finds that petroleum imports threaten to impair the national security.

**Recommendation**

The Department does *not* recommend that the President use his authority under Section 232 to adjust imports. The Clinton Administration's other efforts to improve U.S. energy security are more appropriate than an import adjustment.

Section 232 requires the Secretary of Commerce and the President to recognize the close relationship between the economic welfare of the nation and U.S. national security. As energy security effects the economic welfare of the U.S., energy security must be considered in determining the effects on the national security of petroleum imports.

The Department concurs with the conclusions of the 1988 study that, on balance, the costs to the national security of an oil import adjustment outweigh the potential benefits. For example, an oil import adjustment such as a tariff would likely have an inflationary effect on the economy and would result in the loss of significant jobs in the non-petroleum sectors. This, in turn, would reduce real Gross

National Product (GNP). An import adjustment would diminish the competitiveness of energy-intensive export companies and strain relations with close trading partners who may seek an exemption from the adjustment.

The Clinton Administration recognizes the importance of U.S. energy security and is pursuing a series of policies to enhance that security. It is important to note that no cost-effective government action could eliminate U.S. dependence on foreign oil entirely, but the following supply enhancement and energy conservation and efficiency policies help limit that dependence. Thus, the Department recommends continuing the policies described below:

• *Increased Investment in Energy Efficiency*—The Administration increased the budgets substantially over the last two years to achieve an enhanced energy efficiency level. There are extensive programs underway ranging from developing new appliance standards to working on innovative workplace solutions to decrease long-distance commuting. The goals of these extensive energy efficiency programs are to decrease consumption of oil.

• *Increased Investment in Alternative Fuels*—The Administration placed particular emphasis on improving the efficiency of the transportation sector where oil comprises about 98 percent of the fuel utilization. The Administration is among other things initiating a partnership with automobile manufacturers to design more energy efficient automobiles and developing a program to bring alternative transportation fuels and vehicles into the marketplace. These actions will reduce direct consumption of petroleum-based transportation fuels so that the need for imports will decrease.

• *Increased Government Investment in Technology*—The Administration more than doubled its investment with American industry in advanced technologies for the exploration and production of natural gas and oil. This is important because technological innovation can significantly decrease the domestic finding costs for natural gas and oil, thereby maintaining and expanding the domestic resource base and improving its economics.

• *Expanded Utilization of Natural Gas*—The Administration aggressively promoted expanded markets for natural gas at the expense of imported oil. In addition, reliance upon natural gas as one of the cornerstones of our Climate Change Action Plan provides benefits to our environment through the reduction of greenhouse gas emissions.

• *Increased Government Investment in Renewables*—The Administration increased investment in renewable resources because they offer great hope of replacing imported oil in selected end uses.

• *Increased Government Regulatory Efficiency*—The Administration is reducing the red tape and regulations that burden domestic industries. Various government agencies are conducting sweeping reviews to make their regulatory structures more responsive to domestic concerns.

• *Increased Emphasis on Free Trade and U.S. Exports*—Free trade, privatization, and promotion of American exports helps develop the world's energy resources and prevent over-reliance on any single region of the world. These actions include: assisting energy conservation efforts and the development of new energy supplies in this hemisphere and other areas friendly to the United States.

• *Maintaining the Strategic Petroleum Reserve*—The Strategic Petroleum Reserve is the nation's stockpile of crude oil available in the event of an oil supply disruption. The 580 million barrels of crude oil under government ownership and control provides a bulwark against a supply disruption.

• *Coordinating Emergency Cooperation Measures*—The United States is coordinating oil emergency cooperation among the energy consuming countries through the International Energy Agency. Discussions are continuing to strengthen the existing market-oriented coordinated energy response measures for dealing with possible future disruptions.

[FR Doc. 95–14214 Filed 6–8–95; 8:45 am]

BILLING CODE 3510–DT–P

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## Foreign-Trade Zones Board

**[Order No. 749]**

### Grant of Authority for Subzone Status; Wal-Mart Stores, Inc. (Distribution/Processing Facility), Bullock County, Georgia

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the Savannah Airport Commission, grantee of Foreign-Trade Zone 104 (Savannah, Georgia), for authority to establish special-purpose subzone status at the distribution/processing facility of Wal-Mart Stores, Inc., located in Bulloch County, Georgia, was filed by the Board on July 15, 1994, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 27–94, 59 FR 39234, 8/2/94); and,

Whereas, the application includes a request for authority to assemble/process stereo systems and camera kits under zone procedures; and,

Whereas, the Board has found that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby authorizes the establishment of a subzone (Subzone 104B) at the Wal-Mart Stores, Inc., facilities in Bulloch County, Georgia, at the location described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28. Approval includes authority to assemble/process stereo systems (using domestic speakers) and camera kits. As indicated in the application, no foreign textile products will be used in any processing or manufacturing under zone procedures.

Signed at Washington, DC, this 5th day of June 1995.

**Susan G. Esserman,**

*Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

Attest:

**John J. Da Ponte, Jr.,**

*Executive Secretary.*

[FR Doc. 95–14209 Filed 6–8–95; 8:45 am]

BILLING CODE 3510–DS–P

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**[Order No. 745; FTZ Docket 7–94]**

### Approval for Manufacturing Authority (Industrial Robots), Within Foreign-Trade Subzone 59A; Kawasaki Motors Manufacturing Corporation, U.S.A., Lincoln, Nebraska

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u),

the Foreign-Trade Zones Board (the Board) adopts the following Order:

After consideration of the application of the Kawasaki Motors Manufacturing Corporation, U.S.A. (KMM), operator of FTZ Subzone 59A, located at the KMM manufacturing facilities in Lincoln, Nebraska, filed with the Foreign-Trade Zones (FTZ) Board (the Board) on February 24, 1994, requesting authority to manufacture industrial robots under zone procedures within the subzone, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations would be satisfied, and that the proposal would be in the public interest if approval were subject to certain restrictions, approves the application, subject to the following restrictions:

1. Authority is initially granted until July 1, 1999, subject to extension upon review.

2. The scope of authority is limited to the manufacture of industrial robots having six or more axes of motion.

Approval is subject to the FTZ Act and the FTZ Board's regulations, including § 400.28.

Signed at Washington, DC, this 2nd day of June 1995.

**Susan G. Esserman,**

*Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

Attest:

**John J. Da Ponte, Jr.,**

*Executive Secretary.*

[FR Doc. 95–14211 Filed 6–8–95; 8:45 am]

BILLING CODE 3510–DS–P

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**[Order No. 744; FTZ Docket 4–94]**

## Approval for Manufacturing Authority (Utility Work Trucks), Within Foreign-Trade Subzone 59A; Kawasaki Motors Manufacturing Corporation, U.S.A., Lincoln, Nebraska

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

After consideration of the application of the Kawasaki Motors Manufacturing Corporation, U.S.A. (KMM), operator of FTZ Subzone 59A, located at the KMM manufacturing facilities in Lincoln, Nebraska, filed with the Foreign-Trade Zones (FTZ) Board (the Board) on January 10, 1994, requesting authority to manufacture utility work trucks under zone procedures within the subzone, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations would be satisfied, and that the proposal would be in the public interest if initial approval is for a limited time period, approves the application for a period ending July 1, 1999, subject to extension upon review.

Approval is subject to the FTZ Act and the FTZ Board's regulations, including § 400.28.

Signed at Washington, DC, this 2nd day of June 1995.

**Susan G. Esserman,**

*Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

Attest:

**John J. Da Ponte, Jr.,**

*Executive Secretary.*

[FR Doc. 95–14210 Filed 6–8–95; 8:45 am]

BILLING CODE 3510–DS–P

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## International Trade Administration

**[A–588–703]**

## Internal Combustion Forklift Trucks From Japan; Amendment to Final Results of Antidumping Duty Administrative Review

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

**ACTION:** Notice of Amendment to Final Results of Antidumping Duty Administrative Review.

**SUMMARY:** On March 1, 1994, and June 23, 1994, the United States Court of International Trade (CIT) affirmed the final results of redetermination issued by the Department of Commerce (the Department) pursuant to three remands of the final results of the first review of the antidumping duty order on internal combustion industrial forklift trucks from Japan (57 FR 3167, January 28, 1992). These remands pertained to three manufacturers/exporters of forklift trucks from Japan. The period of review was November 25, 1987, through May 31, 1989. The CIT's opinions have not been appealed. Therefore, we are amending the final results of this review.

**EFFECTIVE DATE:** June 9, 1995.

**FOR FURTHER INFORMATION CONTACT:** Davina Friedmann or Michael Rill, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC, 20230; telephone: (202) 482–4733.

**SUPPLEMENTARY INFORMATION:**

### Background

On January 28, 1992, the Department published in the **Federal Register** the final results of the first administrative review of the antidumping duty order on forklift trucks from Japan (57 FR 3167; January 28, 1992). The review covered four manufacturers/exporters of forklift trucks. The period of review was November 25, 1987, through May 31, 1989. In February 1992, interested parties initiated actions in the CIT contesting the final results of this review.

On July 23, 1993, the CIT, in *Toyota Motor Sales, U.S.A., Inc. and Toyo Umpanki Company, Ltd. v. United States*, remanded the final results to the Department. The CIT instructed the Department to (1) reconsider whether it properly allocated Toyota Motor Corporation's (Toyota) U.S. brokerage and handling, inland freight, and warranty expenses to the forklifts subject to the administrative review; (2) reconsider whether it properly recategorized Toyota's home market direct warranty expenses; (3) correct the treatment of the circumstance-of-sale (COS) adjustment for certain direct selling expenses of Toyo Umpanki, Ltd. (TCM) ; and (4) correct the treatment of TCM's credit income in the calculation of U.S. price (USP).

The Department submitted its final results of redetermination pursuant to court remand on September 17, 1993. In the final results of redetermination, the Department reallocated Toyota's U.S. brokerage and handling, inland freight, and warranty expenses over Toyota's total industrial truck sales for exporter's sales price (ESP) sales, as opposed to allocating these expenses only over Toyota's sales of subject merchandise. The Department also corrected arithmetic errors in the treatment of Toyota's home market warranty expenses in both the purchase price and ESP analyses for two categories of forklift trucks.

The Department changed TCM's ESP analysis so that the direct selling expenses which were included in constructed value (CV) were subtracted from foreign market value (FMV). As ordered by the CIT, the Department also corrected TCM's purchase price analysis by adding U.S. credit income to USP instead of to FMV. As a result of these changes, the dumping margins changed from 12.22% to 12.02% for Toyota, and changed from 7.71% to 6.17% for TCM. The CIT affirmed these results and dismissed the case on March 1, 1994.

The CIT, in *Hyster Co., et al. v. United States*, issued a second remand on August 6, 1993. This remand pertained only to Toyota. The Department submitted its final results of redetermination on October 4, 1993. In accordance with the CIT's instructions,

the Department corrected its treatment of selling expenses, recategorizing certain U.S. advertising expenses from indirect to direct selling expenses. This recategorization affected ESP sales only. Despite this change, Toyota's dumping margin remained at 12.02%.

On March 1, 1994, the CIT, in *NACCO Materials Handling Group, Inc. v. United States* (formerly known as *Hyster Co., et al. v. United States*), issued another order remanding the final results to the Department to (1) reconsider the treatment of the commodity tax in Japan for Toyota, TCM, and Nissan Motor Company (Nissan); (2) redetermine whether Nissan's and Toyota's related-party sales were at arm's-length prices; and (3) correct certain errors in TCM's database.

The Department changed its methodology for commodity tax adjustments by eliminating the COS adjustment for differences in taxes. The Department added to USP the result of multiplying the foreign market tax rate by the price of the U.S. merchandise at the same point in the chain of commerce that the foreign market tax was applied to foreign market sales. The Department also adjusted the tax amount calculated for USP and the amount of tax included in FMV. We deducted the portions of the foreign market tax and the U.S. tax adjustment that are the result of expenses that are included in the foreign market price used to calculate the foreign market tax and in the USP used to calculate the USP tax, but later deducted to calculate FMV and USP.

The CIT ordered the Department to point to substantial evidence on the record in support of its determination that Nissan and Toyota's related-party transfer prices were negotiated at arm's length, and, if unable to do so, to make any necessary adjustments. The Department was not able to find evidence on the record to support its original determination that Nissan's and Toyota's reported transfer prices were at arm's length. Therefore, the Department adjusted Nissan's material costs in the calculation of home market cost of production, CV, and further manufacturing in the United States. The Department also adjusted for Toyota's material costs by disallowing Toyota's claimed discount from the dealer price list and using the related supplier's prices to unrelated dealers in calculating the cost of inputs in the computation of Toyota's United States further manufacturing costs.

As directed by the CIT, the Department also corrected certain errors in TCM's database. The Department corrected errors regarding (1) reported fees paid to trading companies, (2) U.S. brokerage and handling, (3) containerization costs, (4) ocean freight, (5) marine insurance, (6) U.S. duty, (7) U.S. freight to warehouse, (8) credit, and (9) warranty.

The CIT affirmed these results and dismissed the case on June 23, 1994.

### Amended Final Results of Review

As a result of the revisions made pursuant to these remands, we determine that the following weighted-average dumping margins exist for the period November 25, 1987, through May 31, 1989:

| Manufacturer/Exporter | Margin (percent) |
|---|---|
| Nissan | 7.39% |
| TCM | 6.74% |
| Toyota | 13.75% |

Because the CIT's decision has not been appealed, the Department will order the immediate lifting of the suspension of liquidation of, and instruct the U.S. Customs Service to assess antidumping duties on, entries subject to these reviews, as appropriate. Individual differences between FMV and USP may vary from the percentages stated above. The Department will issue appraisement instructions concerning these entries directly to the Customs Service.

This notice is published in accordance with section 751(a) (1) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a) (1)), and 19 CFR 353.22(c) (8).

Dated: June 2, 1995.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

[FR Doc. 95–14212 Filed 6–8–95; 8:45 am]

BILLING CODE 3510–DS–P

## Determination Not to Revoke Countervailing Duty Orders

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

**ACTION:** Notice of determination not to revoke countervailing duty orders.

**SUMMARY:** The Department of Commerce (the Department) is notifying the public of its determination not to revoke the countervailing duty orders listed below.

**EFFECTIVE DATE:** June 9, 1995.

**FOR FURTHER INFORMATION CONTACT:** Brian Albright or Maria MacKay, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202)482–2786.

**SUPPLEMENTARY INFORMATION:**

### Background

On March 1, 1995, the Department published in the **Federal Register** (60 FR 11075) its intent to revoke the countervailing duty orders listed below. Under 19 CFR 355.25(d)(4)(iii), the Secretary of Commerce will conclude that an order is no longer of interest to interested parties and will revoke the order if no domestic interested party (as defined in sections 355.2(i)(3), (i)(4), (i)(5), and (i)(6) of the regulations) objects to revocation and no interested party requests an administrative review by the last day of the 5th anniversary month.

Within the specified time frame, we received an objection from a domestic interested party to our intent to revoke these countervailing duty orders. Therefore, because the requirements of 19 CFR 355.25(d)(4)(iii) have not been met, we will not revoke these orders.

This determination is in accordance with 19 CFR 355.25(d)(4).

COUNTERVAILING DUTY ORDERS

| | |
|---|---|
| Chile: | |
| Standard Carnations (C–337–601). | 03/19/87, 52 FR 8635. |
| Iran: | |
| Raw Pistachios (C–507–501). | 03/11/86, 51 FR 8344. |
| Israel: | |
| Oil Country Tubular Goods. (C–508–601). | 03/06/87, 52 FR 6999. |
| New Zealand: | |
| Carbon Steel Wire Rod. (C–614–504). | 03/07/86, 51 FR 7971. |
| Turkey: | |
| Welded Carbon Steel Pipes and Tubes. (C–489–502). | 03/07/86, 51 FR 7984. |
| Turkey: | |
| Welded Carbon Steel Line Pipe. (C–489–502). | 03/07/86, 51 FR 7984. |
| France: | |
| Brass Sheet and Strip (C–427–603). | 03/06/87, 52 FR 6996. |

Dated: May 25, 1995.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary for Compliance.*

[FR Doc. 95–14213 Filed 6–8–95; 8:45 am]

BILLING CODE 3510–DS–P

## National Oceanic and Atmospheric Administration

**[I.D. 052695C]**

## Caribbean Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Caribbean Fishery Management Council (Council) and its Administrative Committee will hold meetings on June 27–29, 1995.

**FOR FURTHER INFORMATION CONTACT:** Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, PR 00918–2577; telephone: (809) 766–5926.

**ADDRESSES:** Both meetings will be held at the Conference Room of the Point Pleasant Resort, in St. Thomas, U.S.V.I.

**SUPPLEMENTARY INFORMATION:** The Council will hold its 85th regular public meeting to discuss the Draft Coastal Pelagics Fishery Management Plan, among other topics.

The Council will convene on June 28, 1995, from 9:00 a.m. until 5:00 p.m., and on June 29, from 9:00 a.m. until approximately 12:00 noon.

The Administrative Committee will meet on June 27, from 2:00 p.m. until 5:00 p.m., to discuss administrative matters regarding Council operations.

The meetings are open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

These meetings are physically accessible to people with disabilities. For more information or requests for sign language interpretation and/or other auxiliary aids please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, at the above address and telephone number, at least 5 days prior to the meeting date.

Dated: June 2, 1995.

**Richard W. Surdi,**

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

[FR Doc. 95–14132 Filed 6–8–95; 8:45 am]

BILLING CODE 3510–22–F

**[I.D. 053095E]**

## Gulf of Mexico Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Gulf of Mexico Fishery Management Council will convene a public meeting of its Mississippi/Louisiana Habitat Protection Advisory Panel.

**DATES:** The meeting will be held on June 20, 1995, from 9:00 a.m. to 3:00 p.m.

**ADDRESSES:** The meeting will be held at the Radisson Inn New Orleans Airport, 2150 Veterans Memorial Boulevard, Kenner, LA.

Council address: Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609.

**FOR FURTHER INFORMATION CONTACT:** Richard J. Hoogland, Biologist; telephone: 813–228–2815.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting is to review and discuss Louisiana State University's Sea Grant Program grants, the Corps of Engineers' Mississippi River diversion and barrier islands studies, Louisiana Department of Natural Resources' approach to wetland restoration, updates on marsh management studies by the Office of Biological Survey and NMFS, update on the Corps of Engineers' Marsh Management Environmental Impact Statement, and a review of coastal projects in Mississippi.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Julie Krebs at the Council (see **ADDRESSES**) by June 13, 1995.

Dated: June 5, 1995.

**Richard W. Surdi,**

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

[FR Doc. 95–14196 Filed 6–8–95; 8:45 am]

BILLING CODE 3510–22–F

**[I.D. 052695E]**

## Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting and availability of biomass estimate for the northern anchovy fishery.

**SUMMARY:** The Pacific Fishery Management Council's (Council) Coastal Pelagic Species Plan Development Team and Advisory Subpanel will hold a public meeting.

**DATES:** The meeting will be held on June 21, 1995, at 10:00 a.m.

**ADDRESSES:** The meeting will be held at the NMFS Southwest Regional Office, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA.

**FOR FURTHER INFORMATION CONTACT:** Jim Glock, Pacific Fishery Management Council, (503) 326–6352; Jim Morgan, NMFS, (310) 980–4036; or Svein Fougner, NMFS, (310) 980–4034.

**SUPPLEMENTARY INFORMATION:** The purpose of this meeting is to discuss the biomass estimate for northern anchovy for the 1995 fishing season and the draft coastal pelagic species fishery management plan (FMP). At the meeting, the estimated spawning biomass will be presented with an overview of historical abundance, quotas available for harvest will be announced, and public comments will be received. Also, the subpanel will review the edited FMP and may develop additional comments for the Council on final adoption of the document.

All materials relating to the annual quotas will be forwarded to the Council and its Scientific and Statistical Committee and will be available for public inspection at the NMFS Office of the Regional Director in Long Beach. The final quotas will be published in the **Federal Register** on or about August 1, 1995, with an opportunity for public comment. The draft FMP will be available in mid-June.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Michelle Sailer at (503) 326–6352, at least 5 days prior to the meeting date.

Dated: June 2, 1995.

**Richard W. Surdi,**

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

[FR Doc. 95–14133 Filed 6–8–95; 8:45 am]

BILLING CODE 3510–22–F

**[I.D. 060195B]**

## Endangered Species; Permits

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

**ACTION:** Issuance of modification 1 to permit 895 (P504D), an amendment of permit 947 (P504F), and modification 4 to permit 848 (P507D).

**SUMMARY:** Notice is hereby given that NMFS has issued modifications to permits and an amendment to a permit authorizing takes of listed species for the purpose of scientific research and enhancement, subject to certain conditions set forth therein, to the U.S. Army Corps of Engineers (Corps), Department of Defense and the Washington Department of Fish and Wildlife (WDFW).

**ADDRESSES:** The applications and related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301-713-1401); and

Environmental and Technical Services Division, F/NWO3, NMFS, 525 NE Oregon Street, Portland, OR 97232–4169 (503–230–5400).

**SUPPLEMENTARY INFORMATION:** Modification 1 to permit 895, the amendment of permit 947, and modification 4 to permit 848 were issued under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and the NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217–222).

On May 22, 1995, modification 1 to enhancement permit 895 was issued by NMFS to the Corps (P504D). Permit 895 authorizes a take of juvenile Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*), juvenile Snake River fall chinook salmon (*Oncorhynchus tshawytscha*), and juvenile Snake River sockeye salmon (*Oncorhynchus nerka*) associated with the barge transport of outmigrating juvenile anadromous fish past numerous hydroelectric projects on the Columbia and Snake Rivers to below Bonneville Dam.

Modification 1 to permit 895 authorizes an increase in the take of these listed juvenile fish associated with barge transportation in 1995 only, because the number of juvenile outmigrants appears to be higher than expected this year. This could be due to a greater overwinter survival of parr. Modification 1 to Permit 895 is valid for 1995 only. Permit 895 expires on December 31, 1998.

On May 23, 1995, an amendment to scientific research permit 947 was issued by NMFS to the Corps (P504F). Permit 947 authorizes a take of juvenile, listed, artificially-propagated, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) associated with a turbine passage survival study at Lower Granite Dam on the Snake River in Washington. The purpose of the research is to determine the immediate and delayed (48–120 hour) survival rates of run-of-the-river chinook salmon smolts passing through a turbine at the dam under different locations and operating conditions.

The amendment of permit 947 allows Corps researchers to conduct their research during periods when the hydropower turbine units are operating outside of peak efficiency levels. Out-of-peak efficiency tests will provide necessary information for calibrating the Corps' Lower Granite Dam turbine model. Data on the survival of fish passing through turbines during such times will also be beneficial for use in future risk analyses. This amendment is valid for the duration of the permit. Permit 947 expires on August 31, 1995.

On May 19, 1995, modification 4 to scientific research and enhancement permit 848 was issued by NMFS to WDFW (P507D). Permit 848 authorizes a take of adult and juvenile, listed, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) from the Tucannon River in Washington for scientific research and supplementation of the wild stock. The research includes the application of radio tags and passive integrated transponder tags and the conduct of morphometric, meristic, pathologic, electrophoretic, snorkeling, electrofishing, and spawning surveys. Permit 848 also authorizes releases of the progeny of the listed adult salmon collected for broodstock.

Modification 4 to permit 848 authorizes the retention of all of the listed adult salmon that return to the Tucannon Hatchery adult trap in 1995 if the total adult returns to the trap in 1995 is less than 105 fish. The 1995 forecast for total adult returns to the trap is 19–25. Monitoring and evaluations have shown about a three-to-one survival advantage for fish reared in the hatchery as compared to natural production. Based on this large survival advantage, and the fact that natural production has been at less than replacement levels in recent years, this level of adult take in 1995 and any subsequent artificially-propagated progeny production of these fish, will serve to perpetuate the listed species. WDFW must confer with NMFS as to the disposition of the listed adult fish retained in 1995 prior to the spawning of these fish. This adult retention strategy is valid for 1995 only.

Also for modification 4, WDFW is authorized for an increase in the annual take of listed juvenile salmon associated with their smolt trapping and monitoring research. The increase is necessary because WDFW researchers are now emphasizing the collection of marked hatchery fish to evaluate their outplanting program. In addition, higher than usual river flows in 1995 have resulted in higher trapping efficiencies and thus, a higher take associated with research. The increased take of listed juvenile fish is valid for the duration of the permit. Permit 848 expires on March 31, 1998.

Issuance of these permit actions, as required by the ESA, was based on a finding that such actions: (1) Were applied for in good faith, (2) will not operate to the disadvantage of the listed species that are the subject of the permits, and (3) are consistent with the purposes and policies set forth in section 2 of the ESA and the NMFS regulations governing listed species permits.

Dated: June 2, 1995.

**Russell J. Bellmer,**

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 95–14130 Filed 6–8–95; 8:45 am]

BILLING CODE 3510–22–F

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**[I.D. 060295B]**

## Endangered Species; Permits

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

**ACTION:** Notice of receipt of a modification request (P555).

**SUMMARY:** Notice is hereby given that the Mark Bain of Cornell University (P555) has requested Modification 1 to Permit 885 to take listed shortnose sturgeon for the purpose of scientific research.

**DATES:** Written comments or requests for a public hearing on this application must be received on or before July 10, 1995.

**ADDRESSES:** The application and related documents are available for review by appointment in the following offices:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Hwy., Room 13307, Silver Spring, MD 20910–3226 (301–713–1401); and

Director, Northeast Region, NMFS, NOAA, One Blackburn Drive, Gloucester, MA 01930–2298 (508–281–9250).

Written comments, or requests for a public hearing on this modification request should be submitted to the Chief, Endangered Species Division, Office of Protected Resources.

**SUPPLEMENTARY INFORMATION:** Mark Bain (P555) has requested a modification to Permit 885 under the authority of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217–227). The applicant requests authorization to increase his take and release of shortnose sturgeon (*Acipenser brevirostrum*) from the Hudson River from 500 to 5,000, to help determine population size, trends, and dynamics. The applicant also wishes to extend his permit until August, 1997, and to discontinue his previously authorized gastric lavage procedures.

Those individuals requesting a hearing (see **ADDRESSES**) should set out the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in this application summary are those of the applicant and do not necessarily reflect the views of NMFS.

Dated: June 2, 1995.

**Russell J. Bellmer,**

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 95–14131 Filed 6–8–95; 8:45 am]

**BILLING CODE 3510–22–F**

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Additions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Additions to the Procurement List.

**SUMMARY:** This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

**EFFECTIVE DATE:** July 10, 1995.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman (703) 603–7740.

**SUPPLEMENTARY INFORMATION:** On February 17, April 14 and 21, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (60 FR 9326, 19027 and 19894) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

Food Service Attendant, Department of Veterans Affairs Medical Center, 7305 N. Military Trail, West Palm Beach, Florida

Grounds Maintenance, U.S. Army Reserve Center, 1420 John C. Calhoun Drive, S.E., Orangeburg, South Carolina

Medical Transcription, Department of Veterans Affairs Medical Center, 508 Fulton Street, Durham, North Carolina

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

**Beverly L. Milkman,**

*Executive Director.*

[FR Doc. 95–14152 Filed 6–8–95; 8:45 am]

**BILLING CODE 6820–33–P**

### Procurement List; Proposed Additions and Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Proposed Additions to and Deletions From Procurement List.

**SUMMARY:** The Committee has received proposals to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete commodities previously furnished by such agencies.

**COMMENTS MUST BE RECEIVED ON OR BEFORE:** July 10, 1995.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman (703) 603–7740.

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

#### Additions

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Administrative Services, General Services Administration, FSS, National Furniture Center, Crystal Mall Building 4, Arlington, Virginia
NPA: Fairfax Opportunities Unlimited, Inc., Springfield, Virginia
Janitorial/Custodial, Drug Enforcement Agency, Camp Upshur International Training Center, Quantico, Virginia
NPA: Rappahannock Goodwill Industries, Inc., Fredericksburg, Virginia
Microfilming of EEG Records, Department of Veterans Affairs, William S. Middleton Memorial Veterans Hospital, Madison, Wisconsin,
NPA: Curative Rehabilitation Center, Milwaukee, Wisconsin

**Deletions**

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action does not appear to have a severe economic impact on future contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities proposed for deletion from the Procurement List.

The following commodities have been proposed for deletion from the Procurement List:

File Front
7510–00–NIB–0001
File Back
7510–00–NIB–0002

**Beverly L. Milkman,**

*Executive Director.*

[FR Doc. 95–14153 Filed 6–8–95; 8:45 am]

BILLING CODE 6820–33–P

## DEPARTMENT OF DEFENSE

### Public Information Collection Requirement Submitted to the Office of Management and Budget (OMB) for Review

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**TITLE:** Customer Service Evaluation System (CSES) Survey; DeCA Form 60–28

*Type of request:* Existing collection

*Number of Respondents:* 39,341

*Responses per respondent:* 1

*Annual responses:* 39,341

*Average burden per responses:* 4 minutes

*Annual burden hours:* 2,623

*Needs and uses:* The DoD Commissionary Agency (DeCA) has developed the Customer Service Evaluation System (CSES) as a management tool to evaluate customer satisfaction in each commissary, worldwide. CSES utilizes a survey (DeCA Form 60–28), designed to query commissary patrons regarding customer satisfaction, to identify and record the subjective aspects of this highly valued benefit. The information collected hereby, is subsequently provided to each commissary for their use in more effectively serving patrons' needs, as well as in operating a more efficient and cost-effective system.

*Affected public:* Individuals or households

*Frequency:* Annually.

*Respondent's obligation:* Voluntary

*OMB desk officer:* Mr. Edward C. Springer Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503

*DOD clearance officer:* Mr. William Pearce

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: June 6, 1995.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 95–14159 Filed 6–8–95; 8:45 am]

BILLING CODE 5000–04–M

## Office of the Secretary

### Meeting of the DOD Advisory Group on Electron Devices

**AGENCY:** Department of Defense, Advisory Group on Electron Devices.

**ACTION:** Notice.

**SUMMARY:** The DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

**DATES:** The meeting will be held at 0900, Tuesday, 13 June 1995.

**ADDRESSES:** The meeting will be held at Palisades Institute for Research Services, Inc., 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Becky Terry, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

**SUPPLEMENTARY INFORMATION:** The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Advanced Research Projects Agency and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended (5 U.S.C. App. II § 10(d) (1988), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1988), and that accordingly, this meeting will be closed to the public.

Dated: June 5, 1995.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 95–14113 Filed 6–8–95; 8:45 am]

BILLING CODE 5000–04–M

### Meeting of the DOD Advisory Group on Electron Devices

**AGENCY:** Department of Defense, Advisory Group on Electron Devices.

**ACTION:** Notice.

**SUMMARY:** Working Group A (Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

**DATES:** The meeting will be held at 0900, Wednesday, 14 June 1995.

**ADDRESSES:** The meeting will be held at Palisades Institute for Research Services, Inc., 1745 Jefferson Davis

Highway, Crystal Square Four, Suite 500, Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Walter Gelnovatch, AGED Secretariat, 1745 Jefferson Davis Highway, Crystal Square Four, Suite 500, Arlington, Virginia 22202.

**SUPPLEMENTARY INFORMATION:** The mission of the Advisory Group is to provide advice to the Under Secretary of Defense for Acquisition and Technology, to the Director of Defense Research and Engineering (DDR&E), and through the DDR&E to the Director, Advanced Research Projects Agency (ARPA) and the Military Departments in planning and managing an effective and economical research and development program in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave devices, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App. II § 10(d) (1988)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1988), and that accordingly, this meeting will be closed to the public.

Dated: June 5, 1995.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 95–14112 Filed 6–8–95; 8:45 am]

BILLING CODE 5000–04–M

## National Defense University, Board of Visitors

**AGENCY:** Department of Defense, National Defense University.

**ACTION:** Notice.

**SUMMARY:** The President, National Defense University has scheduled a meeting of the Board of Visitors. The meeting will be held between 0800 to 1200 and 1330 to 1530 on June 16, 1995. The meeting will be held in the Command Conference Room, Marshall Hall, Building 62, Fort Lesley J. McNair. The agenda will include present and future educational and research plans for the National Defense University and its components. The meeting is open to the public, but the limited space available for observers will be allocated on a first come, first served basis. For further information contact the Director, University Plans and Programs, National Defense University, Fort Lesley J. McNair, Washington, D.C. 20319–6000. To reserve space, interested persons should phone (202) 287–9416.

Dated: June 5, 1995.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 95–14114 Filed 6–8–95; 8:45 am]

BILLING CODE 5000–04–M

## Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that closed meetings of the Department of Defense Wage Committee will be held on July 11, 1995; July 18, 1995; and July 25, 1995, at 10:00 a.m. in Room 800, Hoffman Building #1, Alexandria, Virginia.

Under the provisions of section 10(d) of Public Law 92–463, the Department of Defense has determined that the meetings meet the criteria to close meetings to the public because the matters to be considered are related to internal rules and practices of the Department of Defense and the detailed wage data considered were obtained from officials to private establishments with a guarantee that the data will be held in confidence.

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning the meetings may be obtained by writing to the Chairman, Department of Defense Wage Committee, 4000 Defense Pentagon, Washington, DC 20301–4000.

Dated: June 6, 1995.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 95–14160 Filed 6–8–95; 8:45 am]

BILLING CODE 5000–04–M

## Corps of Engineers

## Intent To Prepare a Draft Environmental Impact Statement for the Tucson Drainage Area Flood Control Feasibility Study, Pima County, AZ

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

**ACTION:** Notice of intent.

**SUMMARY:** The Los Angeles District will prepare a Draft Environmental Impact Statement (EIS) for the Tucson Drainage Area Flood Control Feasibility Study, Pima County, Arizona. This study is in response to flooding problems associated with the Tucson Arroyo/Arroyo Chico watershed within the City of Tucson. The problems result from an existing flood control system that is inadequate because of increasing urbanization that has changed the runoff conditions. The feasibility study will recommend a flood control plan for implementation to solve the current flooding problem.

**FOR FURTHER INFORMATION CONTACT:** Questions about the proposed action and Draft EIS can be answered by: Mr. Elden Gatwood, Study Manager, (213) 894–4341, or Mr. William Butler, Environmental Manager, (213) 894–0245, P.O. Box 2711, Los Angeles, California 90053–22325.

**SUPPLEMENTARY INFORMATION:**

### A. Authority

This study is conducted under the authority given in Section 6 of the Flood Control Act of 1938, dated 28 June 1938, and in accordance with provisions of the Water Resources Development Act of 1986 (WRDA '86; Public Law 99–662).

### B. Proposed Action/Alternatives

The proposed action for the Tucson Drainage Area Study will investigate and evaluate the establishment of one of several detention basin plans along the Tucson Arroyo/Arroyo Chico watershed in Tucson.

Detention Plan I will evaluate the establishment of detention basins in three areas identified as potential basin sites: Randolph Golf Course, Reid Park and Upstream of Park Avenue.

Detention Plan II will evaluate the establishment of detention facilities at Randolph Golf Course and Upstream of Park Avenue.

### C. Scoping

An extensive mailing list has been developed which includes Federal, State, and local agencies and other interested public and private organizations and parties. Individuals on the mailing list will be sent a copy of each notice announcing a public scoping meeting. A public scoping meeting has been tentatively scheduled for sometime in June 1995. When available, the specific date, time, and location of this meeting will be announced in a mailing to those on the mailing list and announcements through

local media channels. Additional public meetings will be scheduled during the review period for the draft EIS. Formal coordination with the appropriate Federal, State, and local agencies has begun.

**D. Potentially Significant Issues**

Potentially significant issues identified include impacts to land and water use, biological resources including riparian resources, and recreational resources.

**E. Availability of the Draft EIS**

The draft EIS is expected to be available to the public for review and comment beginning in February 1996.

**F. Comments**

Comments and questions regarding the project may be addressed to: U.S. Army Corps of Engineers, Los Angeles District, ATTN: Mr. Elden Gatwood, CESPL–PD–WB, or Mr. William O. Butler, CESPL–PD–RN, P.O. Box 2711, Los Angeles, California 90053–2325.

Dated: May 22, 1995.

**Michael R. Robinson,**

*Colonel, Corps of Engineers District Engineer.*

[FR Doc. 95–14090 Filed 6–8–95; 8:45 am]

BILLING CODE 3710–KF–M4

## Department of the Army

## Distribution of Weekly Army Officer Assignment List and Monthly Army Enlisted Assignment List

**AGENCY:** U.S. Total Army Personnel Command, DOD.

**ACTION:** Notice.

**SUMMARY:** The Department of the Army, U.S. Total Army Personnel Command, has executed an inter-agency agreement with the Department of Commerce, National Technical Information Service, which authorizes the National Technical Information Service to distribute and make publicly available the Weekly Officer Assignment List and the Monthly Enlisted Assignment List.

**EFFECTIVE DATE:** June 30, 1995.

**FOR FURTHER INFORMATION CONTACT:** Robert Dickerson, Freedom of Information and Privacy Act Officer, U.S. Total Army Personnel Command, Attention: TAPC–ALP–A, 200 Stovall Street, Alexandria, Virginia 22332–0405, (703) 325–4053.

**SUPPLEMENTARY INFORMATION:** As a result of a court settlement, the Army is required to create these lists to respond to Freedom of Information Act Requests. These lists are requested by Realtors under the Freedom of Information Act and are primarily used to solicit Army personnel who will be changing duty locations. Realtors offer assistance in selling current homes and offer services in renting or buying homes at an individual's future duty location. The lists contain name, rank, current duty address, date of orders, report date, and future duty location.

Current reductions in manpower have forced the Army to look at alternative methods of distribution. The number of requesters increase each month. Each requester is required to submit a separate request for each week desired. Currently, the U.S. Total Army Personnel Command receives approximately 180 Freedom of Information Act requests for these lists each month.

Since the information is releasable to the public, it is not necessary to continue to process these requests under the administrative requirements of the Freedom of Information Act. The National Technical Information Service was created to distribute releasable information to the public and has chosen to offer the lists as a fax subscriber service. This will eliminate the requirement for requesters to submit weekly Freedom of Information Act requests and will ensure that the information is received by requesters at the earliest possible date. Since the National Technical Information Service can more efficiently distribute the lists without the administrative requirements imposed by the Freedom of Information Act, the agreement will benefit the requesters and the Army.

Dated: May 31, 1995.

**Robert Dickerson,**

*Freedom of Information and Privacy Act Officer.*

[FR Doc. 95–14089 Filed 6–8–95; 8:45 am]

BILLING CODE 3710–08–M

## Department of the Navy

## Community Redevelopment Authority and Available Surplus Buildings and Land at Military Installations Designated for Closure: Naval Training Center, San Diego, CA

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Notice.

**SUMMARY:** This Notice provides information regarding: The redevelopment authority established to plan the reuse of the Naval Training Center, San Diego; the surplus property that is located at that base closure site; and the timely election by the redevelopment authority to proceed under the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, Public Law 103–421 (''the Act'').

**FOR FURTHER INFORMATION CONTACT:** John J. Kane, Director, Real Estate Operations Division, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332–2300, telephone (703) 325–0474, or Linda Geldner, Base Closure Manager, Southwest Division, Naval Facilities Engineering Command, 1420 Kettner Blvd., Suite 507, San Diego, CA 92101–2404, telephone (619) 556–0257. For detailed information regarding particular properties identified in this Notice (i.e., acreage, floorplans, condition, exact street address, etc.), contact Lieutenant Commander Bob Citrano, Base Transition Coordinator, Naval Training Center, San Diego, 33502 Decatur Road, #120, San Diego, CA 92133–1449, telephone (619) 524–1024.

**SUPPLEMENTARY INFORMATION:** In 1993, the Naval Training Center, San Diego, CA, was designated for closure pursuant to the Defense Base Closure and Realignment Act of 1990, Public Law 101–510, as amended. By this Notice, the land and facilities described below are declared surplus to the needs of the Federal government and available for use by: (a) State and local governments and other interested parties pursuant to various statutes which authorize conveyance of surplus properties, and (b) homeless providers pursuant to the Act.

**Election To Proceed Under New Statutory Procedures**

The Act was signed into law on October 25, 1994. Section 2 of the Act gives the redevelopment authority at base closure sites the option of following new procedures regarding the manner in which the redevelopment plan for the base is prepared and approved, and how requests are to be made by State and local governments and other interested parties, including homeless assistance providers, for future use of the property. On December 21, 1994, the City of San Diego submitted a timely request to be covered by the provisions of the Act. This notice fulfills the requirement of Section 2(e)(3) of the Act that information describing the redevelopment authority be published in the **Federal Register**.

Also, pursuant to Section 2905(b)(7)(B) of the Defense Base Closure and Realignment Act of 1990, as amended by the Act, the following information regarding the redevelopment authority for and surplus property at the Naval Training Center, San Diego, CA, is published:

**Redevelopment Authority**

The redevelopment authority for the Naval Training Center, San Diego, CA, for purposes of implementing the provisions of the Defense Base Closure and Realignment Act of 1990, as amended, is the San Diego City Council. The Mayor of the City has established a committee to provide recommendations to the Council concerning the redevelopment plan for the training center. This committee is known as the ''NTC Reuse Planning Committee'' and is chaired by the Mayor. A cross section of community interests is represented on the committee. Day-to-day operations of the committee are handled by Tim Johnson, Project Manager, 1200 Third Avenue, Suite 1700, MS #51A, San Diego, CA 92101, telephone (619) 236–6732.

**Surplus Property Descriptions**

The following is a listing of the land and facilities at the Naval Training Center, San Diego, CA, that are declared surplus to the needs of the federal government.

**Land**

Approximately 418 acres of improved and unimproved fee simple land at the U.S. Naval Training Center, San Diego, CA, will be available. In general, all areas will be available when the installation closes on June 30, 1997.

Excluded from the determination of surplus are:

—A parcel of property for the maintenance and possible enhancement of the existing California least tern nesting area at a location or locations to be determined by the Navy and the U.S. Fish and Wildlife Service in connection with the development of a reuse plan for the Naval Training Center.

—A parcel of property approximately 2.3 acres in size which includes a small arms range and several support structures (Bldg. 569,570 and 571). This compound will be transferred to the U.S. Border Patrol upon operational closure of the Naval Training Center.

**Buildings**

The following is a summary of the buildings and other improvements located on the above described land which will also be available when the installation closes. Many of these buildings may be eligible for listing on the National Register of Historical Places. Property numbers are available on request.

Bachelor quarters housing (78 structures). Comments: Approx. 1,691,395 square feet. Most have open bay rooms.

—Boat storage and marina facilities (5 structures) at Pier 445, east of Harbor Drive and near Marine Corps Recruiting Depot. Comments: Approx. 4,328 square feet.

—Chapel facility (1 structure). Comments: Approx. 7,868 square feet.

—Child care facility (1 structure). Comments: Approx. 19,650 square feet.

—Community support center (1 structure). Comments: Approx. 33,000 square feet.

—Fire protection facility (1 structure). Comments: Approx. 5,484 square feet.

—Golf course (4 structures). Comments: Approx. 4,503 square feet for buildings, a nine hole golf course, driving range, maintenance shop, and clubhouse.

—Hazardous storage facilities (2 structures). Comments: Approx. 2,087 square feet.

—Housing units (4 structures). Comments: Approx. 17,312 square feet. Senior officer housing units.

—Instructional facilities (21 structures). Comments: Approx. 635,392 square feet.

—Library (1 structure). Comments: Approx. 12,814 square feet.

—Maintenance facilities (8 structures). Comments: Approx. 47,898 square feet. Shop buildings.

—Medical clinic (2 structures). Comments: Approx. 6,548 square feet.

—Mess and dining facilities (4 structures). Comments: Approx. 197,093 square feet. Club facility, cafeteria and enlisted mess hall.

—Miscellaneous facilities (60 structures). Comments: Approx. 8,676 square feet. Small buildings and sheds.

—Office/administration buildings (17 structures). Comments: Approx. 130,111 square feet.

—Paved areas (4 structures). Comments: Approx. 615,000 square yards. Roads, parking areas, sidewalks, etc.

—Recreational facilities (18 structures). Comments: Approx. 202,343 square feet. Gymnasium, theater, amusement center, hobby shops, picnic sheds, pools, tennis courts, handball courts, softball fields.

—Recruit processing facility (1 structure). Comments: Approx. 91,992 square feet.

—Stores and services facilities (8 structures). Comments: Approx. 224,705 square feet. Small retail facilities.

—Utility facilities (49 structures). Comments: Measuring systems vary; telephone, electric, steam and water utility systems.

—Warehouse/storage facilities (24 structures). Comments: Approx. 214,618 square feet.

**Expressions of Interest**

Pursuant to section 2905(b)(7)(C) of the Defense Base Closure and Realignment Act of 1990, state and local governments, representatives of the homeless, and other interested parties located in the vicinity of the Naval Training Center, San Diego, CA, may submit to the City of San Diego (as the redevelopment authority) a notice of interest in the above described surplus property, or any portion thereof. A notice of interest shall describe the need of the government, representative, or party concerned for the desired surplus property. Pursuant to Section 2905(b)(7)(C) and (D), the redevelopment authority shall assist interested parties in evaluating the surplus property for the intended use and publish in a newspaper of general circulation in the City of San Diego the date by which expressions of interest must be submitted. Under Section 2(e)(6) of the Act, the deadline for submissions of expressions of interest may not be less than one month nor more than six months from the date the City of San Diego elected to proceed under the Act, i.e., December 21, 1994.

Dated: May 30, 1995.

**M. D. Schetzsle,**

*LT, JAGC, USNR, Alternate Federal Register Liaison Officer.*

[FR Doc. 95–14111 Filed 6–8–95; 8:45 am]

BILLING CODE 3810–FF–P

## Naval Research Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Naval Research Advisory Committee Panel on Life Cycle Cost Reduction will meet on June 20, 21, and 22, 1995. The meeting will be held at the Office of Naval Research, 800 North Quincy Street, Arlington, Virginia. The sessions will commence at 8:30 a.m. and terminate at 5:00 p.m. on June 20, 21, and 22, 1995. All sessions of the meeting will be open to the public.

The purpose of the meeting is to provide the Navy with an assessment of the impact of science and technology on life cycle cost initiatives of current Department of the Navy systems and projected acquisitions programs.

The meeting will include briefings and discussions relating to the requirements process as it relates to life cycle costs, joint advance strike technology—Life Cycle Cost tradeoffs,

weapons system cost reductions, service life extension, condition based maintenance, the DDG–51 v. Japanese AEGIS, Life Cycle Cost of the Trident, designing for reduced maintenance, and industry life cycle cost initiatives.

This Notice is being published late because of administrative delays which constitute an exceptional circumstance, not allowing Notice to be published in the **Federal Register** at least 15 days before the date of the meeting.

For further information concerning this meeting contact: Ms. Diane Mason-Muir, Office of Naval Research, Ballston Center Tower One, 800 North Quincy Street, Arlington, VA 22217–5660, Telephone Number: (703) 696–4870.

Dated: June 6, 1995.

**L. R. McNees,**

*LCDR, JAGC, USN, Federal Register Liaison Officer.*

[FR Doc. 95–14331 Filed 6–8–95; 8:45 am]

BILLING CODE 3810–FF–P

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed information collection requests.

**SUMMARY:** The Director, Information Resources Group, invites comments on proposed information collection requests as required by the Paperwork Reduction Act of 1980.

**DATES:** An expedited review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval of the Office of Management and Budget (OMB) has been requested by June 5, 1995.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street NW., Room 3208, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 400 Maryland Avenue, SW., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651.

**FOR FURTHER INFORMATION CONTACT:** Patrick J. Sherrill, (202) 708–9915. 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:** Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Information Resources Group, publishes this notice with the attached proposed information collection request prior to submission of this request to OMB. This notice contains the following information: (1) Type of review requested, e.g., expedited; (2) Title; (3) Abstract; (4) Additional Information; (5) Frequency of collection; (6) Affected public; and (7) Reporting and/or Recordkeeping burden. Because an expedited review has been requested, a description of the information to be collected is also included as an attachment to this notice.

Dated: June 5, 1995.

**Gloria Parker,**

*Director, Information Resources Group.*

### Office of Elementary and Secondary Education

*Type of Review:* Expedited
*Title:* Safe and Drug-Free Schools and Communities Alternative Education Program
*Frequency:* Annually
*Affected Public:* State, Local or Tribal Governments
*Reporting Burden:* Responses: 1
*Burden Hours:* 11,200
*Recordkeeping*
*Burden:* Recordkeepers: 0
*Burden Hours:* 0
*Abstract:* This form will be used to establish, expand or improve model alternative education projects that have been designed for young people who have been expelled or suspended from their regular school program. The Department will use the information to make grant awards.
*Additional Information:* Clearance for this information collection is requested for June 5, 1995. An expedited review is requested in order to conduct a grant competition by August 15, 1995 and make awards by September 30, 1995.

[FR Doc. 95–14218 Filed 6–8–95; 8:45 am]

BILLING CODE 4000–01–M

### Arbitration Panel Decision Under the Randolph-Sheppard Act

**AGENCY:** Department of Education.

**ACTION:** Notice of Arbitration Panel Decision Under the Randolph-Sheppard Act.

**SUMMARY:** Notice is hereby given that on July 22, 1993, an arbitration panel rendered a decision in the matter of *Albert W. Travers v. Maryland Division of Vocational Rehabilitation, (Docket No. R-S/92–7).* This panel was convened by the Department of Education pursuant to 20 U.S.C. 107d-1(a), upon receipt of a complaint filed by petitioner, Albert Travers, on May 22, 1992. The Randolph-Sheppard Act (the Act) provides a priority for blind individuals to operate vending facilities on Federal property. Under this section of the Act, a blind licensee, dissatisfied with the State's operation or administration of the vending facility program authorized under the Act, may request a full evidentiary hearing from the State licensing agency (SLA). If the licensee is dissatisfied with the SLA's decision, the licensee may file a complaint with the Secretary of Education, who then is required to convene an arbitration panel to resolve the dispute.

**FOR FURTHER INFORMATION CONTACT:** A copy of the full text of the arbitration panel decision may be obtained from George F. Arsnow, U.S. Department of Education, 600 Independence Avenue, SW., Room 3230, Switzer Building, Washington, DC. 20202–2738, Telephone: (202) 205–9317. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8298.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Randolph-Sheppard Act (20 U.S.C. 107d-2(c), the Secretary publishes in the **Federal Register** a synopsis of each arbitration panel decision affecting the administration of vending facilities on Federal property.

### Background

The complainant, Albert W. Travers, is a blind vendor licensed by the respondent, the Maryland Division of Vocational Rehabilitation, pursuant to the Randolph-Sheppard Act, 20 U.S.C. 107 *et seq.* The Maryland Division of Vocational Rehabilitation (DVR) is the SLA responsible for the operation of the Maryland vending facility program for blind individuals.

The complainant operates a Randolph-Sheppard snack bar located on the ground floor of the Fallon Federal Office Building at 31 Hopkins Plaza, Baltimore, Maryland. This facility

is identified as Facility #63 by the SLA. The current permit listing items to be sold by Facility #63 provided that both hot and cold beverages may be sold. However, the permit did not specify the nature of the beverage nor were there restrictions on the type of container.

Located on the same floor with Facility #63 is another Randolph-Sheppard facility identified as Facility #54. Facility #54 was permitted to sell canned and bottled beverages in May of 1987.

In May 1990, the vendor at Facility #54 filed a grievance against Mr. Travers alleging unfair competition due to the sale of similar products. The SLA's regulations pursuant to the Code of Maryland Rules (COMAR) Section 13A provides for a committee of peers to review complaints between two or more blind vendors managing facilities on the same property. A peer review was conducted in June of 1990. On July 11, 1990, the peer review panel ruled in favor of complainant.

Subsequently, the vendor of Facility #54 appealed this decision and requested an administrative review, which was held on October 30, 1990. On November 9, 1990, the Director of the Office of Program and Administrative Support Services issued a determination that competition existed between Facilities #63 and #54. The decision of the SLA was to take steps to minimize the competitive situation between Facility #63 and Facility #54. The Director decided that Facility #54 should be authorized to sell canned and bottled sodas and that Facility #63 should be authorized to sell fountain sodas. The Director further decided that both Facility #54 and Facility #63 should be authorized to sell bottled water and canned and bottled juices.

On December 4, 1990, complainant requested a full evidentiary hearing to appeal the Director's decision. The hearing officer affirmed the Director of Office Program and Administrative Support Services' decision that Mr. Travers should not be permitted to sell bottled sodas. On April 10, 1992, the SLA affirmed the decision of the hearing officer.

The complainant, Albert Travers, on May 22, 1992, filed a request with the Secretary of Education to convene an arbitration panel to hear an appeal of his grievance. An arbitration hearing was conducted on March 16, 1993, pursuant to the Act. The complainant was challenging the SLA's actions on the grounds that (1) the SLA lacked the legal authority to act unilaterally to effectively amend the operating permits without the concurrence of either the Federal property managing agency, GSA, or complainant and over the objections of both; (2) no basis was shown to restrict complainant's sale of non-natural bottled sodas, given the lack of any evidence concerning the impact of competition upon the operations conducted by complainant or by another program vendor; (3) the SLA failed to adhere to its own regulations and internal Administrative Manual in the handling of the unfair competition claim; and (4) the SLA improperly attempted to retroactively apply its Administrative Manual against complainant.

**Arbitration Panel Decision**

The majority of the panel found that the Randolph-Sheppard Act is silent on the issue of limiting competition between two or more program vendors at a single Federal installation. The Act does provide for a sharing of vending machine income in cases of more than one program vendor operating at a single Federal installation. The panel found that the SLA does have a legitimate interest in restricting ''ruinous competition'' between program vendors since ''ruinous competition'' would deprive one or both program vendors of the ability to survive economically and would be contrary to the intent of the Act.

The panel ruled that, based upon the record of evidence viewed in its entirety, the SLA's actions were arbitrary and capricious and unsupported by any specific factual evidence as to the impact of competition between Mr. Travers and the vendor of Facility #54 relating to the sale of bottled sodas. The panel reasoned that, absent that factual evidence, no conclusion could be drawn regarding the competition as unfair or ruinous. The SLA's actions were not supported procedurally or substantively or by its Administrative Manual or by any other cited regulatory or statutory authority that would allow the SLA to retroactively eliminate the sale of products that were authorized by the operating permit and that were not restricted by a valid operating agreement.

The panel found that the SLA failed to adequately take into account the fact that Mr. Travers had been selling bottled sodas for an extended period of time before the vendor of Facility #54 attempted to compete with him. The panel found that the final decision of the SLA arbitrarily and capriciously drew a distinction between ''natural'' bottled sodas and ''non-natural'' bottled sodas, which led to the absurd results of complainant selling exclusively bottled 7–Up and bottled Birch Beer and the vendor of Facility #54 selling bottled Diet 7–Up and bottled Root Beer. No rationale was provided for distinguishing between ''natural'' and ''non-natural'' sodas.

The panel directed the SLA to rescind its final agency determination regarding the restriction of complainant to sell bottled sodas. The SLA was precluded from attempting to force the complainant to sign an operating agreement that would contain such a restriction. The panel specifically noted the SLA's authority pursuant to State regulations to insist that complainant enter into a valid operating agreement governing the operation of his facility.

A panel member issued a concurring opinion but disagreed with the panel's findings that complainant's request for reimbursement for costs and attorney's fees was outside the jurisdiction of the panel. That panel member urged the panel to award costs of the arbitration to the complainant.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the U.S. Department of Education.

Dated: June 6, 1995.

**Judith E. Heumann,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 95–14219 Filed 6–8–95; 8:45 am]

BILLING CODE 4001–01–P

## DEPARTMENT OF ENERGY

### Nevada Operations Office; Acceptance of an Unsolicited Proposal

**AGENCY:** Nevada Operations Office (DOE/NV), Department of Energy.

**ACTION:** Acceptance of an Unsolicited Proposal.

**SUMMARY:** DOE/NV announces that pursuant to the DOE Financial Assistance Rules, 10 C.F.R. Section 600.14(f), it is awarding a grant to the Corporation for Solar Technology and Alternative Resources (CSTAR) of Las Vegas, Nevada, on the basis of acceptance of an unsolicited proposal.

**FOR FURTHER INFORMATION CONTACT:** U.S. Department of Energy, Nevada Operations Office, ATTN: Kevin Thornton, P.O. Box 98518, Las Vegas, NV 89193–8518.

**SUPPLEMENTARY INFORMATION:** This award will provide financial support to CSTAR who will pursue highly leveraged renewable energy development, especially the commercialization of new technologies looking for market entry projects.

This project is to advance the competitive position of solar-power generation technologies by constructing facilities capable of generating up to 1000 megawatts of solar-generated electrical power and to create a sustaining manufacturing and technology infrastructure in southern Nevada. The mix of types of solar generation will be determined through a competitive process and will potentially include photovoltaics, dish/Stirling, solar trough, power tower, and other renewable technologies.

The unsolicited proposal submitted by CSTAR is considered to be meritorious and the proposed project represents a unique and innovative idea, method, and approach which would not be eligible for financial assistance under a recent current, or planned solicitation.

The project is of value to the DOE, other Federal agencies, the scientific and technological communities, and the general public through growth of a new manufacturing and technology industry in the southern Nevada area.

The project period of this grant is for four and one-half years and will commence on June 15, 1995, through December 31, 1999. The total estimated cost of the award is $7,722,027 of which $4,700,000 is Federal funding and $3,022,027 non-Federal.

Issued in Las Vegas, Nevada, on May 22, 1995.

**Joseph N. Fiore,**

*Acting Deputy Manager, DOE Nevada Operations Office.*

[FR Doc. 95–14207 Filed 6–8–85; 8:45 am]

BILLING CODE 6450–01–M

## Office of Economic Impact and Diversity; Guidelines for Department of Energy Mentor Protege Initiative

**AGENCY:** U.S. Department of Energy (DOE).

**ACTION:** Final Guidelines.

**SUMMARY:** On August 22, 1994, the Department of Energy (DOE) published proposed guidelines for its Mentor-Protege Pilot Initiative. The Mentor-Protege Pilot Initiatives is designed to encourage Department of Energy management and operating contractors, Environmental Restoration management contractors and DOE prime contractors to assist energy-related small disadvantaged, (8a), and women-owned businesses in enhancing their business and technical capabilities to ensure full participation in the mission of the Department.

**EFFECTIVE DATE:** June 9, 1995.

**FOR FURTHER INFORMATION CONTACT:** Eugene Tates at (202) 586–4556.

**SUPPLEMENTARY INFORMATION:**

### Purpose and Program Overview

The Department of Energy Mentor-Protege Pilot Initiative is designed to encourage Department of Energy management and operating contractors, Environmental Restoration management contractors and DOE prime contractors, to assist energy related small disadvantaged, 8(a), and women-owned businesses in enhancing their business and technical capabilities to ensure full participation in the mission of the Department. The use of this integrated working arrangement between companies will promote economic and technological growth, foster the establishment of long term business relationships and increase the number of small disadvantaged, 8(a), or women-owned businesses that receive Department of Energy, other Federal and commercial contracts.

### Comments to Proposal Guidelines

On August 22, 1994, the Department of Energy published proposed guidelines for its Mentor-Protege Pilot Initiative and requested written comments on the draft guidelines and supporting materials on or before September 21, 1994 (59 FR 43098). Although the Department received numerous telephone inquiries regarding the Initiative, only 22 written responses or comments were received.

Issues raised by respondents were distilled into the following relevant issues:

(1) Expand the mentor base to include more than Department of Energy management and operating contractors.

DOE reviewed the Mentor-Protege Pilot Initiative mentor participation limitations and decided to expand the mentor base to include Environmental Restoration management contractors and DOE prime contractors.

(2) Separate funding to operate the Initiative should be provided to approved mentor firms.

Unlike other mentor-protege programs which have appropriated funds, the Mentor-Protege Pilot Initiative is a program conceived by the Department of Energy and operated within the constraints of available resources. The Initiative does not have any appropriated funding. The Initiative does not provide cost reimbursement.

(3) A clear definition of ''energy-related'' should be given when the final guidelines are published.

''Energy-related'' refers to any business relevant to the mission of the Department of Energy.

*A. General Policy*

(1) Department of Energy management and operating contractors, Environmental Restoration management contractors and prime contractors who are approved as mentor firms may enter into agreements with eligible small disadvantaged, 8(a), and women-owned businesses as protege firms to provide appropriate developmental assistance to enhance the business and technical capabilities of small disadvantaged, 8(a), and women-owned businesses to perform as contractors, subcontractors and suppliers.

(2) The mentor-protege initiatives described in these regulations constitutes a pilot program that will have a duration of two years from the date of the published final notice. During this period, management and operating contractors, Environmental Restoration management contractors and prime contractors which have received approval by the Department of Energy to participate in the program may enter into agreements with protege firms.

*B. Incentives for Mentor Participation*

(1) Active participation in the Department of Energy Mentor Protege Initiative may be a source selection factor in the awarding of Department of Energy contracts.

(2) The award fee evaluation plans contained in all Department of Energy Performance-Based Management contracts may include a factor for evaluation of a contractor's performance associated with Mentor-Protege Initiative participation.

(3) Mentor firms shall receive credit toward Department of Energy subcontracting goals contained in their subcontracting plan.

*C. Incentives for Protege Firms*

(1) Protege firms may be eligible for noncompetitive subcontracting procurement opportunities with the Department.

(2) Technical and developmental assistance provided by the mentor.

(3) Development of business relationships with Department of Energy, its contractors, and procurement personnel.

*D. Mentor Firms*

Department of Energy mentor candidates must be:

(1) Management and operating contractors of Department of Energy facilities.

(2) Environmental Restoration management contractors.

(3) DOE prime contractors.

*E. Protege Firms*

Department of Energy Protege candidates must be:

(1) A small disadvantaged, 8(a), or woman-owned small business concern in operation for two years as defined by the Small Business Administration.

(2) Eligible for receipt of government contracts, and;

(3) In operation and actively engaged in an energy related, technical or construction business field for two years.

*F. Selection of Protege Firms*

(1) Proteges may be selected from each of the following areas:

(a) Small disadvantaged and women-owned businesses that presently have contracts or subcontracts with the Department;

(b) Small disadvantaged and women-owned businesses that are presently 8(a) or 8(a) graduates under the Small Business Administration Program.

(c) Emerging small disadvantaged and women-owned business firms that possess energy related or technical capability and have been actively engaged in business for at least two years.

*G. Agreement Contents*

(1) Once a protege firm has been selected for participation in the program, a Mentor-Protege Plan signed by the respective firms shall be submitted to the Office of Economic Impact and Diversity/Office of Small Disadvantaged Business Utilization for approval. The Plan shall contain a description of the developmental assistance that is mutually agreed upon and in the best developmental interest of the protege firm, not to exceed ten (10) typed pages.

(2) The Mentor-Protege Plan shall also include information on the mentor's ability to provide developmental assistance, schedule for providing such assistance, and criteria for evaluating the protege's developmental success. The Plan shall include termination provisions complying with Notice and due process rights of both parties and a statement agreeing to submit periodic report reviews and cooperate in any studies or surveys as may be required by the Department in order to determine the extent of compliance with the terms of the agreement

(3) The submitted Mentor-Protege Agreement shall be reviewed by a Department of Energy committee consisting of representatives of the Office of Procurement and Assistance Management, the Office of Economic Impact and Diversity, and a Small Business Manager affiliated with the DOE Field Operations Offices.

The committee may recommend acceptance of the submitted Agreement if the Agreement is in compliance with Department of Energy Mentor-Protege guidelines.

*H. Measurement of Program Success*

The overall success of the Mentor-Protege Initiative will be measured by the extent to which it results in:

(1) An increase in the protege firm's technical and business capability, industrial competitiveness, client base expansion and improved financial stability.

(2) An increase in the number and value of contracts, subcontracts and suppliers by small disadvantaged business protege firms in industry categories where small disadvantaged businesses have not traditionally participated.

(3) The overall enhancement and development of protege firms as a competitive contractor, subcontractor, or supplier to the Department of Energy, other Federal agencies or commercial markets.

*I. Review and Approval of Mentor-Protege Agreements*

(1) All mentor-protege agreements shall be reviewed and approved by the Department of Energy's Office of Economic Impact and Diversity/Office of Small and Disadvantaged Business Utilization.

(2) Upon agreement approval, the mentor may implement the developmental assistance under the program.

(3) Proteges may seek multiple mentors provided, conflict of interest provisions would not prevent such an arrangement and the approval of the Office of Economic Impact and Diversity/Office of Small and Disadvantaged Business Utilization is received.

*J. Internal Controls by the Department*

(1) The Department of Energy's Office of Economic Impact and Diversity/ Office of Small and Disadvantaged Business Utilization will manage the program and establish internal controls to achieve the stated program objectives. Controls will include:

(a) Reviewing and evaluating mentor-protege agreements for goals and objectives; and

(b) Reviewing semi-annual progress reports submitted by mentors and proteges on protege development to measure protege progress against the approved agreement.

(c) Requesting and reviewing periodic reports and any studies or surveys as may be required by the Department.

*K. Non Performance*

(1) Failure of the mentor to meet the terms of the Mentor-Protege Agreement may have an adverse affect on future award fees.

(2) Failure of the protege to meet the terms of the Mentor-Protege Agreement may result in termination of the agreement by the mentor and exclusion from future participation in the Mentor-Protege Initiative.

*L. Program Review*

At the conclusion of each year in the Mentor-Protege Initiative the mentor and protege will formally brief the Department of Energy Office of Economic Impact and Diversity/Office of Small and Disadvantaged Business Utilization, regarding program accomplishments as it pertains to the approved agreement. The briefing may be held at either the Department of Energy Headquarters or the mentor or protege's site.

Issued in Washington, DC on June 2, 1995.

**Corlis S. Moody,**

*Director, Office of Economic Impact and Diversity.*

[FR Doc. 95–14206 Filed 6–8–95; 8:45 am]

**BILLING CODE 6450–01–P**

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## Federal Energy Regulatory Commission

**[Docket Nos. CP95–61–000 and CP95–62–000]**

## Columbia Gas Transmission Corporation; Notice of Availability of the Environmental Assessment for the Proposed Majorsville/Crawford Storage Project

June 5, 1995.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the natural gas pipeline facilities proposed by Columbia Gas Transmission Corporation (Columbia) in the above-referenced dockets.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA assesses the potential environmental effects of temporary deactivation of the existing Majorsville-

Heard Storage Complex over the next 13 years and the construction and operation of additional natural gas storage facilities at the Crawford Storage Field.

Deactivation at the Majorsville-Heard Storage Complex in Greene and Washington Counties, Pennsylvania and Marshall County, West Virginia could involve:

- Abandonment or relocation of up to 60 miles of existing pipeline; and
- Abandonment of up to 238 wells.

Additional facilities proposed at the Crawford Storage Field in Fairfield and Hocking Counties, Ohio include:

- Installation of 0.66 mile of electronic measurement cable;
- Replacement of 3.75 miles of pipeline;
- Construction of 0.95 mile of new pipeline;
- Drilling of four new wells;
- Modifications at the Crawford Compressor Station; and
- Installation of other appurtenant facilities, including wellhead measurement stations, well tie-ins, launchers/receivers, and an anode bed.

Temporary deactivation of the Majorsville-Heard Storage Complex is required to prevent damage to wells and pipelines from longwall coal mining that is in progress within the storage complex. The proposed facilities at the Crawford Storage Field would be used to offset the temporary deactivation of the Majorsville-Heard Storage Complex and would increase design day deliverability by 67.2 million cubic feet per day and storage capability by 5 billion cubic feet.

The EA has been placed in the public files of the FERC and is available for public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 941 North Capitol Street, N.E., Room 3104, Washington, DC 20426, (202) 208–1371.

Copies of the EA have been mailed to Federal, state and local agencies, public interest groups, interested individuals, newspapers, and parties to this proceeding.

A limited number of copies of the EA are available from: Ms. Laura Turner, EA Project Manager, Environmental Review and Compliance Branch II, Office of Pipeline Regulation, Room 7312, 825 North Capitol Street, N.E., Washington, DC 20426, (202) 208–0916.

Any person wishing to comment on the EA may do so. Written comments must reference Docket Nos. CP95–61–000 and CP95–62–000, and be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Comments should be filed as soon as possible, but must be received no later than June 30, 1995, to ensure consideration prior to a Commission decision on this proposal. A copy of any comments should also be sent to Ms. Laura Turner, EA Project Manager, Room 7312, at the above address.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. EA Project Manager, Room 7312, at the above address.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your comments considered.

Additional information about this project is available from Ms. Laura Turner, EA Project Manager.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95–14129 Filed 6–8–95; 8:45 am]

BILLING CODE 6717–01–M

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**[Project No. 7888–010 Vermont]**

## Comtu Falls Corp.; Notice of Availability of Environmental Assessment

June 5, 1995.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's Regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47910), the Office of Hydropower Licensing (OHL) reviewed the proposed downstream fish passage plan (plan), filed on October 24, 1994, pursuant to Commission order issued September 22, 1994, for the Comtu Falls Project. The plan would replace about 33 feet of the 2-foot-high flashboards adjacent to a proposed discharge weir with a 2-foot-high fixed concrete crest. A 2.5 foot wide by 2.0 foot high discharge weir would be opened in this concrete cap at the west abutment of the dam and trashrack to produce a 20-cubic-foot-per-second (cfs) flow to attract/convey outmigrating Atlantic salmon smolts safety past the project. The flow would discharge into a 3-foot-deep plunge pool to be constructed on the bedrock falls below the discharge. To further ensure efficient operation of the passage facility, 18 feet of the east edge of the dam would be capped with concrete to cover the exposed bedrock. The remaining 74 feet of the dam would retain the 2-foot-high flashboards. The downstream fish passage facility would be operated annually from April 1 through June 15. The staff prepared an Environmental Assessment (EA) for the action. In the EA, staff concludes that approval of the licensee's plan would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Reference and Information Center, Room 3308, of the Commission's offices at 941 North Capitol Street, N.E. Washington, D.C. 20426.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95–14126 Filed 6–8–95; 8:45 am]

BILLING CODE 6717–01–M

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**[RP95–31–000]**

## National Fuel Gas Supply Corporation; Notice of Informal Settlement Conference

June 5, 1995.

Take notice that an informal settlement conference will be convened in these proceedings on June 12, 1995 at 10:00 a.m. at the offices of the Federal Energy Regulatory Commission, 810 First Street, N.E., Washington, D.C., 20426, for the purpose of exploring the possible settlement of the issues in this proceeding.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Marc G. Denkinger (202) 208–2215 or Arnold H. Meltz (202) 208–2161.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95–14128 Filed 6–8–95; 8:45 am]

BILLING CODE 6717–01–M

**[Project No. 2474–004]**

## Niagara Mohawk Power Corporation; Notice of Extension of Time

June 5, 1995.

The time for filing comments on the application for license for the Oswego River Project No. 2474 is hereby extended until further notice, based on the representation of the parties to Commission staff that active settlement discussions will commence in early June.[1] A new deadline for filing responses will be established in a future notice.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 95–14127 Filed 6–8–95; 8:45 am]

**BILLING CODE 6717–01–M**

[1] Notice of Application Ready for Environmental Analysis issued April 3, 1995. (60 FR 19906, Apr. 21, 1995)

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## Office of Fossil Energy

**[Docket No. EA–101–A]**

## Application To Amend Electricity Export Authorization, Washington Water Power Company

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of Application.

**SUMMARY:** Washington Water Power Company (WWP) has submitted a request to amend its existing authorization to export electric energy to Canada pursuant to section 202(e) of the Federal Power Act.

**DATES:** Comments, protests or requests to intervene must be submitted on or before July 10, 1995.

**ADDRESSES:** Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Electricity (FE–52), Office of Fuels Programs, Office of Fossil Energy, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:** Xavier Puslowski (Program Office) 202–586–4708 or Michael Skinker (Program Attorney) 202–586–6667.

**SUPPLEMENTARY INFORMATION:** Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA).

WWP is currently authorized to export electric energy to Canada pursuant to two separate export authorizations. On September 2, 1994, the Office of Fossil Energy (FE) of the Department of Energy (DOE) issued an order in Docket EA–98 authorizing WWP and 21 other members of the Western Systems Power Pool (WSPP) to export electric energy to British Columbia Hydro & Power Authority (B.C. Hydro), and other future Canadian members of the WSPP, under the terms and conditions of WSPP's pooling agreement and service schedules approved by the Federal Energy Regulatory Commission (FERC). A condition of the WSPP agreement is that all transactions among WSPP members must be no longer than one year in duration and in accordance with one of four service schedules on file with FERC. The facilities to be utilized for these exports are the international transmission facilities owned and operated by the Bonneville Power Administration (BPA), also a WSPP member. These facilities consist of two 500-kilovolt (kV) lines located at Blaine, Washington, one 230-kV line at Nelway, British Columbia, and one 230-kV transmission line connecting to West Kootenay Power, Limited, at Nelway, British Columbia. The construction and operation of these international transmission facilities were previously authorized by Presidential Permits PP–10, PP–46, and PP–36, respectively. Exports under this order are authorized through September 2, 1996.

On October 17, 1994, FE issued an order in Docket EA–101 authorizing WWP to export through BPA's Nelway facilities (Presidential Permit PP–36[1]) up to 100 megawatts (MW) of firm capacity and associated energy to West Kootenay Power, Limited, for only the months of November, December, January, and February. This authorization expires in February 1999.

On May 12, 1995, WWP applied to DOE to amend the export authorization issued in Docket EA–101 by: (1) Increasing the authorized export limit to 400 MW; (2) authorizing exports for all months of the calendar year; (3) removing the expiration date of the export authorization; and (4) adding the BPA facilities authorized by Presidential Permits PP–10 and PP–46 to the list of facilities that WWP may use for export.

WWP asserts that amending the export authorization will allow it to more readily respond to the competitive changes taking place in the electric utility industry and that the limits in the existing export authorization create a significant barrier to meeting competitive market opportunities. WWP is seeking an export authorization that will allow it to negotiate contracts for transactions that occur during any month over a period of years. Specifically WWP is requesting authorization to enter into multiple contracts in order to export not more than 400 megawatts of electricity to Canada annually.

[1] In the electricity export authorization issued to Washington Water Power on October 17, 1994, in FE Docket EA–101, Order EA–101, the DOE misidentified the Presidential permit to be used to execute the transfer of electric energy to West Kootenay Power, Limited. The correct Presidential permit number is PP–36, not PP–46.

### Procedural Matters

Any person desiring to be heard or to protest this application should file a petition to intervene or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the Rules of Practice and Procedures (18 CFR 385.211, 385.214).

Any such petitions and protests should be filed with DOE on or before the date listed above. Additional copies of such petitions to intervene or protests also should be filed directly with: Charles M. Goligoski, Power Resource Analyst, Washington Water Power, East 1411 Mission, P.O. Box 3727, Spokane, Washington 99220–3727.

Pursuant to 18 CFR 385.211, protests and comments will be considered by the DOE in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a part must file a petition to intervene under 18 CFR 385.214. Section 385.214 requires that a petition to intervene must state, to the extent known, the position taken by the petitioner and the petitioners interest in sufficient factual detail to demonstrate either that the petitioner has a right to participate because it is a State Commission; that it has or represents an interest which may be directly affected by the outcome of the proceeding, including any interest as a consumer, customer, competitor, or a security holder of a party to the proceeding; or that the petitioner's participation is in the public interest.

A final decision will be made on this application after the DOE determines whether the proposed action would impair the sufficiency of electric supply within the United States or would impede or tend to impede the coordination in the public interest of facilities as required by Section 202(e) of FPA.

Before an export authorization may be issued, the environmental impacts of the proposed DOE action (i.e., granting the export authorization, with any conditions and limitations, or denying it) must be evaluated pursuant to the National Environment Policy Act of 1969 (NEPA).

Copies of this application will be made available, upon request, for public

inspection and copying at the address provided above.

Issued in Washington, DC, June 2, 1995.

**Anthony J. Como,**

*Director, Office of Coal & Electricity, Office of Fuels Programs, Fossil Energy.*

[FR Doc. 95–14205 Filed 6–8–95; 8:45 am]

BILLING CODE 6450–01–P

## Western Area Power Administration

## Final Principles of Integrated Resource Planning for Use in Resource Acquisition and Transmission Planning

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of final principles.

**SUMMARY:** The Western Area Power Administration (Western) will use principles of integrated resource planning (IRP) in its acquisition of resources (supply-side and demand-side) and in its transmission planning. Western published proposed principles for public consideration in the **Federal Register** on December 6, 1994 (59 FR 62724). After considering public comment on that proposal, Western has adopted the final principles of IRP contained in this notice as the policy under which project-specific resource acquisition and transmission planning procedures will be developed. These project-specific procedures will be developed through separate public processes.

**DATES:** The final principles of IRP will be effective on July 10, 1995.

**BACKGROUND:** On August 9, 1994, Western provided notice of its proposed Energy Planning and Management Program (Program), 59 FR 40543, concerning requirements for Western's customers to undertake integrated resource planning consistent with the statutory requirements of the Energy Policy Act of 1992 (section 114 of the Energy Policy Act, codified at 42 U.S.C. §§ 7275–7276c). In that notice, Western committed to develop and use principles of IRP in its own resource acquisition and transmission planning. The separate public process to develop principles of IRP began with publication of draft principles of IRP in the **Federal Register** on December 6, 1994. A public information and comment forum was held in Denver, Colorado, on January 12, 1995, to explain the proposed principles and receive comments on the proposal. Written comments on the proposal were received through March 7, 1995.

The final Western principles of IRP outlined in this notice will be used by Western in its resource acquisition and transmission planning and differ from those proposed in the Program for Western's customers. Western's resource acquisitions are primarily short-term purchases of supplemental resources to firm variable hydropower generation and are not acquisitions of resources to meet long-term load growth. The principles of IRP also have been adapted to Western's transmission planning process, which does not deal with new generation resources, only new or upgraded transmission facilities.

Western currently is involved in other public processes that can have an impact on future purchase power and transmission requirements. The final principles of IRP will be applied when acquiring resources or planning transmission related to the decisions from these other public processes. These principles will serve as the policy under which specific procedures are developed as each project identifies the need to acquire resources or increase Western's transmission capability.

**RESPONSE TO COMMENTS:** Western received 4 oral comments at the January 12, 1995, public meeting and 11 comment letters on the proposed principles of IRP published December 6, 1994. The comments received and Western's responses follow.

1. *Comment:* The scope of the principles of IRP should be broadened to possibly include examination of project-use loads.

*Response:* Western is responsible for marketing the power surplus to the needs of the Bureau of Reclamation (Reclamation) projects. Reclamation has jurisdiction for operation of the projects. However, we do agree that there may be opportunities for collaborating with Reclamation to expand the IRP process to include, where feasible, energy efficiency improvements at project-use facilities. Western and Reclamation completed a study in 1992 that indicated very limited opportunity for cost-effective improvements at Central Valley Project project-use facilities. However, Western may continue to evaluate such opportunities as part of project-specific resource acquisition evaluation criteria.

2. *Comment:* Western should increase cooperation with Reclamation on planning studies to extract the maximum possible benefit out of the projects to reduce the need for additional purchases.

*Response:* We agree with this comment. As part of the National Performance Review, Reclamation is reviewing its power functions and operations. Western is cooperating in this effort.

3. *Comment:* The evaluation of supply-side and demand-side alternatives requires some additional clarification of the interplay between the customer demand-side management (DSM) and the Western DSM programs.

*Response:* The evaluation of demand-side alternatives for customers is generally focused on use of DSM to impact the customer's total load to reduce or delay resource acquisitions. Since Western is a partial requirements supplier for most of its customers, the evaluation of Western DSM alternatives will focus upon whether DSM will impact that portion of a customer's load supplied by Western (Western's contract obligation) to reduce the customer's need for the Western resource, which may, in some cases, reduce Western's resource acquisitions. Western DSM alternatives also may include improvements that reduce losses or project use energy efficiency improvements, if such alternatives reduce the amount of energy that Western needs to acquire to meet its contract commitments. A customer DSM activity that reduces only the amount a customer self-generates or purchases from an auxiliary supplier has no impact on Western's obligation and, therefore, is not a Western DSM alternative under these principles.

4. *Comment:* Western's proposal to apply principles of IRP to resource acquisition and transmission planning was strongly supported by one commenter, and Western was commended for developing an internal IRP process by two commenters at the January 12, 1995, public meeting.

*Response:* Western appreciates the support of these commenters.

5. *Comment:* Several commenters expressed concerns that these principles of IRP should not interfere with or duplicate existing partnership efforts between our firm power customers and Area Offices for resource acquisition and transmission planning.

*Response:* Western fully supports the on-going processes between Area Offices and customers relating to cost containment, transmission planning and resource acquisition. However, one of the basic foundations of IRP is full public involvement in resource decisions. To the extent that on-going partnership processes, such as the Glen Canyon Replacement Power process, include involvement by all interested stakeholders, those processes can integrate these final principles of IRP within their decision making process without additional effort.

6. *Comment:* The Salt Lake City Area replacement power process for Glen Canyon resources provides for each

customer to decide if it wants its lost resource to be replaced by Western or by the customer. Principle number I.2 would violate this by taking the decision away from the customer and letting it be made by interested stakeholders.

*Response:* Western has no intent to overturn any agreements in the Glen Canyon power replacement process. At the January 12, 1995, public meeting, Western recognized that ''* * * the extent of Western's future resource acquisitions * * * will depend on the choices made by long-term firm power customers to arrange their own purchases of firming energy or to have Western acquire firming resources for them.'' Principle number I.2 has been modified to avoid confusion by deleting the provision for public input into the necessity for resource acquisitions and only provide for public input in the development of criteria to be used in evaluating power resource alternatives. This allows customers to decide whether or not Western should acquire firming resources for them and allows all interested stakeholders input into the criteria for evaluating resource alternatives consistent with the intent of integrated resource planning.

7. *Comment:* Several commenters questioned the costs and benefits to Western and the power customers of yet another public process.

*Response:* It is not Western's intent to add the additional cost and burden of yet another process. It is, however, Western's intent to fully integrate the principles of IRP into ongoing Western-Customer partnership processes and to ensure that all stakeholders have an opportunity to provide input into Western's resource acquisition and transmission planning processes. Western believes that making informed, least-cost resource acquisition and transmission planning decisions with involvement by all interested stakeholders will be worth the effort.

8. *Comment:* Principles of IRP will become less useful as the industry becomes more competitive.

*Response:* Western believes that the principles of IRP contained in this notice will facilitate Western's competitiveness by helping it make informed decisions with input from all interested stakeholders. In addition, the principles of IRP can be used to identify uncertainties associated with the more competitive generation sector of the industry, thereby providing the mechanism to evaluate risks associated with resource acquisition and transmission planning decisions.

9. *Comment:* These principles could duplicate, delay, and complicate Western's participation in transmission projects proposed through a regional transmission group, such as the Western Regional Transmission Association (WRTA) and the Southwest Regional Transmission Association (SWRTA).

*Response:* Western does not believe that these principles will impede its ability to participate in regional transmission groups. It is Western's intent to integrate the principles of IRP into Western's ongoing processes in order to ensure that transmission plans proposed by Western will have the benefit of input from all interested stakeholders. Western has joined WRTA and SWRTA. Both groups will promote coordinated planning and efficient use of transmission capacity and will provide another means for involvement by Western's customers. As appropriate, Western can invite other interested parties to attend SWRTA meetings as guests of Western. Additionally, both WRTA and SWRTA allow for State regulatory commissions' involvement as ex officio members. It is anticipated that some form of regional transmission group will be established in the Mid-Continent Area Power Pool. This will also facilitate public involvement in considering Western's future transmission needs.

10. *Comment:* Western needs to be creative about DSM when applying these principles to actual decisions.

*Response:* We agree. This issue will be addressed during Area Office development of resource evaluation criteria at the time that a resource acquisition appears to be necessary.

11. *Comment:* Customers and the broader public should have opportunity to comment before Western signs long-term purchase power contracts.

*Response:* These principles provide opportunity for all interested stakeholders to participate in the development of resource evaluation criteria by an Area Office for project-specific resource acquisitions. In addition, customers and the broader public will continue to have an opportunity to comment on power marketing plans which determine the need for long-term purchase power contracts. It is unnecessary and duplicative to have an additional comment opportunity on individual contracts implementing the evaluation criteria decisions.

12. *Comment:* The transmission planning evaluation criteria should include the following criteria that were discussed at the January 12, 1995, public meeting: (1) increased revenues from new transmission exceed costs; (2) customers benefit sufficiently that they support the project; or (3) new facilities are funded directly by others.

*Response:* Western does not feel that it is appropriate to include these criteria in the final principles of IRP since they are part of Western's internal decision rules as currently adopted in its strategic planning process that may change from time to time based on customer feedback or Department of Energy or Congressional direction. However, Western is committed to our strategic planning process which currently includes these evaluation criteria. The intent of the principles of IRP as applied to transmission planning is to foster wide and early public involvement and a free exchange of ideas to develop alternatives that best meet regional needs.

13. *Comment:* Western should change the scope to specify purchases for 2 years or longer or recurring purchases of more than 250 gigawatthours per year.

*Response:* Western believes such a requirement in the scope would reduce the flexibility of the Area Offices and interested stakeholders to collaboratively determine the amount of recurring purchases that would justify use of these principles. At the January 12, 1995, meeting, Western described a ''continuous'' or ''recurring'' purchase to mean, ''* * * a resource need, capacity and/or energy of a fixed quantity and seasonal pattern and over an extended period, usually longer than 5 years.'' Western believes that it is important to maintain flexibility within these principles.

14. *Comment:* The principles of IRP do not apply to transmission planning.

*Response:* Western believes that the principles of IRP do apply for public participation and consideration of alternatives to construction.

15. *Comment:* One commenter asked several questions concerning implementation of these principles: What are classified as renewables? Will decentralized, smaller resources, such as PV, be considered as renewables? Will public education and incentives for conservation be included in DSM programs? Will global climate change needs be included in considerations of environmental impact?

*Response:* Western believes that consideration of these important issues at this time is beyond the scope of these principles. However, these issues will be considered in Area Office development of evaluation criteria for specific resource acquisition or transmission planning activities.

*SCOPE:* The principles of IRP will apply specifically to:

1. Resource acquisitions involving a commitment to purchase a resource

continuously or a commitment to make recurring purchases. Normally, formal principles will not be applied to unpredictable seasonal purchases, day-to-day economy energy purchases, and other short-term transactions.

2. New or upgraded transmission system construction with a 1995 total cost estimate in excess of $5 million for an individual project. This 1995 cost level will be adjusted each year using the construction cost index. Normally, formal principles of IRP will not be applied to transmission facilities needed for reliability. Transmission facilities needed for reliability will be based on mitigating problems related to power system operations or replacing unsafe, aged, worn out, or inefficient equipment.

Where practicable, principles of IRP will also be applied informally to other Western transmission projects and/or resource acquisitions.

**PROPOSED PRINCIPLES OF INTEGRATED RESOURCE PLANNING:**

I. Resource Acquisition Principles: Western's resource acquisition activities will be determined by project-specific power marketing plans, hydropower production capability, and the application of the following proposed principles of IRP:

1. Western will consider a full range of resource options, both supply-side and demand-side, as well as renewable resource options.

2. On a project-by-project basis, Western, through a public process involving interested stakeholders, will develop criteria to be used in evaluating power resource alternatives.

3. Evaluation criteria will address cost, environmental impact, dependability, dispatchability, risk, diversity, and the ability to verify demand-side alternatives. Evaluation criteria will be reviewed as the need for resources changes or when long-term commitments to purchase power expire.

4. Evaluation criteria will be consistent with Western's power marketing policy, which states that Federal power is to be marketed in such a manner as to encourage the most widespread use thereof at the lowest possible rates to consumers consistent with sound business principles. The policy, found in Delegation Order No. 0204–108, is derived from statutes authorizing the sale of power from both Department of the Army and Department of the Interior hydroelectric projects. These statutes include section 5 of the Flood Control Act of 1944, 16 U.S.C. 825 and section 9(c) of the Reclamation Project Act of 1939 .

5. Resource acquisition planning will be consistent with power marketing plans and associated contractual obligations.

6. Resource acquisition decisions will be documented and made available to Western's power customers and the public.

II. Transmission Planning Principles: Western's transmission planning is conducted to assess the capability of the Federal transmission system to provide adequate and reliable electric service to its customers and the interconnected power grid. The principles of IRP that will apply to Western's transmission planning are as follows:

1. Western will conduct early and wide public involvement to confirm the purpose and need of a proposed transmission project. Western proposes that a public meeting be held early in the planning process once the need for system modifications has been identified and prior to start of the National Environmental Policy Act of 1969 (NEPA) process. To the extent appropriate, Western's use of principles of IRP for transmission planning will include existing forums and customer partnerships with regard to public involvement.

2. At the public meeting, Western will describe the need to be met and seek comments on alternative ways to address the need, including demand-side management, new construction, or upgrade of existing facilities.

3. Western will include opportunity for participation in the early and wide public involvement process by interested parties, including power customers, residents of the area, environmental groups, various resource suppliers, including renewable generation entities, and other transmission utilities in the area, as well as other participants in the proposed transmission project if it is a joint participation project.

4. Alternatives that are reasonable will be initially evaluated for cost, general environmental impacts, and system reliability concerns in coordination with interested parties. Data from this initial evaluation will be included in the subsequent NEPA analysis.

5. The results of this preliminary evaluation will be made available to Western's power customers and the public.

**ENVIRONMENTAL EVALUATION:** Methods, procedures, and criteria for implementing these principles of IRP and any related environmental effects will be project-specific. Western will conduct appropriate public processes under NEPA and its implementing regulations for these project-specific actions.

**DETERMINATION UNDER EXECUTIVE ORDER 12866:** DOE has determined this is not a significant regulatory action because it does not meet the criteria of Executive Order 12866, 58 FR 51735. Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Issued at Golden, Colorado, May 17, 1995.

**J.M. Shafer,**

*Administrator.*

[FR Doc. 95–14208 Filed 6–8–95; 8:45 am]

BILLING CODE 6450–01–P

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–5219–3]**

## Ambient Air Monitoring Reference and Equivalent Methods; Receipt of Applications for Reference and Equivalent Method Determinations

Notice is hereby given that the Environmental Protection Agency has received three applications for reference or equivalent method determinations under 40 CFR part 53. On April 3, 1995, an application was received from Environnement S.A., 111 bd, Robespierre, 78300 Poissy, France, to determine if their Model $O_3$41M UV Absorption Ozone Analyzer should be designated by the Administrator of the EPA as an equivalent method. On April 4, 1995, an application was received from Horiba Instruments Incorporated, 17671 Armstrong Avenue, Irvine, California, to determine if their Model APMA–360 Ambient Carbon Monoxide Monitor should be designated as a reference method. And on April 24, 1995, an application was received from Environnement S.A., 111 bd, Robespierre, 78300 Poissy, France, to determine if their Model CO11M Gas Filter Correlation Carbon Monoxide Analyzer should be designated as a reference method. If, after appropriate technical study, the Administrator determines that these methods should be so designated, notice thereof will be given in a subsequent issue of the **Federal Register**. For additional information regarding receipt of any of these applications, please contact Frank F. McElroy (MD–77), Methods Research and Development Division, U.S. EPA, Research Triangle Park, NC, 27711 (919–541–2622).

Dated: May 24, 1995

**Joseph K. Alexander,**

*Acting Assistant Administrator for Research and Development.*

[FR Doc. 95–14234 Filed 6–8–95; 8:45 am]

BILLING CODE 6560–50–M

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**[FRL–5218–9]**

## Process Source Opt-in Program Technical Background Document

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of draft report for public comment.

**SUMMARY:** The Acid Rain Division (ARD) of the U.S. Environmental Protection Agency (EPA) is preparing this technical background document to gather relevant information, in preparation of an upcoming rulemaking, on various process source industries that emit sulfur dioxide ($SO_2$). This rulemaking will implement section 410(d) of the 1990 Clean Air Act Amendments and will expand participation into the Opt-in Program for process sources that are able to meet program requirements.

EPA seeks public participation in developing this rulemaking to build a solid technical foundation on which to establish program requirements. In addition, the number and variety of industries that could potentially participate in this program make public input essential in crafting a regulation that can specifically address the many aspects of participation (e.g. allowance allocation, monitoring, etc.) and, at the same time, be flexible in accommodating differing approaches taken in different industries.

**DATES:** The draft Process Source Opt-in Program: Technical Background Document will be available for review and comment. EPA requests comments on or before July 24, 1995.

**ADDRESSES:** *Availability:* To obtain a copy of the draft Process Source Opt-in Program: Technical Background Document contact the Office of Air and Radiation Docket and Information Center at 202–260–7548 or 202–260–7549 or by fax at 202–260–4400. Refer to Docket A–95–23.

*Comments:* Written statements should be submitted (in duplicate if possible) to: Adam Klinger, Acid Rain Division (6204J), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Adam Klinger, Acid Rain Division (6204J), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Telephone: (202) 233–9122.

Dated: May 31, 1995.

**Brian J. McLean,**

*Director, Acid Rain Division.*

[FR Doc. 95–14232 Filed 6–8–95; 8:45 am]

BILLING CODE 6560–50–M

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**[FRL–5218–8]**

## Acid Rain Program: Notice of Final Permits

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of permits.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is approving a 5-year sulfur dioxide compliance plan, according to the Acid Rain Program regulations (40 CFR part 72), for the following 2 utility plants: Baldwin and Havana in Illinois.

**FOR FURTHER INFORMATION CONTACT:** Cecilia Mijares, (312) 886–0968, EPA Region 5, Air and Radiation Division, 77 West Jackson Blvd., Chicago, IL, 60604.

Dated: May 31, 1995.

**Brian J. McLean,**

*Director, Acid Rain Division, Office of Atmospheric Programs, Office of Air and Radiation.*

[FR Doc. 95–14230 Filed 6–8–95; 8:45 am]

BILLING CODE 6560–50–P

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**[ER–FRL–4723–8]**

## Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared May 1, 1995 through May 5, 1995 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260–5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 1995 (72 FR 19047).

### Draft EISs

*ERP No. D–BLM–J65229–MT*

Rating EC2, Sweet Grass Hills Resource Management Plan Amendment, Implementation, West HiLine Resource Management Plan, Toole and Liberty Counties, MT.

*Summary:* EPA expressed environmental concerns regarding potential impacts to water resources wildlife resources, air quality and cultural resources which should be avoided in order to fully protect the environment. EPA requested that additional information regarding these issues be included in the final document.

*ERP No. D–DOE–L05210–00*

Rating EO2, Resource Contingency Program, Construction and Operation, Three Proposed Plant Sites, Chelalis Hermiston and Satsop Power Projects, Lewis and Grays Harbor Counties, WA and Washington and Umattilla Counties, OR.

*Summary:* EPA expressed environmental objections based on potential water quality and wetland impacts. EPA requested additional information concerning the alternatives for potential cumulative impacts and proposed mitigation and monitoring.

*ERP No. D1–DOE–A00163–00*

Rating EC2, Programmatic EIS–Tritium Supply and Recycling Facilities Siting, Construction and Operation, Implementation, Idaho National Engineering Laboratory, ID; Nevada Test Site, NV; Oak Ridge Reservation, TN; Pantex Plant, TX or Savannah River Site, SC.

*Summary:* EPA endorsed the accelerator technology as the most environmentally preferred technology and noted that each site has a unique set of environmental challenges to mitigate. EPA requested additional information in the final EIS concerning groundwater, aquifer impacts, and emergency preparedness.

### Final EISs

*ERP No. F–DOD–K11057–CA*

California Acoustic Thermometry of Ocean Climate (ATOC) Program and Marine Mammal Research Program (MMRP), Funding, Marine Mammal Research Permit and COE Nationwide Permits Issuance, Monterey County, CA.

*Summary:* Review of the Final EIS was not deemed necessary. No comment letter was sent to the preparing Agency.

*ERP No. F–DOE–A00166–00*

NAT, Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs, Implementation.

*Summary:* EPA environmental concerns on the draft environmental impact statement have been adequately addressed.

*ERP No. F–NPS–K61130–HI*

Haleakala National Park General Management Plan and Conceptual Framework, Implementation, Island of Maui, Maui County, HI.

*Summary:* Review of the final EIS was not deemed necessary. No comment letter was sent to the preparing Agency.

Dated: June 6, 1995.

**William D. Dickerson,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 95–14224 Filed 6–8–95; 8:45 am]

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**[ER–FRL–4723–7]**

## Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 260–5076 OR (202) 260–5075. Weekly receipt of Environmental Impact Statements Filed May 29, 1995 Through June 02, 1995 Pursuant to 40 CFR 1506.9.

*EIS No. 950223, DRAFT EIS, USA, AR,*

Pine Bluff Arsenal Disposal of Chemical Agents and Munitions Stored, Construction and Operation, Approval of Permits, Jefferson County, AR, Due: July 24, 1995, Contact: Trent Moxley (800) 488–0648.

*EIS No. 950224, FINAL EIS, AFS, OR*

East Fork Deer Creek Long-Term Ecosystem Productivity Research Study, Implementation, Willamette National Forest, Blue River Ranger District, Lane County, OR, Due: July 10, 1995, Contact: Lynn Burditt (503) 822–3317.

*EIS No. 950225, FINAL EIS, EPA, CA*

Joint Water Pollution Control Plant (JWPCP), Full Secondary Treatment Upgrade Project, Construction and Funding, City of Carson, Los Angeles County, CA, Due: July 10, 1995, Contact: Elizabeth Borowiec (415) 744–1948.

*EIS No. 950226, DRAFT EIS, FHW, WA*

WA–20 Transportation Improvements, between Fredonia (WA–536) and Interstate 5) Burlington, Funding, Right-of-Way Acquisition and COE Section 404 Permit, Skagit County, WA, Due: July 24, 1995, Contact: Gene Fong (360) 753–2120.

*EIS No. 950227, FINAL EIS, NPS, PA,*

White-Tailed Deer Management Plan, Implementation, Gettysburg National Military Park and Eisenhower Historic Site, Adams County, PA, Due: July 10, 1995, Contact: John A. Latschar (717) 334–0909.

*EIS No. 950228, REVISED DRAFT EIS, FHW, AK*

Whittier Access Project, Additional Information, Construction between Port of Whittier and Seward Highway, Funding, Right-of-Way Agreement and COE Section 10 and 404 Permits, Chugauch National Forest, Municipality of Anchorage, City of Whittier, AK, Due: July 24, 1995, Contact: Phillip Smith (907) 586–7428.

*EIS No. 950229, DRAFT EIS, NOA, ME, RI, NJ, CT, NY*

Scup (Stenotomus Chrysops) Fishery Amendment, Fishery Management Plan (FMP), Implementation, Elimination or Prevention of Over Fishing in the Exclusive Economic Zone (EEZ), Approval and Permits, ME, CT, RI, NY and NJ, Due: July 24, 1995, Contact: Rolland A. Schmitten (301) 713–2239.

*EIS No. 950230, FINAL EIS, DOE, WA*

Washington Windplant No. 1, Construction and Operation, 115 Megawatt (MW) Windpower Project, Conditional-Use-Permit, NPDES and COE Section 404 Permits, Klickitat County, WA, Due: July 10, 1995, Contact: Kathy Fisher (800) 622–4520.

*EIS No. 950231, FINAL EIS, BOP, PA*

Federal Prison Camp—Scranton, Pennsylvania, Construction, Operation and Site Selection, Jessup Borough, Lackawanna County, PA, Due: July 10, 1995, Contact: David J. Dorworth (202) 514–6470.

*EIS No. 950232, FINAL EIS, FHW, NC*

US 117 Corridor Improvement Project, US 13/70 at Goldsboro, north to US 301 in Wilson, Funding and Section 404 Permit, Wayne and Wilson Counties, NC, Due: July 24, 1995, Contact: Nicholas L. Graf (919) 856–4346.

*EIS No. 950233, FINAL EIS, FHW, WV*

US 52 (Tolsia Highway) Transportation Improvement, Kenova to Nolan (I–64 to US 119), Funding, Wayne and Mingo Counties, WV, Due: July 10, 1995, Contact: David Bender (304) 347–5928.

*EIS No. 950234, FINAL EIS, AFS, AK*

Polk Inlet Project, Long-Term Timber Sale Contract, Implementation, Tongass National Forest, Prince of Wales Island, AK, Due: July 10, 1995, Contact: Dave Arrasmith (907) 225–3101.

*EIS No. 950235, DRAFT EIS, AFS, MT*

Two Joe Timber Sales, Implementation, Lolo National Forest, Superior Ranger District, St. Regis River, Mineral County, MT, Due: July 24, 1995, Contact: Terry Egenhoff (406) 822–4233.

*EIS No. 950236, DRAFT EIS, IBR, MT*

Tongue River Basin Project, Implementation, Tongue River Dam and Reservoir, COE Section 404 Permit, Bighorn County, MT, Due: August 04, 1995, Contact: Edward M. Pettit (406) 444–6646.

*EIS No. 950237, REVISED DRAFT EIS, DOE, WA*

Yakima River Basin Fisheries Project, Updated and Additional Information, Construction, Operation and Maintenance, Funding, COE Section 10/404 Permits and NPDES Permit, Yakima Indian Nation, Yakima County, WA, Due: July 24, 1995, Contact: Nancy Weintraub (800) 622–4520.

*EIS No. 950238, FINAL EIS, SFW, NV*

Desert Tortoises (Gopherus Agassizii) Habitat, Issuance of Permit to Allow Incidental Take, Federal Land and Non-Federal Land, Clark County, NV, Due: July 10, 1995, Contact: Al Pfister (303) 231–6241.

*EIS No. 950239, FINAL EIS, DOE, PA*

York County Energy Partners Cogeneration Facility, Funding, Construction and Operation, 250 Megawatt Coal-Fired Cogeneration Facility, Clean Coal Technology Program (CCTP), North Codorus Township, York County, PA, Due: July 10, 1995, Contact: Jan K. Wachter (304) 285–4607.

**Amended Notices**

*EIS No. 950085, DRAFT EIS, AFS, ID*

Thunderbolt Wildfire Recovery Project, Implementation, Boise and Payette National Forests, Valley County, ID, Due: July 03, 1995, Contact: Steve Patterson (208) 364–7400. Published FR 03–17–95—Review period extended.

*EIS No. 950118, DRAFT EIS, IBR, WA, ND, OR, ID, NV, MT, SD, WY, NB, UT, CO, CA, NM, OK, KS, AZ, TX*

Acreage Limitation and Water Conservation Rules and Regulations, Revised and/or New Rules for Replacement and Expansion of Existing Rules pertaining to the Administration of the Reclamation Reform Act of 1982, Implementation in Seventeen Western States, Due: June 26, 1995, Contact: Ronald J. Schuster (303) 236–9336. Published FR 04–7–95—Review period extended.

*EIS No. 950188, DRAFT EIS, USN, CA*

San Diego Homeporting Facilities Construction and Operation to Support Berthing One NIMITZ Class Aircraft Carrier, Implementation, San Diego County, CA, Due: June 26, 1995, Contact: Robert Hexton (619) 532–3761. Published 5–12–95—Telephone Number Correction.

*EIS No. 950196, LEGISLATIVE DRAFT, AFS, OR*

Dutch Flat Creek, Killamacue Creek and Rock Creek Wild and Scenic River Study, Designation or Nondesignation, National Wild and Scenic River System, Wallowa-Whitman National Forest, American Rivers, Baker County, OR, Due: August 17, 1995, Contact: Steve Davis (503) 523–1316. Published FR—05–19–95 Due Date Correction.

Dated: June 06, 1995.

**Wiliam D. Dickerson,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 95–14226 Filed 6–8–95; 8:45 am]

BILLING CODE 6560–50–U

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**[FRL–5218–7]**

## Public Meeting on Drinking Water, Consumer Awareness Project

Notice is hereby given that the U.S. Environmental Protection Agency (EPA) is holding a public meeting on drinking water consumer awareness on June 26, 1995, from 9:00 a.m. to 4:00 p.m. at Resolve, Inc., 2828 Pennsylvania Avenue NW., Washington, DC. The purpose of the meeting is to obtain ideas, suggestions and options for activities the Agency may undertake to improve consumer awareness of drinking water protection and safety issues, including the possible streamlining of Public Notice requirements currently in effect under Section 1414 of the Safe Drinking Water Act.

As part of a comprehensive review of the federal safe drinking water program, EPA's report, *Strengthening the Safety of Our Drinking Water,* (March 1995) identified the following action item as a priority:

*Give Americans More Information About Our Drinking Water.* In cooperation with water suppliers, states, citizen groups, and other stakeholders, EPA is seeking ways to improve consumer information. Broader public understanding and support for drinking water protection measures could be achieved through inexpensive, simple steps, such as informing consumers (perhaps directly on their bills) about (1) the source of incoming water which the utility must turn into safe tap water; and (2) water testing results and the actions necessary to address potential problems.

EPA plans to ask participants at the June 26, 1995, meeting to assist in identifying and prioritizing activities the Agency can carry out under current legislative authorities to implement this agenda item. Such approaches may include, for example: partnerships with stakeholder organizations; pilot projects; the publication of data or reports; and support of community-based projects. Participants will also be asked to provide their views on the possible streamlining of current regulations under the federal Safe Drinking Water Act that require water system operators to notify the public of violations of safe drinking water standards.

Following the public meeting, EPA intends to provide meeting summaries to senior EPA managers to oversee the development of an action plan consistent with available resources. The meeting summary and the action plan will be provided to the National Drinking Water Advisory Council for its comment. Additional public meetings are not planned at this time, but participants at the June 26, 1995, meeting will be asked whether additional public meetings (or other means of involvement) are recommended. Final decisions concerning the implementation of the consumer awareness project will be made by Assistant Administrator for Water, Robert Perciasepe.

Alternatively or in addition to the public meeting, member of the public may submit written comments to EPA for up to fifteen days after the meeting. These comments should be sent to Charlene Shaw, EPA, Office of Ground Water and Drinking Water (4601), 401 M Street, SW., Washington, DC 20460. Members of the public who wish to attend the meeting, should call EPA's Safe Drinking Water Hotline at 1–800–426–4791. A package of meeting materials will be mailed to callers prior to June 26, 1995. If you do not plan to participate, but wish to receive the documents and materials prepared for and subsequent to the meeting, you may also call EPA's Safe Drinking Water Hotline to request this information.

A limited number of telephone lines have been reserved for members of the public wishing to participate in the June 26, 1995, meeting by telephone. Telephone lines will be available on a ''first come, first served'' basis to members of the public who contact EPA prior to June 21, 1995. EPA will cover long distance telephone charges for meeting participants. General questions about the meeting process and telephone participation should be directed to Charlene Shaw with EPA's Office of Ground Water and Drinking Water at (202) 260–2285.

Dated: June 2, 1995.

**Cynthia C. Dougherty,**

*Director, Office of Ground Water and Drinking Water.*

[FR Doc. 95–14231 Filed 6–8–95; 8:45 am]

BILLING CODE 6560–50–M

**[OPPTS–00170; FRL–4959–2]**

## Forum on State and Tribal Toxics Action (FOSTTA) Projects; Open Meetings

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of open meetings.

**SUMMARY:** The four Projects of the Forum on State and Tribal Toxics Action (FOSTTA) will hold meetings open to the public at the time and place listed below in this notice.

**DATES:** The four Projects will meet June 26, 1995 from 8 a.m. to 5 p.m., with a plenary session from 1 p.m. until 2 p.m., and on June 27, 1995, from 8 a.m. to noon.

**ADDRESSES:** The meetings will be held at: The Holiday Inn, 480 King St., Alexandria, VA.

**FOR FURTHER INFORMATION CONTACT:** Erica Phipps, Office of Pollution Prevention and Toxics (7408), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: (202) 260–9094.

**SUPPLEMENTARY INFORMATION:** FOSTTA, a group of State and Tribal toxics environmental managers, is intended to foster the exchange of toxics-related program and enforcement information among the States/Tribes and between the States/Tribes and U.S. EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) and Office of Enforcement and Compliance Assurance (OECA). FOSTTA currently consists of the Coordinating Committee and four issue-specific Projects. The Projects are: (1) The Toxics Release Inventory Project; (2) The State and Tribal Enhancement Project; (3) The Chemical Management Project; and (4) The Lead (Pb) Project.

### List of Subjects

Environmental protection.

Dated: June 1, 1995.

**James B. Willis,**

*Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 95–14203 Filed 6–8–95; 8:45 am]

BILLING CODE 6560–50–F

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**[OPPTS–211042; FRL–4960–4]**

## TSCA Section 21 Petition; Notice of Receipt

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces receipt of a petition submitted by 24 organizations under section 21 of the Toxic Substances Control Act (TSCA), and requests comments on the petition. The petition asks EPA to issue a rule under section 6 of TSCA, requiring cement manufacturers who burn hazardous wastes as fuel in their kilns to label their product with a notice to that effect. The requested label would: (1) Note that the cement had been made while burning hazardous waste; (2) state that the product contained residuals of that waste, including increased amounts of toxic and carcinogenic metals; and (3) caution users to avoid emitting or breathing dust from the product, and to avoid direct contact. Under TSCA section 21, the Agency must respond by July 18, 1995.

**ADDRESSES:** Persons wishing to provide comments to the Agency should submit them to: TSCA Document Receipt Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–G99, 401 M St., SW., Washington, DC 20460, Attention: Docket Number OPPTS–211042. A public version of the record is available in the TSCA Nonconfidential Information Center (NCIC), from noon to 4 p.m., Monday though Friday, except legal holidays. The TSCA NCIC is located in Rm. NE–B607, Northeast Mall, 401 M St., SW., Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number ''OPPTS–211042.'' No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in the **SUPPLEMENTARY INFORMATION** unit of this document.

**DATES:** To be of greatest use to EPA in responding to the petition, comments should be received on or before June 23, 1995. However, the Agency will accept comments received after that date.

**FOR FURTHER INFORMATION CONTACT:** Edward M. Brooks, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–201C, 401 M St., SW., Washington, DC 20460, Telephone: (202) 260–3754, e-mail: brooks.edward@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** On April 19, 1995, EPA received a petition under section 21 of TSCA from 24 organizations located in 10 States. Section 21 of TSCA allows citizens to petition EPA to initiate a proceeding for the issuance, amendment, or repeal of a rule under section 4, 6, or 8 or an order under section 5(e) or 6(b)(2). A section 21 petition must set forth facts which the petitioner believes establish the need for the action requested. EPA is required to grant or deny the petition within 90 days. If EPA grants the petition, the Agency must promptly commence an appropriate proceeding. If EPA denies the petition, the Agency must publish its reasons for the denial in the **Federal Register**. Within 60 days of denial, petitioners may commence a civil action in a U.S. district court to compel initiation of the requested rulemaking. When reviewing a petition for a new rule, as in this case, the court must provide an opportunity for *de novo* review of the petition. After hearing the evidence, the court can order EPA to initiate the requested action.

Petitioners' request for a mandatory labeling rule under section 6 of TSCA is based upon assertions that burning hazardous waste fuel in cement kilns concentrates toxic metals in cement and cement products to levels at which they pose an unreasonable risk to human health and the environment. EPA has commenced a review and evaluation of this petition. Anyone with relevant information or interest may submit comments on the petition or on other information in the docket. The Agency will be considering the following issues:

1. Whether or not—and, if so, the extent to which burning hazardous waste fuel in cement kilns elevates concentrations of toxic metals in cement distributed in commerce.

2. The contribution that burning hazardous waste fuel makes to concentrations of toxic metals in cement relative to other factors such as (a) concentrations in the original feedstock, (b) recycling of cement kiln dust (with or without using hazardous waste fuel), and (c) operating equipment and practices.

3. High-end and typical concentrations of toxic metals found in cement produced by facilities that do and do not use hazardous waste fuel.

4. The major source of variations in these concentrations from one facility to another.

5. The populations at greatest risk.

6. The adverse effects most likely to be experienced by these populations.

7. The concentrations of toxic metals in cement at which those effects are likely to occur.

8. Value added by the proposed label to labeling currently required under the Occupational Safety and Health Administration's Hazard Communication regulations.

A record has been established for this section 21 petition under docket number ''OPPTS–211042'' (including comments and data submitted electronically as described below). The record includes a copy of the petition and supplementary information submitted to the Agency by the petitioner. The Agency will include all comments and information received in response to this notice, as well as other relevant material. A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA NCIC, Rm. NE–B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

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

## List of Subjects

Environmental protection.

Dated: June 2, 1995.

**Charles M. Auer,**

*Director, Chemical Control Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 95–14204 Filed 6–8–95; 8:45 am]

BILLING CODE 6560–50–F

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**[FRL–5217–9]**

## Massachusetts Marine Sanitation Device Standard; Receipt of Petition

Notice is hereby given that a petition has been received from the State of

Massachusetts requesting a determination of the Regional Administrator, U.S. Environmental Protection Agency, pursuant to Section 312(f)(3) of Public Law 92–500 as amended by Public Law 95–217 and Public Law 100–4, that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for Wellfleet Harbor, in the Town of Wellfleet, County of Barnstable, State of Massachusetts, to qualify as a ''No Discharge Area'' (NDA). The areas covered under this petition include all the waters and tributaries of Wellfleet Harbor enclosed by a line drawn between Jeremy Point (latitude 41° 52′ 40″ Longitude 70° 04′ 00″) eastward to the Wellfleet-Eastham town line at the mouth of Hatches Creek.

The State of Massachusetts has certified that there will be three disposal facilities available to service vessels in Wellfleet Harbor. The facilities will be operated by the Town of Wellfleet through the Office of the Harbormaster. These facilities are available between the hours of 6:00 am and 8:00 pm, seven days a week, from mid-May to mid-November. Outside of these hours appointments can be made by calling the Harbormaster's office at (508) 349–0320 or by radio on Channel 9. There is no fee for pump-out services.

Two of the disposal services are rolling pump-out facilities located on the town dock. Each pump is capable of evacuating and discharging to head differences of 15 feet. One rolling facility has a capacity of 25 gallons and the other has a capacity of 40 gallons. The third pump-out facility is a 22-foot pump-out boat with a holding capacity of 300 gallons. In addition, there is a restroom facility located on the town dock and will be used for emptying of portable toliet devices. All three pump-out facilities are expected to be operational by mid June.

All sanitary wastes removed from boats are transferred to a 3500 gallon tight tank storage facility located near the Harbormaster's office. These tanks are fitted with alarms that activate in time to ensure waste removal long before the capacity is reached. The Town of Wellfleet has an annual agreement with a septage pumper to service the holding tanks at the town marina. The septage is transported to the Tri-Town Septage Treatment Facility in Orlean, and occasionally, to the Upper Blackstone Septage Treatment Facility. Trucks used by the septage pumpers are inspected annually by the town to ensure tightness.

The approximate number of boats using the harbor at present is 200 slips, 250 moorings in the primary mooring basin, 12 transient moorings, and approximately 100 moorings in scattered satellite areas throughout the harbor. There are an estimated 640 boats that use the harbor per season.

In 1988 the State of Massachusetts designated the Wellfleet Harbor as an Area of Critical Environmental Concern (ACEC). The Cape Cod National Seashore and the Wellfleet Audubon Bird Sanctuary boarder the waters of Wellfleet Harbor. The harbor supports year-round commercial fishing and shellfishing activities. Additionally, recreational swimming and boating draws tens of thousands of daily visitors to the area.

Comments and reviews regarding this request for action may be filed on or before July 10, 1995. Such communications, or requests for information or a copy of the applicant's petition, should be addressed to Ann Rodney, U.S. Environmental Protection Agency—New England Region, Marine and Estuarine Protection Section (WQE), JFK Federal Building, Boston, MA 02203. Telephone: 617–565–4424.

Dated: May 30, 1995.

**John P. DeVillars,**

*Regional Administrator.*

[FR Doc. 95–14229 Filed 6–8–95; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL EMERGENCY MANAGEMENT AGENCY

**[FEMA–1050–DR]**

### North Dakota; 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 North Dakota, (FEMA–1050–DR), dated May 16, 1995, and related determinations.

**EFFECTIVE DATE:** May 31, 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 North Dakota dated May 16, 1995, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 16, 1995:

The counties of Barnes, Burleigh, Dickey, Eddy, Foster, Kidder, LaMoure, Logan, McHenry, McIntosh, McLean, Pembina, Pierce, Ransom, Sheridan, Sioux, Stutsman, Traill, and Wells for Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

**Richard W. Krimm,**

*Associate Director, Response and Recovery Directorate.*

[FR Doc. 95–14188 Filed 6–8–95; 8:45 am]

BILLING CODE 6718–02–M

**[FEMA–1052–DR]**

### South Dakota; 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 South Dakota, (FEMA–1052–DR), dated June 2, 1995, and related determinations.

**EFFECTIVE DATE:** June 2, 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 South Dakota dated June 2, 1995, is hereby amended to include Disaster Unemployment Assistance in the following areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 2, 1995.

Aurora, Beadle, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Codington, Davison, Day, Deuel, Edmunds, Faulk, Gregory, Hamlin, Hand, Hanson, Hughes, Hyde, Jerauld, Jones, Kingsbury, Lawrence, Lyman, McPherson, Marshall, Meade, Pennington, Potter, Roberts, Sanborn, Spink, Stanley, Sully, and Tripp Disaster Unemployment Assistance under the Individual Assistance program. (Already designated for Public Assistance.)

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

**William C. Tidball,**

*Chief of Staff.*

[FR Doc. 95–14187 Filed 6–18–95; 8:45 am]

BILLING CODE 6718–02–M

## FEDERAL MARITIME COMMISSION

### Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the

Washington, D.C. Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No.:* 224–200133–002
*Title:* Port Authority of New York & New Jersey/Sea-Land Service, Inc. Terminal Agreement
*Parties:*
Port Authority of New York & New Jersey Sea-Land Services, Inc. (''Sea-Land'')
*Synopsis:* The proposed amendment provides for the expansion of Sea-Land's Elizabeth, New Jersey Container Terminal.

*Agreement No.:* 232–011212–003
*Title:* North Europe/North American Pacific Coast Space Charter and Sailing Agreement
*Parties:*
Hapag-Lloyd Aktiengesellschaft, P&O Containers (TFL) Limited, Nedlloyd Lijnen B.V., Compagnie Generale Maritime, Atlantic Container Line AB, Sea-Land Service, Inc.
*Synopsis:* The proposed amendment deletes Compagnie Generale Maritime, Atlantic Container Line AB and Sea-Land Service, Inc., as parties to the Agreement. It also makes other non-substantive changes.

*Agreement No.:* 232–011502
*Title:* NYK/HUAL Space Charter and Cooperative Working Agreement
*Parties:*
NYK Bulkship (USA) Inc. (''NYK'')
HUAL c/o Autoliners, Inc. (''Hual'')
*Synopsis:* The proposed Agreement authorizes NYK to charter space on vessels owned by HUAL and to rationalize sailings in the trade between U.S. Gulf and Atlantic Coast ports and ports on the Red Sea and Arabian Gulf.

*Agreement No.:* 224–200801–001
*Title:* Port of San Francisco/Stevedoring Services of America Terminal Agreement
*Parties:*
Port of San Francisco (''Port'')
Stevedoring Services of America (''SSA'')
*Synopsis:* The proposed amendment authorizes the Port to establish an Interim Management fee to SSA for one year.

Dated: June 5, 1995.

By Order of the Federal Maritime Commission.

**Joseph C. Polking,**

*Secretary.*

[FR Doc. 95–14116 Filed 6–8–95; 8:45 am]

BILLING CODE 6730–01–M

## Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916, and section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 800 North Capitol Street, N.W., 9th Floor. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 560.602 and/or 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

*Agreement No.:* 224–200937
*Title:* Canaveral Port Authority/DCL Port Facilities Corporation Marine Terminal Agreement
*Parties:*
Canaveral Port Authority (''Port'')
DCL Port Facilities Corporation (''DCL'')
*Filing Agent:* Suzanne Sanford, Esquire, Schmeltzer, Aptaker & Shepard, P.C., Suite 1000, 2600 Virginia Avenue, N.W., Washington, DC 20037–1905
*Synopsis:* The proposed Agreement provides for the construction of a cruise ship terminal facility by the Port at Port Canaveral, Florida for the exclusive use by DCL for the term of the Agreement.

*Agreement No.:* 224–200938
*Title:* Port of Houston Authority/Econo-Rail Corporation Bulk Materials Plant Operating Agreement
*Parties:*
Port of Houston (''Port'')
Econo-Rail Corporation (''Econo-Rail'')
*Filing Agent:* Martha T. Williams, Esquire, Port of Houston Authority, P.O. Box 2562, Houston, TX 77252–2562
*Synopsis:* The proposed Agreement authorizes Econo-Rail to perform bulk handling services at the Port's Bulk Materials Handling Plant.

Dated: June 5, 1995.

By Order of the Federal Maritime Commission.

**Joseph C. Polking,**

*Secretary.*

[FR Doc. 95–14117 Filed 6–8–95; 8:45 am]

BILLING CODE 6730–01–M

## P&O Containers/Nedlloyd/Sea-Land Agreement (Agreement No. 203–011171–004); Space Charter and Sailing Agreement Between Orient Overseas Container Line (U.K.) Ltd. and Sea-Land Service, Inc., P&O Containers Ltd., Nedlloyd Lijnen BV, Sea-land Service Inc. (Agreement No. 203–011394–001); Space Charter and Sailing Agreement, A.P. Moller-Maersk Line, P&O Containers Limited, Sea-Land Service, Inc., Nedlloyd Lijnen BV (Agreement No. 203–011395–001); Cooperative Working Agreement Among Orient Overseas Container Line (U.K.) Ltd., A.P. Moller-Maersk Line and Sea-Land Service, Inc., P&O Containers, Ltd., Nedlloyd Lijnen BV (Agreement No. 203–011396–001); Erratum

Reference is made to the Federal Register Notice of May 31, 1995 (FR (28410, 28411) Vol. 60, No. 104).

The Synopsis of the subject Agreement Notice should have stated that the proposed modifications amend the Agreements to permit a party to withdraw after giving 24 months' notice instead of 24 hours' notice.

Dated: June 5, 1995.

By Order of the Federal Maritime Commission.

**Joseph C. Polking,**

*Secretary.*

[FR Doc. 95–14118 Filed 6–8–95; 8:45 am]

BILLING CODE 6730–01–M

# FEDERAL RESERVE SYSTEM

## Roger and Vivian Hensley, 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 23, 1995.

**A. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

*1. Roger and Vivian Hensley*, Eudora, Arkansas; to acquire an additional 11.94 percent, for a total of 23.21 percent, of the voting shares of Delta Bancshares, Inc., Eudora, Arkansas, and thereby indirectly acquire The Eudora Bank, Eudora, Arkansas.

**B. Federal Reserve Bank of Kansas City** (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

*1. Thomas H. and Cynthia A. Olson*, Lisco, Nebraska; to acquire directly, and indirectly through Lisco State Company, Lisco, Nebraska, an additional 70.13 percent, for a total of 94.56 percent, of the voting shares of Woodstock Land & Cattle Company, Fullerton, Nebraska, and thereby indirectly acquire Fullerton National Bank, Fullerton, Nebraska.

Board of Governors of the Federal Reserve System, June 5, 1995.

**Jennifer J. Johnson,**

*Deputy Secretary of the Board.*

[FR Doc. 95–14150 Filed 6–8–95; 8:45 am]

BILLING CODE 6210–01–F

## South Banking Company, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than July 3, 1995.

**A. Federal Reserve Bank of Atlanta** (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

*1. South Banking Company*, Alma, Georgia; to acquire 28.4 percent of the voting shares of Pineland State Bank, Metter, Georgia.

**B. Federal Reserve Bank of Kansas City** (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

*1. Lisco State Company*, Lisco, Nebraska; to acquire 46.24 percent of the voting shares of Woodstock Land & Cattle Company, Fullerton, Nebraska, and thereby indirectly acquire Fullerton National Bank, Fullerton, Nebraska.

**C. Federal Reserve Bank of Dallas** (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

*1. Trenton Bankshares, Inc.*, Trenton, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Trenton, Trenton, Texas.

Board of Governors of the Federal Reserve System, June 5, 1995.

**Jennifer J. Johnson,**

*Deputy Secretary of the Board.*

[FR Doc. 95–14149 Filed 6–8–95; 8:45 am]

BILLING CODE 6210–01–F

# FEDERAL TRADE COMMISSION

## Survey of User Satisfaction With The NAAG–FTC Telemarketing Complaint System

**ACTION:** Notice of application to OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) for clearance of an information collection to gather information on the effectiveness of the NAAG–FTC Telemarketing Complaint System.

**SUMMARY:** OMB clearance is being sought for a survey to gather information concerning user satisfaction with the operation of the NAAG–FTC Telemarketing Complaint Service (TCS).

A thirty-three question survey, including subparts, is proposed to enable the Commission to determine the effectiveness of the TCS and its utility to the various law enforcement users of the system. Results of the survey will enable the Commission to structure improvements and modifications to the TCS to enhance its usefulness as a law enforcement tool.

**DATES:** Comments on this clearance application must be submitted on or before July 10, 1995.

**ADDRESSES:** Send comments to FTC Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3228, Washington, D.C. 20503. Copies of the application may be obtained from the Public Reference Section, Room 130, Federal Trade Commission, Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** John A. Crowley of the Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202) 326–3280.

By Direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 95–14139 Filed 6–8–95; 8:45 am]

BILLING CODE 6750–01–M

**[Dkt. C–2856]**

## The American Academy of Orthopaedic Surgeons; Prohibited Trade Practices and Affirmative Corrective Actions

**AGENCY:** Federal Trade Commission.

**ACTION:** Set Aside Order.

**SUMMARY:** This order reopens a 1976 consent order, that was modified in 1985,—which prohibited the respondent from initiating, publishing or circulating relative value scales for medical or surgical procedures—and sets aside the modified consent order based on changed conditions of facts, such as, the decision by Congress to base reimbursement for medical services provided under Medicare on resource based relative value scales.

**DATES:** Consent order issued December 14, 1976. Set aside order issued May 4, 1995.

**FOR FURTHER INFORMATION CONTACT:** Roberta Baruch, FTC/S–2115, Washington, D.C. 20580. (202) 326–2861.

**SUPPLEMENTARY INFORMATION:** In the Matter of The American Academy of Orthopaedic Surgeons. The prohibited trade practices and/or corrective actions are removed as indicated.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the matter of: The American Academy of Orthopaedic Surgeons, a corporation.

## Order Setting Aside Order

On November 23, 1994, the American Academy of Orthopaedic Surgeons (''AAOS'') filed a Petition To Reopen and Rescind or Modify Consent Order (''Petition'') in Docket C–2856 (''Order''), pursuant to Section 5(b) of the Federal Trade Commission Act, 15 U.S.C. § 45(b), and Section 2.51 of the Commission's Rules of Practice, 16 C.F.R. § 2.51. In its Petition, AAOS requests that the Commission reopen the Order and rescind it or, in the alternative, modify provisions of the Order that restrict the ability of AAOS to develop and distribute a relative value scale (''RVS''), as defined in the Order.

AAOS asserts in its Petition that changed conditions of law or fact and the public interest warrant reopening the Order and rescinding or modifying it. A redacted version of the Petition was placed on the public record for thirty days; no comments were received. For the reasons described below, the Commission has determined that the Order should be reopened and set aside.

## I. Background

The Commission's complaint alleged, among other things, that the preparation and circulation by AAOS of comparative numerical values for services performed by orthopaedic surgeons had the effect of establishing or maintaining fees charged by orthopaedic surgeons for their services, in violation of Section 5 of the FTC Act. The complaint also alleged that the numerical values were convertible into a monetary fee by application of a dollar conversion factor. The Order, in relevant part, requires AAOS to cease initiating, publishing or circulating, in whole or in part, any relative value scale, as defined.[1] *The American Academy of Orthopaedic Surgeons,* 88 F.T.C. 968 (1976).

The Order does not prevent AAOS from exercising rights under the First Amendment to the Constitution to petition state or federal government agencies and to participate in federal or state administrative or judicial proceedings or from providing information or views to third party payers concerning any issue, including reimbursement. *The American Academy of Orthopaedic Surgeons,* 105 F.T.C. 248 (1985) (modifying Order).

## II. The Petition

AAOS requests that the Commission reopen the Order and rescind or modify it to permit the AAOS to provide information concerning Medicare resource based relative value scales (''RBRVS'') to third party payers, managed care organizations, other physician organizations and others in the private sector, including its members. AAOS states that the information will facilitate the development and adoption of RBRVS that accurately reflect the values of orthopaedic procedures, resulting in the efficient allocation of resources. AAOS already has provided information to government entities involved in medical reimbursement issues; it wants to provide the information to nongovernment entities and to its members.

In particular, AAOS wants to be able to circulate the Abt Restudy, a physician work value scale commissioned by AAOS.[2] AAOS also wants to be able to sponsor and disseminate future research projects that analyze other components of the Medicare RBRVS.

AAOS cites as changed conditions the adoption and implementation by the federal government of resource based relative value scales for purposes of physician reimbursement under Medicare. In 1986, Congress created the Physician Payment Review Commission (''PPRC'') to make recommendations regarding physician reimbursement under Medicare. At that time, physician reimbursement was determined by the ''customary, prevailing and reasonable'' (''CPR'') method, which relied on historical fees. The PPRC concluded that the CPR method increased costs under Medicare and recommended adopting instead a relative value scale based on resource costs.[3] In 1989, Congress enacted the Omnibus Budget Reconciliation Act of 1989, which, among other things, requires use of resource based relative value scales for purposes of physician reimbursement under Medicare.[4] The Act provides for consultations with ''organizations representing physicians'' to develop relative values for medical services.[5]

According to AAOS, the Abt Restudy was commissioned to respond to perceived shortcomings in Medicare RBRVS for orthopaedic services. *See* Petition at 13–15; Abt Restudy at 1. Providing the Abt Restudy to government entities is consistent with the proviso to the Order,[6] which permits AAOS to petition government agencies and legislatures. AAOS would like to distribute the Abt Restudy to third party payers and other nongovernment entities, such as other medical societies, and to individual members of AAOS, at least for the limited purpose of preparing AAOS representatives to lobby state government bodies regarding physician reimbursement practices. AAOS also would like to sponsor future research projects analyzing other components of Medicare RBRVS. According to AAOS, to the extent that it is precluded by the Order from providing information concerning reimbursement levels, the efficiency of RBRVS-based systems is lessened, ''payers who would benefit from more efficient payment mechanisms are hindered in their ability to compete, and physicians and patients are given distorted incentives, and market signals for production and consumption of resources.''[7]

## III. Standard for Reopening a Final Order of the Commission

Section 5(b) of the Federal Trade Commission Act, 15 U.S.C. § 45(b), provides that the Commission shall reopen an order to consider whether it should be modified if the respondent ''makes a satisfactory showing that changed conditions of law or fact'' so required. A satisfactory showing sufficient to require reopening is made when a request to reopen identifies significant changes in circumstances and shows that the changes eliminate the need for the order or make continued application of it inequitable or harmful to competition. S. Rep. No. 96–500, 96th Cong., 2d Sess. 9 (1979) (significant changes or changes causing

[1] ''Relative value scale'' is defined in the Order as any list or compilation of surgical or medical procedures that states comparative numerical values for those procedures or services. Order Paragraph I.A.

[2] Noether & Sheehy, The Abt Restudy of Physician Work Values for Orthopaedic Surgery (Sept. 23, 1992), attached as Exhibit 8 to the AAOS Petition (hereafter ''Abt Restudy'').

[3] *See* Physician Payment Review Commission, *Annual Report to Congress* (1988); Physician Payment Review Commission, *Medicare Physician Payment: An Agenda for Reform* (1987).

[4] Section 6102 of the Omnibus Budget Reconciliation Act of 1989, 42 U.S.C. § 1395w–4. Medicare RBRVS bases physician reimbursement on (1) a relative value unit for the medical service, which is based on physician work, practice costs and professional liability costs; (2) a geographic adjustment factor; and (3) a conversion factor. Components of the RBRVS are to be updated periodically. Payment is based on the lesser of the RBRVS amount and the physician's actual fee. Petition at 12–13.

[5] 42 U.S.C. § 1395w–4(c)(2)(B)(iii).

[6] 105 F.T.C. at 249; *see* letter from Roberta S. Baruch, Deputy Assistant Director, Bureau of Competition, FTC, to Richard N. Peterson, General Counsel, American Academy of Orthopaedic Surgeons (May 12, 1993) (''staff advisory opinion''), Petition Exhibit 16.

[7] Petition at 25–26.

unfair disadvantage); *Louisiana-Pacific Corp.*, Docket No. C–2956, Letter to John C. Hart (June 5, 1986), at 4 (unpublished) (''Hart Letter'').[8]

Section 5(b) also provides that the Commission may modify an order when, although changed circumstances would not require reopening, the Commission determines that the public interest so requires. Respondents are therefore invited in petitions to reopen to show how the public interest warrants the requested modification. Hart Letter at 5; 15 C.F.R. § 2.51. In such a case, the respondent must demonstrate as a threshold matter some affirmative need to modify the order. *Damon Corp.*, Docket No. C–2916, Letter to Joel E. Hoffman, Esq. (March 29, 1983), at 2 [1979–1983 Transfer Binder] Trade Reg. Rep. (CCH) ¶ 22,207 (''Damon Letter''). For example, it may be in the public interest to modify an order ''to relieve any impediment to effective competition that may result from the order.'' *Damon Corp.*, 101 F.T.C. 689, 692 (1983). Once such a showing of need is made, the Commission will balance the reasons favoring the requested modification against any reasons not to make the modification. Damon Letter at 2. The Commission also will consider whether the particular modification sought is appropriate to remedy the identified harm. Damon Letter at 4.

The language of Section 5(b) plainly anticipates that the burden is on the petitioner to make a ''satisfactory showing'' of changed conditions to obtain reopening of the order. The legislative history also makes clear that the petitioner has the burden of showing, other than by conclusory statements, why an order should be modified. The Commission ''may properly decline to reopen an order if a request is merely conclusory or otherwise fails to set forth specific facts demonstrating in detail the nature of the changed conditions and the reasons why these changed conditions require the requested modification of the order.'' S. Rep. No. 96–500, 96th Cong., 1st Sess. 9–10 (1979); *see also* Rule 2.51(b) (requiring affidavits in support of petitions to reopen and modify). If the Commission determines that the petitioner has made the necessary showing, the Commission must reopen the order to consider whether modification is required and, if so, the nature and extent of the modification. The Commission is not required to reopen the order, however, if the petitioner fails to meet its burden of making the satisfactory showing required by the statute. The petitioner's burden is not a light one in view of the public interest in response and the finality of Commission orders. *See Federated Department Stores, Inc. v. Moitie*, 425 U.S. 394 (1981) (strong public interest considerations support repose and finality).

## IV. The Order Should Be Reopened

AAOS has shown changed conditions of fact that require the Order to be reopened to consider modification.[9] The decision by Congress to base reimbursement for medical services provided under Medicare on resource based relative value scales, with the participation of physicians and medical professional societies in identifying and modifying RBRVS for Medicare purposes, is a changed condition that makes application of the order inequitable.

The Order bars AAOS from ''directly or indirectly initiating, originating, developing, publishing, or circulating, the whole or any part of any proposed or existing relatives value scales,'' while the Omnibus Budget Reconciliation Act of 1989, among other things, requires use of resource based relative value scales for purposes of physician reimbursement under Medicare and contemplates professional participation in the development of RBRVS. The Act requires the Department of Health and Human Services (''HHS'') to consult with physician organizations in developing and modifying Medicare RBRVS. The Order addressed conduct that allegedly contributed to the unlawful maintenance of fees by orthopaedic surgeons. It now appears that the Order may inhibit participation by AAOS in the development and revision of RBRVS systems of reimbursement and thus may harm competition. Accordingly, the Order should be reopened to consider modification.

## V. The Order Should Be Set Aside

AAOS requests that the Order be set aside or modified to permit AAOS to distribute the Abt Restudy and similar information to third party payers, other medical societies and its members.

The Order, as modified in 1985, permits AAOS to ''discuss[] relative value scales with governmental entities and third-party payers.'' 105 F.T.C. at 248. The Commission, in modifying the Order in 1985, concluded that the Order's ''restriction on [AAOS]'s ability to discuss relative value scales with third-party payers and governmental entities * * * caused injury to [AAOS] and the public that outweighed any benefit that might be derived from the restriction.'' *Id.* The Commission also observed that the modification was consistent with its opinion in *Michigan State Medical Society*, 105 F.T.C. 191 (1983) (''*MSMS*''). Also consistent with *MSMS*, AAOS is not limited under the Order to responding to requests from government and third party payers.[10] AAOS ''may have a useful role to play in offering suggestions and advice to third payers on a wide variety of issues, including reimbursement. * * * [T]he potential value of this role is not limited to responsive communications but extends * * * to similar communications initiated by'' AAOS. 105 F.T.C. at 308.[11]

As the Commission recognized in *MSMS*, ''there is some inherent danger in allowing any collective dialogue with third party payers on questions directly related to reimbursement amounts or policies.'' [12] Similarly, in modifying the Order in *AAOS*, the Commission cautioned that ''serious antitrust concerns would arise were AAOS to negotiate or attempt to negotiate an agreement with any such party or engage in any type of coercive activity to effect such an agreement.'' [13] Such actions concerning terms of reimbursement could be examined under Section 5 of the Federal Trade Commission Act.[14]

AAOS also would like to provide copies of the Abt Restudy to other medical professional societies. The process of establishing and refining

[8] *See also* United States v. Louisiana-Pacific Corp., 967 F.2d 1372, 1376–77 (9th Cir. 1992) (''A decision to reopen does not necessarily entail a decision to modify the order. Reopening may occur even where the petition itself does not plead facts requiring modification.'').

[9] AAOS also cited changed conditions of law and the public interest. Because the Order is set aside on the ground of changed conditions of fact, the Commission need not and does not consider the additional alleged grounds.

[10] The Order, as modified in 1985, permits AAOS to discuss relative value guides with third party payers, but the staff of the Commission construed the Order as barring AAOS from providing relative value guides to third party payers. *See* Staff advisory opinion at 3 (''[B]ased on the information we now have, we cannot conclude that it would be consistent with the Order for AAOS to publish or circulate the Abt Restudy to the AAOS membership or to any non-governmental entity.'').

[11] *See also* Advisory Opinion in *American Society of Internal Medicine*, 105 F.T.C. 505, 510–11 (1985).

[12] The Order in *MSMS* permitted the dialogue and addressed the risk by barring the medical society from entering into unlawful agreements with third party payers regarding reimbursement. 101 F.T.C. at 308.

[13] 105 F.T.C. at 249.

[14] *See, e.g.*, Department of Justice and FTC Statements of Enforcement Policy and Analytical Principles Relating to Health Care and Antitrust, Statements 5 & 6, *reprinted in* 4 Trade Reg. Rep. (CCH) ¶ 13,152, at 20, 782–785 (1994) (''Health Care Policy Statements'').

Medicare RBRVS involves consideration of recommendations from the AMA/Specialty Society RVS Update Committee (''RUC''),[15] which is composed of representatives of major medical societies, including AAOS. The Abt Restudy could be useful to the RUC and ultimately to the Health Care Financing Administration (''HCFA''), which administers the Medicare program, in the review and refinement of Medicare RBRVS.[16] The inability of AAOS under the Order to disseminate the Abt Restudy to members of the RUC appears likely to hinder participation in the process sponsored by HCFA for identifying information relevant to revising Medicare RBRVS and could increase the costs to HCFA in obtaining such information. Such inhibitions resulting from the Order would be inconsistent with federal policy as expressed in the Omnibus Budget Reconciliation Act of 1989 and the implementing regulations. The Order should be modified to permit AAOS to disseminate the Abt Study to other medical professional societies.

Finally, AAOS would like to provide copies of the Abt Restudy to its members, at least for the ''limited purpose of furthering the Academy's efforts to persuade government bodies to modify their own physician payment practices.'' For example, according to AAOS, ''in virtually all states, the Academy has no members who have ever seen the [Abt] Restudy, and therefore no one to meet with interested state officials responsible for compensation issues in Medicaid, workers' compensation or other medical programs.'' [17]

The prohibition on distribution by AAOS of relative value scales to its members is at the core of the Order, because of the alleged effect of maintaining the prices charged by its members.[18] Given the federal policy to rely on RBRVS for Medicare reimbursement and the increasing interest on the part of state governments and third party payers in relative value guides as a basis for physician reimbursement, however, the prohibition in the Order on dissemination by AAOS may inhibit the contributions of its members to the development of RBRVS and increase the costs of disseminating the information.[19] Allowing AAOS to distribute the Abt Restudy to its members would allow them to participate in an informed manner in lobbying activities before state government agencies. Accordingly, AAOS should be permitted to distribute the Abt Restudy to its members.

The danger that AAOS members will use the Abt Restudy or other relative value guides as a basis for an unlawful agreement to fix the prices for their services has not been eliminated. Although the federal policy to use RBRVS for Medicare reimbursement counsels in favor of setting aside the restriction of the Order on distribution of relative values to AAOS members, AAOS and its members remain subject to the laws against price fixing. Setting aside the restrictions of the Order should not be construed as approval for use by AAOS or its members of a relative value guide as a basis for an unlawful agreement on price.

In some circumstances, preparation and circulation by a medical society of a relative value scale may have anticompetitive consequences. For example, in *American Society of Internal Medicine,* 105 F.T.C. 505 (1985) (advisory opinion), the Commission declined to approve a proposal to circulate a relative guide because of the ''substantial danger that ASIM's proposed conduct would involve an agreement in restraint of trade amoung ASIM and physicians to concertedly adhere to the RVG.'' [20] The Joint Health Care Policy Statements also caution that ''information exchanges among competing providers may facilitate collusion or otherwise reduce competition on prices.'' [21]

## VI. Conclusion

Accordingly, it is ordered that this matter be, and it hereby is, reopened, and that the modified Order in Docket C–2856 be, and it hereby is, set aside, as of the effective date of this order.

By the Commission, Commissioner Starek concurring in the result only.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 95–14186 Filed 6–8–95; 8:45 am]

BILLING CODE 6750–01–M

[15] Petition at 13, *citing* 59 Fed. Reg. 32,754 & 32,760 (1994).

[16] *See* Petition at 18–19.

[17] Petition at 26.

[18] *See also* Advisory Opinion in *American Society of Internal Medicine,* 105 F.T.C. 505, 510 (1985) (''[A]lthough the Commission cannot * * * predict that widespread concerted conformance to the RVG would necessarily result from its dissemination * * * the available information on this specific RVG proposal indicates that this type of agreement in restraint of trade is a substantial danger.'').

[19] As a practical matter, material submitted to the Health Care Financing Administration on the public record presumably is available to members of AAOS on request.

[20] *Id.* at 511.

[21] Health Care Policy Statements at 20,784.

**[Dkt. No. 3152]**

## General Motors Corporation, et al.; Prohibited Trade Practices and Affirmative Corrective Actions

**AGENCY:** Federal Trade Commission.

**ACTION:** Set aside order.

**SUMMARY:** This order reopens a 1942 modified consent order—which prohibited the respondent from coercing or intimidating its automobile retail dealers into purchasing accessories supplied by General Motors or from its designated source—and sets aside the modified consent order pursuant to the Commission's Sunset Policy Statement, under which the Commission presumes that the public interest requires terminating competition orders that are more than 20 years old.

**DATES:** Modified consent order issued June 25, 1942. Set aside order issued April 18, 1995.

**FOR FURTHER INFORMATION CONTACT:** Daniel Ducore, FTC/S–2115, Washington, DC 20580. (202) 326–2526.

**SUPPLEMENTARY INFORMATION:** In the Matter of General Motors Corporation, et al. The prohibited trade practices and/or corrective actions are removed as indicated.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 3, 38 Stat. 731; 15 U.S.C. 14)

## Order Reopening Proceeding and Setting Aside Order

Commissioners: Robert Pitofsky, Chairman, Mary L. Azcuenaga, Janet D. Steiger, Roscoe B. Starek, III, and Christine A. Varney.

On February 6, 1995, General Motors Corporation (''GM'') as respondent and successor to General Motors Sales Corporation,[1] filed its Petition to Reopen and Vacate Modified Order (''Petition'') in this matter. GM requests that the Commission set aside the 1942 modified consent order in this matter pursuant to Section 5(b) of the Federal Trade Commission Act, 15 U.S.C. § 45(b), Rule 2.51 of the Commission's Rules of Practice, 16 CFR 2.51, and the Statement of Policy With Respect to Duration of Competition Orders and Statement of Intention to Solicit Public Comment With Respect to Duration of Consumer Protection Orders, issued on July 22, 1994, and published at 59 FR 45,286–92 (Sept. 1, 1994) (''Sunset Policy Statement''). In the Petition, GM affirmatively states that it has not engaged in any conduct violating the

[1] Since the Commission issued the order in this matter General Motors Sales Corporation, a named respondent in the order, was dissolved and its assets now reside within respondent General Motors Corporation.

terms of the order. The Petition was placed on the public record, and the thirty-day comment period expired on March 27, 1995. No comments were received.

The Commission in its Sunset Policy Statement said, in relevant part, that ''effective immediately, the Commission will presume, in the context of petitions to reopen and modify existing orders, that the public interest requires setting aside orders in effect for more than twenty years.'' [2] The Commission's modified consent order in Docket No. 3152 was issued on June 25, 1942, and has been in effect for more than fifty years. Consistent with the Commission's Sunset Policy Statement, the presumption is that the order should be terminated. Nothing to overcome the presumption having been presented, the Commission has determined to reopen the proceeding and set aside the order in Docket No. 3152.

Accordingly, it is ordered that this matter be, and it hereby is, reopened;

It is further ordered that the Commission's order in Docket No. 3152 be, and it hereby is, set aside, as of the effective date of this order.

By the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 95–14183 Filed 6–8–95; 8:45 am]

**BILLING CODE 6750–01–M**

[2] *See* Sunset Policy Statement, 59 FR at 45,289.

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**[File No. 932–3340]**

## Jerry's Ford Sales, Inc., et al.; Proposed Consent Agreement With Analysis to Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair and deceptive acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, three corporations in Annandale, Virginia and Leesburg, Virginia and their President and CEO, individually and as an officer of the three corporations, in any advertisement to promote any extension of consumer credit, to cease and desist from misrepresenting the terms of financing the purchase of a vehicle, including whether there may be a balloon payment and the amount of any balloon payment. The order would also require the respondents, in any advertisement to promote any extension of consumer credit, to cease and desist from failing to state all terms required by Sections 226.24(b) and 226.24(c) of Regulation Z. The order would also require the respondents, in any advertisement to aid, promote or assist any consumer lease, to cease and desist from failing to state all terms required by Section 213.5(c) of Regulation M.

**DATES:** Comments must be received on or before August 8, 1995.

**ADDRESSES:** Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** Carole Reynolds, FTC/S–4429, Washington, D.C. 20580. (202) 326–3230.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying of its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii).

### Agreement Containing Consent Order to Cease and Desist

In The Matter of Jerry's Ford Sales, Inc.: John's Ford Inc. dba Jerry's Leesburg Ford; Jerry's Chevrolet Geo Oldsmobile, Inc.; corporations, and Jerry C. Cohen, individually and as an officer of the corporations.

[Docket No. 932–3340]

The agreement herein, by and between Jerry's Ford Sales, Inc., John's Ford, Inc. dba Jerry's Leesburg Ford, and Jerry's Chevrolet Geo Oldsmobile, Inc., corporations, by their duly authorized officer, and Jerry C. Cohen, individually and as an officer of the corporations (hereinafter sometimes referred to as ''proposed respondents'' or ''respondents''), and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rule governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Jerry's Ford Sales, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its principal office and place of business located at 6510 Little River Turnpike, Annandale, Virginia 22003. Proposed respondent admits all the jurisdictional facts set forth in the draft complaint.

2. John's Ford, Inc. dba Jerry's Leesburg Ford is a corporation organized, existing, and doing business under and by virtue of the laws of the Commonwealth of Virginia, with its principal office and place of business located at 847 East Market Street, Leesburg, Virginia 22075. Proposed respondent admits all the jurisdictional facts set forth in the draft complaint.

3. Jerry's Chevrolet Geo Oldsmobile, Inc., is a corporation organized, existing, and doing business under and by virtue of the laws of the Commonwealth of Virginia, with its principal office and place of business located at 325 East Market Street, Leesburg, Virginia 22075. Proposed respondent admits all the jurisdictional facts set forth in the draft complaint.

4. Jerry C. Cohen is an individual and an officer and director of the aforenamed corporate respondents. He formulates, directs and controls the acts and practices of the aforenamed corporate respondents, including the acts and practices hereinafter set forth. His business address is 6510 Little River Turnpike, Annandale, Virginia 22003. Proposed respondent admits all the jurisdictional facts set forth in the draft complaint.

5. Proposed respondents waive:

a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

d. All claims under the Equal Access to Justice Act.

6. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of the complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

7. This agreement is for settlement purposes only and does not constitute

an admission by proposed respondents that the law has been violated as alleged in the draft of the complaint or that the facts alleged in the draft complaint, other than the jurisdictional facts, are true.

8. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission's Rules, the Commission may, without further notice to the proposed respondents, (a) issue its complaint corresponding in form and substance with the draft of the complaint and its decision containing the following order to cease and desist in disposition of the proceeding and (b) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' addresses as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

9. Proposed respondents have read the proposed complaint and order contemplated hereby. Proposed respondents understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

**Order**

*I*

It is ordered that respondent Jerry's Ford Sales, Inc., John's Ford, Inc. dba Jerry's Leesburg Ford, Jerry's Chevrolet Geo Oldsmobile Inc., corporations, their successors and assigns and their officers, and Jerry C. Cohen, individually and as an officer of the corporate respondents, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or any other device, in connection with any advertisement to promote directly or indirectly any extension of consumer credit, as ''advertisement,'' and ''consumer credit'' are defined in the TILA and Regulation Z, do forthwith cease and desist from:

A. Misrepresenting in any manner, directly or by implication, the terms of financing the purchase of a vehicle, including but not limited to whether there may be a balloon payment and the amount of any balloon payment.

B. Stating a rate of finance charge without stating the rate as an ''annual percentage rate'' or the abbreviation ''APR,'' using that term, and failing to calculate the rate in accordance with Regulation Z. If the annual percentage rate may be increased after consummation, the advertisement shall state that fact. The advertisement shall not state any other rate, except that a simple annual rate or periodic rate that is applied to an unpaid balance may be stated in conjunction with, but not more conspicuously than, the annual percentage rate.

(Sections 144 and 107 of the TILA, 15 U.S.C. 1664 and 1606, and Sections 226.24(b) and 226.22 of Regulation Z, 12 CFR 226.24(b) and 226.22, as more fully set out in Sections 226.24(b) and 226.22 of the Federal Reserve Board's Official Staff Commentary to Regulation Z, 12 CFR 226.24(b) and 226.22, respectively.)

C. Stating any number or amount of payment(s) required to repay the debt, without stating accurately, clearly and conspicuously, all of the terms required by Regulation Z, as follows:

(1) The amount or percentage of the downpayment;

(2) The terms of repayment, including the amount of any balloon payment, and

(3) The annual percentage rate, using that term or the abbreviation ''APR.'' If the annual percentage rate may be increased after consummation of the credit transaction, that fact must also be disclosed.

Section 144 of the TILA, 15 U.S.C. 1664, and Section 226.24(c) of Regulation Z, 12 CFR 226.24(c), as more fully set out in Section 226.24(c) of the Federal Reserve Board's Official Staff Commentary to Regulation Z, 12 CFR 226.24(c).)

D. Stating the amount or percentage of any downpayment, the number of payments or period of repayment, the amount of any payment, or the amount of any finance charge, without stating, clearly and conspicuously, all of the terms required by Regulation Z, as follows:

(1) The amount or percentage of the downpayment;

(2) The terms of repayment, and

(3) The annual percentage rate, using that term or the abbreviation ''APR.'' If the annual percentage rate may be increased after consummation of the credit transaction, that fact must also be disclosed.

(Section 144 of the TILA, 15 U.S.C. 1664, and Section 226.24(c) of Regulation Z, 12 CFR 226.24(c).)

E. Failing to state only those terms that actually are or will be arranged or offered by the creditor, in any advertisement for credit that states specific credit terms, as required by Regulation Z.

(Section 144 of the TILA, 15 U.S.C. 1664, and Section 226.24(a) of Regulation Z, 12 CFR 226.24(a).)

F. Failing to comply in any other respect with Regulation Z and the TILA.

(Regulation Z, 12 C.F.R. 226, as amended, and the TILA, 15 U.S.C. 1601–1667, as amended.)

*II*

*It is ordered* that respondents Jerry's Ford Sales, Inc., John's Ford, Inc. dba Jerry's Leesburg Ford, Jerry's Chevrolet Geo Oldsmobile, Inc., corporations, their successors and assigns and their officers, and Jerry C. Cohen, individually and as an officer of the corporate respondents, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or any other device, in connection with any advertisement to aid, promote or assist directly or indirectly any consumer lease, as ''advertisement,'' and ''consumer lease'' are defined in the CLA and Regulation M, do forthwith cease and desist from:

A. Stating the amount of any payment, the number of required payments, or that any or no downpayment or other payment is required at consummation of the lease, unless all of the following items are disclosed, clearly and conspicuously, as applicable, as required by Regulation M:

(1) That the transaction advertised is a lease;

(2) The total amount of any payment such as a security deposit or capitalized cost reduction required at the consummation of the lease, or that no such payments are required;

(3) The number, amounts, due dates or periods of scheduled payments, and the total of such payments under the lease;

(4) A statement of whether or not the lessee has the option to purchase the leased property and at what price and time (the method of determining the price may be substituted for disclosure of the price), and

(5) A statement of the amount or method of determining the amount of

any liabilities the lease imposes upon the lessee at the end of the term and a statement that the lessee shall be liable for the difference, if any, between the estimated value of the leased property and its realized value at the end of the lease term, if the lessee has such liability.

(Section 184 of the CLA, 15 U.S.C. 1667c, and Section 213.5(c) of Regulation M, 12 CFR 213.5(c).)

B. Stating that a specific lease of any property at specific amounts or terms is available unless the lessor usually and customarily leases or will lease such property at those amounts or terms, as required by Regulation M.

(Section 184 of the CLA, 15 U.S.C. 1667c, and Section 213.5(a) of Regulation M, 12 CFR 213.5(a).)

C. Failing to comply in any other respect with Regulation M and the CLA.

(Regulation M, 12 CFR 213, and the CLA, 15 U.S.C. 1667–1667e, as amended.)

*III*

*It is further ordered* that respondents, their successors and assigns shall distribute a copy of this order to any present or future officers, agents, representatives, and employees having responsibility with respect to the subject matter of this order and that respondents, their successors and assigns shall secure from each such person a signed statement acknowledging receipt of said order.

*IV*

*It is further ordered* that respondents, their successors and assigns shall promptly notify the Commission at least thirty (30) days prior to any proposed change in the corporate entity such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

*V*

*It is further ordered that* for five years after the date of service of this order respondents, their successors and assigns shall maintain and upon request make available all records that will demonstrate compliance with the requirements of this order.

*VI*

*It is further ordered* that respondents, their successors and assigns shall, within sixty days (60) days of the date of service of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

**Analysis of Proposed Consent Order to Aid Public Comment**

The Federal Trade Commission has accepted an agreement to a proposed consent order from respondents Jerry's Ford Sales, Inc., John's Ford, Inc. dba Jerry's Leesburg Ford, Jerry's Chevrolet Geo Oldsmobile, Inc., and Jerry C. Cohen, individually and as an officer of the corporations.[1]

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint alleges that respondents Jerry's Ford and Cohen have disseminated or caused to be disseminated advertisement that state an initial low monthly payment and in fine print, *inter alia*, state an initial number of payments and another amount variously described as ''optional final payment,'' ''optional final price,'' of ''COP.'' The complaint alleges that these advertisements misrepresent that the remaining obligation is optional and fail to disclose that the financing to be signed at purchase requires the consumer to make a substantial balloon payment at the conclusion of the initial payments, which is a mandatory obligation, and have therefore engaged in an unfair and deceptive act or practice, in violation of Section 5(a) of the Federal Trade Commission Act. The complaint also alleges that these advertisements state an initial number and amount of payments required to repay the indebtedness and another amount variously described as ''optional final payment,'' ''optional final price,'' or ''COP,'' but fail to accurately state the terms of repayment, by failing to disclose that the additional amount required is a final payment and by inaccurately stating that the final amount is optional when, in fact, it is mandatory based on the financing to be signed at purchase, in violation of the TILA and Section 226.24(c) of Regulation Z.

The complaint also alleges that respondents Jerry's Ford and Cohen have disseminated or caused to be disseminated advertisements that state a rate of finance charge without stating that rate as an ''annual percentage rate,'' using that term or the abbreviation ''APR,'' and have failed to calculate that rate in accordance with Regulation Z, in violation of the TILA and Sections 226.22 and 226.24(b) of Regulation Z, and have also engaged in an unfair and deceptive act or practice, in violation of Section 5(a) of the FTC Act.

The complaint also alleges that respondents Jerry's Chevy and Cohen have disseminated or caused to be disseminated advertisements that state an initial, low monthly payment and an initial number of payments but fail to disclose that the financing to be signed at purchase requires the consumer to make a substantial final balloon payment, and have therefore engaged in an unfair and deceptive act or practice, in violation of Section 5(a) of the FTC Act. The complaint also alleges that these advertisements state an initial number and amount of payments required to repay the indebtedness, but fail to accurately state the terms of repayment, by failing to disclose the amount of the final balloon payment required at the end of the initial payments, based on the financing to be signed at purchase, in violation of the TILA and Section 226.24(c) of Regulation Z.

The complaint also alleges that respondents Jerry's Ford, Jerry's Chevy and Cohen have disseminated or caused to be disseminated advertisements that state the amount of percentage of any downpayment, the number of payments of period of repayment, or the amount of any payment, but fail to state all of the terms required by Regulation Z, as follows: The amount or percentage of the downpayment, the terms of repayment, and the annual percentage rate, using that term or the abbreviation ''APR,'' in violation of the TILA and Section 226.24(c) of Regulation Z.

The complaint also alleges that respondents Jerry's Ford, Jerry's Chevy and Cohen have disseminated or caused to be disseminated advertisements that state the amount of any payment, the number of required payments, or that any or no downpayment or other payment is required at consummation of the lease, but fail to state all of the terms required by Regulation M, as applicable and as follows: That the transaction advertised is a lease; the total amount of any payment such as a security deposit or capitalized cost reduction required at the consummation of the lease or that no such payments are required; the

[1] In this Analysis to Aid Public Comment, Jerry's Ford Sales, Inc. and John's Ford, Inc. dba Jerry's Leesburg Ford are referred to collectively as ''respondent Jerry's Ford.'' Jerry's Chevrolet Geo Oldsmobile, Inc. is referred to as ''respondent Jerry's Chevy.'' Jerry C. Cohen is referred to as ''respondent Cohen.''

number, amount, due dates or periods of scheduled payments, and the total of such payments under the lease; and a statement of whether or not the lessee has the option to purchase the leased property and at what price and time (the method of determining the price may be substituted for disclosure of the price), in violation of the CLA and Section 213.5(c) of Regulation M.

The proposed order prohibits respondents Jerry's Ford, Jerry's Chevy and Cohen, in any advertisement to promote any extension of consumer credit, from misrepresenting in any manner, directly or by implication, the terms of financing the purchase of a vehicle, including but not limited to whether there may be a balloon payment and the amount of any balloon payment.

The proposed order also prohibits respondents Jerry's Ford, Jerry's Chevy and Cohen, in any advertisement to promote any extension of consumer credit, from stating a rate of finance charge without stating the rate as an ''annual percentage rate,'' using that term or the abbreviation ''APR,'' and from failing to calculate the rate in accordance with Regulation Z.

The proposed order also requires respondents Jerry's Ford, Jerry's Chevy and Cohen, in any advertisement to promote any extension of consumer credit, whenever the number or amount of payments required to repay the debt are stated, to accurately, clear and conspicuously, state all of the terms required by Regulation Z, as follows: the amount or percentage of the downpayment; the terms of repayment, including the amount of any balloon payment, and the annual percentage rate.

The proposed order also requires respondents Jerry's Ford, Jerry's Chevy and Cohen, in any advertisement to promote any extension of consumer credit, whenever the number or amount of payments required to repay the debt are stated, to accurately, clearly and conspicuously, state all of the terms required by Regulation Z, as follows: The amount or percentage of the downpayment, the terms of repayment, and the annual percentage rate. The proposed order also requires respondents Jerry's Ford, Jerry's Chevy and Cohen to state only those terms that actually are or will be arranged or offered by the creditor, in any credit advertisement.

The proposed order also requires respondents Jerry's Ford, Jerry's Chevy and Cohen, in any advertisement to aid, promote or assist any consumer lease, whenever the amount of any payment, the number of required payments, or that any or no downpayment or other payment is required at consummation of the lease is stated, to state, clearly and conspicuously, all of the terms required by Regulation M, as applicable and as follows: That the transaction advertised is a lease; the total amount of any payment such as a security deposit or capitalized cost reduction required at the consummation of the lease, or that no such payments are required; the number, amounts, due dates or periods of scheduled payments, and the total of such payments under the lease; a statement of whether or not the lessee has the option to purchase the leased property and at what price and time (the method of determining the price may be substituted for disclosure of the price), and a statement of the amount or method of determining the amount of any liabilities the lease imposes upon the lessee at the end of the term and a statement that the lessee shall be liable for the difference, if any, between the estimated value of the leased property and its realized value at the end of the lease term if the lessee has such liability. The proposed order also requires respondents in any lease advertisement to state that a specific lease of any property at specific amounts or terms is available only if the lessor usually and customarily leases or will lease such property at those amounts or terms.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in an way their terms.

*Benjamin I. Berman,*

**Acting Secretary.**

[FR Doc. 95–14138 Filed 6–8–95; 8:45 am]

BILLING CODE 6750–01–M

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**[Dkt. C–3574]**

## Orchid Technology; Prohibited Trade Practices, and Affirmative Corrective Actions

**AGENCY:** Federal Trade Commission.

**ACTION:** Consent order.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a California-based company from falsely representing that any of its computer peripheral products had been rated, reviewed or endorsed by any person or publication, and from misrepresenting the results of any test, study or evaluation in connection with marketing its computer peripheral equipment. The consent order also requires the respondent to possess competent and reliable evidence to substantiate performance claims.

**DATES:** Complaint and Order issued May 1, 1995.[1]

**FOR FURTHER INFORMATION CONTACT:** Matthew Gold or Jeffrey Klurfeld, FTC/San Francisco Regional Office, 901 Market St., Suite 570, San Francisco, CA 94103, (415) 744–7920.

**SUPPLEMENTARY INFORMATION:** On Monday, February 13, 1995, there was published in the **Federal Register**, 60 FR 8237, a proposed consent agreement with analysis In the Matter of Orchid Technology, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

**Donald S. Clark,**

*Secretary.*

[FR Doc. 95–14184 Filed 6–8–95; 8:45 am]

BILLING CODE 6750–01–M

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**[Dkt. C–3577]**

## The Penn Traffic company; Prohibited Trade Practices, and Affirmative Corrective Actions

**AGENCY:** Federal Trade Commission.

**ACTION:** Consent order.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order permits, among other things, the Penn Traffic Company to acquire a number of Acme supermarkets from American Stores Company, but requires it to divest, to a Commission approved acquirer or acquirers within twelve months, one supermarket in each of the three Pennsylvania areas designated (Towanda, Mount Carmel, and Pittston). If the divestitures are not completed on time, the consent order permits the

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

Commission to appoint a trustee to complete the transactions. In addition, the consent order requires the respondent, for ten years, to obtain Commission approval before acquiring any interest in any entity that owns or operates a supermarket in any of the three areas designated.

**DATES:** Complaint and Order issued May 15, 1995[1]

**FOR FURTHER INFORMATION CONTACT:** Ronald Rowe or Marimichael Skubel, FTC/S–2105, Washington, D.C. 20580. (202) 326–2610 or 326–2611.

**SUPPLEMENTARY INFORMATION:** On Monday, February 13, 1995, there was published in the **Federal Register**, 60 FR 8239, a proposed consent agreement with analysis In the Matter of the Penn Traffic Company, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to divest, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended ; 15 U.S.C. 45, 18)

**Donald S. Clark,**

*Secretary.*

[FR Doc. 95–14185 Filed 6–8–95; 8:45 am]

**BILLING CODE 6750–01–M**

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

**[Program Announcement No. ACYF–PA–CC–9501]**

### Administration on Children, Youth and Families Child Care Bureau; Child Care Research Partnerships

**AGENCY:** Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF).

**ACTION:** Announcement of the availability of funds and request for applications to conduct Child Care Research Partnerships.

**SUMMARY:** The purpose of this solicitation is to announce a competition for approximately three cooperative agreements to conduct Child Care Research Partnerships. The Child Care Research Partnerships are intended to study critical child care issues concerning: (1) The child care needs, utilization patterns and outcomes for low-income families, particularly those moving from welfare to work and those who are currently employed but are at risk of needing welfare services; (2) child care opportunities and constraints which affect the lives of low-income families and children; and (3) systemic issues which affect the delivery of subsidized child care services to welfare clients and low-income working families. Each of the individual projects will participate as a member of an ACYF Research Consortium to be cooperatively formed by the Child Care Research Partnership projects and the ACYF Child Care Bureau. The purpose of this consortium will be to coordinate and link the individual studies in order to maximize their contributions to basic knowledge, policy and practice.

**DATES:** The closing date for submission of applications is August 8, 1995. Applications which are sent by mail must be received on or before the deadline date at the following address: Mail applications to: Department of Health and Human Services, ACF/Division of Discretionary Grants, 6th floor, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: Child Care Research Partnerships.

Hand deliver applications during the normal working hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, on or prior to the established closing date to: Administration for Children and Families, Division of Discretionary Grants, 6th Floor, ACF Guard Station, 901 D Street, S.W., Washington, D.C. 20447, Attn: Child Care Research Partnerships.

**FOR FURTHER INFORMATION CONTACT:** Dr. Pia Divine, ACYF Child Care Bureau, Third Floor, Hubert Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201, Attn: Child Care Research Partnerships, Phone: 202–690–6705.

**NOTICE OF INTENT TO SUBMIT APPLICATION:** If you intend to submit an application, please send a post card with the number and title of this announcement, your organization name, address, contact person and telephone number to: Administration on Children, Youth and Families, Operations Center, 3030 Clarendon Blvd., Suite 240, Arlington, Virginia 22201, Attn: Child Care Research Partnerships.

Please submit this information within two weeks after receiving the announcement. The information will be used to determine the number of expert reviewers needed and to update the mailing list of persons to whom program announcements are sent.

**CONTENTS OF THIS ANNOUNCEMENT:** This announcement contains all necessary instructions and forms needed to submit an application. The forms to be used for submitting an application follow Part VI. Please copy as single-sided forms and use in submitting an application under this announcement. No additional application materials are needed.

The announcement consists of six parts. Part I provides general information about the Child Care Research Partnerships, funding requirements, and application procedures. Part II provides background information on ACYF and the Child Care Bureau. Part III describes the ACYF research goals, partnerships, and expectations for collaborative research. Part IV discusses the Project Narrative Statement and outlines additional requirements for applicants in designing their projects. Part V describes the proposal review process, evaluation criteria and selection process. Part VI provides detailed information and instructions for the development and submission of applications. The contents are organized as follows:

Part I. General Information

A. Purpose
B. Citations
C. Number of Awards
D. Project Duration
E. Funding Levels and Budget Periods
F. Non-Federal Share of Project Costs
G. Eligible Applicants

Part II. Background and Context

A. The Administration on Children, Youth and Families
B. The Child Care Bureau

Part III. Research Goals and Partnerships

A. Need for New Research
B. Cooperative Agreements

Part IV. Project Narrative Statement

A. Issues and Objectives
B. Background and Significance
C. Technical Approach
D. Staff Background and Organizational Capability

Part V. Evaluation and Selection

A. The Review Process
B. Evaluation Criteria
C. The Selection Process
D. Funding Date

Part VI. Instructions for the Development and Submission of Applications
A. Required Notification of the State Single Point of Contact
B. Paperwork Reduction Act of 1980
C. Deadline for Submission of Applications
D. Instructions for Preparing the Application and Completing Forms
E. Checklist for a Complete Application
F. The Application Package

## Part I. General Information

### *A. Purpose*

The purpose of this research initiative is to study critical child care issues as they relate to welfare recipients and low-income working families.

### *B. Citations*

Funding for this research is authorized under Section 1110 of the Social Security Act.

The Catalogue of Federal Domestic Assistance Number is 93.647.

### *C. Number of Awards*

Approximately three projects will be funded in fiscal year 1995 (ending September 30, 1995), subject to the availability of funds.

### *D. Project Duration*

The total project period will be 36 months.

### *E. Funding Levels and Budget Periods*

Initial awards will be for a one-year budget period. Individual projects will be funded at approximately $100,000 for the first budget period of 12 months, with a possibility of up to $100,000 per year in continuation funding to be awarded in fiscal years 1996 and 1997. It is anticipated that the total Federal funding for a three-year project will be approximately $300,000.

Applications for continuation of cooperative agreements funded under this announcement will be entertained in subsequent years on a non-competitive basis. The award of continuation funding beyond each one-year budget period (but within the three- year project period) will be subject to the availability of funds, satisfactory progress of the grantee, and a determination that continued funding would be in the best interest of the government.

### *F. Non-Federal Share of Project Costs*

A non-Federal match is required. Grantees must provide at least 25 percent of the total approved cost of the project. The total approved cost of the project is the sum of the Federal share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project approved for funding under this announcement which is awarded a total of $300,000 in Federal funds (based on an award of $100,000 per 12-month budget period for three years) must include a match of at least $100,000 (25 percent of the total cost of $400,000).

Applicants are also encouraged to develop more extensive funding partnerships in order to propose a project of greater scope and complexity than would be possible within the funding levels specified in this announcement.

### *G. Eligible Applicants*

This announcement solicits applications from non-profit partnerships composed of child care research groups in concert with child care agencies, organizations, businesses, or other entities with an interest in child care services for low-income families. A partnership is required. At least one member of the Child Care Research Partnership must be a research group affiliated with a university or four-year college.

The application must identify only one partner as the lead organization and official applicant. The official applicant must be a public or private non-profit agency or organization and may be either the research group or another partner. If the application is funded, the official applicant will be the recipient of the award and will be responsible for ensuring that the terms of the cooperative agreement are met. Profit-making organizations and non-federally recognized Tribes are not eligible to act as the official applicant.

Priority will be given to partnerships which (1) have access to an ongoing data base of current information about local market conditions and (2) are capable of analyzing local patterns of demand and supply in conjunction with state-level data on subsidized child care services. Applicants are also encouraged to form broadly constituted research partnerships in order to bring together interdisciplinary specialties, populations, services, data, and financial contributions.

Partnerships might include: (1) State, Tribal, county or local agencies which administer child care subsidy programs; (2) resource and referral organizations which collect and maintain an ongoing data base of local or statewide information on child care demand and supply; (3) organizations which conduct needs assessments or local market surveys; (4) planning councils, commissions, advisory groups, and civic organizations which participate in child care planning and policy making; (5) early childhood programs, organizations, or professional associations; (6) providers of supportive services such as provider training, technical assistance, or consumer education; (7) child care consumer and provider groups; (8) foundations and charitable organizations; and (9) businesses and business associations.

Non-profit organizations must submit proof of non-profit status with the grant application. The non-profit agency can accomplish this by providing a copy of its listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS code or by providing a copy of the currently valid IRS Tax exemption certificate *and* by providing a copy of the articles of incorporation bearing the seal of the State in which the corporation or association is domiciled.

## Part II. Background and Context

The cooperative agreements for research being awarded under this announcement will be funded by the U.S. Department of Health and Human Services (DHHS), Administration for Children and Families (ACF), under authority of the Social Security Act, Section 1110. The projects will be managed by the Child Care Bureau of the Administration on Children, Youth and Families.

### *A. The Administration on Children, Youth and Families*

The Administration on Children, Youth and Families (ACYF) is one of ACF's component offices. The ACYF administers national programs for children, youth and families; works with States, Territories, Tribes and local communities to develop services which support and strengthen family life; seeks out joint ventures with the private sector to enhance the lives of children and their families; and provides information and other assistance to parents. The ACYF contains four programmatic bureaus and the National Center on Child Abuse and Neglect. The four bureaus include the Children's Bureau, the Family and Youth Services Bureau, the Head Start Bureau, and the Child Care Bureau, which will be responsible for managing the Child Care Research Partnerships.

### *B. The Child Care Bureau*

The Child Care Bureau is a newly formed unit which provides a single locus for child care activities within ACF. The bureau seeks to enhance the quality, availability and affordability of

child care services, to promote safe and healthy environments that support children's development, to enhance parental choice and involvement in their children's care, and to facilitate the linkage of child care with other community services. The Child Care Bureau also works with other ACYF bureaus to promote integrated family-focused services and coordinated delivery systems.

The Child Care Bureau consolidates in a single organization the responsibility for five Federal child care programs carried out under three legislative authorities as described below.

1. State Dependent Care Planning and Development Grants

The State Dependent Care Planning and Development Grant program (Pub. L. 98–55B as amended), enacted in 1986, provides funds to States and Territories through a formula grant. This program has been instrumental in the growth of child care resource and referral services and school-age child care programs over the past decade. Statutory requirements are located at 42 U.S.C. 9871 and reauthorized by Pub.L. 103–252.

2. Family Support Act of 1988 (FSA)

The Family Support Act of 1988 (Pub. L. 100–485) amended title IV-A of the Social Security Act, by adding section 402(g), which significantly expanded ACYF's ability to fund child care services. The amendment created two new child care programs: AFDC Child Care and Transitional Child Care. Both of these programs are entitlements, and both require matching State funds. Statutory requirements are located at 42 U.S.C., section 602(g).

a. *AFDC Child Care.* The FSA guarantees child care necessary for working AFDC recipients and for AFDC recipients in approved education or training activities (including the Job Opportunities and Basic Skills Training (JOBS) Program). This provision is often called AFDC child care or JOBS child care. The regulations for AFDC child care are located at 45 CFR part 255.

b. *Transitional Child Care (TCC).* The FSA also addressed the need for transitional child care during the 12 months after a family becomes ineligible for AFDC due to work. The regulations specific to TCC are located at 45 CFR part 256. However, many of the regulations for AFDC child care (part 255) also apply to TCC.

3. Omnibus Budget Reconciliation Act of 1990 (OBRA '90)

With OBRA '90, Congress established two additional child care programs that further extended child care services to the Nation's low-income families: (1) An optional At-Risk Child Care program (child care needed by low-income working families who are otherwise at risk of becoming eligible for AFDC); and (2) the Child Care and Development Block Grant (CCDBG) which also primarily serves working families.

a. *At-Risk Child Care (ARCC).* OBRA '90 amended title IV-A of the Social Security Act by adding section 402(i), establishing the ARCC program. Though optional, the ARCC program has been implemented by all States and the District of Columbia. This program, like the other title IV-A child care programs, requires the State to match Federal funds. However, unlike these other programs, ARCC funding is capped and its funds are distributed according to a formula. The statutory provisions for ARCC are located at 42 U.S.C. 9858. The regulations are located at 45 CFR part 257.

b. *Child Care and Development Block Grant (CCDBG).* The CCDBG has been implemented by all States and Territories, the District of Columbia, and 226 Tribal grantees, of which 25 are Tribal consortia). The purpose of the CCDBG is to increase the availability, affordability, and quality of child care services. This program offers Federal funding to States, Territories, and Federally-recognized Tribes and Tribal consortia in order to (1) provide low-income families with the financial resources to find and afford quality child care; (2) enhance the quality and increase the supply of child care for all families, including those who do not receive direct subsidies; (3) provide parents with a broad range of options in addressing their child care needs, particularly through the issuance of certificates; (4) strengthen the role of the family; (5) improve the quality of, and coordination among, child care programs and early childhood development programs; and (6) increase the availability of early childhood development programs and before- and after-school services. The statutory provisions for the CCDBG program are found at 42 U.S.C. 9858. Regulations are located at 45 CFR parts 98 and 99.

In support of these five child care programs, the Child Care Bureau develops policies, monitors service delivery systems, and provides technical assistance in close cooperation with ten ACF regional offices which in turn work directly with States, Territories and Tribes.

## Part III. Research Goals and Partnerships

### *A. Need for New Research*

The research being funded under this announcement represents an important strategy for ACYF in the ongoing process of developing service delivery systems which are more efficient, effective, and responsive to the needs of children and families. This initiative embodies recognition of the critical need for new knowledge to guide the delivery of child care services to children and their families, inform policy debates, and point the way to more effective solutions of complex child care issues. Whereas there is a growing body of knowledge about child care demand and supply, only limited research has been directed to the child care needs, options, and utilization patterns of low-income families. For these reasons, ACYF is interested in field-initiated projects which focus on the low-income segment of the child care market.

The overriding goal of the Child Care Research Partnerships is to better understand how child care markets operate for low-income families in different communities and how subsidized child care services, or their absence, impact on the accessibility, affordability and quality of services for low-income parents and their children. In particular, ACYF is interested in the role of child care as an essential support to low-income families in achieving and sustaining economic self-sufficiency while balancing the competing demands of work and family life. Equally important is the quality of care that children are receiving and the implications of available options for the development and well-being of young children throughout their formative years.

The Child Care Research Partnerships are specifically intended to study critical child care issues related to (1) the child care needs, utilization patterns and outcomes for low-income families, particularly those moving from welfare to work and those who are currently employed but are at risk of needing welfare services; (2) child care opportunities and constraints which affect the lives of low-income families and children; and (3) systemic issues which affect the delivery of subsidized child care services to welfare clients and low-income working families.

Another important goal of these projects is to optimize the knowledge gained from research by careful,

collaborative planning, linkage with other current studies, and secondary analysis of existing data. Priority will be given to applicants who propose cost-effective ways of utilizing existing information. For example, resource and referral data, subsidized program data, and census data might be analyzed to characterize local and statewide patterns of demand and supply in the low-income sector as well as point to possible future trends. Ongoing studies might also be expanded, linked, or otherwise utilized in the development of a comprehensive research strategy. In addition, it is often possible for teams working cooperatively to produce a more cohesive, conceptually integrated project than would otherwise be possible. For this reason, researchers are challenged to develop innovative research partnerships which leverage existing knowledge and resources. Priority will also be given to applicants who are able to obtain significant additional funding or in-kind contributions from their partners.

A third goal is to increase the practical utility of research and develop methods of utilizing existing data to answer pressing questions. Studies carried out under these partnerships are expected to have clear relevance for child care policies, practices, and the well-being of children and families. These projects should also contribute to the development of methodological strategies which do not require the launching of large-scale studies in order to provide valid, reliable and important findings.

*B. Cooperative Agreements*

The Child Care Research Partnerships are being funded as cooperative agreements in order to facilitate a high degree of coordination between projects and to accommodate the flexibility in project design needed to carry out collaborative research. In applying for financial assistance under this announcement, applicants agree to enter into a cooperative agreement with the ACYF Child Care Bureau. The general roles of research partners and Federal staff are outlined in the following sections. Specific terms and conditions of each cooperative agreement will be negotiated prior to award of funds.

1. The Grantee Role

The grantee is the official applicant to whom a financial assistance award is made. The grantee is responsible for the performance of its subgrantees or subcontractors, and for ensuring that agreements with co-partners are carried out in good faith and to a high level of quality. The grantee is expected to participate and cooperate fully with the Child Care Bureau in carrying out the Child Care Research Partnership detailed in the cooperative agreement. The specific terms of each agreement will be based on this announcement, the successful applicant's proposal, and related items to be negotiated prior to award.

Each of the Child Care Research Partnerships will participate as a member of an ACYF Child Care Research Consortium to be formed shortly after projects are funded. The goals of this consortium are four-fold: (1) To coordinate and assist the individual research partnerships; (2) to produce a more sophisticated and comprehensive body of research than would be achievable by any project alone; (3) to provide a forum for consideration of technical issues which are of mutual concern to the researchers; and (4) to assist ACYF in the development of research strategies to effectively examine complex child care issues. As part of this effort, two meetings of the consortium will be held in Washington, D.C., the first shortly after funds are awarded and the second in the spring of 1996.

2. The Federal Role

The Federal Project Officer (FPO) will work closely with each of the individual Child Care Research Partnerships and with the ACYF Child Care Research Consortium to share priorities and plans, identify and resolve common issues, and ensure that final plans and products comprehensively address the goals of this announcement. Such involvement may include, but is not limited to: (1) provision of technical assistance to grantees; (2) consultation on and participation in formulation of research plans; (3) arrangement of meetings to support research activities; (4) membership in policy, planning, steering or other working groups established to facilitate accomplishment of the project goals; (5) review of major activities and products; and (6) participation in negotiations for revised cooperative agreements to carry out each succeeding phase of the research. The FPO will also chair meetings of the ACYF Child Care Research Consortium and will coordinate consortium activities and information sharing.

**Part IV. Project Narrative Statement**

The Project Narrative Statement provides most of the information on which proposals will be competitively reviewed. This section should be carefully developed in accordance with the research goals and expectations described in Part III, the evaluation criteria and selection factors described in Part V, and the requirements described in sections A through D below.

The Project Narrative sets forth the technical proposal and how it will be carried out. This statement should be organized according to the evaluation criteria contained in Part V as follows: (1) Issues and Objectives; (2) Background and Significance; (3) Technical Approach; and (4) Staff Background and Organizational Capacity.

The clarity and conciseness of proposals are of the utmost importance to ACYF. Project Narrative Statements may not exceed 80 pages single-spaced (160 pages double-spaced) with standard one-inch margins and 10–12 point fonts. This page limitation applies to the entire Project Narrative Statement, including text, tables, charts, graphs, resumes, corporate statements and appendices. Excess pages of Project Narrative will not be reviewed. (Note: Applicants are asked to print their statement in double-spaced format for ease of review.)

*A. Issues and Objectives*

Applicants must demonstrate a sound understanding of the goals of this announcement and show how their proposed research would address ACYF's child care research objectives. Applicants should discuss the purpose of their research and indicate how their project would address major issues and hypotheses. This section should also describe how the study would relate to, or build upon, other relevant research.

Applicants should describe how the proposed project could fit into a broader framework for collaborative child care research, and suggest specific substudies or components which could be undertaken as part of a holistic approach made possible by a research consortium. In this regard, applicants must describe the nature of their research partnership, articulate a rationale for this partnership vis- a-vis ACYF research goals, and provide assurances that they and their partners have the willingness and flexibility to collaborate with other members of the ACYF Child Care Research Consortium.

*B. Background and Significance*

The Background and Significance section is intended to demonstrate the applicant's understanding of (1) critical child care issues affecting low-income families and the complex interrelationships among major variables; (2) the significance of these issues and variables for child care policies and programs; (3) how existing

knowledge can be brought to bear on the proposed research; and (4) how the research would benefit various audiences. Applicants are expected to provide a review of relevant literature which is sufficient to demonstrate their understanding of important issues, variables, methods, and findings. The literature review must include previous work of the author(s) of the proposal. A list of references must be included.

This section of the narrative must address issues related to (a) low-income populations and the challenges they face; (b) the structure and dynamics of child care demand and supply as these factors relate to low-income children and families; and (c) the ways in which welfare and child care services interact in creating opportunities or constraints for the populations they serve. Applicants should address these issues in terms of their proposed research, explaining their reasoning, suggesting lines of inquiry, and developing their hypotheses.

Applicants should clearly show how their proposed research will build on the current knowledge base and contribute to policy, practice and future research. The proposal is expected to demonstrate understanding of current welfare and child care policies and programs, to show how the proposed research would further such understanding, and to suggest practical applications which might be derived from the findings. Applicants are asked to consider the significance, reliability, and validity of existing data for questions of interest to the Child Care Research Partnerships. In addition, applicants should identify important gaps in the literature and areas in which findings are contradictory or ambiguous.

If ongoing studies or pilot research identified in the review will be included in the proposed design, applicants should describe how such studies would be utilized in the proposed research and how they would foster ACYF child care research goals.

If especially important data bases from completed studies are identified, applicants are asked to suggest ways in which such data could be analyzed or otherwise utilized. It will also be important to consider what demographic, economic, and social data are available as context for the proposed research. Applicants should describe how data from the Census Bureau, Bureau of Labor Statistics, and other statistical organizations can be used to help profile market parameters and trends.

*C. Technical Approach*

The Technical Approach section of the Project Narrative Statement details a specific research design and implementation plans. This section should address three broad areas: (1) research methodology; (2) management and quality control; and (3) collaborative strategy.

1. Research Methodology

The methodological discussion must include technical details of the proposed research design, including specific research questions, variables and data sources, sampling and data collection or compilation (including selection of client records or construction of subsamples from data tapes), statistical analysis, and reporting. Applicants are asked to lay out a research design for examining the relationships between selected issues, questions, variables, and data elements (Applicants may include a chart showing these linkages). In addition, applicants should discuss the strengths and limitations of all proposed data sources, samples, and techniques for this research.

Applicants should fully address technical considerations appropriate to their proposed design:

- If secondary analyses are to be conducted on completed data sets, describe the appropriateness and limitations of the original research for this study. Describe the nature, scope and representativeness of the original sample and characteristics of the data (including data quality). Describe hypotheses to be tested, variables to be analyzed, the unit of analysis to be employed, analytic procedures, and limitations of the data base for the proposed study.
- If data will be compiled from service delivery records of State or local agencies, from resource and referral files, from records maintained by child care facilities, or from other primary data sources, describe the nature of the data and how it would be accessed, what sampling procedure would be employed, how confidentiality of individual records would be maintained, and how the data would be processed and analyzed.
- If the proposed project involves linkage with ongoing research, describe the ongoing research design and stage of progress, how the applicant's proposed study would benefit from and contribute to it, how the technical aspects of the linkage would be structured and carried out, and how the linked studies would address the goals of this announcement.
- If new data are to be collected on human subjects in conjunction with another ongoing study (e.g., adding a component to a survey) discuss the benefits of and justify this approach. Describe the characteristics of the target population and provide a rationale for any sample stratification based on personal characteristics of individuals (such as ethnicity, income, marital status, age of child, etc.). Describe data collection procedures and safeguards for data quality. Discuss procedures to protect human subjects, maintain confidentiality of data, and obtain consent for participation (if applicable).
- Include a detailed plan for the processing and analysis of data from all sources which illustrates how the analysis will meet the goals of this research. Discuss the processing of data for analysis, including the procedures which will be used to ensure data quality, the preparation and documentation of data files and tapes, and the archiving of data for analysis by other researchers. Discuss plans for the analysis of data, including units of analysis, analytic techniques to be used with various types of data, statistical considerations, and the linkage of data sets.
- Include a product development and dissemination plan which describes the products to be generated during the course of this research (such as technical papers or reports, summaries, briefings, conference presentations, doctoral dissertations, journal articles, archival data tapes, data documentation, software, and the final report) and the steps that will be undertaken to disseminate and promote the utilization of products and findings. This plan should include a discussion of products which might be collaboratively developed or disseminated to effectively reach intended audiences.

2. Management and Quality Control

The applicant's approach must contain a sound and workable plan of action which describes in detail how the project will be carried out. This section should detail how the project will be structured and managed, how roles and functions will be coordinated, how the timeliness of activities will be ensured, and how quality control will be maintained. Applicants should discuss their management of the project as a whole, and the management roles of their partners. In particular, applicants are asked to provide the following information:

- Describe how an appropriate research and management team will be assembled, what expertise will be represented, how individuals will be selected, and what roles they will play (including consultants and advisors).

• Lay out the major tasks to illustrate the sequence and timing of tasks, time commitments of staff, important milestones, reports, and completion dates.

• Describe how participating organizations will coordinate their management of project tasks and other functions.

• Discuss how the proposed methodology might reasonably fit into a broader research scheme and what design flexibility exists for coordination with other approaches.

• Discuss potential problems or difficulties with the proposed methodological approach, including factors which might affect the quality of the research or its outcomes, issues related to the reliability, validity and generalizability of data, and issues related to management and coordination.

• Include a detailed budget narrative which describes and justifies line item expenses within the budget categories listed on the form S.F. 424. A realistic amount must be set aside for two trips to Washington, D.C. to participate in meetings of the ACYF Research Consortium. Each meeting is expected to require two days.

• If project funds are being subcontracted, a detailed budget for the use of those funds must be included.

*D. Staff Background and Organizational Capacity*

In this section of the Project Narrative Statement, applicants must provide evidence that they and their partners have the ability to carry out the proposed project on time and to a high degree of quality.

1. Staff Background

• Identify all key staff positions for this project, including job descriptions, salary rates and employee benefits; the proportion of time to be committed to the project; the period of time for which staff holding these positions will be employed; and whether their continued employment is dependent solely on the funds to be awarded under this announcement.

• Provide evidence that individuals proposed for key positions have the necessary technical skill and experience to successfully carry out their assigned roles.

• Identify the authors of the proposal and describe their continuing role in the project if funded.

• Identify all consultants or advisors, document their expertise, and describe how their services will be utilized.

• Describe recruitment and hiring procedures.

2. Organizational Capacity

• Provide evidence of sufficient organizational resources to ensure successful project management, compliance with terms and conditions of the cooperative agreement, and oversight of the proper use of Federal funds.

• Include a separate two-page organizational capability statement for each partner (these statements are to be included with the application as part of the general requirements described in Part VI).

• Provide evidence of the organizational capacity to coordinate the activities of research partners, participate as a member of the ACYF research consortium, and resolve collaboration issues which may arise during the course of the research.

• Document the ability of all partners to carry out their assigned roles and functions. Describe all research partnerships, collaborations and agreements. Describe how each partner was included in the planning of the project and what contributions each will make throughout the project.

• Include a list of research partners and financial supporters, including the name and address of the organization, the name of its director, and the telephone, fax and internet numbers.

• Include letters of specific commitment or support where possible. Partners who will provide access to data or records must provide a letter stipulating the terms of their agreement with the researchers.

• Describe the extent of financial participation from all sources. Describe the extent to which funds, staff time, in-kind services, and other resources have been committed to the research effort during the planning period. Describe what other resources will help support the proposed child care research, including existing commitments and negotiations in progress. Discuss what commitments are expected of financial partners in the second and third years.

• Describe the relationship between this project and other relevant work planned, anticipated or underway by the applicant with Federal assistance. Include examples of past or current partnerships which demonstrate the ability to carry out the proposed project.

## Part V. Evaluation and Selection

*A. The Review Process*

Before applications are reviewed, each application will be screened to determine whether the applicant organization is eligible as specified in Part I, section G, above. Applications from organizations which do not meet the eligibility requirements will not be considered or reviewed in the competition, and the applicant will be so informed. In addition, inadequate preparation, omission of essential components of the application, or failure to comply with format specifications as described in Part VI will result in the application being withdrawn from further consideration.

Applications will be reviewed and scored competitively against the published evaluation criteria described below. The review will be conducted in Washington, D.C. Expert reviewers in relevant fields will include researchers, Federal or State staff, early childhood program staff, or other individuals experienced in the study of child care demand and supply, child care delivery systems, welfare and supportive services, early childhood programs, child development and education, parental choice and involvement, and other relevant areas.

A panel of at least three reviewers will evaluate each application to determine the strengths and weaknesses of each proposal in terms of ACYF research goals and expectations discussed in Part III, the proposal requirements described in Part IV, and the evaluation criteria listed in section B below. Panelists will also provide written comments and assign numerical scores for each application. The point value for each criterion indicates the maximum numerical score which that criterion may be given in the review process. The assigned scores for each criterion will be summed to yield a total evaluation score for the proposal.

In addition to the panel review, the Child Care Bureau or ACYF may solicit comments from ACF Regional Office staff, other Federal agencies, organizations who are or may become ACYF research partners, and individuals whose particular expertise is identified as necessary for the consideration of technical issues arising during the review. These comments, along with those of the panelists, will be considered by the Child Care Bureau and ACYF in making funding decisions. The Child Care Bureau and ACYF will also take into account the best combination of proposed projects to meet overall research goals. In addition, priority will be given to applicants who are able to obtain significant financial contributions from other sources and who propose cost-effective ways of utilizing existing research.

*B. Evaluation Criteria*

The criteria listed below will be used in conjunction with other requirements set forth in Part IV, Project Narrative

Statement, to evaluate how well each proposal addresses the goals of this announcement.

1. Issues and Objectives (maximum of 10 points)

- The extent to which the application reflects a solid understanding of critical issues, information needs, and research goals.
- The extent to which the conceptual model, research issues, objectives and hypotheses are significant, well-formulated and appropriately linked.
- The extent to which the collaborative framework is appropriate, feasible, and will significantly contribute to the importance, comprehensiveness, and quality of the proposed research.

2. Background and Significance (maximum of 15 points)

- The completeness and sophistication with which the applicant reviews the relevant literature.
- The effectiveness with which the application articulates the current state of knowledge relative to issues being addressed, including (1) critical child care issues and the complex interrelationships among major variables; (2) the significance of these issues and variables for child care policies and programs; (3) how current knowledge can be brought to bear on the proposed research; and (4) how the research would benefit various audiences.
- How well the proposed research will build on the current knowledge base and contribute to policy, practice and future research.

3. Technical Approach (maximum of 50 points)

- The extent to which the applicant's proposed research methodology (1) appropriately links critical research issues, questions, variables and data sources; (2) employs technically sound and appropriate approaches, design elements and procedures for sampling, data collection, data processing and analysis; (3) reflects sensitivity to technical, logistical, cultural and ethical issues that may arise; (4) includes realistic strategies for the resolution of difficulties; (5) adequately protects human subjects, confidentiality of data, and consent procedures, as appropriate; (6) includes an effective plan for the dissemination and utilization information by researchers, policy-makers, and practitioners in the field; and (7) effectively utilizes collaborative strategies.
- The extent to which the application (1) outlines a sound and workable plan of action that details how the proposed work will be accomplished; (2) shows a reasonable schedule of accomplishments and target dates; (3) presents an adequate staffing plan; and (4) demonstrates the ability to gain access to necessary information, data and subjects.
- The extent to which the application (1) presents a sound administrative framework for maintaining quality control over the implementation and operation of the study; (2) includes a sound plan for coordination of activities carried out by partners; (3) demonstrates an effective approach to team-building, including project staff, consultants and advisory panels; and (4) demonstrates the ability to carry out collaborative research, both within the proposed Child Care Research Partnership and as a member of the ACYF Child Care Research Consortium.
- The extent to which proposed project costs are reasonable, the funds are appropriately allocated across component areas, and the budget is sufficient to accomplish the objectives.

4. Staff Background and Organizational Capacity (maximum of 25 points)

- The extent to which the application (1) presents relevant background, experience, training and qualifications of the key staff and consultants, including work on related research and similar projects; (2) makes available adequate personnel resources for sampling, experimental design, field work, statistical analysis and reporting; and (3) proposes key personnel who have demonstrated competence in areas addressed by the proposed research and are geographically accessible.
- The extent to which the application demonstrates that (1) facilities and organizational experience are adequate to carry out the tasks of the proposed project; (2) the collaborative partnerships are well structured and demonstrate effective coordination of organizational resources; (3) the organization can effectively and efficiently administer a project of the size, complexity and scope proposed; (4) the applicant has the capacity to coordinate activities with other organizations for the successful accomplishment of project objectives; and (5) research partners have the capacity to carry out their proposed functions and roles.

*C. The Selection Process*

The Commissioner of ACYF will make the final selection of the applicants to be funded. Applications may be funded in whole or in part depending on the applicant ranking, consultations and staff review, the combination of projects which best meets ACYF research objectives, the funds available, and other relevant considerations.

Successful applicants will be notified through the issuance of a Financial Assistance Award which sets forth the amount of funds granted, the terms and conditions of the cooperative agreement, the effective date of the award, the budget period for which support is given, and the total project period for which support is provided.

*D. Funding Date*

It is anticipated that successful applications will be funded no later than September 30, 1995.

**Part VI. Instructions for the Development and Submission of Applications**

This part contains information and instructions for submitting applications in response to this announcement. Application forms are provided along with a checklist for assembling an application package. Please copy and use these as single-sided forms in submitting an application.

Potential applicants should read this section carefully in conjunction with other information and proposal requirements contained within this announcement.

*A. Required Notification of the State Single Point of Contact*

All applications for research projects are covered under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and title 45 Code of Federal Regulations (CFR) Part 100, Intergovernmental Review of Department of Health and Human Services Programs and Activities. Under E.O. 12372, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs. Therefore, the applicant should contact his or her State Single Point of Contact (SPOC) directly to determine what materials, if any, the SPOC requires. Contact information for each State's SPOC is found at the end of this announcement.

All States and territories, except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Minnesota, Montana, Nebraska, Oklahoma, Pennsylvania, Oregon, South Dakota, Virginia, Washington, American Samoa and Palau, have elected to participate in the Executive Order process and have established a State Single Point of Contact (SPOC). Applicants from these

19 jurisdictions need take no action regarding E.O. 12372. Applications for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372.

It is imperative that the applicant submit all required materials to the SPOC and indicate the date of this submittal (or the date of contact, if no submittal is required) on the Standard Form (SF) 424, item 16a. Under 45 CFR 100.8(a)(2), SPOCs have 60 days from the grant application deadline to comment on applications for financial assistance under this program. These comments are reviewed as part of the award process. Failure to notify the SPOC can result in a delay in the award of funds.

The SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the accommodate or explain rule. It is helpful to ACYF in tracking SPOC comments if the SPOC will clearly indicate the applicant organization as it appears on the application SF 424. When comments are submitted directly to ACYF, they should be addressed to the application mailing address located in the front section of this announcement.

*B. Paperwork Reduction Act of 1980*

Under the Paperwork Reduction Act of 1980, Public Law 96–511, the Department is required to submit to OMB for review and approval any reporting and record keeping requirements in regulations, including program announcements. This program announcement does not contain information collection requirements beyond those approved for ACF grant applications under OMB Control Number 0348–0043.

*C. Deadline for Submission of Applications*

The closing date for submission of applications under this program announcement is August 8, 1995.

Applications sent by fax will not be accepted. Applications which are sent by mail must be received on or before the deadline date at the following address: Department of Health and Human Services, ACF/Division of Discretionary Grants, 6th floor, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: Child Care Research Partnerships.

Hand delivered applications are accepted during the normal working hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, on or prior to the established closing date at: Administration for Children and Families, Division of Discretionary Grants, 6th Floor, ACF Guard Station, 901 D Street, SW., Washington, DC 20047, Attn: Child Care Research Partnerships.

An application will be considered as meeting the deadline if it is received on or before the deadline date at the address or receipt point specified in this program announcement.

Applications which do not meet the above criteria are considered late applications and will not be considered or reviewed in the current competition. The ACYF will send a letter to this effect to each late applicant.

The ACYF reserves the right to extend the deadline for all applicants due to acts of God, such as floods, hurricanes or earthquakes; if there is widespread disruption of the mail; or if ACYF determines a deadline extension to be in the best interest of the Government. However, ACYF will not waive or extend the deadline for any applicant unless the deadline is waived or extended for all applicants.

*D. Instructions for Preparing the Application and Completing Forms*

The SF 424, 424A, 424B, and certifications have been reprinted for your convenience in preparing the application. You should reproduce single-sided copies of these forms from the reprinted forms in the announcement, typing your information onto the copies. Please do not use forms directly from the **Federal Register** announcement, as they are printed on both sides of the page. Make single-sided copies and use them.

Please prepare your application in accordance with the following instructions:

1. SF 424 Page 1, Application Cover Sheet

Please read the following instructions before completing the application cover sheet. An explanation of each item is included. Complete only the items specified.

*Top of Page* Leave blank.

*Item 1*—Type of Submission—Preprinted on the form.

*Item 2*—Date Submitted and Applicant Identifier—Date application is submitted to ACF and applicant's own internal control number, if applicable.

*Item 3*—Date Received By State—State use only (if applicable).

*Item 4*—Date Received by Federal Agency—leave blank.

*Item 5*—Applicant Information.

Legal Name—Enter the legal name of the applicant organization. For applications developed jointly, enter the name of the lead organization only. There must be a single applicant for each application. Organizational Unit—Enter the name of the primary unit within the applicant organization which will actually carry out the project activity. Do not use the name of an individual as the applicant. If this is the same as the applicant organization, leave the organizational unit blank. Address—Enter the complete address that the organization actually uses to receive mail, since this is the address to which all correspondence will be sent. Do not include both street address and P.O. box number unless both must be used in mailing. Name and telephone number of the person to be contacted on matters involving this application (give area code)—Enter the full name (including academic degree, if applicable) and telephone number of a person who can respond to questions about the application. This person should be accessible at the address given here and will receive all correspondence regarding the application.

*Item 6*—Employer Identification Number (EIN)—Enter the employer identification number of the applicant organization, as assigned by the Internal Revenue Service, including, if known, the Central Registry System suffix.

*Item 7*—Type of Applicant—Self-explanatory.

*Item 8*—Type of Application—Preprinted on the form.

*Item 9*—Name of Federal Agency—Preprinted on the form.

*Item 10*—Catalog of Federal Domestic Assistance Number and Title—Enter the Catalog of Federal Domestic Assistance (CFDA) number which is assigned to the program under which assistance is requested and its title. The CFDA for the Child Care Research Partnerships is 93.647.

*Item 11*—Descriptive Title of Applicant's Project—Enter the project title. The title is generally short and is descriptive of the project.

*Item 12*—Areas Affected by Project—Enter the governmental unit where significant and meaningful impact could be observed. List only the largest unit or units affected, such as State, county, or city. If an entire unit is affected, list it rather than subunits.

*Item 13*—Proposed Project—Enter the desired start date for the project and projected completion date.

*Item 14*—Congressional District of Applicant/Project—Enter the number of the Congressional district where the applicant's principal office is located and the number of the Congressional district(s) where the project will be located. If statewide, a multi-State effort, or nationwide, enter 00.

*Item 15*—Estimated Funding Levels.

In completing 15a through 15f, enter only those dollar amounts needed for the first 12 months of the proposed project.

*Item 15a*—Enter the amount of Federal funds requested in accordance with the preceding paragraph. This amount should be no greater than the maximum amount specified in the announcement.

*Items 15b–e*—Enter the amount(s) of funds from non-Federal sources that will be contributed to the proposed project. Items b–e are considered cost-sharing or matching funds. The value of third party in-kind contributions should be included on appropriate lines as applicable.

*Item 15f*—Enter the estimated amount of income, if any, expected to be generated from the proposed project. Do not add or subtract this amount from the total project amount entered under item 15g. Describe the nature, source and anticipated use of this income in the Project Narrative Statement.

*Item 15g*—Enter the sum of items 15a–15e.

*Item 16a*—Is Application Subject to Review By State Executive Order 12372 Process? Yes.—If the application is covered by E.O. 12372, enter the date the applicant contacted the SPOC regarding this application. Select the appropriate SPOC from the listing provided at the end of Part VI. The review of the application is at the discretion of the SPOC. The SPOC will verify the date noted on the application. If there is a discrepancy in dates, the SPOC may request that the Federal agency delay any proposed funding until September 10, 1994.

*Item 16b*—Is Application Subject to Review By State Executive Order 12372 Process? No.—Check the appropriate box if the application is not covered by E.O. 12372 or if the program has not been selected by the State for review.

*Item 17*—Is the Applicant Delinquent on any Federal Debt?—Check the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include audit disallowances, loans and taxes.

*Item 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.—To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for signature of this application by this individual as the official representative must be on file in the applicant's office, and may be requested from the applicant.

*Item 18a–c*—Typed Name of Authorized Representative, Title, Telephone Number—Enter the name, title and telephone number of the authorized representative of the applicant organization.

*Item 18d*—Signature of Authorized Representative—Signature of the authorized representative named in Item 18a. At least one copy of the application must have an original signature. Use colored ink (not black) so that the original signature is easily identified.

*Item 18e*—Date Signed—Enter the date the application was signed by the authorized representative.

2. SF 424A—Budget Information—Non-Construction Programs

This is a form used by many Federal agencies. For this application, Sections A, B, C, E and F are to be completed. Section D does not need to be completed.

Sections A and B should include the Federal as well as the non-Federal funding for the proposed project covering the first year budget period.

*Section A—Budget Summary*—This section includes a summary of the budget. On line 5, enter total Federal costs in column (e) and total non-Federal costs, including third party in-kind contributions, but not program income, in column (f). Enter the total of (e) and (f) in column (g).

*Section B—Budget Categories*—This budget, which includes the Federal as well as non-Federal funding for the proposed project, covers the first year budget period of the 36 month project. It should relate to item 15g, total funding, on the SF 424. Under column (5), enter the total requirements for funds (Federal and non-Federal) by object class category.

A separate itemized budget justification for each line item is required. The types of information to be included in the justification are indicated under each category. For multiple year projects, it is desirable to provide this information for each year of the project. The budget justification should immediately follow the second page of the SF 424A.

*Personnel—Line 6a*—Enter the total costs of salaries and wages of applicant/grantee staff. Do not include the costs of consultants, which should be included on line 6h, Other.

*Justification*—Identify the principal investigator or project director, if known. Specify by title or name the percentage of time allocated to the project, the individual annual salaries, and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

*Fringe Benefits—Line 6b*—Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate.

*Justification*—Provide a break-down of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, etc.

*Travel—6c*—Enter total costs of out-of-town travel (travel requiring per diem) for staff of the project. Do not enter costs for consultant's travel or local transportation, which should be included on Line 6h, Other.

*Justification*—Include the name(s) of traveler(s), total number of trips, destinations, length of stay, transportation costs and subsistence allowances.

*Equipment—Line 6d*—Enter the total costs of all equipment to be acquired by the project. Equipment is tangible, non-expendable personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit.

*Justification*—Equipment to be purchased with Federal funds must be justified. The equipment must be required to conduct the project, and the applicant organization or its subgrantees must not have the equipment or a reasonable facsimile available to the project. The justification also must contain plans for future use or disposal of the equipment after the project ends.

*Supplies—Line 6e*—Enter the total costs of all tangible expendable personal property (supplies) other than those included on Line 6d.

*Justification*—Specify general categories of supplies and their costs.

*Contractual—Line 6f*—Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and (2) contracts with secondary recipient organizations, including delegate agencies. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. If the name of the contractor, scope of work, and estimated total costs are not

available or have not been negotiated, include on Line 6h, Other.

*Justification*—Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, and the estimated dollar amounts of the awards as part of the budget justification. Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must complete this section (Section 8, Budget Categories) for each delegate agency by agency title, along with the supporting information. The total cost of all such agencies will be part of the amount shown on Line 6f. Provide backup documentation identifying the name of contractor, purpose of contract, and major cost elements. Applicants who anticipate procurements that will exceed $5,000 (non-governmental entities) or $25,000 (governmental entities) and are requesting an award without competition should include sole source justification in the proposal which at a minimum should include the basis for contractor's selection, justification for lack of competition when competitive bids or offers are not obtained and basis for award cost or price. (Note: Previous or past experience with a contractor is not sufficient justification for sole source.)

*Construction—Line 6g*—Not applicable. New construction is not allowable.

*Other—Line 6h*—Enter the total of all other costs. Where applicable, such costs may include, but are not limited to: insurance; medical and dental costs; noncontractual fees and travel paid directly to individual consultants; local transportation (all travel which does not require per diem is considered local travel); space and equipment rentals; printing and publication; computer use; training costs, including tuition and stipends; training service costs, including wage payments to individuals and supportive service payments; and staff development costs. Note that costs identified as miscellaneous and honoraria are not allowable.

*Justification*—Specify the costs included.

*Total Direct Charges—Line 6i*—Enter the total of Lines 6a through 6h.

*Indirect Charges—6j*—Enter the total amount of indirect charges (costs). If no indirect costs are requested, enter None. Generally, this line should be used when the applicant (except local governments) has a current indirect cost rate agreement approved by the Department of Health and Human Services or another Federal agency. Local and State governments should enter the amount of indirect costs determined in accordance with HHS requirements. When an indirect cost rate is requested, these costs are included in the indirect cost pool and should not be charged again as direct costs to the grant.

*Total—Line 6k*—Enter the total amounts of lines 6i and 6j.

*Program Income—Line 7*—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount.

*Justification*—Describe the nature, source, and anticipated use of program income in the Program Narrative Statement.

*Section C—Non-Federal Resources*—This section summarizes the amounts of non-Federal resources that will be applied to the grant. Enter this information on line 12 entitled Totals. In-kind contributions are defined in 45 CFR Part 74.2 and 45 CFR Part 92.3, as The value of non-cash contributions provided by non-Federal third parties. Third party in-kind contributions may be in the form of real property, equipment, supplies and other expendable property, and the value of goods and services directly benefiting and specifically identifiable to the project or program.

*Justification*—Describe third party in-kind contributions, if included.

*Section D—Forecasted Cash Needs*—Not applicable.

*Section E—Budget Estimate of Federal Funds Needed For Balance of the Project*—This section should be completed for each subsequent year of the three-year project.

*Totals—Line 20.*

Enter the estimated required Federal funds for the second budget period (months 13 through 24) under column (b) First. Enter the Federal funds needed for months 25 through 36 under (c) Second. Columns (d) and (e) are not applicable, since funding is limited to a three-year maximum project period. They should remain blank.

*Section F—Other Budget Information.*

*Direct Charges—Line 21*—Not applicable.

*Indirect Charges—Line 22*—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

*Remarks—Line 23.*

You must enter your proposed non-Federal share of the project budget for each of the remaining years of the project.

3. Project Summary Description

Clearly mark this separate page with the applicant name as shown in item 5 of the SF 424, the announcement number and title, and the title of the project as shown in item 11 of the SF 424. The summary description should not exceed 300 words. These 300 words become part of the computer database on each project.

Care should be taken to produce a summary description which accurately and concisely reflects the proposal. It should describe the objectives of the project, the approaches to be used and the outcomes expected. The description should also include a list of major products that will result from the proposed project, such as research reports, public summaries, data tapes, and technical papers). The project summary description, together with the information on the SF 424, will constitute the project abstract. It is the major source of information about the proposed project and is usually the first part of the application that the reviewers read in evaluating the application.

At the bottom of the page, following the summary description, type up to 10 key words which best describe the proposed project, the service(s) involved and the target population(s) to be covered. These key words will be used for computerized information retrieval. Key words should be selected from commonly used research and practice terminology.

4. Project Narrative Statement

The Project Narrative Statement should be clear, concise, and address the specific expectations and requirements mentioned in Parts III and IV. The narrative should also provide information concerning how the application meets the evaluation criteria described in Part V. Inclusion and discussion of the evaluation criteria is important since the reviewers will rate the application against the evaluation criteria. Research applications should use the following section headings:

(a) *Issues and Objectives;*

(b) *Background and Significance;*

(c) *Technical Approach;* and

(d) *Staff Background and Organizational Experience.*

The specific information to be included under each of these headings is described in Part IV, Project Narrative, and Part V, Section B, Evaluation Criteria.

The narrative should be double-spaced and single-sided on 8½ × 11 plain white paper, with 1'' margins on all sides. Use only a standard size font

such as 10 or 12 pitch throughout the announcement. All pages of the narrative (including appendices, resumes, charts, references/footnotes, tables, maps and exhibits) must be sequentially numbered, beginning with Objectives as page number one. Applicants should not submit reproductions of larger sized paper that is reduced to meet the size requirement. Applicants are requested not to send pamphlets, brochures, or other printed material along with their applications as these pose copying difficulties. These materials, if submitted, will not be included in the review process, though they will be kept on file.

The clarity and conciseness of proposals are of the utmost importance to ACYF. Project Narrative Statements may not exceed 80 pages single-spaced (160 pages double-spaced). This page limitation applies to the entire Project Narrative Statement, including text, tables, charts, graphs, resumes, tables, maps, exhibits, references, footnotes, and appendices. Excess pages of Project Narrative will not be reviewed. (Note: Applicants are asked to print their statement in double-spaced format for ease of review.)

Please note that applicants that do not comply with the specific requirements in the section on ''Eligible Applicants'' in Part I will not be included in the review process. Applicants should also note that non-responsiveness to Part III, ACYF Research Goals and Partnerships, and Part IV, Project Narrative Statement, will result in a low evaluation score by the panel of expert reviewers.

Applicants should closely tailor their applications to the announcement. Previous experience has shown that an application which is broader and more general in concept than outlined in the agency's request for proposals is less likely to score as well as one which is more clearly focused on and directly responsive to the concerns and objectives outlined in the announcement.

5. Assurances/Certifications

Applicants are required to file an SF 424B, Assurances—Non-Construction Programs and the Certification Regarding Lobbying. Both must be signed and returned with the application. In addition, applicants must provide certifications regarding: (1) Drug-Free Workplace Requirements; (2) Debarment and Other Responsibilities; and (3) Environmental Tobacco Smoke. These three certifications are self-explanatory. A duly authorized representative of the applicant organization must certify that the applicant is in compliance with these assurances/certifications. A signature on the SF 424 indicates compliance with the Drug Free Workplace Requirements, the Debarment and Other Responsibilities certifications, and the Certification Regarding Environmental Tobacco Smoke.

All applicants for research projects involving human subjects must provide a Protection of Human Subjects Assurance as specified in the policy described on the HHS Form 596. If there is a question regarding the applicability of this assurance, contact the Office for Protection from Research Risks of the National Institutes of Health at (301)-496–7041. Those applying for or currently conducting research projects are further advised of the availability of a Certificate of Confidentiality through the National Institute of Mental Health of the Department of Health and Human Services. To obtain more information and to apply for a Certificate of Confidentiality, under the authority of Section 301(d) of the Public Health Service Act (42 U.S.C. 82421(d) to protect against involuntary disclosure of the identities of research subjects, contact the Division of Extramural Activities of the National Institute of Mental Health at (301) 443–4673.

*E. Checklist for a Complete Application*

The checklist below is for your use to ensure that your application package has been properly prepared.

_____One original, signed and dated application, plus two copies. Applications for different priority areas should be packaged separately;

_____Application is from an organization which is eligible under the eligibility requirements defined in Part I (screening requirement).

A complete application consists of the following items in this order:

—Application for Federal Assistance (SF 424, REV 4–88); a completed SPOC certification (if applicable) with the date of SPOC contact entered in line 16, page 1 of the SF 424 if applicable.

—Budget Information—Non-Construction Programs (SF 424A, REV 4–88);

—Budget justification for Section B—Budget Categories;

—Letter from the Internal Revenue Service to prove non-profit status, if necessary;

—Copy of the applicant's approved indirect cost rate agreement, if appropriate;

—Project summary description;

—Table of Contents, including the following:

—Program Narrative Statement (organized by the evaluation criteria), which when combined with appendices/attachments should not exceed 80 pages total;

—Any appendices/attachments;

—Assurances—Non-Construction Programs (Standard Form 424B, REV 4–88);

—Certification Regarding Lobbying;

—Certification Regarding Drug-Free Workplace Requirements;

—Certification Regarding Debarment and Other Responsibilities;

—Certification Regarding Environmental Tobacco Smoke; and

—Certification of Protection of Human Subjects, if necessary.

*F. The Application Package*

Each application package must include an original and two copies of the complete application. Each copy should be stapled securely (front and back if necessary) in the upper left-hand corner. All pages of the narrative must be sequentially numbered, beginning with page one. Because each application will be duplicated, do not use or include separate covers, binders, clips, tabs, plastic inserts, brochures, videos, or any other items that cannot be photocopied. Your application should only include the information as requested in this announcement.

Do not include a self-addressed, stamped acknowledgment card. All applicants will be notified automatically about the receipt of their application and of the four digit identification number assigned to their application. This number and the priority area must be referred to in all subsequent communication with the Child Care Bureau, ACYF, or ACF concerning the application. If acknowledgment of receipt of your application is not received within eight weeks after the deadline date, please notify the ACYF Operations Center by telephone at 1–800–351–2293.

Dated: May 26, 1995.

**Olivia A. Golden**

*Commissioner, Administration on Children, Youth and Families.*

**BILLING CODE 4184–01–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:**

**10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:** ☐☐ . ☐☐☐

TITLE:

**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

BILLING CODE 4184–01–C

**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 and 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.
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 Point 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.)

BILLING CODE 4184–01–P

OMB Approval No. 0348-0044

# BUDGET INFORMATION — Non-Construction Programs

**SECTION A – BUDGET SUMMARY**

| Grant Program Function or Activity (a) | Catalog of Federal Domestic Assistance Number (b) | Estimated Unobligated Funds | | New or Revised Budget | | |
|---|---|---|---|---|---|---|
| | | Federal (c) | Non-Federal (d) | Federal (e) | Non-Federal (f) | Total (g) |
| 1. | | $ | $ | $ | $ | $ |
| 2. | | | | | | |
| 3. | | | | | | |
| 4. | | | | | | |
| 5. TOTALS | | $ | $ | $ | $ | $ |

**SECTION B – BUDGET CATEGORIES**

| 6 Object Class Categories | GRANT PROGRAM, FUNCTION OR ACTIVITY | | | | Total (5) |
|---|---|---|---|---|---|
| | (1) | (2) | (3) | (4) | |
| a. Personnel | $ | $ | $ | $ | $ |
| b. Fringe Benefits | | | | | |
| c. Travel | | | | | |
| d. Equipment | | | | | |
| e. Supplies | | | | | |
| f. Contractual | | | | | |
| g. Construction | | | | | |
| h. Other | | | | | |
| i. Total Direct Charges (sum of 6a - 6h) | | | | | |
| j. Indirect Charges | | | | | |
| k. TOTALS (sum of 6i and 6j) | $ | $ | $ | $ | $ |
| 7. Program Income | $ | $ | $ | $ | $ |

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Standard Form 424A (4-88)
Prescribed by OMB Circular A-102

## SECTION C - NON-FEDERAL RESOURCES

| (a) Grant Program | (b) Applicant | (c) State | (d) Other Sources | (e) TOTALS |
|---|---|---|---|---|
| 8. | $ | $ | $ | $ |
| 9. | | | | |
| 10. | | | | |
| 11. | | | | |
| 12. TOTALS (sum of lines 8 and 11) | $ | $ | $ | $ |

## SECTION D - FORECASTED CASH NEEDS

| | Total for 1st Year | 1st Quarter | 2nd Quarter | 3rd Quarter | 4th Quarter |
|---|---|---|---|---|---|
| 13. Federal | $ | $ | $ | $ | $ |
| 14. NonFederal | | | | | |
| 15. TOTAL (sum of lines 13 and 14) | $ | $ | $ | $ | $ |

## SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

| (a) Grant Program | FUTURE FUNDING PERIODS (Years) | | | |
|---|---|---|---|---|
| | (b) First | (c) Second | (d) Third | (e) Fourth |
| 16. | $ | $ | $ | $ |
| 17. | | | | |
| 18. | | | | |
| 19. | | | | |
| 20. TOTALS (sum of lines 16 -19) | $ | $ | $ | $ |

## SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

| 21. Direct Charges: | 22. Indirect Charges: |
|---|---|

23. Remarks

SF 424A (4-88) Page 2
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BILLING CODE 4184-01-C

**Instructions for the SF–424A**

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

**Section A. Budget Summary**

Lines 1–4, Columns (a) and (b). For applications pertaining to a single Federal grant program (Federal Domestic Assistance Catalog number) and not requiring a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a single program requiring budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to multiple programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) through (g). For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts of Columns (e) and (f).

Line 5—Show the totals for all columns used.

**Section B. Budget Categories**

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Line 6a–i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

**Section C. Non-Federal-Resources**

Lines 8–11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)–(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

**Section D. Forecasted Cash Needs**

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

**Section E. Budget Estimates of Federal Funds Needed for Balance of the Project**

Lines 16–19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section needs not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

**Section F. Other Budget Information**

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

**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 confidentially 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. 92–646) 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.

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 and to 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

**Executive Order 12372—State Single Points of Contact**

*Arizona*

Mrs. Janice Dunn, Attn: Arizona State Clearinghouse, 3800 N. Central Avenue, 14th Floor, Phoenix, Arizona 85012, Telephone (602) 280–1315

*Arkansas*

Tracie L. Copeland, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Telephone (501) 682–1074

*California*

Glenn Stober, Grants Coordinator, Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Telephone (916) 323–7480

*Delaware*

Ms. Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, Dover, Delaware 19903, Telephone (302) 736–3326

*District of Columbia*

Rodney T. Hallman, State Single Point of Contact, Office of Grants Management and Development, 717 14th Street NW., suite 500, Washington, DC 20005, Telephone (202) 727–6551

*Florida*

Florida State Clearinghouse, Intergovernmental Affairs Policy Unit, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32399–0001, Telephone (904) 488–8441

*Georgia*

Mr. Charles H. Badger, Administrator, Georgia State Clearinghouse, 254 Washington Street SW., Atlanta, Georgia 30334, Telephone (404) 656–3855

*Illinois*

Steve Klokkenga, State Single Point of Contact, Office of the Governor, 107 Stratton Building, Springfield, Illinois 62706, Telephone (217) 782–1671

*Indiana*

Jean S. Blackwell, Budget Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone (317) 232–5610

*Iowa*

Mr. Steven R. McCann, Division of Community Progress, Iowa Department of Economic Development, 200 East Grand

Avenue, Des Moines, Iowa 50309, Telephone (515) 281–3725

*Kentucky*

Ronald W. Cook, Office of the Governor, Department of Local Government, 1024 Capitol Center Drive, Frankfort, Kentucky 40601, Telephone (502) 564–2382

*Maine*

Ms. Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, Telephone (207) 289–3261

*Maryland*

Ms. Mary Abrams, Chief, Maryland State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201–2365, Telephone (410) 225–4490

*Massachusetts*

Karen Arone, State Clearinghouse, Executive Office of Communities and Development, 100 Cambridge Street, room 1803, Boston, Massachusetts 02202, Telephone (617) 727–7001

*Michigan*

Richard S. Pastula, Director, Michigan Department of Commerce, Lansing, Michigan 48909, Telephone (517) 373–7356

*Mississippi*

Ms. Cathy Mallette, Clearinghouse Officer, Office of Federal Grant Management and Reporting, 301 West Pearl Street, Jackson, Mississippi 39203, Telephone (601) 960–2174

*Missouri*

Ms. Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, P.O. Box 809, Room 430, Truman Building, Jefferson City, Missouri 65102, Telephone (314) 751–4834

*Nevada*

Department of Agriculture, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, Telephone (702) 687–4065, Attention: Ron Sparks, Clearinghouse Coordinator

*New Hampshire*

Mr. Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review, Process/James E. Bieber, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone (603) 271–2155

*New Jersey*

Gregory W. Adkins, Acting Director, Division of Community Resources, N.J. Department of Community Affairs, Trenton, New Jersey 08625–0803, Telephone (609) 292–6613

Please direct correspondence and questions to:

Andrew J. Jaskolka, State Review Process, Division of Community Resources, CN 814, Room 609, Trenton, New Jersey 08625–0803, Telephone (609) 292–9025

*New Mexico*

George Elliott, Deputy Director, State Budget Division, Room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503, Telephone (505) 827–3640, FAX (505) 827–3006

*New York*

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone (518) 474–1605

*North Carolina*

Mrs. Chrys Baggett, Director, Office of the Secretary of Admin., N.C. State Clearinghouse, 116 W. Jones Street, Raleigh, North Carolina 27603–8003, Telephone (919) 733–7232

*North Dakota*

N.D. Single Point of Contact, Office of Intergovernmental Assistance, Office of Management and Budget, 600 East Boulevard Avenue, Bismarck, North Dakota 58505–0170, Telephone (701) 224–2094

*Ohio*

Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266–0411, Telephone (614) 466–0698

*Rhode Island*

Mr. Daniel W. Varin, Associate Director, Statewide Planning Program, Department of Administration, Division of Planning, 265 Melrose Street, Providence, Rhode Island 02907, Telephone (401) 277–2656

Please direct correspondence and questions to: Review Coordinator, Office of Strategic Planning.

*South Carolina*

Omeagia Burgess, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, Room 477, Columbia, South Carolina 29201, Telephone (803) 734–0494

*Tennessee*

Mr. Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee 37219, Telephone (615) 741–1676

*Texas*

Mr. Thomas Adams, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, Telephone (512) 463–1778

*Utah*

Utah State Clearinghouse, Office of Planning and Budget, Attn: Carolyn Wright, Room 116 State Capitol, Salt Lake City, Utah 84114, Telephone (801) 538–1535

*Vermont*

Mr. Bernard D. Johnson, Assistant Director, Office of Policy Research & Coordination, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Telephone (802) 828–3326

*West Virginia*

Mr. Fred Cutlip, Director, Community Development Division, West Virginia Development Office, Building #6, Room 553, Charleston, West Virginia 25305, Telephone (304) 348–4010

*Wisconsin*

Mr. William C. Carey, Federal/State Relations, Wisconsin Department of Administration, 101 South Webster Street, P.O. Box 7864, Madison, Wisconsin 53707, Telephone (608) 266–0267

*Wyoming*

Sheryl Jeffries, State Single Point of Contact, Herschler Building, 4th Floor, East Wing, Cheyenne, Wyoming 82002, Telephone (307) 777–7574

*Guam*

Mr. Michael J. Reidy, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone (671) 472–2285

*Northern Mariana Islands*

State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950

*Puerto Rico*

Norma Burgos/Jose H. Caro, Chairman/Director, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–9985, Telephone (809) 727–4444

*Virgin Islands*

Jose L. George, Director, Office of Management and Budget, #41 Norregade Emancipation Garden Station, Second Floor, Saint Thomas, Virgin Islands 00802

Please direct correspondence to: Linda Clarke, Telephone (809) 774–0750.

**Certification Regarding Lobbying**

*Certification for Contracts, Grants, Loans, and Cooperative Agreements*

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) 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 an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) 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 contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

*State for Loan Guarantee and Loan Insurance*

The undersigned states, to the best of his or her knowledge and belief, that:

If any 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 commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S.Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_____

Signature

_____

Title

_____

Organization

_____

Date

**BILLING CODE 4184–01–P**

# 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

## U.S. Department of Health and Human Services

## Certification Regarding Drug-Free Workplace Requirements

## Grantees Other Than Individuals

**By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.**

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 Federal Register, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may taken action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"**Controlled substance**" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

"**Conviction**" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"**Criminal drug statute**" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"**Employee**" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

**The grantee 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 ongoing 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 ten 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 every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. 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).

**The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):**

**Place of Performance (Street address, City, County, State, ZIP Code)**_____

*Check* ___ *if there are workplaces on file that are not identified here.*

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, S.W., Washington, D.C. 20201.

**DGMO Form#2 Revised May 1990**

BILLING CODE 4184–01–C

**Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions**

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR Part 76, certifies to the best of its knowledge and believe 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 3-year period preceding this proposal 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 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 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled ''Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction'' provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

**Certificaton Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions (To Be Supplied to Lower Tire Participants)**

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(b) where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled ''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.

**Certification Regarding Environmental Tobacco Smoke**

Public Law 103–227, Part C—Environmental Tobacco Smoke, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor routinely owned or leased or contracted for by an entity and used routinely or regularly for provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or loan guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1000 per day and/or the imposition of an administrative compliance order on the responsible entity.

By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act. The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for the children's services and that all subgrantees certify accordingly.

[FR Doc. 95–14086 Filed 6–8–95; 8:45 am]

BILLING CODE 4184–01–P

## Centers for Disease Control and Prevention

**[Announcement 560]**

## National Institute for Occupational Safety and Health; Implementation of Strategies for the Prevention of Occupational Transmission of Blood-Borne Pathogens

### Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1995 funds for a cooperative agreement program for implementation and evaluation of strategies, including compliance with infection control recommendations, to prevent occupational transmission of blood-borne pathogens, including the human immunodeficiency virus (HIV) and related infections (e.g., Mycobacterium tuberculosis).

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 Occupational Safety and Health. (For ordering a copy of Healthy People 2000 see the section Where to Obtain Additional Information.)

### Authority

The legislative authority for this program is contained in Sections 20(a)(1) and 22(e)(7) of the Occupational Safety and Health Act (29 U.S.C. Sections 669(a)(1)and 671(e)(7)).

### Smoke-Free Workplace

The PHS strongly encourages all recipients to provide a smoke-free workplace and promote the non-use of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

### Eligible Applicants

Applications may be submitted by public and private, non-profit and for-profit organizations and governments and their agencies. Thus, universities, colleges, research institutions, hospitals, health-care institutions, other public and private organizations, State and local governments or their bona fide agents, federally recognized Indian tribes or Indian tribal organizations, and small, minority- and/or women-owned businesses are eligible to apply.

**Availability of Funds**

Approximately $1,300,000 is available in FY 1995 to fund approximately 4 to 6 awards. It is expected that the average award will be $271,000, ranging from $216,000 to $325,000. 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 3 years. (At least one behavioral science project will be included.) Funding estimates may vary and are subject to change.

Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

**Purpose**

The purpose of this cooperative agreement program is to utilize the special resources of the extramural community to assist in the implementation and evaluation of strategies for the prevention of occupational transmission of blood-borne and related pathogens among certain workers.

The control technology component will evaluate the effectiveness of engineering control or personal protective equipment in preventing occupational exposure to blood. Evaluation parameters include efficacy of exposure prevention, prevention effectiveness including cost analysis, and impact on patient care. A discussion of methodologies for conducting prevention effectiveness is presented in A Framework for Assessing the Effectiveness of Disease and Injury Prevention (CDC, Morbidity and Mortality Weekly Report, March 27, 1992, Volume 41, Number RR–3, pages 5–11). (For ordering a copy of A Framework for Assessing the Effectiveness of Disease and Injury Prevention, see the Section Where to Obtain Additional Information.)

The behavioral evaluation component of this cooperative agreement will assess the efficacy of one or more specific intervention(s) to affect organizational, social and/or individual health-care workers' behavior(s) to improve compliance with CDC recommendations and to generate data upon which to base recommendations for practical methods of increasing worker compliance.

**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 conducting activities under B. (CDC Activities).

*A. Recipient Activities*

From among the following activities, applicants should address the general activities and those areas that are within the interests and strengths of their organizations:

1. General

a. Develop communication models for informing management and labor of the nature of the work hazards and for modifying attitudes and behavior.

b. Publish results of research in appropriate scientific literature.

2. Blood-Borne Pathogen Control Technology

a. Develop a plan to evaluate the efficacy and effectiveness of specific types of control technologies including devices/personal protective equipment for prevention of blood exposures in a health-care workplace. This plan should include: (1) collection and analysis of data on needlestick/sharps injuries; (2) identification of new technologies to reduce needlestick/sharps injuries; (3) analysis of the impact of implementation of new technologies on the incidence, epidemiology and cost of needlestick injuries/blood exposures; and (4) determination of the relationships between exposures and devices/equipment. The plan may also include: (1) development of device/personal protective equipment selection and evaluation criteria; (2) evaluation of the decision analysis process for purchasing anti-needlestick devices and evaluation of cost-effectiveness; (3) collection and analysis of data regarding positive and negative aspects of user acceptance for devices; (4) evaluation of impact of placement/and use of devices/equipment such as in patient rooms and emergency vehicles; and (5) impact of user/worker involvement (e.g., focus groups) in the selection and evaluation of devices. The plan should include a detailed evaluation methodology.

b. Develop and maintain a data management system for the study.

3. Behavioral

a. Develop, implement, and evaluate a plan that assesses one or more specific interventions to improve workers' compliance with specific infection control (IC) recommendations (e.g., hand washing, use of personal protective equipment, appropriate sharps disposal).

b. Develop a plan to evaluate one or more specific interventions by: (1) implementing the intervention(s) in a health-care work place; (2) quantifying its impact on an appropriate measurable outcome related to compliance with IC recommendations; and (3) using the data to propose practical recommendations to increase workers' compliance with IC recommendations. The plan should include a detailed description of the evaluation methodology, including describing potential confounders/bias that might affect the data and addressing methods to account for these confounders/bias.

c. Develop and maintain a data management system for the study.

*B. CDC Activities*

1. Provide consultation and technical assistance in the conduct of the intervention evaluation, including input in the development of intervention design and review of raw and summary data.

2. Provide assistance on analysis, dissemination, presentation and publication of the data.

3. Provide scientific information related to the proposed research topics.

4. Meet periodically with recipient(s) to discuss progress, exchange information, and seek means of resolving problems which have arisen.

5. Assist in predicting hazards that may be associated with new technologies and new occupations and characterize changes that are occurring in health care settings and occupational safety and health.

6. Assist in determining the efficacy and effectiveness of intervention and in measuring the impact of prevention.

**Evaluation Criteria**

The application will be reviewed and evaluated according to the following criteria:

*1. Understanding of Purpose and Objectives (15%)*

Responsiveness to the objective of the cooperative agreement including: (a) applicants understanding of the objective of the proposed cooperative agreement, (b) relevance of the proposal to the objective, and (c) willingness to cooperate with CDC in the design, implementation and analysis of the project. The extent to which the applicant demonstrates knowledge and understanding of health-care settings and interventions described in this cooperative agreement.

In addition, applications targeting the behavioral component should specifically address: The extent to which the applicant demonstrates knowledge and understanding of health care settings and work behaviors/practices which influence compliance with infection control recommendations and need to develop specific practical interventions that will influence

workers compliance with recommended infection control practices.

*2. Study Design (40%)*

Steps proposed in planning, implementing, and evaluating a project. The quality of the plans to coordinate and conduct the project, including a description of techniques for data collection, management, and analysis and a schedule for accomplishing the program activities, including time frames. The quality and feasibility of the proposed program activities for achieving the objectives, including the applicant's ability to conduct control technology or behavioral intervention studies with sufficient numbers to draw meaningful conclusions in a reasonable time period. The extent to which the intervention is specific and practical to implement in a hospital or other appropriate clinical setting.

If the outcome variable could be affected by confounding variables or biases, the extent to which the proposal addressed these confounding variables or biases to ensure that they do not call into question the results of the intervention assessment. Extent to which the outcome variable(s) chosen represents potentially important risks for large numbers of HCWs and/or patients in U.S. hospitals.

In addition, applications targeting the behavioral component should specifically address: The extent to which the appropriate methodology is proposed so that the targeted compliance behavior(s) (outcome variable) measured is reliably quantifiable.

The extent to which the proposed evaluation system will document program process, efficacy, effectiveness, impact, and outcome, and, if applicable, measure surveillance system sensitivity, timeliness, representativeness, predictive values, and ability to detect the impact of specific intervention on morbidity, mortality, severity, disability, and cost of related diseases, injuries and prevention interventions. The extent to which a feasible plan for reporting evaluation results and using evaluation information for programmatic decisions is included.

*3. Program Personnel (25%)*

Qualifications and time allocation of the professional staff to be assigned to a project and applicant's ability to provide the knowledgeable staff required to perform the applicant's responsibilities in this project, and to describe the approach to be used in carrying out those responsibilities. How the study will be administered, including the size, qualifications, duties, responsibilities, and time allocation, of the proposed staff. A statement of the applicant's demonstrated capabilities and experience in conducting such a project.

*4. Facilities and Resources (20%)*

The adequacy of the applicants facilities, equipment, and other resources available for performance of a project.

*5. Budget and Justification (Not Scored)*

The budget will be evaluated to the extent that it is reasonable, clearly justified, and consistent with the intended use of the funds.

**Executive Order 12372 Review**

This program is not subject to review by Executive Order 12372.

**Public Health System Reporting Requirements**

This program is not subject to the Public Health System reporting Requirements.

**Catalog of Federal Domestic Assistance**

The Catalog of Federal Domestic Assistance number is 93.262.

**Other Requirements**

*Paperwork Reduction Act*

Projects that involve the collection of information from 10 or more individuals and funded by this cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

*Human Subjects*

If the proposed project involves research on human subjects, the applicants must comply with the Department of Health and Human Services Regulations, 45 CFR Part 46, regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and forms provided in the application kit.

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.

**Application Submission and Deadline**

The original and two copies of the application PHS form 5161–1 (revised 7/92, 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, N.E., Mailstop E–13, Atlanta, GA 30305 on or before July 17, 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 mailings.)

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 Information**

To receive additional written information call (404) 332–4561. You will be asked to leave your name, address, telephone number and will need to refer to Announcement 560. You will receive a complete program description, information on application procedures, and application forms.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from David Elswick, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305, telephone (404) 842–6521. Programmatic technical assistance may be obtained from Linda S. Martin, Ph.D., National Institute for Occupational Safety and Health, HIV Activity, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, Mailstop F–40, Atlanta, GA 30333, telephone (404) 639–2377.

Please refer to Announcement Number 560, when requesting information and submitting an application.

Copies of A Framework for Assessing the Effectiveness of Disease and Injury

Prevention (CDC, Morbidity and Mortality Weekly Report, March 27, 1992, Volume 41, Number RR–3, pages 5–11) may be obtained by calling (404) 488–4334.

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: June 5, 1995.

**Diane D. Porter,**

*Acting Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 95–14165 Filed 6–8–95; 8:45 am]

BILLING CODE 4163–19–P

**[Announcement 575]**

## National Institute for Occupational Safety and Health; Evaluation of the Effectiveness of Medical Management and Rehabilitation Programs for Work-Related Musculoskeletal Disorders

### Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1995 funds for cooperative agreements to provide assistance for the development, implementation, and evaluation of demonstration projects that will determine the overall effectiveness of medical management and rehabilitation programs for individuals with work-related musculoskeletal disorders.

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 Occupational Safety and Health. (For ordering a copy of Healthy People 2000, see the Section Where to Obtain Additional Information.)

### Authority

The legislative authority for this program is authorized under Sections 20(a) and 22(e)(7) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a) and 671(e)(7)) and Section 501(a) of the Federal Mine Safety and Health Act (30 U.S.C. 951).

### Smoke-Free Workplace

The PHS strongly encourages all grant recipients to provide a smoke-free workplace and promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

### Eligible Applicants

Applications may be submitted by public and private, non-profit and for-profit organizations. Thus, universities, colleges, research institutions, hospitals, and other public and private organizations, State and local governments or their bona fide agents, federally recognized Indian tribal governments, Indian tribes or Indian tribal organizations, and small, minority- and/or women-owned businesses are eligible to apply.

### Availability of Funds

Approximately $225,000 is available in FY 1995 to fund approximately 1 to 2 awards. It is expected the award(s) will begin on or about September 30, 1995, and will be made for a 12-month budget period within a project period of 3 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 progress and the availability of funds.

### Purpose

The purpose of the demonstration projects is to assess the effectiveness of medical management programs regarding rehabilitation and return-to-work of employees with work-related musculoskeletal disorders. Through the development and application of objective evaluation criteria, the project will provide a basis with which to compare the success rate of various medical management, rehabilitation and return-to-work programs. In addition, the demonstrations will provide additional data on the types of programs available; components of the programs; elements necessary for successful programs; the success rates of programs for returning populations to work and possible explanations; the influence programs have in convincing employers to change activities in jobs where the injury was noted; and the direct and indirect costs of successful medical management, rehabilitation, and return-to-work programs.

This program may build on an existing program or provide assistance in initiating a new program. Personnel for the demonstration projects will include researchers from many disciplines such as ergonomics, epidemiology, occupational medicine, physical and occupational therapy and physical and rehabilitation medicine, nursing, health education, and economics. Additionally, this program will report and disseminate findings, relevant health and safety education and training information to State health officials, health-care providers, workers, management, unions, and employers. It is envisioned that new research methods and techniques will be developed that improve the success of rehabilitation and return-to-work programs for work-related musculoskeletal disorders.

### 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/NIOSH will be responsible for the activities listed under B. (CDC/NIOSH Activities).

*A. Recipient Activities*

1. Develop and conduct a demonstration project for the evaluation of medical management, rehabilitation and return-to-work programs targeted at work-related musculoskeletal disorders.
2. Develop objective criteria for determination of ''successful'' medical management, rehabilitative, and return-to-work programs for work-related musculoskeletal disorders. (Issues to consider include assessment of the level of exposure prior to the injury and the type of job to which the individual returns, and how the job where the injury was noted was changed to reduce the risk of injury to workers.)
3. Identify existing medical management, rehabilitative and return-to-work programs to validate criteria and facilitate implementation of the demonstration project.
4. Develop a protocol that reviews the pertinent literature on program evaluation, describes the project methodology, the data to be collected and the proposed analysis of the data. Present the protocol to a panel of peer reviewers and revise the protocol as required for final approval.
5. Conduct data collection, management and analysis.
6. Prepare a final report summarizing the study methodology, results obtained, and conclusions reached, including recommendations regarding critical elements of effective medical management, rehabilitation and return-to-work programs for work-related musculoskeletal disorders.
7. Report research results to the scientific community via presentations at professional conferences and articles

in peer-reviewed journals and the lay community.

*B. CDC/NIOSH Activities*

1. Provide scientific, epidemiologic, ergonomic and clinical technical assistance to the recipient for the successful completion of the project.

2. Identify reviews and/or clearances that must be fulfilled by the recipient, and identify and convene a Peer Review Panel for review of draft study protocol.

3. Assist in study design, survey instrument designs (if necessary), the collection, tabulation and analysis of data, interpretation of the results and preparation of the written reports.

4. Assist in the reporting of project results to the scientific, public health, labor and industrial communities via presentations at professional conferences and publications in peer-reviewed and technical publications.

**Evaluation Criteria**

A CDC convened ad hoc committee will review the applications. The review will be based on the evidence submitted in the application which specifically describes the applicant's ability to meet the following criteria:

*1. Understanding the Problem (30%)*

Responsiveness to the objectives of the cooperative agreement including: (a) applicant's understanding of the objective of the proposed cooperative agreement; and, (b) relevance of the proposal to the objective.

*2. Program Personnel (25%)*

(a) Applicant's qualifications to do research on this topic; (b) the qualifications and time allocation of the professional staff to be assigned to this project; and (c) the applicant's ability to describe the approach to be used in carrying out the responsibilities of the applicant in this project.

*3. Project Design (20%)*

Steps proposed in planning and implementing this project and the respective responsibilities of the applicant for carrying out those steps.

*4. Project Planning (15%)*

The applicant's schedule proposed for accomplishing the activities to be carried out in this project and for evaluating the accomplishments.

*5. Facilities and Resources (10%)*

The adequacy of the applicant's facilities, equipment, and other resources available for performance of this project.

*6. Budget Justification (not scored)*

The budget will be evaluated to the extent that it is reasonable, clearly justified, and consistent with the intended use of funds.

**Executive Order 12372 Review**

This program is not subject to review by Executive Order 12372, Intergovernmental Review of Federal Programs.

**Public Health Reporting Requirements**

This program is not subject to the Public Health System Reporting Requirements.

**Catalog of Federal Domestic Assistance Numbers**

The Catalog of Federal Domestic Assistance Number for this program is 93.283.

**Other Requirements**

*Paperwork Reduction Act*

Projects that involve the collection of information from 10 or more individuals and funded by this 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 the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

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.

**Application Submission and Deadline**

The original and two copies of the application PHS Form 5161–1 (Revised 7/92, 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 E–13, Atlanta, GA 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 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 are not 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 and will be returned to the applicant.

**Where to Obtain Additional Information**

To receive additional written information call (404) 332–4561. You will be asked to leave your name, address, and telephone number and will need to refer to Announcement 575. You will receive a complete program description, information on application procedures, and application forms.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from Oppie Byrd, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305, telephone (404) 842–6546. Programmatic technical assistance may be obtained from Centers for Disease Control and Prevention (CDC), National Institute for Occupational Safety and Health, Division of Surveillance, Hazard Evaluation and Field Studies, ATTN: Marie Haring Sweeney, Ph.D., Mailstop R–13, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, OH 45226–1049, telephone (513) 841–4207, FAX (513) 841–4486.

Please refer to Announcement 575 when requesting information and submitting an application.

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 Section may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

Copies of A Framework for Assessing the Effectiveness of Disease and Injury Prevention (CDC, Morbidity and

Mortality Weekly Report, March 27, 1992, Volume 41, Number RR–3, Pages 5–11) may be obtained by calling (404) 488–4334.

Dated: June 5, 1995.

**Diane D. Porter,**

*Acting Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 95–14164 Filed 6–8–95; 8:45 am]

BILLING CODE 4163–19–P

## Public Health Service

### Agency Forms Undergoing Paperwork Reduction Act Review

Each Friday the Public Health Service (PHS) publishes a list of information collection requests under review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the PHS Reports Clearance Office on (202) 690–7100.

The following requests have been submitted for review since the list was last published on June 2.

1. Protocol for a Case-Control Study of the Deterrent Effect of Environmental Designs on Robbery in VA—0920–0352—Extension, no change—This study proposes a case-control study of the deterrent effect of environmental designs and crime strategies to deter violent crime in Virginia Convenience Stores. The information to be collected will be used to determine criteria for estimating a safe and healthy work environment. Respondents: Business or other for-profit; State, Local or Tribal Government; Number of Respondents: 5,096; Number of Responses per Respondent: 1; Average Burden per Response: .165 hour; Estimated Annual burden: 849 hours. Send comments to Shannah Koss, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503.

2. Common Reporting Requirements for Urban Indian Health Programs—0917–0007—Reinstatement, no change—Congress mandated that standard reporting requirements be established for Indian Health Service Urban Health Clinics. Data collected is used to monitor contracts; prepare reports to Congress; for program evaluation, program planning, and to establish program performance indicators. Respondents: Not-for-profit institutions; State, Local or Tribal Government; Number of Respondents: 34; Number of Responses per Respondent: 2; Average Burden per Response: 10.68 hours; Estimated Annual burden: 726 hours. Send comments to James Scanlon, Office of the Assistant Secretary for Health, Room 737–F, Humphrey Building, 200 Independence Ave., SW., Washington, DC 20201.

3. Reader Evaluation of Public Health Assessments—New—This collection attempts to evaluate the reader's use of public health assessment reports issued by the Agency for Toxic Substances and Disease Registry which represent decisions about the public health risk posed by hazardous waste sites. ATSDR is attempting to evaluate the usefulness of these documents to those individuals who work or reside near these sites. Respondents: Individuals or households; Number of Respondents: 2,120; Number of Responses per Respondent: 1; Average Burden per Response: .24 hours; Estimated Annual burden: 507 hours. Send comments to James Scanlon, Office of the Assistant Secretary for Health, Room 737–F, Humphrey Building, 200 Independence Ave., SW., Washington, DC 20201.

4. IHS Medical Staff Credentials and Privileges File—0917–0009—Reinstatment with change—Information collected is used by IHS Medical Staff to review, evaluate, and verify the credentials, training, and experience of applicants applying for medical staff privileges at IHS healthcare facilities. Respondents: Federal Government; State, Local or Tribal Government. Send comments to James Scanlon, Office of the Assistant Secretary for Health, Room 737–F, Humphrey Building, 200 Independence Ave., Sw., Washington, DC 20201.

| | No. of respondents | No. of responses/respondents | Avg. burden/response |
|---|---|---|---|
| Applicants; Initial ..... | 1,265 | 1 | 0.77 hour |
| Reappointment ..... | 644 | 1 | 1 hour |
| References | 1,800 | 1 | 0.33 hour |
| Estimated annual burden .. | | | 2,221 hours |
| Estimated annual burden .. | | | 2,221 hours |

5. HIV/AIDS Dental Reimbursement Program—0915–0151—Revision—Dental schools will apply for reimbursement of documented uncompensated costs of oral health care for HIV-infected persons. The information will be used to determine eligibility and amount of reimbursement under this program. Respondents: Not-for-profit institutions; Number of Respondents: 125; Number of Responses per Respondent: 1; Average Burden per Response: 3.5 hours; Estimated Annual burden: 438 hours. Send comments to Shannah Koss, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Uniform Data System—New—A Uniform Data System (UDS) has been developed for primary care and family planning grantees funded by the Bureau of Primary Health Care and the Office of Population Affairs. The UDS consolidates the Bureau Common Reporting Requirements (BCRR) with reporting requirements in grant applications and progress reports. Send comments to Shannah Koss, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, D.C. 20503.

| | No. of respondents | No. of responses/respondent | Avg burden/response |
|---|---|---|---|
| BPHC grantees (universal report) ..... | 694 | 1 | 24 hours |
| BPHC grantees (grant report) | 88 | 1 | 16 hours |
| OPA grantees (grant report) | 87 | 1 | 16 hours |
| Estimated annual burden . | | | 19,457 hours |

Written comments and recommendations concerning the proposed information collections should be sent within 30 days of this notice directly to the individual designated.

Dated: June 5, 1995.

**James Scanlon,**

*Director, Data Policy Staff, Office of the Assistant Secretary for Health and PHS Reports Clearance Officer.*

[FR Doc. 95–14115 Filed 6–8–95; 8:45 am]

BILLING CODE 4160–01–M

## Substance Abuse and Mental Health Services Administration

### Center for Substance Abuse Treatment; Correction of Meeting Notice

Public notice was given in the **Federal Register** on May 22, 1995, Vol. 60, No. 98, page 27116, that the Substance Abuse Treatment (CSAT) National Advisory Council meeting on June 26, 1995 would be open from 8:30 a.m. to 2:00 p.m. and closed for review of grant applications and procurement plans

from 2:00 p.m. to 4:30 p.m. Due to unforeseen circumstances, the meeting schedule has been revised. The June 26 closed session is now scheduled from 8:30 a.m. to 10:30 a.m., and the open session will be from 10:30 a.m. until 5:00 p.m. The times given for June 27 are not changed.

Dated: June 5, 1995.

**Jeri Lipov,**

*Committee Management Officer, Substance Abuse and Mental Health Services Administration.*

[FR Doc. 95–14148 Filed 6–8–95; 8:45 am]

BILLING CODE 4162–20–P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Community Planning and Development

**[Docket No. N–95–1917; FR–3778–N–40]**

### Federal Property Suitable as Facilities to Assist the Homeless

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD suitability for possible use to assist the homeless.

**EFFECTIVE DATE:** June 9, 1995.

**ADDRESSES:** For further information, contact David Pollack, Department of Housing and Urban Development, Room 7254, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1234; TDD number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the tool-free Title V information line at 1–800–927–7588.

**SUPPLEMENTARY INFORMATION:** In accordance with the December 12, 1988 court order in National Coalition for the Homeless v. Veterans Administration, No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: June 2, 1995.

**Jacquie M. Lawing,**

*Deputy Assistant Secretary for Economic Development.*

[FR Doc. 95–14079 Filed 6–8–95; 8:45 am]

BILLING CODE 4210–29–M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[UTU–74350]**

### Utah—Notice of Invitation To Participate in Coal Exploration Program; Coastal States Energy Company; Upper Huntington Canyon

Coastal States Energy Company is inviting all qualified parties to participate in its proposed exploration of certain Federal coal deposits in the following described lands in Sanpete County, Utah:

T. 13 S., R. 6 E., SLM, Utah
Sec. 21, Lots 1–4, E2E2;
Sec. 28, Lots 1–8, S2NW, SW;
Sec. 33, E2, E2NW, NWNW, SWSW, E2SW.
Containing 1,421.92 acres

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145–0155, and to Wendell A. Koontz, P.O. Box 719, Helper, Utah 84526. Such written notice must be received within thirty days after publication of this notice in the **Federal Register**.

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all cost on a pro rata basis. An exploration plan submitted by Coastal States Energy Company, detailing the scope and timing of this exploration program, is available for public review during normal business hours in the Public Room of the BLM State Office, 324 South State Street, Salt Lake City, Utah, under serial number UTU–74350.

**Douglas M. Koza,**

*Deputy State Director, Mineral Resources.*

[FR Doc. 95–14142 Filed 6–8–95; 8:45 am]

BILLING CODE 4310–DQ–M

### Change of Mailing Address for Las Vegas District

The mailing address for the Las Vegas District Office and Stateline Resource Area has been changed from: P.O. Box 26569, Las Vegas, NV 89126, to: 4765 West Vegas Dr., Las Vegas, NV 89108.

The office location has not changed.

Dated: May 30, 1995.

**Michael F. Dwyer,**

*District Manager, Las Vegas, NV.*

[FR Doc. 95–14110 Filed 6–8–95; 8:45 am]

BILLING CODE 4310–HC–M

**[OR–092–05–1430–01: G5–138; OR 51729]**

### Realty Action; Direct Sale of Public Lands; Oregon

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Realty Action—Direct Sale of Public Lands in Lane County, Oregon.

**SUMMARY:** The following land is suitable for direct sale under Sections 203 and 209 of the Federal Land Policy and Management Act of 1976, (43 U.S.C. 1713 and 1719), at no less than the appraised fair market value. The land will not be offered for sale until at least 60 days after publication of this notice:

**Willamette Meridian, Oregon**

T. 17 S., R. 1 W.
Sec. 3: Lot 6
Containing 0.37 acre.

The above described land is hereby segregated from appropriation under the public land laws, including the mining laws, but not from sale under the above cited statute, for 270 days from the date of publication of this notice in the **Federal Register** or until title transfer is completed or the segregation is terminated by publication in the **Federal Register**, whichever occurs first.

This land is difficult and uneconomic to manage as part of the public lands and is not suitable for management by another Federal agency. No significant resource values will be affected by this disposal. The sale is consistent with BLM's planning for the land involved and the public interest will be served by the sale.

Purchasers must be U.S. citizens, 18 years of age or older, a state or state instrumentality authorized to hold property, or a corporation authorized to own real estate in the state in which the land is located.

The land is being offered to Eugene and Valentine Cooper using the direct sale procedures authorized under 43 CFR 2711.3–3. Direct sale is appropriate since the land has been inadvertently occupied by a portion of the Cooper's house, car port, shop and yard for several years and direct sale will resolve the unauthorized use while preserving the occupants' equity in the property.

The terms, conditions, and reservations applicable to the sale are as follows:

1. A right-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

2. The mineral interests being offered for conveyance have no known mineral value. The acceptance of a direct sale offer will constitute an application for conveyance of the mineral estate in accordance with Section 209 of the Federal Land Policy and Management Act. Direct purchasers must submit a nonrefundable $50.00 filing fee for the conveyance of the mineral estate upon request by the Bureau of Land Management.

3. A quitclaim deed will be issued subject to all valid existing rights and reservations of record.

**DATES:** On or before July 24, 1995, interested parties may submit comments to the District Manager, Bureau of Land Management, at the address below. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In absence of any objections, this realty action will become the final determination of the Department of the Interior.

**ADDRESSES:** Detailed information concerning the sale, including the reservations, sale procedures and conditions, and planning and environmental documents, is available at the Eugene District Office, P. O. Box 10226 (2890 Chad Drive), Eugene, Oregon 97440.

**FOR FURTHER INFORMATION CONTACT:** Steve Madsen, Realty Specialist, Eugene District Office, at (503) 683–6948.

Date of Issue: May 31, 1995.

*Judy Ellen Nelson,*

**District Manager.**

[FR Doc. 95–14098 Filed 6–8–95; 8:45 am]

**BILLING CODE 4310–33–P**

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**[UT–040–05–4210–05–P]; UTU–71714, UTU–72763**

## Realty Action: Utah

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of Realty Action, Recreation and Public Purposes (R&PP) Act Classification; Utah.

**SUMMARY:** The following described public lands in Garfield County and Kane County, Utah have been examined and found suitable for lease or conveyance under the provisions of the Recreation and Public Purposes Amendment Act of 1988 (Pub. L. 100–648). The lands to be conveyed and the proposed patentees are as follows:

*Patentee:* Panguitch City Corp.

*Location:* Salt Lake Meridian, Utah, Township 34 South, Range 5 West, Section 26, SW¼SW¼SE¼, containing 10 acres.

*Patentee:* Church Wells Special Service District.

*Location:* Salt Lake Meridian, Utah, Township 42 South, Range 1 East, Section 35, SE¼SE¼SE¼SE¼, containing 2.5 acres.

These lands are hereby segregated from all forms of appropriation under the public land laws, including the mining laws.

These communities propose to use the lands as source reduction sites and transfer stations. The lands are not needed for Federal purposes. Conveyance is consistent with current BLM land use planning and would be in the public interest.

The patent, when issued, will be subject to the following terms, conditions, and reservations:

1. 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. The Secretary of Interior reserves the right to determine whether such mining and removal of minerals will interfere with the development, operation, and maintenance of the source reduction site or transfer station.

2. 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).

3. The conveyance will be subject to all valid existing rights.

4. The patentees assume all liability for and shall defend, indemnify, and save harmless the United States and its officers, agents, representatives, and employees (hereinafter referred to as the United States), from all claims, loss, damage, actions, causes of action, expense, and liability 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 above listed tracts, 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.

5. 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.

6. 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.

**DATES:** Interested persons may submit comments regarding the proposed conveyance of the lands to the District Manager, Cedar City District Office, 176 D.L. Sargent Drive, Cedar City, Utah 84720. Comments will be accepted until July 24, 1995.

**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 lands for source reduction sites or transfer stations.

Any adverse comments will be reviewed by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any adverse comments, this notice will become the final determination of the Department of Interior on August 8, 1995.

**FOR FURTHER INFORMATION CONTACT:** Detailed information concerning this action is available for review at the Kanab Resource Area office by contacting Rod Schipper, 318 North 100 East, Kanab, Utah 84741, or telephone (801) 644–2672 Ext. 2650.

Dated: May 26, 1995.

**A.J. Meredith,**

*District Manager.*

[FR Doc. 95–14107 Filed 6–8–95; 8:45 am]

**BILLING CODE 4310–DQ–M**

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**[ID–942–1420–00]**

## Filing of Plats of Survey; Idaho

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., May 31, 1995.

The plat representing the dependent resurvey of portions of the south

boundary and subdivisional lines, and the survey of the centerline of the May to Patterson Road and Lot 2 in section 32, T. 15 N., R. 22 E., Boise Meridian, Idaho, Group No. 887, was accepted, May 24, 1995.

This survey was executed 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 31, 1995.

**Duane E. Olsen,**

*Chief Cadastral Surveyor for Idaho.*

[FR Doc. 95–14109 Filed 6–8–95; 8:45 am]

BILLING CODE 4310–GG–M

## Fish and Wildlife Service

### Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for reinstatement approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service Clearance Officer and the Office of Management and Budget, Paperwork Reduction Project (1018–0066) Washington, D.C. 20503, telephone 202–395–7340.

*Title:* Marking, Tagging and Reporting Regulations for Polar Bear, Sea Otter and Walrus.

*OMB Approval Number:* 1018–0066.

*Abstract:* The Marine Mammal Protection Act of 1972, (Act) as amended, authorized the Secretary of the Interior to prescribe marking, tagging and reporting regulations in 50 CFR 18.23(f), for Alaska Natives harvesting polar bear, seat otter, and walrus. Under the Act Alaska Natives residing in Alaska and dwelling on the coast of the North Pacific or arctic Oceans may harvest these species for subsistence or handicraft purposes. The marking and tagging program is intended to gather reports of all kills made, and to tag or mark, as appropriate, skins, skulls and tusks of marine mammals killed to reduce illegal trading in walrus ivory, polar pear and sea otter skins. The information collected is used by the Fish and Wildlife Service to improve its decision-making ability by substantially expanding the quality and quantity of harvest and biological data upon which future management decisions can be based. It provides the Service with the ability to make inferences about the condition and general health of the populations and to consider the importance and impact to these populations from such processes as development activities and habitat degradation.

Service Form Number(s): R7–50 (Walrus Certificate); R7–51 (Polar Bear Certificate); R7–52 (Sea Otter Certificate)

*Frequency:* On occasion.

*Description of Respondents:* Individuals and household.

*Completion Time:* The reporting burden is estimated to average 15 minutes per respondent; respondents will average 1.46 responses per year.

*Annual Responses:* 2,925.

*Annual Burden Hours:* 732.

*Service Clearance Officer:* Phyllis H. Cook, 703–358–1943, Mail Stop—224 Arlington Square, U.S. Fish and Wildlife Service, Washington, D.C. 20240.

Dated May 22, 1995.

**Rowan W. Gould,**

*Acting Assistant Director—Fisheries.*

[FR Doc. 95–14087 Filed 6–8–95; 8:45 am]

BILLING CODE 4310–55–M

### Endangered and Threatened Species Permit Application

**AGENCY:** Fish and Wildlife, Interior.

**ACTION:** Notice of availability of the Final Environmental Impact Statement (EIS) on the Proposed Issuance of an Incidental Take Permit for Desert Tortoises in Clark County, Nevada.

**SUMMARY:** This notice advises the public that the Final Environmental Impact Statement (EIS) on the proposed issuance of an incidental take permit for desert tortoises in Clark County, Nevada is available. The Record of Decision will be published no sooner than 30 days from this notice.

**FOR FURTHER INFORMATION CONTACT:** Dolores Savignano, U.S. Fish and Wildlife Service, 1500 North Decatur Boulevard, #01, Las Vegas, Nevada 89108 or Carlos Mendoza, U.S. Fish and Wildlife Service, 4600 Kietzke Lane, Building C, Room 125, Reno, Nevada 89502.

Individuals wishing copies of this Final EIS should immediately contact Christine Robinson, Clark County Manager's Office, 225 Bridger Avenue, Las Vegas, Nevada 89155. Copies of the Final EIS have been sent to all agencies and individuals who previously received copies of the Draft EIS and to all others who have already requested copies.

**SUPPLEMENTARY INFORMATION:**

#### A. Background

On April 2, 1990, the U.S. Fish and Wildlife Service (Service) issued a final rule (55 FR 12178) that determined the desert tortoise to be a threatened species under the Endangered Species Act of 1973, as amended (Act). That regulation became effective on the date of its publication in the **Federal Register**. Because of its listing as a threatened species, the desert tortoise is protected by the Act's prohibition against ''taking.'' The Act defines ''take'' to mean: to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in such conduct. ''Harm'' is further defined by regulation as any act that kills or injures wildlife including significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR 17.3).

The Service, however, may issue permits to carry out otherwise lawful activities involving take of endangered and threatened wildlife under certain circumstances. Regulations governing permits are in 50 CFR 17.22, 17.23, and 17.32. For threatened species, such permits are available for scientific purposes, enhancing the propagation or survival of the species, economic hardship, zoological exhibition or educational purposes, incidental taking, or special purposes consistent with the purposes of the Act.

Clark County; the cities of Las Vegas, North Las Vegas, Henderson, Mesquite, and Boulder City; and Nevada Department of Transportation (NDOT) (Applicants) submitted an application to the Service for a permit to incidentally take desert tortoises (*Gopherus agassizii*), pursuant to section 10(a)(1)(B) of the Act, in association with various proposed public and private projects in Clark County, Nevada. The proposed permit would allow incidental take of desert tortoises for a period of 30 years, resulting from development on up to 113,900 acres of private lands within Clark County, Nevada. The permit application was received September 28, 1994, and was accompanied by the *Clark County Desert Conservation Plan* (CCDCP), which serves as the Applicant's habitat

conservation plan and details their proposed measures to minimize, monitor, and mitigate the impacts of the proposed take on the desert tortoise.

The Applicants propose to expend $1.35 million per year, and up to $1.65 million per year for the first 10 years, to minimize and mitigate the potential loss of desert tortoise habitat. It is anticipated that the majority of these funds will be used to implement mitigation measures as described in the CCDCP. In addition, funds will be provided to State and Federal resource managers for implementing desert tortoise recovery measures recommended in the *Desert Tortoise* (Mojave Population) *Recovery Plan*, and for planning and managing lands both within and outside of desert wildlife management areas. The desert tortoise is only part of the desert ecosystem, and unless the various species of plants and animals which co-inhabit that system are likewise preserved, the status of the desert tortoise is likely to decline. Therefore, the needs of other plant and wildlife resources will be addressed, possibly avoiding the need to list these species as threatened or endangered under the Act in the future. The Applicants also propose to purchase a conservation easement that preserves, protects, and assures the management and study of the conservation values, and in particular the habitat of the desert tortoise, of more than 85,000 acres of non-Federal land in Clark County.

To minimize the impacts of take, the Applicants propose to provide a free pick-up and collection service for desert tortoises encountered in harm's way within Clark County. These desert tortoises will be made available for beneficial uses such as translocation studies and programs, research, education, zoos, museums, or other programs approved by the Service and Nevada Division of Wildlife. Sick or injured desert tortoises will be humanely euthanized. NDOT will incorporate specific measures into its operations to avoid or minimize impacts to desert tortoises. Clark County will also implement a public information and education program to benefit the desert tortoise and the desert ecosystem.

Clark County or the cities would approve the issuance of land development permits for otherwise lawful public and private project proponents during the 30-year period in which the proposed Federal permit would be in effect. Clark County or the cities would impose, and NDOT would pay, a fee of $550 per acre of habitat disturbance to fund the measures to minimize and mitigate the impacts of the proposed action on desert tortoises.

The underlying purpose or goal of the proposed action is to develop a program designed to ensure the continued existence of the species, while resolving potential conflicts that may arise from otherwise lawful private and public improvement projects.

### B. Development of the Final EIS

This Final EIS has been developed by the U.S. Fish and Wildlife Service. In the development of this Final EIS, the Service initiated action to assure compliance with the purpose and intent of the National Environmental Policy Act of 1969, as amended (NEPA). Scoping activities were undertaken preparatory to developing a Draft EIS with a variety of Federal, State, and local entities. A Notice of Intent to prepare a Draft EIS was published February 4, 1994 (59 FR 5439); a public scoping meeting was held February 14, 1994; and a Notice of Availability of a Draft EIS and Receipt of an Application for an Incidental Take Permit for Desert Tortoises in Clark County, Nevada was published February 10, 1995 (60 FR 8058).

Potential consequences, in terms of adverse impacts and benefits associated with the implementation of each alternative selected for detailed analysis, were described in the Draft EIS. The Service received 13 letters of comment on the Draft EIS which focused on the following subject areas: (1) Survey and removal of desert tortoises; (2) translocation of tortoises to a sanctuary; (3) euthanasia of tortoises; (4) measurable criteria for short-term and long-term conservation goals; (5) tortoise adoption; (6) effects to other species and resources; and (7) financing implementation of the CCDCP.

Appendix A of the Final EIS contains copies of all comments received and responses to all comments received. The Final EIS was revised where appropriate based on public comment and review. Issues and potential consequences have remained identical from the draft to the final EIS.

### C. Alternatives Analyzed in the Final EIS

Two alternatives were considered. Issuance of the permit with the mitigating, minimizing, and monitoring measures outlined in the CCDCP is the Service's preferred action and is discussed above. The Draft EIS outlined alternative measures that were considered by the Service prior to issuance of the permit. The other alternative selected for detailed evaluation was a No Action alternative. The No Action alternative would benefit individual desert tortoises on private lands in the short-term, however, it has been determined that viable populations of desert tortoises will not persist in the urban areas over the long-term. The No Action alternative would, therefore, not provide the benefits of the long-term recovery efforts for the desert tortoise identified in the CCDCP. The No Action alternative was not identified as the preferred alternative because it would diffuse existing regional conservation planning efforts for the desert tortoise and possibly concentrate activity on individual project needs, not meet the purpose and needs of the Applicants, and not provide the long-term benefits to the desert tortoise. Additionally, the No Action alternative could result in adverse impacts to the social environment within Clark County due to constraints on land-use activities that would impact the desert tortoise.

Dated: June 1, 1995.

**Thomas Dwyer,**

*Deputy Regional Director.*

[FR Doc. 95–13901 Filed 6–8–95; 8:45 am]

BILLING CODE 4310–55–P

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## Finding of No Significant Impact for Incidental Take Permits for the Construction of Single-Family Residences at the Specific Site Locations Indicated Below in Travis County, Texas

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) has prepared an Environmental Assessment for issuance of a Section 10(a)(1)(B) permit for the incidental take of the federally endangered golden-cheeked warbler (*Dendroica chrysoparia*) during the construction and operation of single-family residences in Travis County, Texas.

### Proposed Action

The proposed action is the issuance of permits under Section 10(a)(1)(B) of the Endangered Species Act to authorize the incidental take of the golden-cheeked warbler.

The Applicant (Steven G. Madere) plans to construct a single-family residence at the specific site indicated as Lot 22, Block H, Long Canyon Phase IIA, aka 9000 Bell Mountain Drive, Austin, Travis County, Texas (PRT–799859).

The Applicant (Larry Michael Beasley) plans to construct a single-family residence at the specific site

indicated as Lot 4 on Lake Travis Subdivision No. 2, Lime Creek Road, Leander, Travis County, Texas (PRT–800080).

The Applicant (Stephen I. Adler) plans to construct a single-family residence at the specific site indicated as Lot 12, Westlake Highlands, Section 5, Phase 2, Revised Plat Record V.31 P.2, Austin, Travis County, Texas (PRT–800130).

The Applicants (Cecil Eugene Ethridge and Doug Van Skyock) plan to construct a single-family residence at the specific site indicated as Lot 44 in Comanche Trail No. 3 Resubdivision, on Mountain Trail, Austin, Travis County, Texas (PRT–799863).

The proposed construction and operation of the single-family residences will comply with all local, State, and Federal environmental regulations addressing environmental impacts associated with this type of development. Details of the mitigation are provided in the individual Environmental Assessment/Habitat Conservation Plans. These conservation plan actions ensure that the criteria established for issuance of an incidental take permit will be fully satisfied.

### Alternatives Considered

1. Proposed action,
2. Alternate site locations,
3. Alternative site designs,
4. Wait for issuance of a regional Section 10(a)(1)(B) permit,
5. No action.

### Determination

Based upon information contained in the Environmental Assessment/Habitat Conservation Plans, the Service has determined that these actions are not major Federal actions which would significantly affect the quality of the human environment within the meaning of Section 102(2)(c) of the National Environmental Policy Act of 1969. Accordingly, the preparation of Environmental Impact Statements on the proposed action is not warranted.

It is my decision to issue the Section 10(a)(1)(B) permits for the construction and operation of the single-family residences at the sites specified above in Travis County, Texas.

**Lynn B. Starnes,**

*Acting Regional Director, Region 2, Albuquerque, New Mexico.*

[FR Doc. 95–14163 Filed 6–8–95; 8:45 am]

BILLING CODE 4310–55–M

## DEPARTMENT OF INTERIOR

## National Park Service

## Delaware and Lehigh Navigation Canal National Heritage Corridor Commission Meeting

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces an upcoming meeting of the Delaware and Lehigh Navigation Canal National Heritage Corridor Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463).

**MEETING DATE AND TIME:** Wednesday, June 21, 1995; 1:30 p.m. until 4:30 p.m..

**ADDRESSES:** Commission Office, 10 East Church Street, Room P–205, Bethlehem, PA 18018.

The agenda for the meeting will focus on implementation of the management Action Plan for the Delaware and Lehigh Canal National heritage Corridor and State Heritage Park. The Commission was established to assist the Commonwealth of Pennsylvania and its political subdivisions in planning and implementing an integrated strategy for protecting and promoting cultural, historic and natural resources. The Commission reports to the Secretary of the Interior and to Congress.

**SUPPLEMENTARY INFORMATION:** The Delaware and Lehigh Navigation Canal National Heritage Corridor Commission was established by Public Law 100–692, November 18, 1988.

**FOR FURTHER INFORMATION CONTACT:** Acting Executive Director, Delaware and Lehigh Navigation Canal, National Heritage Corridor Commission, 10 E. Church Street, Room P–208, Bethlehem, PA 18018, (610) 861–9345.

Dated: May 31, 1995.

**Donald M. Bernhard,**

*Chairman, Delaware and Lehigh Navigation Canal NHC Commission.*

[FR Doc. 95–14227 Filed 6–8–95; 8:45 am]

BILLING CODE 4310–70–M

## Indian Memorial Advisory Committee

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces a scheduled meeting of the Indian Memorial Advisory Committee. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463).

**MEETING DATE AND TIME:** June 23–25, 1995, 8:00 a.m.–5:00 p.m.

**ADDRESSES:** Sheraton Billings Hotel, 27 North 27th Street, Billings, Montana 59101.

The Agenda of this Meeting will be: Review minutes of last meeting, discuss follow-up actions from previous meeting, introductions/opening remarks, review of design competition criteria and related proposal packages, and media/public relations.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come-first-served basis. Any member of the public may file a written statement concerning the matters to be discussed with: Superintendent, Little Bighorn Battlefield National Monument, P.O. Box 39, Crow Agency, Montana 59022, telephone (406) 638–2621. Minutes of the meeting will be available for public inspection four weeks after the meeting at the Office of the Superintendent of Little Bighorn Battlefield National Monument.

**SUPPLEMENTARY INFORMATION:** The Advisory Committee was established under Title II of the Act of December 10, 1991, for the purpose of advising the Secretary on the site selection for a memorial in honor and recognition of the Indians who fought to preserve their land and culture at the Battle of Little Bighorn, on the conduct of a national design competition for the memorial, and ''. . .to ensure that the memorial designed and constructed as provided in section 203 shall be appropriate to the monument, its resources and landscape, sensitive to the history being portrayed and artistically commendable.''

**FOR FURTHER INFORMATION CONTACT:** Ms. Barbara A. Sutteer, Indian Affairs Coordinator, Intermountain Field Area Office, National Park Service, 12795 W. Alameda Parkway, P.O. Box 25287, Denver, Colorado 80225–0287, (303) 969–2511.

Dated: May 22, 1995.

**Dawn A. Carey,**

*Designated Federal Officer, Little Bighorn Battlefield National Monument, National Park Service.*

[FR Doc. 95–14228 Filed 6–8–95; 8:45 am]

BILLING CODE 4310–70–P

## INTERSTATE COMMERCE COMMISSION

**[Docket No. AB–418 (Sub-No. 1X)]**

### Cooperstown and Charlotte Valley Railway Corporation—Abandonment Exemption—in Otsego County, NY

Cooperstown and Charlotte Valley Railway Corporation (CCV), a subsidiary of Delaware Otsego Corporation, has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its entire 15.49-mile line of railroad, between milepost 16.0, at Cooperstown Junction, and milepost 0.51, at Cooperstown, in Otsego County, NY.

CCV has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

In its verified notice, applicant said that it ''recognizes that this abandonment will be made subject to the customary employee protective conditions imposed by the Commission.'' Where, as here, however, a railroad proposes to abandon its entire line of railroad, employee protective conditions are normally not imposed. Thus, consistent with Commission precedent, employee protective conditions will not be imposed here.[1]

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on July 9, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29[4] must be filed by June 19, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by June 29, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Nathan R. Fenno, Cooperstown and Charlotte Valley Railway Corporation, 1 Railroad Ave., Cooperstown, NY 13326.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio.*

CCV has filed an environmental report which addresses the effects of the abandonment, if any, on the environment and historic resources. The Commission's Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by June 14, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: June 2, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 95–14200 Filed 6–8–95; 8:45 am]

**BILLING CODE 7035–01–P**

[1] The Commission will only consider imposing employee protective conditions in the context of an entire line abandonment when the evidence of record demonstrates the existence of: (1) a corporate affiliate that will continue substantially similar rail operations; or (2) a corporate parent that will realize substantial financial benefits over and above relief from the burden of deficit operations by its subsidiary railroad. *See Northhampton and Bath R. Co.—Abandonment,* 354 I.C.C. 784 (1978).

[2] A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit the Commission to review and act on the request prior to the effective date of this exemption.

[3] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

[4] The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

**[Docket Nos. AB–427X; AB–428X]**

### Crystal City Railroad, Inc.—Abandonment Exemption—in LaSalle, Zavala, and Dimmit Counties, TX; and Texas Railroad Switching, Inc.—Discontinuance of Service Exemption—in LaSalle, Zavala, and Dimmit Counties, TX

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemptions.

**SUMMARY:** The Commission, under 49 U.S.C. 10505, exempts from the prior approval requirements of 49 U.S.C. 10903–10904 the abandonment by Crystal City Railroad, Inc., and discontinuance of service by Texas Railroad Switching, Inc., of 51.55 miles of rail line consisting of: (1) A 40.4-mile portion of the Crystal City branch line between milepost 107.0 west of Gardendale and milepost 147.4 near Crystal City; and (2) the 11.15-mile Carrizo Springs branch line between milepost 145.2 near Crystal City and milepost 156.35 near Carrizo Springs, in LaSalle, Zavala, and Dimmit Counties, TX, subject to standard labor protective conditions, an environmental condition, and a public use condition.[1]

**DATES:** Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on July 9, 1995. Formal expressions of intent to file an offer[2] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by June 19, 1995; petitions to stay must be filed by June 26, 1995; requests for a public use condition must be filed by June 29, 1995; and petitions to reopen must be filed by July 5, 1995.

**ADDRESSES:** Send pleadings referring to Docket Nos. AB–427X and AB–428X to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue, NW., Washington, DC 20423; and (2) Thomas F. McFarland, Jr., 20 North Wacker Drive, Suite 3118, Chicago, IL 60606–3101.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 927–5660. [TDD for the hearing impaired: (202) 927–5721.]

**SUMMARY INFORMATION:** Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic

[1] CCR will retain the 1.86-mile portion of the Crystal City branch line between milepost 105.14 and milepost 107.0 near Gardendale, TX.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

Concepts, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue, NW, Room 2229, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5271.]

Decided: May 31, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 95–14199 Filed 6–8–95; 8:45 am]

BILLING CODE 7035–01–P

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**[Docket Nos. AB–425; AB–426]**

## Lone Star Railroad, Inc.—Abandonment and Discontinuance of Trackage Rights—in Wichita, Archer, Baylor, Knox, Haskell and Jones Counties, TX; and Southern Switching Company—Discontinuance of Service—in Wichita, Archer, Baylor, Knox, Haskell and Jones Counties, TX

The Commission has found that the public convenience and necessity permit: (1) In Docket No. AB–425, Lone Star Railroad, Inc. (Lone Star) to abandon a portion of its line of railroad between milepost 142.8 near Lanius, TX, and milepost 8.0 near Howard, TX, and to discontinue trackage rights over Burlington Northern Railroad Company (BN) between milepost 8.0 near Howard and milepost 0.0 at Valley Junction, TX, and from Valley Junction east for 331 feet to the switching point in Sunshine Yard, Wichita Falls, TX, a total distance of 142.86 miles in Wichita, Archer, Baylor, Knox, Haskell and Jones Counties, TX; and (2) in Docket No. AB–426, Southern Switching Company (Southern) to discontinue service that it performs over the 142.86-mile rail line pursuant to an operating agreement with Lone Star. The certificate will be issued 30 days after this publication unless the Commission finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable rail service to continue; and (2) it is likely that the assistance would fully compensate the railroad.

Requests for public use conditions must be filed with the Commission and applicants within 10 days after publication.

Any financial assistance offer must be filed with the Commission and applicants no later than 10 days from the publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: ''Office of Proceedings, AB–OFA''. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27. Requests for public use conditions must conform with 49 CFR 1152.28(a)(2).

Decided: May 26, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 95–14198 Filed 6–8–95; 8:45 am]

BILLING CODE 7035–01–P

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## DEPARTMENT OF JUSTICE

### Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 USC Chapter 35) and the Paperwork Reduction Reauthorization Act (44 USC Chapter 35) and the Paperwork Reduction Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether Section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 *AND* to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer *AND* the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, *AND* to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division Suite 850, WCTR, Washington, DC 20530.

### New Collection

(1) Inter-Agency Alien Witness and Informant Record.

(2) FORM I–854 (Attached). Immigration and Naturalization Service, United States Department of Justice.

(3) Primary: Federal Government. Others: Individuals or households. The FORM I/854 will be used by law enforcement agencies to bring alien witnesses and informants to the United States in an ''S'' nonimmigrant classification. Additionally, Form I–854 provides the Department of State, and the Immigration and Naturalization Service with the information necessary to identify the requesting law enforcement agency, the alien witness, and/or informant.

(4) 125 annual respondents at 4.25 hours per response.

(5) 531.25 annual burden hours.

(6) Not applicable under Section 3504(h) of Public Law 96–511.

Public comment on this item is encouraged.

Dated: June 6, 1995.

**Robert B. Briggs,**

*Department Clearance Officer, Department of Justice.*

BILLING CODE 4410–10–M

U.S. Department of Justice
Immigration and Naturalization Service

# Inter-Agency Alien Witness and Informant Record

## INSTRUCTIONS

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### PART I. GENERAL

**Purpose Of This Form.** This form is used by law enforcement agencies (LEA's) to bring alien witnesses and informants to the United States in a "S" nonimmigrant classification. This form provides the Department of State (DOS) and the Immigration and Naturalization Service (INS) with information necessary to identify the requesting LEA, the alien witness and/or informant, and others e.g., the United States Attorney, needing the information or testimony of that alien. It assists DOS and INS in the exercise of their joint responsibility to adjudicate requests by LEA's for S classification.

**General Instructions.** Please read the instructions carefully. A separate form must be used for each witness/informant requested. Please answer all questions by typing or clearly printing in ink. Failure to answer all questions will delay the processing of this application and may result in its denial. Indicate a non-applicable question with "N/A." If the answer is "none", **please so state. Submit** both copies of the form. **If you, as the requesting agent, need extra space to answer any item, attach a sheet of paper with your name on it, as well as the name of the alien, the LEA requestor and the control agent.** You should make copies of this completed form for your records. Please provide exact information about the request you are making (e.g., for S classification waivers of grounds of inadmissibility or adjustment of status) and complete and attach all necessary certifications and documentation.

### PART II. WHO IS TO USE THIS FORM

This form may be used only by a Federal or State LEA and only to request that an alien witness or informant be allowed to: (1) proceed into the United States pursuant to the S nonimmigrant classification; (2) change nonimmigrant classification to an S classification, or; (3) adjust to lawful permanent resident status from the S nonimmigrant classification. For the witness/informant, the LEA must specifically request:

**S-5 or S-6 nonimmigrant classification.** The S classification may be requested when an alien witness or informant intends to remain permanently in the United States. An **S-5 classification may be requested** for an alien who possesses and is willing to provide to the requesting LEA critical, reliable information on a criminal organization and who otherwise qualifies under section 101(a)(15)(S) of the Immigration and Nationality ( Act) and 8 CFR 214.2(t). An **S-6 classification may be requested** for an alien who possesses and is willing to provide information on a terrorist organization, who will be or is placed in danger as a result, is eligible for an award under section 36(a) of the State Department Basic Authorities Act of 1956, 22 U.S.C. 2708(a), and who otherwise qualifies under section 101(a)(15)(S) of the Act and 8 CFR 214.2(t).

**Please note:** A Federal or State LEA may request S-5 nonimmigrant classification for an alien witness or informant. However, only a Federal LEA or Federal court may request S-6 classification for an alien witness or informant.

**The LEA May Also Make A Request For Derivative Beneficiaries (Part A 6).** Qualifying relatives (spouse, married and unmarried sons and daughters, and parents) of the principal alien witness and informant may be included in a request for the S nonimmigrant classification. All required information for such derivative beneficiaries of this request must be included at the time of filing the request for nonimmigrant classification. Only qualifying relatives identified at the time of filing will be considered as accompanying or following to join. Proof of family relationship, biographical data, and grounds of excludability must be attached for each named qualifying relative.

**For Change of Status To The S Classification.** An LEA may request the Service to change the classification of an alien already in the United States from another valid nonimmigrant classification to S-5 or S-6 classification (8 CFR 214.2(t)(12)) by filing this form and Form I-539, Application to Extend/Change Nonimmigrant Status, together with the relevant documentation and requisite fees, pursuant to the instructions for filing requests for an S classification, below.

**For Requests To Allow An S Nonimmigrant To File For Adjustment Of Status To That Of Lawful Permanent Resident (8 CFR 245.11).** A request to allow a nonimmigrant in an S classification to file for adjustment of status must be filed by the LEA that originally requested the S classification and may not be filed until the alien has fulfilled the terms and conditions of his or her S classification. Please attach to the request on Part F of this form all relevant documentation establishing that the alien has fulfilled the terms and conditions of his or her S classification and related recommendations. Only the derivative beneficiaries named on the request for S classification are eligible to adjust pursuant to 8 CFR 245.11.

**Please carefully complete all relevant parts of this form.**

**PART III. REQUIRED DOCUMENTATION**

**For The S Classification.** Requests for the S classification (8 CFR 214.2(t)) are premised on the alien witness and informant's willingness to provide critical, reliable information. You must provide clear, **VERY SPECIFIC** statements of the following:

- The operations that form the basis of the request. For example, if you need the alien to appear as a witness, please give the date and place of the trial and the nature of the testimony you expect to receive.
- The objective of the request, that is, why the admission of this alien is necessary, essential, and in the national interest. The terms and conditions pursuant to which an S classification is requested must be stated very clearly on, or attached to, this form.
- The nature of the alien's cooperation with the government, any bargains you have made with the alien, and any benefits promised in return. **NOTE THAT NO PROMISES FOR IMMIGRATION BENEFITS MAY BE MADE TO AN ALIEN SEEKING S CLASSIFICATION.**

**For Ground(s) Of Excludability:**

**Part A.** All grounds of excludability (i.e., the reasons the alien may not be admissible to the United States) must be ascertained and a statement of each ground, or suspected ground, must be attached to this form. Please review the grounds of excludability carefully with the alien and remind the alien that a failure to disclose all grounds of excludability (conduct or conditions) on this form may result in exclusion or deportation from the United States. Then for each ground checked in Part A 7, you must provide a statement of all reasons why you believe discretionary waiver authority should be exercised favorably for this alien so that the alien may be admitted in the S classification.

Be as specific as possible and attach affidavits, statements, memorandum, or other documentation as necessary to explain all the possible grounds of inadmissibility and surrounding circumstances. Specific reasons for exercising discretionary waiver authority should be presented whenever possible, e.g., if the alien has a history of drug abuse, you may present evidence of rehabilitation such as the affidavits of doctors, psychiatrists, or other experts.

**Documentation.** The evidence submitted with this request to verify the basis of the request, i.e., for a waiver, classification, or adjustment of status, may be in the form of affidavits, statements, memoranda, or similar documentation.

**You must also submit for each alien named in this request:**

- Two-sets of fingerprints and signatures on Form FD-258;
- Two-color-photos with a white background taken no earlier than 30 days before submission to the INS. They should be unmounted; printed on thin paper and show a three-quarter front profile of the right side of the face, with the right ear visible. The head should be bare unless the alien is wearing a headdress as required by a religious order. Lightly print the alien's name and A#, if known, on the back of each photo with a pencil; the name of the LEA may also be used.
- The alien's A#, FBI #, Social Security #, if known, and biographical information (Form G-325).

**PART IV. REQUIRED CERTIFICATIONS**

**Alien Certification.** The certifications made by the alien and made by you, the LEA requestor, provide a critical record for the future. After you have carefully explained the certifications at Part B and reviewed all statements on or attached to the form for accuracy, read the certification to the alien and be sure that the alien understands each condition of admission and continued stay in lawful status. If the certification is translated to ensure the alien's understanding, please so indicate. Make sure the alien understands that adjustment of status is not available to the alien unless and until he or she has satisfied the conditions of admission and continued stay in lawful status in the S classification.

**LEA Certifications.** Your signature as a witness to the alien's certification certifies your assurance of the alien's understanding of his or her certification. LEA headquarters level certification is required to ensure that no promises have been made other than those afforded by section 101(a)(15)(S) of the Act and that full assumption of the responsibilities outlined in the request has been authorized. The name of the LEA agency contact on the case who is available by phone for questions and verification of information is also necessary.

**United States Attorney Certification.** The United States Attorney's certification is necessary if the alien witness or informant will be participating in a prosecution or investigation that falls within the jurisdictional authority of a United States Attorney or if this form is to be submitted by a State LEA. The United States Attorney may and sometimes does refer to the Criminal Division or another federal entity. In such a case, the referred entity must provide the required certification and documentation of the referral by the United States Attorney.

**PART V. FEE FOR REQUESTS FOR THE S NONIMMIGRANT CLASSIFICATION**

The fee for this form is $150. **(This fee will not go into effect until the Service publishes a final regulation in the Federal Register adding a fee for Form I-854)** It is not refundable. Pay in the exact amount. Make check or money order payable to "Immigration and Naturalization Service." There will be an additional charge if your check is not honored. Please do not send cash in the mail.

## PART VI. WHERE TO FILE

Requests for an S nonimmigrant classification or for an S nonimmigrant to file for adjustment of status, should be sent to:

**DOJ-OEO**
**P.O. BOX 7600**
**Washington, DC 20044-7600**

**Please note:** The Criminal Division will forward certified requests to the INS Commissioner, for adjudication of the request for S classification. No request for S classification may proceed to the INS without the certification of the Criminal Division.

## PART VII. OTHER INFORMATION

**Employment Authorization:** Witnesses and informants who have received S nonimmigrant classification are entitled to receive an Employment Authorization Document (EAD), enabling them to seek employment in the United States. Aliens so entitled may request an EAD by filing Form I-765 according to the instructions on that form. Form I-765 may not accompany this form and must be filed separately.

**Authority For The Collection Of The Information.** The authority to require you to file Form I-854, Inter-Agency Alien Witness and Informant Record, when requesting authorization to bring a witness or informant into the United States, is found at section 101(a)(15)(S) of the Act and the Congressional concerns behind that provision. Information you provide on Form I-854 is used to determine eligibility for the requested classification/authorization, to record the numbers of requests and determinations made on this form, to track and monitor the alien, and to provide Congress with a required annual report on the admission of alien witnesses and informants. Failure to provide all information as required may result in the denial or rejection of this application. The information you provide may also be disclosed to other Federal, State, local and foreign law enforcement, intelligence and regulatory agencies.

**Penalties For Perjury.** All statements made in response to questions in this application are declared to be true and correct under penalty of perjury. 18 U.S.C. 1546, provides in part:

Whoever knowingly makes under oath, or as permitted under penality of perjury under 28 U.S.C. 1746, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document containing any such false statement - shall be fined in accordance with this title or imprisoned not more than five years, or both.

The knowing placement of false information on this application may subject you and/or the preparer of this application to criminal penalties under Title 18 of the United States Code. The knowing placement of false information on this application may also subject you and/or the preparer to civil penalties under Section 274C of the Act, 8 U.S.C. 1324c. Under 8 U.S.C. 1324c, a person subject to a final order for civil document fraud is deportable from the United States and may be subject to fines.

**Paperwork Reduction Act Notice.**

We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. Often this is difficult because some immigration laws are very complex. Accordingly, the reporting burden for this collection of information is computed as follows: (1) learning about the law and form, **60** minutes; (2) completing the form, **75** minutes; and (3) assembling and filing the application **120** minutes, for an estimated average of **4** hours and **15** minutes per response. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to both the Immigration and Naturalization Service, 425 I Street, N.W., Room 5307, Washington, D.C. 20536; and the Office of Management and Budget, Paperwork Reduction Project, OMB No. 1115-xxxx, Washington, D.C. 20503

OMB #1115-XXX

U.S. Department of Justice
Immigration and Naturalization Service

# Inter-Agency Alien Witness and Informant Record

**PART A. To Be Completed by Law Enforcement Agencies.** *(See instructions for specific information.)*

1. Name of LEA/Requestor: _____
2. Requesting Agent: _____ Control Agent: _____
   Address: _____ Phone No.: ( ) _____
   _____ Fax No.: ( ) _____

Check if Applicable:

3. [ ] Alien will be placed in danger in U.S./abroad (circle) as a result of providing information, etc.
   [ ] Alien poses no danger to people or property of the U.S.
   [ ] If the alien poses a danger, the danger posed by alien is outweighed by the assistance the alien will furnish.
   [ ] Investigation . [ ] Prosecution. [ ] United States Attorney involvement.
4. Type of Request(s). *(Attach legal basis for request)*
   [ ] S-5 [ ] S-6
   State consular post at which visa will be sought: _____
   [ ] Change of Status. - If change of status is requested, current INS status is _____
   [ ] Adjustment of status *(Go to PART F. after completing information in 5,6, & 7, below)*
   [ ] Fee(s) attached. [ ] Security concerns. State special instructions regarding security precautions.

PROVIDE A CLEAR STATEMENT OF THE OPERATIONS THAT FORM THE BASIS OF THE REQUEST (E.G., GRAND JURY SUBPOENA), THE OBJECTIVE OF THE REQUEST AND ANY BARGAIN THE REQUESTOR WISHES TO MAKE/HAS MADE WITH THE ALIEN. ATTACH COMPLETE CRIMINAL HISTORY, FBI# and SSN#.

| | | | | |
|---|---|---|---|---|
| 5 . Alien's Name *( Last Name, First and Middle Name):* | | | Other Names Used: | |
| Alien's Address *(Street Number and Name):* | | | A# | I-94# |
| City: | | State or Province: | Zip/Postal Code: | Current Location of Alien: |
| Marital Status: | Date of Birth: | Place of Birth *(City or Country):* | Nationality: | Occupation: |

Date of last entry to U.S. *(Month/Day/Year)*_____ [ ] Form G-325 attached [ ] Form FD-258 attached [ ] Photos attached

6. Provide all information requested in 5, above, for spouse, parents, and all sons and daughters of alien for whom an S classification is requested who seek derivative status *on a separate piece of paper for each beneficiary.*

7. For the above named alien, I request waiver(s) of the following grounds of excludability:
   *(Check all possible grounds & attach all relevant documents establishing the ground(s) of inadmissibility and why you feel a waiver is appropriate for this alien. This information must be provided for each alien named in 5 and 6 above. Please copy this checklist of grounds of excludability and submit for each derivative.)*

[ ] communicable disease
[ ] immigrant visa issued outside numerical limits
[ ] crime of moral turpitude
[ ] international child abduction
[ ] multiple criminal convictions
[ ] engaged in unlawful commercialized vice
[ ] entrance prejudicial to public interest
[ ] involved in espionage, sabotage or laws relating to technology transfer
[ ] coming to overthrow the U.S. government
[ ] foreign policy exclusion
[ ] Nazi persecutor
[ ] unqualified physician
[ ] previously removed-aggravated felony -20 year applicability
[ ] stowaway
[ ] nonimmigrant without a valid passport or visa
[ ] previously excluded and deported
[ ] alien smuggler
[ ] participant in genocide
[ ] physical/mental disorder (dangerous)
[ ] drug abuser or addict
[ ] convicted of law pertaining to controlled substances
[ ] controlled substance trafficker
[ ] prostitute, or [ ] procurer of prostitution
[ ] exercised diplomatic immunity to avoid prosecution
[ ] unlawful activity related to national security
[ ] terrorist activities
[ ] communist party member
[ ] public charge
[ ] lacking labor certification
[ ] fraud/misrepresentation
[ ] immigrant without a visa
[ ] draft evader-was immigrant when left
[ ] alien accompanying helpless excludable alien
[ ] violator of section 274C
[ ] No waivers are requested/needed.

**PART B . Certifications.**

**1. Alien Certification.**

**(S classification request)** I certify under penalty of perjury that I have reviewed with the LEA all the information in Part A, disclosed all information to the best of my ability, and disclosed all reasons for which I may be excludable from the United States; that I shall report at least every three (3 ) months my whereabouts and activities as the above LEA shall require; that I understand I am subject to deportation for any grounds of excludability (conduct or condition) not disclosed at this time or for conduct committed after admission to the United States; that I shall abide by all conditions, limitations, and restrictions imposed upon my entry; that the classification I seek is temporary and will terminate within three (3) years; that I am restricted by the terms of my admission to very specific means by which I will be able to remain permanently in the United States; that I will pay Social Security and all applicable taxes on all employment in the United States and; that I hereby waive my right to a deportation hearing and to contest, other than on the basis of an application for withholding of deportation, any action for deportation instituted against me. **Certification: I certify that I have read and understand all the questions and statements on this form. If I do not understand English, I further acknowledge that this has been read to me in a language I do understand. The answers I have furnished are true and correct to the best of my knowledge and belief.**

**Signature:** _____ **Date:** _____

**LEAWitness:** _____ **Title:** _____ **Date:** _____

**Translator:** _____ **Language Used** _____ **Date:** _____

**2. LEA Certification.** I certify the above information is true and correct to the best of my knowledge; that I may make, have made, and will make no promises regarding the above alien's ability to adjust status or stay permanently in the United States other than those that comport with section 101(a)(15)(S) of the Act that I will collect quarterly reports detailing the above alien's whereabouts and activities and forward required information to the Criminal Division; that I will immediately report to the Service if this alien fails to report quarterly or fails to comply or to cooperate with the terms and conditions of admission or if the alien commits any deportable activity after the date of admission. I further certify that I assume complete law enforcement responsibility for control and continued stay in lawful status of the alien, including necessary monitoring, travel arrangements for arrival and departure, safety precautions, and specified conditions of stay or departure, that I have provided a sworn declaration as to the basis of this petition and checked all available database information on the above alien, and that I have carefully reviewed the above statements with the alien to ensure that all terms and conditions are understood.

[ ] **Translation** *(this serves to verify alien certification of translation, above.)*

**Signature of HQ Chief of LEA:** _____ **Title:** _____ **Date:** _____

**Phone:** ( ) _____ **Name of Agency Contact:** _____ **Phone:** ( ) _____

**3. For United States Attorney Use Only** *(if applicable)*. Because the alien's presence is essential to the success of a Federal or State investigation or prosecution, the United States Attorney recommends the above request be granted and further certifies that there has not been and will be no promise or promises at all regarding the above alien's ability to adjust status or stay permanently in the United States other than those that comport with section 101(a)(15)(S) of the Act.

**Signature:** _____ **Date:** _____

**Office:** _____ **Phone:** ( ) _____

**4. For Department of State/Rewards Committee - S6 Classification Use Only.**

After checking all information, the Department of State:

[ ] Certifies the alien is eligible to receive an award under 22 U.S.C. 2708(a). Date: _____

[ ] Certifies the alien is not eligible for such award.

**Signature:** _____ **Date:** _____ **Phone:** ( ) _____

**Title:** _____ **Office:** _____

**PART C. For Department of Justice, Criminal Division Use Only.**

After checking and evaluating all waiver and other information available, the Department of Justice, Criminal Division:

[ ] Certifies that, pursuant to section 101(a)(15)(S) of the Act and the request of the above LEA, the above alien is recommended for the S classification requested, that the above request(s) for waivers of excludability appear to warrant approval, that all conditions and limitations of the request for classification are attached, that this request falls within the numerical limitation for an S visa and that, therefore, this request is forwarded to the Commissioner for approval.

[ ] Denies Request

**Signature:** _____ **Date:** _____ **Phone:** ( ) _____

**Title:** _____ **Office:** _____

Form I-854 (6-1-95)

**PART D. For Immigration and Naturalization Service Use Only.**

[ ] Fee Received. [ ] Waiver(s) of Grounds of Inadmissibility Granted Per Request.
**Note all grounds waived and conditions attached thereto.**
LEA Request: [ ] Granted [ ] Forwarded to DOS/VO [ ]Request Denied
[ ] Change of Classification Granted [ ] Denied.

Signature: _____ Date: _____ Phone: ( ) _____
Title: _____ INS Office: _____

**PART E. For Department of State/Visa Office Use Only.**

[ ] FORWARDED TO CONSUL BY VO FOR Visa Approval; [ ] Not Forwarded

Signature: _____ Date: _____ Phone: ( ) _____
Title: _____ Office: _____

[ ] Visa Granted [ ] Visa Denied Signature: _____ Date: _____

Title: _____ Office: _____

**PART F. Request to Allow An S Nonimmigrant to File for Adjustment of Status to Permanent Resident.**

**(This request may not be completed or submitted until the alien has fulfilled the terms and conditions of his or her S nonimmigrant classification.)**

**(For Department of Justice, Criminal Division use only)**

(Please attach all relevant documentation establishing (1) the information certified to below; (2) the recommendations, and reasons for the certified recommendations.)

**1. Name of LEA: _____ submitting request to allow an S nonimmigrant to file for adjustment of status: Date submitted: _____**

**2. CRIMINAL DIVISION (ASSISTANT ATTORNEY GENERAL) CERTIFICATIONS.**

**I Certify that** ***(alien's name)*** _____ **has**

If S -5:
[ ] Supplied the information that formed the basis of entry;
[ ] The information substantially contributed to the success of an authorized criminal investigation or the prosecution of an individual as per terms of entry.

If S-6:
[ ] Supplied the information that formed the basis of entry;
[ ] The information substantially contributed to the prevention or frustration of an act of terrorism against a U.S. person or property or the success of an authorized criminal investigation of, or the prosecution of, an individual involved in such an act of terrorism.
[ ] Has received a reward under section 36(a) of the State Department Basic Authorities Act of 1956;

If S-5 or S-6
[ ] Has abided by all the terms, conditions and specific 22 U.S.C. 2708(a) limitations of the S classification.

Other comments:

Signature: _____ Date: _____ Phone: ( ) _____
Title: _____ Office: _____

**3. FOR IMMIGRATION AND NATURALIZATION SERVICE USE ONLY:**
[ ] Adjustment [ ] Other action

Signature: _____ Date: _____ Phone: ( ) _____
Title: _____ Office: _____

Form I-854 (6-1-95)

[FR Doc. 95–14201 Filed 6–8–95; 8:45 am]
BILLING CODE 4410–10–C

## Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Excel Corporation*, Civil Action No. 94–C–493, was lodged on May 25, 1995 in the United States District Court for the District of Colorado. The consent decree settles an action brought under the Clean Water Act (the ''Act''), 33 U.S.C. 1251 et seq. seeking an injunction and civil penalties for Excel's violations of the Act and for violations of the General Pretreatment Regulations, 40 CFR Part 403. Pursuant to the consent decree, Excel will pay a total civil penalty of $450,000. By separate agreement, Excel has agreed to pay the City of Fort Morgan a penalty of $205,000 to settle the City's parallel enforcement action against Excel. The United States' settlement with Excel recognizes Excel's penalty payment to the City by allowing credit for the penalty paid to the City. Accordingly, Excel's civil penalty payment to the United States pursuant to this settlement totals $245,000.

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. *Excel Corporation*, DOJ Ref. #90–5–1–1–4041.

The proposed consent decree may be examined at the office of the United States Attorney, 1961 Stout Street, Suite 1200, Denver, Colorado 80294; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $2.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

**Bruce S. Gelber,**

*Acting Chief, Environmental Enforcement Section.*

[FR Doc. 95–14099 Filed 6–8–95; 8:45 am]

BILLING CODE 4410–01–M

## Antitrust Division

## Notice Pursuant to the National Cooperative Research and Production Act of 1993—Bell Communications Research Inc.

Notice is hereby given that, on February 14, 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''), Bell Communications Research, Inc. (''Bellcore'') has filed written notifications on behalf of Bellcore; Camber Corporation (''Camber''); OGIS Ltd. (''OGIS''); Resources Agency of California (''RAC''); and Rutgers, the State University of New Jersey (''Rutgers'') 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: Bellcore, Livingston, NJ; Camber, Huntville, AL; OGIS, Wayland, MA; RAC, Sacramento, CA; and Rutgers, New Brunswick, NJ. Bellcore; Camber; OGIS; RAC; and Rutgers entered into Articles of Collaboration, effective as of December 12, 1994, establishing a consortium to engage in a collaborative research effort of limited duration in order to gain further knowledge in the area of digital libraries technology for locating, accessing, browsing, transporting, and reusing geospatial data, and to better understand the applications of such technology for telecommunications networks, particularly exchange and exchange access service networks.

**Constance K. Robinson,**

*Director of Operations, Antitrust Division.*

[FR Doc. 95–14104 Filed 6–8–95; 8:45 am]

BILLING CODE 4410–01–M

## Notice Pursuant to the National Cooperative Research and Production Act of 1993—Citronella Joint Venture

Notice is hereby given that, on April 11, 1995, pursuant to the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Citronella Joint Venture (the ''Joint Venture'') 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, S.C. Johnson & Son, Inc., Racine, WI has now become a member of the Joint Venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership remains open and the Joint Venture intends to file additional written notification disclosing all changes in membership.

On December 15, 1993, the Joint Venture 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 January 26, 1994 (59 Fed. Reg. 3738).

**Constance K. Robinson,**

*Director of Operations, Antitrust Division.*

[FR Doc. 95–14105 Filed 6–8–95; 8:45 am]

BILLING CODE 4410–01–M

## Notice Pursuant to the National Cooperative Research and Production Act of 1993—Fieldbus Foundation

Notice is hereby given that, on April 6, 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''), the Fieldbus Foundation (''Fieldbus'') 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 members are as follows: Alfa Laval Automation AB, Malmo, SWEDEN; Caltex Services Corporation, Dallas, TX; GSC Precision Controls Division of DA-Tech, Ivyland, PA; Klaus Fischer GmbH, Bad Salzuflen, GERMANY; Milltronics Ltd., Ontario, CANADA; Monsanto Company, St. Louis MO; Shell Oil Co., Houston, TX; VEGA Grieshaber KG, Schiltach GERMANY: and WorldFIP Europe, Vernevil Enhalatte, FRANCE. In addition, Square D Company changed its name to AEG Schneider Automation, Inc., N. Andover, MA.

No other change shave been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Fieldbus intends to file additional written notification disclosing all changes in membership.

On May 7, 1993, Fieldbus 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 of September 23, 1993 (58 Fed. Reg. 49529).

The last notification was filed with the Department on December 8, 1994. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on March 15, 1995 (60 Fed. Reg. 14003).

**Constance K. Robinson,**

*Director of Operations, Antitrust Division.*

[FR Doc. 95–14103 Filed 6–8–95; 8:45 am]

BILLING CODE 4410–01–M

## Notice Pursuant to the National Cooperative Research and Production Act of 1993—First Data Health Systems Corporation

Notice is hereby given that, on January 30, 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''), First Data Health Systems Corporation, 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 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: First Data Health Systems Corporation, Charlotte, NC; Hughes Aircraft Company, Fullerton, CA; and The Charlotte-Mecklenburg Hospital Authority, Charlotte, NC.

The nature and objective of the cooperative venture is test-bed research in the analysis of computing and telecommunication technologies applied to the creation of a virtually available patient-centered computer-based healthcare record for use across a diverse healthcare setting, and over heterogeneous computing and telecommunications environments.

**Constance K. Robinson,**

*Director of Operations, Antitrust Division.*

[FR Doc. 95–14101 Filed 6–8–95; 8:45 am]

BILLING CODE 4410–01–M

## Notice Pursuant to the National Cooperative Research and Production Act of 1993—Inframetrics Inc. Cooperative Research Program

Notice is hereby given that, on April 11, 1995, pursuant to the National cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Inframetrics Inc. 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 of involving 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: Inframetrics Inc., Billerica, MA; Rockwell International Corporation, Anaheim, CA; Honeywell Inc., Minneapolis, MN; and New Jersey Institute of Technology, Newark, NJ. The objective of the joint venture is to form a cooperative research program (Agreement MDA972–3–0022) under an Advanced Research Project Agency (ARPA) Technology Reinvestment Project (TRP) for the purpose of developing low-cost uncooled infrared sensors and component technology.

**Constance K. Robinson,**

*Director of Operations, Antitrust Division.*

[FR Doc. 95–14100 Filed 6–8–95; 8:45 am]

BILLING CODE 4410–01–M

## Notice Pursuant to the National Cooperative Research and Production Act of 1993—VISA Interactive, Inc.

Notice is hereby given that, on October 28, 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''), Visa International Service Association (''Visa International'') 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 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 the member financial institutions of VISA International, Foster City, CA, and their constituent National Group members of VISA International. The name of the joint venture is VISA Interactive, Inc., Herndon, VA. The member financial institutions of VISA International comprise approximately 18,000 commercial banks, thrifts, credit unions and similar banking institutions in the United States and most foreign jurisdictions. In many countries where member financial institutions of VISA International operate, they have formed National Group Members, which are also member of VISA International. The actual list of members changes constantly as new members join and members cease business or resign for various business-related reasons.

Visa Interactive, Inc., wholly-owned by the joint venture was formed for the purpose of researching and developing data processing and data communications systems for, and the production of, electronic banking and payment services and information services ancillary thereto, to be initiated by consumers or commercial and non-profit entities that are customers of the member financial institutions of Visa International. The services produced by the joint venture would be marketed by the member financial institutions to their customers. The technology under development would: (1) Allow customers to communicate with their financial institution using devices such as touch-tone telephones, personal computers, ''smart telephones'' (telephones which have additional functionality based on computing and information storage capabilities), ''personal digital assistants'' (portable computing and communications devices) and other devices as they emerge; (2) allow customers using such electronic devices to transact business with their financial institution similar to transactions presently transacted at automated teller machines and additional functions presently under development; (3) allow customers to order their financial institution to pay bills on their behalf, schedule the payment of such bills and cancel scheduled payments prior to their execution, and track the status of such payment orders; (4) process the transactions described above, including the routing of payments to numerous potential payees of bill payment transactions, and provide automated accounting and customer service capabilities to member financial institutions whose customers use the service; (5) provide authorization, clearing and settlement of resulting financial transactions; (6) develop standards for data communications between customers' electronic devices and service providers and between financial institutions and the processing systems; (7) develop standards for

identifying payees capable of receiving electronic payments through the system and for routing payments to them; and (8) facilitate the interactive communication of additional information which does not necessarily represent financial transactions.

**Constance K. Robinson,**

*Director of Operations, Antitrust Division.*

[FR Doc. 95–14102 Filed 6–8–95; 8:45 am]

BILLING CODE 4410–01–M

## Immigration and Naturalization Service

**[INS No. 1725–95]**

## Citizens Advisory Panel Meeting

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Notice of meeting.

**SUMMARY:** The Immigration and Naturalization Service (Service) in accordance with the Federal Advisory Committee Act [5 U.S.C. App. 2] and 41 CFR 101–6.1001–101–6.1035 (1992), has established a Citizens' Advisory panel (CAP) to provide the Department of Justice with recommendations on ways to reduce the number of complaints of abuse made against employees of the Service, and to minimize or eliminate the causes for those complaints. This notice announces the CAP's forthcoming meeting and the agenda for the meeting.

**DATES:** July 12–14, 1995 at 8 a.m.

**ADDRESSES:** Doubletree Hotel at Horton Plaza, 910 Broadway Circle, Plaza Meeting Room, Second Floor, San Diego, CA 92101.

**FOR FURTHER INFORMATION CONTACT:** Janice Pavlik, CAP Designated Federal official (DFO), Immigration and naturalization Service, Room 3260, Chester Arthur Building, 425 I Street NW., Washington, DC 20536, Telephone (202) 514–2373.

**SUPPLEMENTARY INFORMATION:** Pursuant to the charging language of the Senate Appropriations Committee Report 102–331 on the FY 1993 Budget for the Immigration and Naturalization Service, Department of Justice, the Service established a Citizens' Advisory Panel for the purpose of providing recommendations to the Attorney General on ways to reduce the number of complaints of abuse made against employees of the Service and, most importantly, to minimize or eliminate the causes for those complaints. The CAP is authorized by the Attorney General to (1) Accept and review civilian complaints made against Service employees, and (2) review the systems and procedures used by the Service for responding to such complaints. (February 11, 1994 at 59 FR 6658)

### Summary of Agenda

The principal purpose of the meeting will be a presentation and general discussion of the current process for reviewing complaints of abuse against INS employees.

### Public Participation

The CAP meeting is open to the interested public, but limited to the space available. Persons wishing to attend should notify the CAP DFO at least 2 days prior to the meeting by contacting the DFO at (202) 514–2373. After July 3, 1995, contact Armand Olvera at the San Diego Border Patrol Sector (619)–662–7251. Any hearing challenged individuals wishing to attend please contact the DFO so services can be arranged.

Any member of the public may file a written statement with the CAP DFO before the meeting. Materials submitted at the meeting, should be submitted in 20 copies. The CAP Chairperson will permit members of the public to present oral statements at the meeting with prior registration.

Minutes of the meeting will be available on request from the CAP DFO.

Dated: May 23, 1995.

**Doris Meissner,**

*Commissioner, Immigration and Naturalization Service.*

[FR Doc. 95–14125 Filed 6–8–95; 8:45 am]

BILLING CODE 4410–10–M

## DEPARTMENT OF LABOR

## Employment Standards Administration

## Wage and Hour Division

## Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by

writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S–3014, Washington, DC 20210.

**New General Wage Determination Decisions**

The number of the decisions added to the Government Printing Office document entitled ''General Wage Determination Issued Under the Davis-Bacon and related Acts'' are listed by Volume and State:

*VOLUME I*

Vermont:
VT950026 (Jun. 09, 1995)
VT950027 (Jun. 09, 1995)
VT950028 (Jun. 09, 1995)
VT950029 (Jun. 09, 1995)
VT950030 (Jun. 09, 1995)
VT950031 (Jun. 09, 1995)
VT950032 (Jun. 09, 1995)
VT950033 (Jun. 09, 1995)
VT950034 (Jun. 09, 1995)
VT950035 (Jun. 09, 1995)
VT950036 (Jun. 09, 1995)
VT950037 (Jun. 09, 1995)
VT950038 (Jun. 09, 1995)

**Modification to General Wage Determination Decisions**

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

*VOLUME I*

Connecticut:
CT950001 (Feb. 10, 1995)
CT950003 (Feb. 10, 1995)
CT950004 (Feb. 10, 1995)
Massachusetts:
MA950001 (Feb. 10, 1995)
MA950002 (Feb. 10, 1995)
MA950003 (Feb. 10, 1995)
MA950005 (Feb. 10, 1995)
MA950006 (Feb. 10, 1995)
MA950007 (Feb. 10, 1995)
MA950008 (Feb. 10, 1995)
MA950009 (Feb. 10, 1995)
MA950010 (Feb. 10, 1995)
MA950017 (Feb. 10, 1995)
MA950018 (Feb. 10, 1995)
MA950019 (Feb. 10, 1995)
MA950020 (Feb. 10, 1995)
MA950021 (Feb. 10, 1995)
New York:
NY950006 (Feb. 10, 1995)
NY950020 (Feb. 10, 1995)
NY950042 (Feb. 10, 1995)
Vermont:
VT950002 (Feb. 10, 1995)

*VOLUME II*

District of Columbia:
DC950001 (Feb. 10, 1995)
DC950002 (Feb. 10, 1995)
Delaware:
DE950002 (Feb. 10, 1995)
DE950004 (Feb. 10, 1995)
DE950005 (Feb. 10, 1995)
DE950009 (Feb. 10, 1995)
Maryland:
MD950002 (Feb. 10, 1995)
MD950008 (Feb. 10, 1995)
MD950015 (Feb. 10, 1995)
MD950019 (Feb. 10, 1995)
MD950023 (Feb. 10, 1995)
MD950031 (Feb. 10, 1995)
MD950034 (Feb. 10, 1995)
MD950035 (Feb. 10, 1995)
MD950036 (Feb. 10, 1995)
MD950046 (Feb. 10, 1995)
MD950048 (Feb. 10, 1995)
MD950053 (Feb. 10, 1995)
Virginia:
VA950012 (Feb. 10, 1995)
VA950025 (Feb. 10, 1995)
VA950025 (Feb. 10, 1995)
VA950034 (Feb. 10, 1995)
VA950035 (Feb. 10, 1995)
VA950036 (Feb. 10, 1995)
VA950039 (Feb. 10, 1995)
VA950048 (Feb. 10, 1995)
VA950052 (Feb. 10, 1995)
VA950058 (Feb. 10, 1995)
VA950063 (Feb. 10, 1995)
VA950069 (Feb. 10, 1995)
VA950102 (Feb. 10, 1995)
VA950104 (Feb. 10, 1995)
VA950105 (Feb. 10, 1995)
VA950108 (Feb. 10, 1995)
VA950112 (Feb. 10, 1995)

*VOLUME III*

Florida:
FL950001 (Feb. 10, 1995)
FL950017 (Feb. 10, 1995)
FL950032 (Feb. 10, 1995)

*VOLUME IV*

Illinois:
IL950018 (Feb. 10, 1995)
Indiana:
IN950002 (Feb. 10, 1995)
IN950006 (Feb. 10, 1995)
Minnesota:
MN950003 (Feb. 10, 1995)
MN950005 (Feb. 10, 1995)
MN950007 (Feb. 10, 1995)
MN950012 (Feb. 10, 1995)
MN950015 (Feb. 10, 1995)
MN950017 (Feb. 10, 1995)
MN950043 (Feb. 10, 1995)
MN950044 (Feb. 10, 1995)
MN950045 (Feb. 10, 1995)
MN950046 (Feb. 10, 1995)
MN950047 (Feb. 10, 1995)
MN950048 (Feb. 10, 1995)
MN950049 (Feb. 10, 1995)
MN950059 (Feb. 10, 1995)
MN950060 (Feb. 10, 1995)
MN950061 (Feb. 10, 1995)
Wisconsin:
WI950001 (Feb. 10, 1995)
WI950002 (Feb. 10, 1995)
WI950003 (Feb. 10, 1995)
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WI950031 (Feb. 10, 1995)
WI950032 (Feb. 10, 1995)
WI950033 (Feb. 10, 1995)
WI950035 (Feb. 10, 1995)
WI950041 (Feb. 10, 1995)

*VOLUME V*

Kansas:
KS950006 (Feb. 10, 1995)
KS950008 (Feb. 10, 1995)
KS950012 (Feb. 10, 1995)
KS950016 (Feb. 10, 1995)
KS950022 (Feb. 10, 1995)
Texas:
TX950004 (Feb. 10, 1995)
TX950005 (Feb. 10, 1995)
TX950007 (Feb. 10, 1995)
TX950010 (Feb. 10, 1995)
TX950018 (Feb. 10, 1995)
TX950019 (Feb. 10, 1995)
TX950033 (Feb. 10, 1995)
TX950034 (Feb. 10, 1995)
TX950037 (Feb. 10, 1995)
TX950060 (Feb. 10, 1995)
TX950061 (Feb. 10, 1995)
TX950081 (Feb. 10, 1995)

*VOLUME VI*

Montana:
MT950001 (Feb. 10, 1995)
MT950003 (Feb. 10, 1995)
MT950004 (Feb. 10, 1995)
MT950006 (Feb. 10, 1995)
MT950007 (Feb. 10, 1995)
MT950008 (Feb. 10, 1995)

**General Wage Determination Publication**

General wage determinations issued under the Davis-Bacon and related Acts,

including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which included all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 2nd day of June 1995.

**Alan L. Moss,**

*Director, Division of Wage Determination.*

[FR Doc. 95–13912 Filed 6–8–95; 8:45 am]

BILLING CODE 4510–27–M

## Occupational Safety and Health Administration

**[Docket No. NRTL–2–94]**

## Electro-Test, Inc.

**AGENCY:** Occupational Safety and Health Administration, Department of Labor.

**ACTION:** Notice of Application for Recognition as a Nationally Recognized Testing Laboratory, and Preliminary Finding.

**SUMMARY:** This notice announces the application of Electro-Test, Inc. for recognition as a National Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7, and presents the Agency's preliminary finding.

**DATES:** The last date for interested parties to submit comments is August 8, 1995.

**ADDRESSES:** Send comments to: NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor—Room N3653, 200 Constitution Avenue, NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Office of Variance Determination, NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue, NW., Room N3653, Washington, DC 20210.

**SUPPLEMENTARY INFORMATION:**

### Notice of Application

Notice is hereby given that Electro-Test, Inc. (ETI) has made application pursuant to section 6(b) of the Occupational Safety and Health Act of 1970, (84 Stat. 1593, 29 U.S.C. 655), Secretary of Labor's Order No. 1–90 (55 FR 9033), and 29 CFR 1910.7, for recognition as a Nationally Recognized Testing Laboratory.

The addresses of the laboratories covered by this application are:

Electro-Test, Inc., 5645 Gibraltar Drive, Pleasanton, California 94588

Electro-Test, Inc., 5370 E. Hunter Avenue, Anaheim, California 92807

### Background

Electro-Test, Inc., according to the applicant, is a privately held corporation incorporated in the State of California in 1971.

Regarding the merits of the application, the applicant contends that it meets the requirements of 29 CFR 1910.7 for recognition to certify products in the areas of testing which it has specified. See Exhibit 2A.

Electro-Test, Inc. states that its application documents demonstrate that for each specified item of equipment or material to be certified, it has the capability (including proper testing equipment and facilities, trained staff, written testing procedures, and calibration and quality control programs) to perform testing and examination of equipment and materials for workplace safety purposes to determine conformance with appropriate product test standards.

The applicant states also that it shall provide, to the extent needed for the particular equipment or materials listed, labeled, or accepted, the following controls or services:

(i) Implementation of control procedures for identifying the listed and labeled equipment or materials.

(ii) Inspection of the run of such item at factories for product evaluation purposes to assure conformance with the test standards

(iii) Conduction of field inspections to monitor and to insure the proper use of its identifying mark or labels on products.

ETI claims that it is completely independent of employers subject to the tested equipment requirements, and of any manufacturers or vendors of equipment or materials being tested for these purposes.

The applicant also claims that it maintains effective procedures for producing creditable findings or reports that are objective and without bias, and for handling complaints and disputes under a fair and reasonable system.

ETI states that it has the capability to perform field evaluations and code compliance inspections of unique and non-listed equipment or materials. It claims that it has a large inventory of portable test equipment that can support these activities at the customers' facilities. These services are supported by written procedures, quality control, and trained personnel.

In summary, Electro-Test, Inc. claims that it maintains the experience, expertise, personnel, organization, equipment, and facilities suitable for accreditation as an OSHA Nationally Recognized Testing Laboratory.

### Facilities

ETI's Pleasanton facility consists of 33,000 square feet of space, consisting of a small testing area, storage, shipping/receiving, library, training room, personnel offices, calibration laboratory, and a forensic laboratory. All laboratories are temperature controlled, and supplied with necessary utilities. ETI has owned the facility since 1992.

The Anaheim facility contains some 9,500 square feet of space. The facility houses a small testing laboratory, shipping/receiving and storage areas, calibration laboratory, administrative offices, and conference room. Most of the testing at Anaheim is performed at the site of the installation rather than at the ETI facility. ETI test engineers perform site testing.

### Standards

Electro-Test, Inc., desires recognition for testing and certification of products when tested for compliance with the following test standard, which is appropriate within the meaning of 29 CFR 1910.7(c): ANSI/UL 508—Industrial Control Equipment.

Preliminary Finding

Electro-Test, Inc. addressed all of the criteria which had to be met for recognition as an NRTL in its initial application and in its further correspondence. For example, the applicant submitted a list of its test equipment and instrumentation; a roster

of its personnel including resumes of those in key positions and copies of position descriptions; copies of a typical test report; a summary of its listing, labeling, and follow-up services; a statement of its independence as a testing laboratory; appeals procedure; calibration laboratories; and a copy of its Operations Manuals for Quality control and Audit, Test Form Instruction, and Compliance Labeling Field.

Nine major areas were examined in depth during the on-site laboratory evaluation: facility; test equipment; calibration program; test and evaluation procedures; test reports; records; quality assurance program; follow-up listing program; and personnel.

The discrepancies noted by the survey team during the on-site evaluations were adequately responded to [Exs. 2B(2) and 2C(2)] following the final on-site evaluations [Exs. 2B(1) and 2C(1)]. With the preparation of the final report, the survey team was satisfied that the testing facility appeared to meet the necessary criteria required by the standard, and so noted in the On-Site Review Reports (Surveys). (See Exs. 2B and 2C).

Following a review of the application file and the on-site survey reports of the ETI Pleasanton and Anaheim, California facilities, the NRTL Recognition Program staff concluded that the applicant appeared to have met the requirements for recognition as a Nationally Recognized Testing Laboratory for the above noted facilities and, therefore, recommended to the Assistant Secretary that the application be preliminarily approved.

Based upon a review of the completed application file and the recommendation of the staff, the Assistant Secretary has made a preliminary finding that the Electro-Test, Inc. facilities for which accreditation was requested (Pleasanton and Anaheim, California) can meet the requirements for recognition as required by 29 CFR 1910.7.

All interested members of the public are invited to supply detailed reasons and evidence supporting or challenging the sufficiency of the applicant's having met the requirements for recognition as a Nationally Recognized Testing Laboratory, as well as Appendix A, of 29 CFR 1910.7. Submission of pertinent written documents and exhibits shall be made no later than August 8, 1995, and must be addressed to the NRTL Recognition Program, Office of Variance Determination, Room N 3653, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Copies of the ETI, Inc. application, the laboratory survey report, and all submitted comments, as received, (Docket No. NRTL–2–94), are available for inspection and duplication at the Docket Office, Room N 2634, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address.

The Assistant Secretary's final decision on whether the applicant (Electro-Test, Inc.) satisfies the requirements for recognition as an NRTL will be made on the basis of the entire record including the public submissions and any further proceedings that the Assistant Secretary may consider appropriate in accordance with Appendix A of Section 1910.7.

Signed at Washington, DC, this 5th day of June, 1995.

**Joseph A. Dear,**

*Assistant Secretary.*

[FR Doc. 95–14181 Filed 6–8–95; 8:45 am]

BILLING CODE 4510–26–M

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Records Schedules; Availability and Request for Comments

**AGENCY:** National Archives and Records Administration, Office of Records Administration.

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 USC 3303a(a).

**DATES:** Request for copies must be received in writing on or before July 24, 1995. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

**ADDRESSES:** Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, College Park, MD 20740. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

**SUPPLEMENTARY INFORMATION:** Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

### Schedules Pending

1. Department of Commerce, Economic Development Administration (N1–378–95–1). Public Works Project Case Files.

2. Department of Interior (N1–48–93–4). Appointment books and daily schedules maintained within the Office of the Secretary.

3. Department of State, Bureau of Legislative Affairs (N1–59–95–8). Copies of documents sent to Congress in response to requests.

4. Department of State, Bureau of Public Affairs (N1–59–95–10). Electronic print files for publications of the Office of the Historian.

5. Administration for Children and Families (N1–292–95–1). Reduction in retention period for audit records.

6. Centers for Disease Control and Prevention (N1–442–95–2). Infant Screening Quality Assurance Program Records.

7. Environmental Protection Agency (N1–412–94–3). Revision of Superfund records schedule.

8. Federal Aviation Administration (N1–237–92–4). Enforcement Information System tapes (public use tapes are proposed for permanent retention).

9. Federal Retirement Thrift Investment Board (N1–474–95–1). Forms filed by participants.

10. Office of Personnel Management (N1–478–95–1). Application records for the Federal Executive Institute.

11. Office of Personnel Management (N1–478–95–3). Databases on Federal executive positions and executive personnel.

12. United States Information Agency, Office of Administration (N1–306–95–2). Routine and facilitative records relating to executive reservists and agency programs.

13. United States Information Agency, Bureau of Information (N1–306–95–6). Photographs used in the production of USIA World and predecessor or successor ''house publications.''

Dated: May 26, 1995.

**Trudy Huskamp Peterson,**

*Acting Archivist of the United States.*

[FR Doc. 95–14119 Filed 6–8–95; 8:45 am]

BILLING CODE 7515–01–M

## Privacy Act of 1974; Transfer of Records

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of transfer of records subject to the Privacy Act to the National Archives.

**SUMMARY:** Records retrievable by personal identifiers which are transferred to the National Archives of the United States are exempt from most provisions of the Privacy Act of 1974 (5 U.S.C. 552a) except for publication of a notice in the **Federal Register**. NARA publishes a notice of the records newly transferred to the National Archives of the United States which were maintained by the originating agency as a system of records subject to the Privacy Act.

**FOR FURTHER INFORMATION CONTACT:** Dr. Michael Kurtz, Assistant Archivist for the National Archives, on (301) 713–7000.

**SUPPLEMENTARY INFORMATION:** In accordance with section (l)(1)(3) of the Privacy Act, archival records transferred from executive branch agencies to the National Archives of the United States are not subject to the provisions of the Act relating to access, disclosure, and amendment. The Privacy Act does require that a notice appear in the **Federal Register** when executive branch systems of records retrievable by personal identifiers are transferred to the National Archives of the United States. After transfer of records retrievable by personal identifiers to the National Archives of the United States, NARA does not maintain these records as a separate system of records. NARA will attempt to locate specific records about an individual in any system of records described in a Privacy Act Notice as being part of the National Archives of the United States. Furthermore, records in the National Archives of the United States may not be amended, and NARA will not consider any requests for amendment.

Archival records maintained by NARA are arranged by Record Group depending on the agency of origin. Within each Record Group, the records are arranged by series, thereunder generally by filing unit, and thereunder by document or groups of documents. The arrangement at the series level or below is generally the one used by the originating agency. Usually, a system of records corresponds to a series.

In this notice, each system is identified by the system name used by the executive branch agency that accumulated the records. That system name is followed by information in parentheses about the National Archives Record Group to which records in the system have been allocated. In the section of the notice covering categories of records in the system, the specific segment of the system transferred to the National Archives is identified by the accession number assigned to the system segment when it was transferred to the National Archives and the series title associated with the system in the National Archives.

The following systems of records, or parts thereof, retrievable by personal identifiers have been transferred to the National Archives since the last notice published at 58 FR 28633 (May 14, 1993):

1. *System name:* Immigration and Naturalization Service Index System (part of National Archives Record Group 85, Records of the Immigration and Naturalization Service).

*System location:* National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740, and National Archives—Pacific Northwest Region, 6125 Sand Point Way, Seattle, WA, 98115.

*Categories of individuals covered by the system:* Records in the National Archives cover: (1) Individuals named or referenced in documents classified for national security reasons; (2) aliens required to report addresses; (3) individuals covered by provisions of the immigration and nationality laws of the United States; (4) individuals named in correspondence received, including INS employees and past employees; federal, state, and local officials; and members of the general public; (5) examinations indexes; (6) Freedom of Information correspondence control index; (7) individuals who have arrived or departed by aircraft or vessel at a United States port; (8) naturalization and citizenship indexes; (9) aliens lawfully admitted for permanent residence, commuters and other authorized frequent border crossings, and nonimmigrant persons other than transients.

*Categories of records in the system:* Records in the National Archives in Washington covered by this notice are the Statistical Reporting System, 1977–1991, consisting of the Deportations Series (G–174), Lawful Immigrants Series (G–173), and Required Departure Series (G–189). This system contains data files, record layouts, codebooks, other appropriate documentation, and administrative, immigration, central subject, class 146–13–0/146–13–2 case, and class 146–13–2 legal case files. (NARA Accession Numbers NN3–085–093–001 through NN3–085–093–004, and NN3–085–094–001 through NN3–085–094–005). Records in Seattle are Chinese Exclusion Act case files, 1908–1943. (NARA Accession Number 10NS–085–093–001).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(l)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the General Notice published by the National Archives and Records Administration in 40 FR 45786 (October 2, 1975).

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Paper records in archival containers.

Electronic database stored on magnetic tape.

b. Retrievability: Generally, records are indexed and retrievable by name and/or ''A'' or ''C'' file number.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for Special and Regional Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the appropriate system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the Guide to the National Archives of the United States, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

2. *System name:* Enlisted Master File Automated System (part of National Archives Record Group 24, Records of the Bureau of Naval Personnel).

*System location:* National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740.

*Categories of individuals covered by the system:* Records in the National Archives cover all Navy enlisted personnel: active and inactive.

Categories of records in the system: Records in the National Archives covered by this notice include individual personnel records of all military personnel in the active duty navy, 1990; and enlisted personnel history and attrition files, 1981. (NARA Accession Numbers NN3–024–093–001 and NN3–024–093–002).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(l)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the Appendix following this notice.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Electronic database stored on magnetic tape.

b. Retrievability: Automated records are retrieved by social security number.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for Special and Regional Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the Guide to the National Archives of the United States, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

3. *System name:* Officer Master File Automated System (part of National Archives Record Group 24, Records of the Bureau of Naval Personnel).

*System location:* National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740.

*Categories of individuals covered by the system:* Records in the National Archives cover all Naval officers: commissioned, warrant, active, and inactive; officer candidates; and Naval Reserve Officer Training Corps personnel.

*Categories of records in the system:* Records in the National Archives covered by this notice include individual personnel records of all military personnel in the active duty Navy, 1990; and officer history and attrition files, 1991–1992. (NARA Accession Numbers NN3–024–093–001, NN3–024–093–003, and NN3–024–093–004).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(l)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the Appendix following this notice.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Electronic database stored on magnetic tape.

b. Retrievability: Automated records are retrieved by social security account number.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for Special and Regional Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

Records access procedures: Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the Guide to the National Archives of the United States, which is sold by the Superintendent of Public Documents,

Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

4. *System name:* USAINSCOM Investigative Files System (part of National Archives Record Group 319, Records of the Army Staff). System location: National Archives Building, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

*Categories of individuals covered by the system:* Records in the National Archives cover military personnel of the U.S. Army; aliens granted limited access authorization to U.S. Defense Information; DOD alien personnel investigated for visa purposes; and individuals about whom there is reasonable basis to believe that they are engaged in, or plan to engage in specific adverse activities.

*Categories of records in the system:* Records in the National Archives covered by this notice include Army investigative material, technical coverage, and third agency material, 1936–1976. (NN3–319–093–001, and NN3–319–094–001).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the General Notice published by the National Archives and Records Administration in 40 FR 45786 (October 2, 1975).

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Paper records stored in archival containers.

b. Retrievability: Maintained in alphabetical order by surname of individual.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States,* which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

5. *System name:* Biomedical Research: Records of Subjects in National Institute of Dental Research Contracted Epidemiological and Biometric Studies, HHS/NIH/NIDR (part of National Archives Record Group 443, Records of the National Institutes of Health).

*System location:* National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740.

*Categories of individuals covered by the system:* Records in the National Archives cover voluntary participants in epidemiological and biometric studies sponsored by NIDR who are minors, both males and females, with known or suspected diseases or disorders of the teeth and supporting structures, as well as normal or nonsuspect individuals in control or study groups for purposes of comparison.

*Categories of records in the system:* Records in the National Archives covered by this notice include the Survey of Oral Health in U.S. School Children, 1986–1987. (NARA Accession Number NN3–443–093–003). Public use data file documentation and survey methodology are also included.

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(l)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the Appendix following this notice.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Electronic records on magnetic tape. Paper records in archival containers.

b. Retrievability: Information is retrieved by name and/or a participant identification number.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for Special and Regional Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States,* which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

6. *System name:* Clinical Research: Records of Subjects in Intramural Research, Epidemiology, Demography and Biometry Studies on Aging, HHS/NIH/NIA (part of National Archives Record Group 443, Records of the National Institutes of Health).

*System location:* National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740.

*Categories of individuals covered by the system:* Records in the National Archives cover individuals whose physical, genetic, social, psychological, cultural, economic, environmental, behavioral, pharmacological, or nutritional conditions or habits are studied in relationship to the normal aging process and/or diseases and other normal or abnormal physical or psychological conditions of the aged.

*Categories of records in the system:* Records in the National Archives covered by this notice include

Established Populations for Epidemiologic Studies of the Elderly, 1981–1983, (EPESE). (NARA Accession Number NN3–443–093–004). Public use data file along with machine-readable codebook/documentation and paper copy codebook, data collection instrument, and frequencies are also included.

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the Appendix following this notice.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Electronic records on magnetic tape. Paper records in archival containers.

b. Retrievability: Information is retrieved by name, code number and/or social security number.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for Special and Regional Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States,* which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

7. *System name:* Directorate of Operations Records System (part of National Archives Record Group 226, Records of the Office of Strategic Services).

*System location:* National Archives Building, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

*Categories of individuals covered by the system:* Records in the National Archives cover individuals who are of foreign intelligence or foreign counterintelligence interest to the CIA.

*Categories of records in the system:* Records in the National Archives covered by this notice are central files, OSS station special funds finance records, Washington OSS operation and support records, OSS field office files, OSS Washington/London Special Funds Branch records, and miscellaneous documents, 1941–1951. (NARA Accession Numbers NN3–226–093–001, NN3–226–093–002, and NN3–226–094–001).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the General Notice published by the National Archives and Records Administration in 40 FR 45786 (October 2, 1975).

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Paper records in archival containers.

b. Retrievability: By name.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD, 20740

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States,* which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

8. *System name:* General Personnel Records; File on Position Classification Appeals, Job Grading Appeals, and Retained Grade or Pay Appeals; and Appeal and Administrative Review Records (part of National Archives Record Group 146, Records of the U. S. Civil Service Commission, and part of National Archives Record Group 478, Records of the Office of Personnel Management).

*System location:* National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740, and National Archives Building, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

*Categories of individuals covered by the system:* Records in the National Archives cover current and former Federal employees as defined in 5 U.S.C. 2105, current and former Federal employees who have filed a position classification appeal and a retained grade or pay appeal, and current and former Federal employees of the OPM.

*Categories of records in the system:* Records in the National Archives covered by this notice include the Central Personnel Data File (CPDF), 1977 through 1983, comprising electronic databases of personal and employment-related information on Federal workers. (NARA Accession Numbers NN3–146–093–001, NN3–478–093–002, and NN3–478–094–001). A definitive list of CPDF data elements is contained in Federal Personnel Manual Supplement 293–31, Personnel Data Standards. Also, included are organizational and functional files documenting both internal and external Civil Service Commission operations, policies, and precedents, 1920–1964. (NARA Accession Number NN3–146–094–004).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general

public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(l)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the General Notice published by the National Archives and Records Administration in 40 FR 45786 (October 2, 1975).

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Electronic database stored on magnetic tape. Paper records in archival containers.

b. Retrievability: These records are retrieved by various combinations of name, birth date, social security number, or identification number of the individual on whom they are maintained.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager (for electronic records) is the Assistant Archivist for Special and Regional Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue NW., Washington, DC 20408, and (for textual records) the Assistant Archivist for the National Archives, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

9. *System name:* Criminal Case Files (part of National Archives Record Group 118, Records of U.S. Attorneys and Marshals).

*System location:* National Archives—Mid-Atlantic Region, 9th and Market Streets, Room 1350, Philadelphia, PA 19107; and National Archives—Southeast Region, 1557 St. Joseph Avenue, East Point, GA 30344.

*Categories of individuals covered by the system:* Records in the National Archives cover (a) individuals charged with violations; (b) individuals being investigated for violations; (c) defense counsel(s); (d) information sources; (e) individuals relevant to development of criminal cases; (f) individuals investigated, but prosecution declined; (g) individuals referred to in potential or actual cases and matters of concern to a U.S. attorney's office; and individuals placed into the Department's Pretrial Diversion Program.

*Categories of records in the system:* Records in the National Archives covered by this notice include (in Philadelphia) case files for significant cases, 1970–1978 and 1980–1981. (NARA Accession Numbers 3NS–118–093–008, 3NS–118–093–009, 3NS–118–093–010, and 3NS–118–093–013.) Also (in East Point), a single significant criminal case from Nashville, 1946. (NARA Accession Number 4NS–118–093–011.)

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(l)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Paper records stored in archival containers.

b. Retrievability: Primarily by name of person, case number, complaint or court docket number.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for Special and Regional Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue NW., Washington, DC 20408.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

10. *System name:* Civil Case Files (part of National Archives Record Group 118, Records of U.S. Attorneys and Marshals).

*System location:* National Archives—Mid-Atlantic Region, 9th and Market Streets, Room 1350, Philadelphia, PA 19107.

*Categories of individuals covered by the system:* Records in the National Archives cover (1) individuals being investigated in anticipation of civil suits; (2) individuals involved in civil suits; (3) defense counsel(s); (4) information sources; and (5) individuals relevant to the development of civil suits.

*Categories of records in the system:* Records in the National Archives covered by this notice include case files for significant cases, 1970–1978 and 1980–1981. (NARA Accession Numbers 3NS–118–093–008, 3NS–118–093–009, 3NS–118–093–010, and 3NS–118–093–013.) Also, the case file for *U.S. vs. Riccobene*, 1982. (NARA Accession Number 3NS–118–093–012.)

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(l)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the appendix following this notice.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Paper records stored in archival containers.

b. Retrievability: Primarily by name of person, case number, complaint or court docket number.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for Special and Regional Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue NW., Washington, DC 20408.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

11. *System name:* Records of Participants in Programs and Respondents in Surveys Used to Evaluate Programs of the National Institutes of Health, HHS/NIH/OD (part of National Archives Record Group 443, Records of the National Institutes of Health).

*System location:* National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740.

*Categories of individuals covered by the system:* Records in the National Archives cover those who provide information or opinions that are useful in evaluating programs or activities of the NIH, other persons who have participated in or benefitted from NIH programs or activities; or other persons included in evaluation studies for purposes of comparison.

*Categories of records in the system:* Records in the National Archives covered by this notice include Research Analysis and Evaluation Branch NCI Grant Principal Investigator Files, 1938–1990. Includes resumes, grant summary statements, and progress reports arranged by investigator's name. (NARA Accession Numbers NN3–443–093–005 and NN3–443–093–007).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the General Notice published by the National Archives and Records Administration in 40 FR 45786 (October 2, 1975).

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Paper records in archival containers.

b. Retrievability: Information is retrieved by name and/or participant identification number within each evaluation study.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD, 20740.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

12. *System name:* Personnel Files–TVA (part of National Archives Record Group 142, Records of the Tennessee Valley Authority).

*System location:* National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740.

*Categories of individuals covered by the system:* Records in the National Archives cover current and former TVA employees and applicants for employment.

*Categories of records in the system:* Records in the National Archives covered by this notice include the Human Resource Information System (HRS)–formerly Employee Information System (EIS), Annual Snapshot, 1985–1993, with documentation; unaltered restricted version and public use version. (NARA Accession Numbers NN3–142–92–002 through NN3–142–092–008, NN3–142–094–001, and NN3–142–094–002).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the Appendix following this notice.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Electronic records on magnetic tape. Paper records in archival containers.

b. Retrievability: Records are indexed by name and social security number.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for Special and Regional Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit

the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

13. *System name:* General Files of the Office of the Attorney General (part of National Archives Record Group 60, General Records of the Department of Justice).

*System location:* National Archives Building, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

*Categories of individuals covered by the system:* Records in the National Archives cover individuals who relate to official Federal investigations, policy decisions, and administrative matters of such significance that the Attorney General maintains information indexed to the name of that individual including, but not limited to, subjects of litigation, targets of investigations, members and staff members of Congress, upper echelon government officials, and individuals of national prominence or notoriety.

*Categories of records in the system:* Records in the National Archives covered by this notice include files of Robert L. Keuch, Special Counsel to the Attorney General on the House Select Committee on Assassinations, 1977–1979. (NARA Accession Number NN3–060–092–004).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the General Notice published by the National Archives and Records Administration in 40 FR 45786 (October 2, 1975).

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Paper records in archival containers.

b. Retrievability: Records created before 1975 are indexed and retrieved manually by subject title. Records created since 1975 are indexed and retrieved manually by subject title, individual's name, the department component which created the record, and by name of the Attorney General under whose administration the records were created.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

14. *System name:* Executive Clemency Files (part of National Archives Record Group 204, Records of the Office of the Pardon Attorney).

*System location:* National Archives Building, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

*Categories of individuals covered by the system:* Records in the National Archives cover individuals who have applied for or been granted executive clemency.

*Categories of records in the system:* Records in the National Archives covered by this notice include Pardon Attorney Index/Docket Cards, 1945–1969. (NARA Accession Number NN3–204–092–002).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the Appendix following this notice.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Paper records stored in archival containers.

b. Retrievability: Information is retrieved by reference to the file number assigned to the name of each applicant for clemency.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 8601 Adelphi Rd., College Park, MD 20740.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

15. *System name: Recruiting, Examination, and Placement Records (part of National Archives Record Group 220, Records of Temporary Committees, Commissions, and Boards).*

*System location:* National Archives Building, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

*Categories of individuals covered by the system:* Records in the National Archives cover: (1) Persons who have applied to the office or agencies for federal employment and current and former federal employees submitting applications for other positions in the

federal Service. (2) Applicants for federal employment believed or found to be unsuitable for employment on medical grounds.

*Categories of records in the system:* Records in the National Archives covered by this notice include applications, 1965–1991, and trip reports, 1983–1988, of the Presidential Commission on White House Fellowships. (NARA Accession Number NN3–220–092–002).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the General Notice published by the National Archives and Records Administration in 40 FR 45786 (October 2, 1975).

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Paper records in archival containers.

b. Retrievability: Records are retrieved by the name, date of birth, social security number, and /or identification number assigned to the individual on whom they are maintained.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 8601 Adelphi Rd., College Park, MD 20740.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the Guide to the National Archives of the United States, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

16. *System name:* USAINSCOM Investigative Files System (part of National Archives Record Group 338, Records of U.S. Army Commands).

*System location:* National Archives Building, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

*Categories of individuals covered by the system:* Records in the National Archives cover military personnel of the U.S. Army; civilian employees of the Department of the Army; industrial or contractor personnel; aliens granted limited access authorization to U.S. Defense Information; and DOD alien personnel investigated for visa purposes.

*Categories of records in the system:* Records in the National Archives covered by this notice include requests for investigation and attachments such as personal history statements; fingerprint cards; personnel security questionnaires; waivers for release of credit; medical and/or educational records; and National Agency check requests, 1986–1991. (NARA Accession Number NN3–338–092–001).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(l)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the Appendix following this notice.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. *Storage:* Paper records stored in archival containers.

b. *Retrievability:* Maintained in terminal digit order by dossier number and social security number.

c. *Safeguards:* Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. *Retention and disposal:* Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the Guide to the National Archives of the United States, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

17. *System name:* Indian Student Records-Interior, BIA–22 (part of National Archives Record Group 75, Records of the Bureau of Indian Affairs).

*System location:* National Archives—Pacific Northwest Region, 6125 Sand Point Way, Seattle, WA 98115.

*Categories of individuals covered by the system:* Records in the National Archives cover students or potential students at BIA schools (including contact schools) and applicants for or recipients of BIA scholarships or educational grants.

*Categories of records in the system:* Records in the National Archives covered by this notice include student case files, Portland Area Office, 1960–1972, and Mission Correspondence, Tacoma Indian Hospital, 1932–1942. (NARA Accession Numbers 10NS–075–93–001, and 10NS–075–093–018).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(l)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the General Notice published by the National Archives and Records Administration in 40 FR 45786 (October 2, 1975).

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. *Storage:* Paper records in archival containers.

b. *Retrievability:* Indexed by name of student and filed by student identification number.

c. *Safeguards:* Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. *Retention and disposal:* Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for Special and Regional Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the Guide to the National Archives of the United States, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

18. *System name:* Tribal Rolls-Interior, BIA–7 (part of National Archives Record Group 75, Records of the Bureau of Indian Affairs).

*System location:* National Archives—Pacific Northwest Region, 6125 Sand Point Way, Seattle, WA 98115.

*Categories of individuals covered by the system:* Records in the National Archives cover individual Indians who are applying for or have been assigned interests of any kind in Indian tribes, bands, pueblos or corporations.

*Categories of records in the system:* Records in the National Archives covered by this notice include Tribal operation service files (claims), Portland Area Office, 1972. (NARA Accession Number 10NS–075–093–003).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 FR part 1256 and in the General Notice published by the National Archives and Records Administration in 40 FR 45786 (October 2, 1975).

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Paper records stored in archival containers.

b. Retrievability: Indexed by name, identification numbers, family numbers, etc.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for Special and Regional Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the Guide to the National Archives of the United States, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

19. *System name:* Employment Assistance Case Files-Interior, BIA–23 (part of National Archives Record Group 75, Records of the Bureau of Indian Affairs).

*System location:* National Archives—Pacific Northwest Region, 6125 Sand Point Way, Seattle, WA 98115.

*Categories of individuals covered by the system:* Records in the National Archives cover individual Indians who are given assistance in connection with direct employment service or adult vocational training.

*Categories of records in the system:* Records in the National Archives covered by this notice include employment assistance case files, Portland Area Office, 1960–1971. (NARA Accession Numbers 10NS–075–093–005, and 10NS–075–093–006).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(l)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the General Notice published by the National Archives and Records Administration in 40 FR 45786 (October 2, 1975).

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Paper records stored in archival containers.

b. Retrievability: Indexed alphabetically by name of applicant and/or recipient.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for Special and Regional Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States*, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives

research facilities listed in 36 CFR part 1253.

20. *System name:* USNA Applicants, Candidates, and Midshipmen Records (part of National Archives Record Group 405, Records of the U.S. Naval Academy).

*System location:* National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740.

*Categories of individuals covered by the system:* Records in the National Archives cover applicants and candidates for admission and naval academy midshipmen.

*Categories of records in the system:* Records in the National Archives covered by this notice include records relating to courses and the Student Identification and Student Education databases for the U.S. Naval Academy classes of 1991–1993. (NARA Accession Numbers NN3–405–094–002, NN3–405–094–003, and NN3–405–094–004).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the Appendix following this notice.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Electronic records on magnetic tape. Paper records stored in archival containers.

b. Retrievability: Records can be retrieved from data base by selection of any data element, e.g., name, address, alpha code, six digit candidate number, or social security number, etc.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for Special and Regional Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States,* which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

21. *System name:* Principal Investigator/Proposal File and Associated Records (part of National Archives Record Group 307, Records of the National Science Foundation).

*System location:* National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740.

*Categories of individuals covered by the system:* Records in the National Archives cover certain persons who received support from the National Science Foundation, either individually or through an academic institution.

*Categories of records in the system:* Records in the National Archives covered by this notice include Proposal and Award System Magnetic Media, 1989. (NARA Accession Number NN3–307–094–001). *Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the Appendix following this notice.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Electronic records on magnetic tape.

b. Retrievability: Information can be accessed from the computer database by addressing data contained in the database, including individual names.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for Special and Regional Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the *Guide to the National Archives of the United States,* which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

22. *System name:* 1988 Physician's Practice Costs and Incomes Survey, HHS/HCFA/ORD, (Geographic Cost of Practice Index) (part of National Archives Record Group 440, Records of the Health Care Financing Administration).

*System location:* National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740.

*Categories of individuals covered by the system:* Records in the National Archives cover a sample of at least 5,000 physicians who provide patient care at least 20 hours per week in either an office or hospital based setting, and who live in the 50 United States and the District of Columbia.

*Categories of records in the system:* Records in the National Archives covered by this notice include data tapes and documentation for the Physician's Practice Costs and Incomes Survey (PPCIS), 1988. (NARA Accession Number NN3–440–094–001).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the Appendix following this notice.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Paper records stored in archival containers. Electronic records on magnetic tape.

b. Retrievability: Information will be retrieved by a unique identifier assigned by the contractor to each physician record.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for Special and Regional Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the Guide to the National Archives of the United States, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

23. *System name:* Physician's Practice Costs and Incomes Survey, HHS/HCFA/ORD, (Medicare Economic Index) (part of National Archives Record Group 440, Records of the Health Care Financing Administration).

*System location:* National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740.

*Categories of individuals covered by the system:* Records in the National Archives cover a sample of 5,000 physicians who provide patient care at least 20 hours per week in either an office or hospital based setting, and who live in the 50 United States and the District of Columbia.

*Categories of records in the system:* Records in the National Archives covered by this notice include data tapes and documentation for the Physician's Practice Costs and Incomes Survey (PPCIS), 1983. (NARA Accession Number NN3–440–094–002).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the Appendix following this notice.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Paper records stored in archival containers. Electronic records on magnetic tape.

b. Retrievability: Information will be retrieved by a unique identifier assigned by the contractor to each physician record.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for Special and Regional Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW, Washington, DC 20408.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the Guide to the National Archives of the United States, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

*24. System name:* Secretary's Correspondence Control System (part of National Archives Record Group 207, General Records of the Department of Housing and Urban Development).

*System location:* National Archives at College Park, 8601 Adelphi Road, College Park, MD, 20740.

*Categories of individuals covered by the system:* Records in the National Archives cover (1) individuals who correspond with the Secretary or the Under Secretary, (2) individuals whose correspondence has been referred by the White House, other executive agencies, or members of congress to the Secretary or Under Secretary for response.

*Categories of records in the system:* Records in the National Archives covered by this notice include subject correspondence and a correspondence index, 1960–1978. (NARA Accession Numbers NN3–207–094–002 and NN3–207–094–003).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(l)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the Appendix following this notice.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Paper records stored in archival containers.

b. Retrievability: Name, control number, name of person referring correspondence, return address on letters, organization name, title, date of letter, subject of letter, office assigned, date due, and current disposition.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the

records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the Guide to the National Archives of the United States, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

25. *System name:* Berlin Document Center Records (part of National Archives Record Group 242, National Archives Collection of Foreign Records Seized).

*System location:* National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740.

*Categories of individuals covered by the system:* Records in the National Archives cover individuals associated with former government, organization, or party apparatus, of the Third Reich.

*Categories of records in the system:* Records in the National Archives covered by this notice include records of the Berlin Document Center, consisting of approximately 39,358 reels of master negative microfilm of captured and seized German records, as well as associated finding aids, reference materials, and administrative files. (NARA Accession Number NN3–242–094–001).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(1)(l)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the Appendix following this notice.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Microfilm and paper in archival containers.

b. Retrievability: By individual name.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for the National Archives, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the Guide to the National Archives of the United States, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

26. *System name:* Current Research Information System (CRIS), USDA/CSRS (part of National Archives Record Group 164, Records of the Cooperative State Research Service).

*System location:* National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740.

*Categories of individuals covered by the system:* Records in the National Archives cover scientists listed on research projects entered into the CRIS.

*Categories of records in the system:* Records in the National Archives covered by this notice include electronic records containing detailed data on Current Research Information System (CRIS) Projects, 1993. (NARA Accession Number NN3–164–094–001).

*Routine uses of records maintained in the system, including categories of users and the purpose of such uses:* Reference by Government officials, scholars, students, and members of the general public. The records in the National Archives of the United States are exempt from the Privacy Act of 1974 except for the public notice required by 5 U.S.C. 552a(l)(1)(3). Further information about uses and restrictions may be found in 36 CFR part 1256 and in the Appendix following this notice.

*Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:*

a. Storage: Electronic records on magnetic tape.

b. Retrievability: Records can be retrieved by name of project leader or co-investigator.

c. Safeguards: Records are kept in locked stack areas accessible only to authorized personnel of the National Archives.

d. Retention and disposal: Records are retained permanently.

*System manager and address:* The system manager is the Assistant Archivist for Special and Regional Archives, National Archives and Records Administration, 7th and Pennsylvania Avenue, NW., Washington, DC 20408.

*Notification procedures:* Individuals desiring information from or about these records should direct inquiries to the system manager.

*Records access procedures:* Upon request, the National Archives will attempt to locate specific records about individuals and will make the records available subject to the restrictions set forth in 36 CFR part 1256. Enough information must be provided to permit the National Archives to locate the records in a reasonable amount of time. Records in the National Archives may not be amended and requests for amendment will not be considered. More information regarding access procedures is available in the Guide to the National Archives of the United States, which is sold by the Superintendent of Public Documents, Government Printing Office, Washington, DC 20402, and may be consulted at the National Archives research facilities listed in 36 CFR part 1253.

## Appendix—General Statement About Uses and Restrictions

A record from an accessioned system of records may be made available to any person who has applied for and received a researcher identification card. No special qualifications are required in order to use the records of the National Archives. Rule governing the use of records and procedures for applying for research cards are found in 36 CFR part 1254. However, the use of some of the records is subject to restrictions imposed by statute or Executive order, or by the restrictions specified in writing in accordance with 44 U.S.C. 2108 by the transferring agency. Restrictions currently in effect on access to particular records that have been specified by the transferring agency are known as ''specific restrictions.'' Restrictions on access that may apply to more than one record group are termed ''general restrictions.'' They are applicable to the kinds of information or classes of accessioned records designated regardless of the record group to which they have been allocated or the specific system of records in which they are contained. The restrictions are published in the

''Guide to the National Archives of the United States'' and supplemented by restriction statements approved by the Archivist of the United States and set forth in 36 CFR part 1256.

Dated: May 31, 1995.

**Trudy Huskamp Peterson,**

*Acting Archivist of the United States.*

[FR Doc. 95–14097 Filed 6–8–95; 8:45 am]

BILLING CODE 7515–01–W

## NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

### Principles of Public Information

**AGENCY:** National Commission on Libraries and Information Science.

**ACTION:** Request for comments.

**SUMMARY:** In 1989 and 1990 the National Commission on Libraries and Information Science (NCLIS) developed and adopted Principles of Public Information and offered them as a foundation for governmental decisions about public information, for use in developing information policies, and for use in creating, using, disseminating and preserving public information. The Commission is reviewing these Principles of Public Information and invites public comment on their current application, relevance and usability.

**DATES:** Comments should be received by July 15, 1995.

**ADDRESSES:** All comments should be sent to Peter R. Young, Executive Director NCLIS, 1110 Vermont Avenue, NW., Suite 820, Washington, DC 20005–3522. Comments can be sent by fax to 202/606–9203. Comments can be sent by electronic mail to py__nclis@inet.ed.gov.

**FOR FURTHER INFORMATION CONTACT:** Peter R. Young or Jane Williams, tel. 202/606–9200.

**SUPPLEMENTARY INFORMATION:** Following are the principles as adopted by the Commission on June 29, 1990.

### Principles of Public Information

*Preamble*

From the birth of our nation, open and uninhibited access to public information has ensured good government and a free society. Public information helps to educate our people, stimulate our progress and solve our most complex economic, scientific and social problems. With the coming of the Information Age and its many new technologies, however, public information has expanded so quickly that basic principles regarding its creation, use and dissemination are in danger of being neglected and even forgotten.

The National Commission of Libraries and Information Science, therefore, reaffirms that the information policies of the U.S. government are based on the freedoms guaranteed by the constitution, and on the recognition of public information as a national resource to be developed and preserved in the public interest. We define public information as information created, compiled and/or maintained by the Federal Government. We assert that public information is information owned by the people, held in trust by their government, and should be available to the people except where restricted by law. It is in this spirit of public ownership and public trust that we offer the following Principles of Public Information.

*Principles*

1. The Public Has the Right of Access to Public Information

Government agencies should guarantee open, timely and uninhibited access to public information except where restricted by law. People should be able to access public information, regardless of its format, without any special training or expertise.

2. The Federal Government Should Guarantee the Integrity and Preservation of Public Information, Regardless of its Format

By maintaining public information in the face of changing times and technologies, government agencies assure the government's accountability and the accessibility of the government's business to the public.

3. The Federal Government Should Guarantee the Dissemination, Reproduction, and Redistribution of Public Information

Any restriction of dissemination or any other function dealing with public information must be strictly defined by law.

4. The Federal Government Should Safeguard the Privacy of Persons Who Use or Request Information, as Well as Persons About Whom Information Exists in Government Records

5. The Federal Government Should Ensure a Wide Diversity of Sources of Access, Private as Well as Governmental, to Public Information

Although sources of access may change over time and because of advances in technology, government agencies have an obligation to the public to encourage diversity.

6. The Federal Government Should Not Allow Cost to Obstruct the People's Access to Public Information

Costs incurred by creating, collecting and processing information for the government's own purposes Should not be passed on to people who wish to utilize public information.

7. The Federal Government Should Ensure that Information About Government Information is Easily Available and in a Single Index Accessible in a Variety of Formats

The government index of public information should be in addition to inventories of information kept within individual government agencies.

8. The Federal Government Should Guarantee the Public's Access to Public Information, Regardless of Where They Live and Work, through National Networks and Programs like the Depository Library Program

Government agencies should periodically review such programs as well as the emerging technology to ensure that access to public information remains inexpensive and convenient to the public

*Conclusion*

The National Commission on Libraries and Information Science offers these Principles of Public Information as a foundation for the decisions made throughout the Federal Government and the nation regarding issues of public information. We urge all branches of the Federal Government, state and local governments and the private sector to utilize these principles in the development of information policies and in the creation, use, dissemination and preservation of public information. We believe that in so acting, they will serve the best interests of the nation and the people in the Information Age.

*Invitation to Comment*

Interested persons are invited to submit comments and recommendations regarding these principles. All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in Suite 820, 1100 Vermont Ave., NW., Washington, DC from 8:30 a.m.–4 p.m., Monday through Friday, except Federal holidays.

Dated: June 1, 1995.

**Peter R. Young,**

*NCLIS Executive Director.*

[FR Doc. 95–14091 Filed 6–8–95; 8:45 am]

BILLING CODE 7527–01–M

## NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

### National Endowment for the Arts; Expansion Arts Advisory Panel: Overview Section

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 (Overview Section) to the National Council on the Arts will be held on June 27, 1995 from 9 a.m. to 4:30 p.m. This meeting will be held in Room M–07, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 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, DC 20506, 202/682–5532, TYY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

Dated: June 2, 1995.

**Yvonne M. Sabine,**

*Director, Office of Council and Panel Operations, National Endowment for the Arts.*

[FR Doc. 95–14141 Filed 6–8–95; 8:45 am]

BILLING CODE 7537–01–M

### National Endowment for the Arts; President's Committee on the Arts and the Humanities: Meeting XXXIII

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 President's Committee on the Arts and the Humanities will be held on June 27, 1995 from 1:30 p.m. and will conclude no later than 5 p.m. This meeting will be held in Room M–09, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting will be open to the public on a space available basis and will feature presentations on cultural tourism by Harvey Golub, the chairman and chief executive officer of the American Express Company, Irene Hirano, the director of the Japanese American National Museum and Richard Moe, the president of the National Trust for Historic Preservation. In addition, Jaroslav Pelikan, Sterling Professor of History at Yale University and a member of the President's Committee, will speak on the importance of the humanities in American life. The agenda of topics for the plenary session is subject to revision.

The President's Committee on the Arts and the Humanities was created by Executive Order in 1982 to advise the President, the two Endowments, and the IMS on measures to encourage private sector support for the nation's cultural institutions and to promote public understanding of the arts and the humanities.

If, in the course of discussion, it becomes necessary for the Committee to discuss nonpublic commercial or financial information of intrinsic value, the Committee will go into closed session pursuant to subsection (c)(4) of the Government in the Sunshine Act, 5 U.S.C. 552b.

Any interested persons may attend, as observers, on a space available basis, Committee discussions which are open to the public. For a copy of the agenda or more information about the agenda or more information about the meeting, please write to the President's Committee at 1100 Pennsylvania Avenue, NW., Suite 526, Washington, DC 20506 or phone 202/682–5409. The Committee's fax number is 202/682–5668.

Dated: June 5, 1995.

**Yvonne M. Sabine,**

*Director, Council & Panel Operations, National Endowment for the Arts.*

[FR Doc. 95–14140 Filed 6–8–95; 8:45 am]

BILLING CODE 7537–01–M

## NATIONAL MEDIATION BOARD

### Notice of Appointment of Members to the Performance Review Board

Notice is hereby given in accordance with 5 USC 4314 of the membership of the National Mediation Board's Performance Review Board. The members are as follows:

Ms. Magdalena G. Jacobsen, Member, National Mediation Board, Washington, DC

Mr. Gary J. Edles, General Counsel, Administrative Conference of the United States, Washington, DC

Mr. John C. Truesdale, Executive Secretary, National Labor Relations Board, Washington, DC

**EFFECTIVE DATE:** June 6, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Gerilyn E. Johnson, Chief Operating Officer, 1301 K Street, NW., Washington, DC 20572, (202) 523–5950.

By direction of the National Mediation Board.

**Gerilyn E. Johnson,**

*Chief Operating Officer.*

[FR Doc. 95–14158 Filed 6–8–95; 8:45 am]

BILLING CODE 7550–01–M

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Civil and Mechanical Systems; Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting(s):

*Name and Committee Code:* Special Emphasis Panel in Civil and Mechanical Systems (#1205).

*Date & Time:* June 29 & 30, 1995, 8:30 a.m. to 5:00 p.m.

*Place:* Holiday Inn at Ballston, I–66 & Glebe Road, 4610 North Fairfax Drive, Clarendon Rm. & Fairfax/Glebe Rm., Arlington, VA 22203. Telephone: 703–243–0103.

*Contact:* Dr. John B. Scalzi, Program Director, Large Structural and Building Systems, National Science Foundation, 4201 Wilson Boulevard, Arlington VA 22230, Room 545, Telephone: 703–306–1361.

*Type of Meetings(s):* Closed.

*Purpose of Meetings(s):* To provide advice and recommendations concerning the Large Structural and Building Systems program proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate proposals submitted to the Division of Civil and Mechanical Systems 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: June 5, 1995.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 95–14095 Filed 6–8–95; 8:45 am]

BILLING CODE 7555–01–M

### Committee on Equal Opportunities in Science and Engineering; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–

463, as amended), the National Science Foundation announces the following meeting:

*Name:* Committee on Equal Opportunities in Science and Engineering (CEOSE) (1173).

*Date and Time:* June 28, 1995, 10 a.m.–5 p.m. (Open); June 29, 1995, 8:30 a.m.–5 p.m. (Open); June 30, 1995, 8:30 a.m.–12 Noon (Open).

*Place:* Room 375, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

*Type of Meeting:* Open.

*Contact Person:* Wanda E. Ward, Executive Secretary, CEOSE, National Science Foundation, 4201 Wilson Boulevard, Room 805, Arlington, VA 22230. Telephone: (703) 306–1604.

*Summary Minutes:* May be obtained from the Executive Secretary at the above address.

*Purpose of Meeting:* To discuss national policy issues, including the importance of science, engineering to the national interest; to discuss future directions of the university for the twenty-first century; and to discuss the participation rates of all segments of society in science and engineering at NSF and in its programs.

*Summary Agenda:* June 28: 10 a.m. to 5 p.m.—Sessions to discuss national policy issues, future directions of the university system and the participation rates of all segments of society at NSF and in its programs; 5 p.m.—Reception, Room 375; June 29: 8:30 a.m. to 5 p.m.—Continuation of sessions to discuss national policy issues, future directions of the university system, and the participation rates of all segments of society at NSF and in its programs; June 30: 8:30 a.m. to 12 Noon—Committee deliberations; discussion of NSF future directions.

Dated: June 5, 1995.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 95–14094 Filed 6–8–95; 8:45 am]

BILLING CODE 7555–01–M

## NUCLEAR REGULATORY COMMISSION

**[Docket Nos. 50–334 and 50–412**

## Duquesne Light Company; et al.; Beaver Valley Power Station, Unit Nos. 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations to Facility Operating License Nos. DPR–66 and NPF–73, issued to Duquesne Light Company et al. (the licensee), for operation of the Beaver Valley Power Station, Unit Nos. 1 and 2, located in Beaver County, Pennsylvania.

### Identification of the Proposed Action

The proposed action is in accordance with the licensee's application dated February 4, 1994, for exemption from certain requirements of paragraph III.D.2(b)(ii) of 10 CFR Part 50, Appendix J. The proposed exemption would allow substitution of local leak rate testing (where the design permits)in lieu of an overall airlock leakage test which would otherwise be required after performing maintenance on the air lock. The air lock components for which this exemption would be applicable would be those where the design of the affected component(s) would permit local leak testing at a pressure of not less than Pa (the calculated peak containment internal pressure related to the design basis accident and specified either in the technical specification or associated bases). The use of the words ''where the design permits'' is intended to require that two criteria be satisfied if the proposed exemption is applied. The first criterion, is that any component which has had maintenance performed on it have local leak rate test provisions included into its design. The second criterion is that the method for measuring the component's local leak rate must be equivalent to or more conservative than the method which would be used on that component during performance of an overall air lock leakage test.

### *The Need for the Proposed Action*

Paragraph III.D.2.(b)(ii) of 10 CFR Part 50, Appendix J, requires licensees to perform an overall air lock leak test at Pa at the end of periods during which the air lock has been opened when containment integrity was not required. Performance of an overall air lock leak test requires 4 to 6 hours and results in additional occupational radiation exposures. The time required to perform overall tests at the conclusion of a plant shutdown can result in delaying plant restart. Application of the proposed exemption would be applicable only to those air lock components provided with local leak rate testing capabilities and for which the leak rate does not exceed the leak rate that has been measured on that component during performance of previous acceptable overall air lock leakage tests. Therefore, local leak rate tests provide adequate assurance that the offsite doses following a design basis accident will be within acceptable limits.

### *Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the licensee's application. The proposed exemption will not increase the probability or consequences of accidents. The probability of accidents is not increased because the air locks do not affect the initiation of any design basis accident. The consequences of an accident are not increased because the component local leak rates will not be permitted to exceed the leak rate which would be measured on that component during performance of the overall air lock leakage test. No changes are being made in the types of any radioactive effluents that may be released offsite as a result of the proposed exemption, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not effect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

### *Alternatives to the Proposed Action*

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated, As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

### *Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Beaver Valley Power Station Units Nos. 1 and 2.

### *Agencies and Persons Consulted*

In accordance with its stated policy, on May 9, 1995, the staff consulted with the Pennsylvania State official, Robert C. Maiers of the Bureau of Radiation Protection, Department of Environmental Resources, regarding the environmental impact of the proposed action. The State official had no comments.

### Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated February 4, 1994, 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 B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Dated at Rockville, Maryland, this 2nd day of June 1995.

For the Nuclear Regulatory Commission.

**John F. Stolz,**

*Director, Project Directorate I–2 Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 95–14156 Filed 6–8–95; 8:45 am]

BILLING CODE 7590–01–M

## Proposed Generic Letter; Relocation of the Pressure Temperature Limit Curves and Low Temperature Overpressure System Limits; Correction

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of opportunity for public comment, correction.

**SUMMARY:** This document corrects a general notice appearing in the **Federal Register** on June 2, 1995 (60 FR 28805), that requested public comment on a draft generic letter that would allow licensees to voluntarily relocate the pressure temperature limit curves and low temperature overpressure protection system limits from the technical specifications to a licensee-controlled document. This action is necessary to correct the inadvertent omission of a line of document text.

**FOR FURTHER INFORMATION CONTACT:** Maggalean W. Weston, Technical Specification Branch, Division of Project Support, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Telephone (301) 415–3151.

**SUPPLEMENTARY INFORMATION:** On page 28807, the first and second sentences of the first full paragraph in the first column are corrected to read as follows:

''As required by Appendix G to Part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), operating P/T limits are calculated and adhered to by plant operations personnel to ensure that fracture toughness requirements for the RCPB are maintained. Further, in accordance with Appendix H to 10 CFR Part 50, specimens of reactor vessel material are installed near the inside reactor vessel wall and are withdrawn on a schedule to provide date on the effects of radiation fluence and the thermal environment on the vessel material.''

Dated at Rockville, Maryland, this 5th day of June, 1995.

**Michael T. Lesar,**

*Chief, Rules Review Section, Office of Administration.*

[FR Doc. 95–14155 Filed 6–8–95; 8:45 am]

BILLING CODE 7590–01–M

## POSTAL RATE COMMISSION

**[Docket No. A95–13; Order No. 1061]**

## Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. 404(b)(5) (Issued June 2, 1995)

Before Commissioners: Edward J. Gleiman, Chairman; W. H. ''Trey'' LeBlanc III, Vice-Chairman; George W. Haley; H. Edward Quick, Jr.; Wayne A. Schley.

In the Matter of: Erwin, South Dakota 57233 (Lois C. Penn, Petitioner).

*Docket Number:* A95–13.

*Name of Affected Post Office:* Erwin, South Dakota 57233.

*Name(s) of Petitioner(s):* Lois C. Penn.

*Type of Determination:* Consolidation.

*Date of Filing of Appeal Papers:* May 30, 1995.

*Categories of Issues Apparently Raised:*

1. Effect on postal services [39 U.S.C. 404(b)(2)(C)].

2. Effect on the community [39 U.S.C. 404(b)(2)(A)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. 404 (b)(5)). In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 20 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions, any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

### The Commission Orders

(a) The Postal Service shall file the record in this appeal by June 14, 1995.

(b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the **Federal Register**.

By the Commission.

**Margaret P. Crenshaw,**

*Secretary.*

### Appendix

May 30, 1995—Filing of Appeal letter.

June 2, 1995—Commission Notice and Order of Filing of Appeal.

June 26, 1995—Last day of filing of petitions to intervene (*see* 39 CFR 3001.111(b)).

July 5, 1995—Petitioner's Participant Statement or Initial Brief (*see* 39 CFR 3001.115 (a) and (b)).

July 24, 1995—Postal Service's Answering Brief (*see* 39 CFR 3001.115(c)).

August 8, 1995—Petitioner's Reply Brief should Petitioner choose to file one (*see* 39 CFR 3001.115(d)).

August 15, 1995—Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings (*see* 39 CFR 3001.116).

September 27, 1995—Expiration of the Commission's 120-day decisional schedule (*see* 39 USC 404(b)(5)).

[FR Doc. 95–14145 Filed 6–8–95; 8:45 am]

BILLING CODE 7710–FW–P

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–35797; File No. SR–Amex–95–15]**

## Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 to Proposed Rule Change by the American Stock Exchange, Inc. Relating to the Solicitation of Options Transactions

June 1, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 22, 1995, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the

[1] 15 U.S.C. 78s(b)(1) (1988).

proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. The Exchange filed Amendment No. 1 to the proposed rule change on May 30, 1995.[2] 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 Amex proposes to amend its Rule 950(d), Commentary .03, to modify the manner in which members solicit other members to participate in options transactions.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

### *(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

In 1989, the Exchange adopted its solicitation rule[3] to govern the manner in which members may solicit other members and non-member broker dealers to participate in options transactions. Generally, members solicit participation in large size orders and orders that might contain complex terms and conditions, including orders involving both stock and options. Currently, if the solicited party is a broker dealer other than a registered trader, the rule permits the solicitation of such a broker dealer to participate in trades without first attempting to determine whether the trading crowd wishes to participate. The rule had sought to reconcile the growing practice of soliciting participation in orders outside of trading crowds with the rules and practices of the auction market. Since its adoption, the rule has operated successfully and has helped in giving fair and equal access to information regarding solicited transactions to participants in trading crowds and has resulted in more competitive markets and executions for customers at the best available prices.

Specifically, the rule permits the solicitation of on-floor and off-floor members outside of a trading crowd to participate as the contra-side of an order only if the trading crowd is given (1) the same information about the options order as is given to the solicited party; and (2) a reasonable opportunity to accept the bid or offer before the solicited party participates in the transaction. However, with respect to the solicitation of a registered options trader, the soliciting member must also disclose to the trading crowd, prior to the solicitation, the same terms and conditions as will be disclosed to the solicited registered options trader.

The Exchange now seeks to modify the rule to eliminate the difference in how the rule is applied to the solicitation of registered options traders. Members who are engaged in the practice of soliciting orders indicate that it is difficult, at times, to determine prior to the solicitation whether the solicited party is a registered options trader. Such a determination is important for a soliciting member seeking to adhere to the rule requirement that the trading crowd be notified of the terms of an order prior to solicitation of a registered options trader. Rather than chance violating the Exchange's rule, these members advise that in the case of multiple traded options, they frequently seek to trade at another options exchange whose solicitation rule does not differentiate between broker dealers other than registered traders, and registered traders.

Therefore, the Exchange seeks to eliminate the requirement that a soliciting member first disclose to a trading crowd the terms and conditions of the order prior to the solicitation of a registered trader. The Exchange believes that if trading crowds are given a reasonable opportunity to accept the bid or offer,[4] after the terms and conditions of the order are announced, then it is not necessary for the soliciting member to disclose those terms and conditions to the trading crowd prior to soliciting a registered options trader. Once other market participants are given a reasonable opportunity to accept the bid or offer, the solicited party may accept all or any remaining part of such order, or the member may cross all or any remaining part of the originating order with the solicited party at such bid or offer by announcing that the member is crossing the orders and stating the quantity and price.

The Exchange also proposed to add language to its solicitations rule to make it clear that non-solicited market participants and floor brokers holding non-solicited discretionary orders in the trading crowd will have priority over the solicited party or the solicited order to trade with the original order at the best bid or offer price subject to the precedence rules set forth in Rule 155.[5]

Finally, the Exchange proposes to codify its policy that its solicitation rule also applies to the solicitation of non-member broker dealers.

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b)(5) in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

### *(B) Self-Regulatory Organization's Statement on Burden on Competition*

The Amex believes that the proposed rule change will not impose any burden on competition.

### *(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

Written comments on the proposed rule change were neither solicited nor received.

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[2] Amendment No. 1 concerns the priority of non-solicited market participants and floor brokers in the trading crowd over solicited parties or solicited orders. In addition, Amendment No. 1 makes certain minor technical and clarifying modifications to the proposed changes to Amex Rule 950(d), Commentary .03. *See* letter from Claire P. McGrath, Managing Director and Special Counsel, Derivative Securities, Amex, to Michael Walinskas, Branch Chief, Division of Market Regulation, Commission, dated May 26, 1995 (''Amendment No. 1'').

[3] Securities Exchange Act Release No. 26947 (June 19, 1989), 54 FR 26869 (approving Amex Rule 950(d), Commentary .03).

[4] Since the size and complexity of orders for options can vary widely, the phrase ''reasonable opportunity to accept the bid and offer'' has not been specifically defined. However, the Exchange has determined that the following factors should be considered when deciding whether a reasonable opportunity has been given: (1) size and complexity of the order; (2) ease of executing hedging transactions in the underlying stock; and (3) effect of the options order on the positions held by participants in the trading crowd.

[5] *See* Amendment No. 1, *supra* note 2. Amex Rule 155 generally provides that a specialist shall give precedence to orders entrusted to him as an agent in any stock in which he is registered before executing at the same price any purchase or sale in the same stock for an account in which he has an interest.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, 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 Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File No. SR–Amex–95–15 and should be submitted by June 30, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 95–14120 Filed 6–8–95; 8:45 am]

**BILLING CODE 8010–01–M**

[6] 17 CFR 200.30–3(a)(12) (1994).

**[Release No. 34–35802; File No. SR-Amex-95–20]**

## Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the American Stock Exchange, Inc. Relating to the Listing and Trading of Indexed Term Notes

June 2, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 30, 1995, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Amex. 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 Exchange proposes to approve for listing and trading under Section 107A of the Amex Company Guide (''Guide''), Indexed Term Notes (''Notes''), the return on which is based in whole or in part on changes in the value of twenty-four (24) equity securities of companies that have been identified by the underwriter as ''consolidation candidates'' (''Index'').[1] The text of the proposed rule change is available at the Office of the Secretary, the Amex, and at the Commission.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

[1] The components of the Index are: Agouron Pharmaceuticals, Inc; Biogen, Inc.; Campbell Soup Co.; Crestar Financial Corp.; Electronic Arts, Inc.; H.J. Heinz Co.; Healthcare Compare Corp.; Integra Financial Corp.; McCormick & Co.; Mercantile Bancorporation; Mesa, Inc.; Midlantic Corp.; Inc.; Money Store, Inc.; Multicare Companies, Inc.; Oryx Energy Co.; Physician Corp. of America; Protein Design Labs, Inc.; Quaker Oats Co.; Santa Fe Energy Resources; Sierra Health Services; Triton Energy Corp.; United Financial Corp.; Upjohn Co.; and Vertex Pharmaceuticals, Inc.

*(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change*

Under Section 107A of the Guide, the Exchange may approve for listing and trading securities which cannot be readily categorized under the listing criteria for common and preferred stocks, bonds, debentures, or warrants.[2] The Amex now proposes to list for trading, under Section 107A of the Guide, Notes whose value is based in whole or in part on the value of the Index.

The Notes will be non-convertible debt securities and will conform to the listing guidelines under section 107A of the Guide.[3] The Notes will have a term of three years from the date of issue.[4] Additionally, the Notes will provide that at maturity, holders will receive not less than 90% of the initial issue price of the Notes. Prior to the commencement of listing and trading of the Notes, the Exchange will distribute a circular to its membership providing guidance with regard to member firm compliance responsibilities, including appropriate suitability criteria and/or guidelines.

*Eligibility Standards for Index Components*

The AMEX represents that at the time of issuance of the Notes, each security in the Index will satisfy the following criteria: (1) A minimum market capitalization of $75 million, except that up to 10% of the component securities may have a market capitalization of not less than $50 million; (2) average monthly trading volume for the six months prior to the offering of the Notes of not less than one million shares, except that up to 10% of the component securities may have an average monthly trading volume of 500,000 shares or more for the six months prior to the offering; (3) 90% of the Index's

[2] See Securities Exchange Act Release No. 27753 (March 1, 1990), 55 FR 8626 (March 8, 1990).

[3] Specifically, issuances of securities pursuant to § 107A of the Guide must have: (1) A minimum public distribution of one million trading units; (2) a minimum of 400 holders; (3) an aggregate market value of at least $4 million; and (4) a term of at least one year. Additionally, the issuers must have assets of at least $100 million, stockholders' equity of at least $10 million, and pre-tax income of at least $750,000 in the last fiscal year or in two of the three prior fiscal years. As an alternative to these financial criteria, the issuer may have either: (1) Assets in excess of $200 million and stockholders' equity in excess of $10 million; or (2) assets in excess of $100 million and stockholders' equity in excess of $20 million.

[4] The Commission notes that the value of the Index at maturity will not be adjusted to account for ordinary cash dividends paid on the component securities during the term of the Notes.

numerical Index value and at least 80% of the total number of component securities will meet the then current criteria for standardized options trading set forth in Exchange Rule 915; and (4) all component stocks will (i) either be listed on the Amex, the New York Stock Exchange, or will be National Market securities traded through the facilities of Nasdaq and (ii) be subject to last sale reporting pursuant to Rule 11Aa–3 of the Act.

*Index Calculation*

The Index will be calculated using an ''equal dollarweighting'' methodology designed to ensure that each of the component securities is represented in an approximately equal dollar amount in the Index at the time the Notes are issued. To create the Index, a portfolio of the securities comprising the Index will be established by the issuer representing an investment of a specified dollar amount in each component security (rounded to the nearest whole share). The value of the Index will equal the current market value of the sum of the assigned number of shares of each of the component securities divided by the current Index divisor. The Index divisor will initially be set to provide a benchmark value of 100.00 at the close of trading on the day preceding the issuance of the Notes.

The number of shares of each component stock in the Index will remain fixed except in the event of certain types of corporate actions such as the payment of a dividend (other than an ordinary cash dividend), a stock distribution, stock split, reverse stock split, rights offering, distribution, reorganization, recapitalization, or similar event with respect to the component securities. The number of shares of each component security may also be adjusted, if necessary, in the event of a merger, consolidation, dissolution, or liquidation of an issuer or in certain other events such as the distribution of property by an issuer to shareholders. Shares of a component security may be replaced (or supplemented) with other securities under certain circumstances, such as the conversion of a component stock into another class of security, or the spin-off of a subsidiary. If the security remains in the Index, the number of shares of that security may be adjusted, to the nearest whole share, to maintain the component's relative weight in the Index at the level immediately prior to the event(s) discussed above.[5] In all cases, the divisor will be adjusted, if necessary, to ensure continuity of the value of the Index. In the event that a security in the Index is canceled due to a corporate consolidation and the holders of such security receive cash, the cash value of that security will be included in the Index and will accrue interest at LIBOR to term, compounded daily.

The value of the Index will be calculated continuously by the Amex and disseminated every 15 seconds over the Consolidated Tape Association's Network B.

*Payment at Maturity*

The Notes will provide for a single payment at maturity, *i.e.*, there will be no periodic interest payments. The Notes will entitle the holder, upon maturity, to receive an amount based upon the percentage change between the ''original portfolio value'' and the ''average portfolio value,'' provided, however that the amount payable at maturity will not be less than 90% of the principal amount of the Notes. The ''original portfolio value'' is the closing level of the Index on the day immediately preceding the issuance of the Notes. The ''average portfolio value'' is the average of the closing values of the Index on the last trading day of each of the last 30 months of the term of the Notes.

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(5) in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The Amex does not believe that the proposed rule change will impose any inappropriate 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 were solicited or received with respect to the proposed rule change.

*III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action*

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether, the proposed rule change should be disapproved.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, 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 Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–95–20 and should be submitted by June 30, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 95–14192 Filed 6–8–95; 8:45 am]

BILLING CODE 8010–01–M

[5] The issuer will not attempt to find a replacement stock or compensate for the extinction of a security due to bankruptcy or a similar event.

[6] 17 CFR 200.30–3(a) (12) (1994).

**[Release No. 34–35800; File No. SR–BSE–95–10]**

## Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Boston Stock Exchange, Inc., Relating to Amendments to the Pilot Program Regarding Certain Procedures for the Handling of Market-on-Close Orders on Non-Expiration Days

June 1, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 19, 1995, the Boston Stock Exchange, Inc. (''BSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change, and on May 31, 1995, filed Amendment No. 1 to the proposed rule change,[3] as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The BSE has requested accelerated approval of the proposal. 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 Exchange seeks to adopt procedures for the handling of market-on-close orders on expiration days, non-expiration days and in market conditions where New York Stock Exchange, Inc. (''NYSE'') Rule 80A is in effect. These procedures mirror the procedures in place on the primary markets in order to ensure equal treatment of orders in both markets.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter from Karen A. Aluise, Assistant Vice President, BSE to Elisa Metzger, Senior Counsel, SEC, dated May 31, 1995.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of the proposed rule is to adopt certain procedures to mirror those of the primary markets for the handling of market-on-close (''MOC'') orders on expiration days[4] and non-expiration days so that the BSE does not become a haven for MOC orders that are prohibited on the primary markets.[5] In this way, all orders sent to the Exchange will receive equal treatment to orders sent to the primary markets. The proposed rule change proposes that on expiration days, all MOC orders in all stocks will be prohibited after 3:40 p.m., eliminating the limitation related to a strategy including stock index futures, stock index options or options on stock index futures in expiring contracts. The proposed procedures also include procedures applicable on non-expiration days, such as: (a) Providing a 3:50 p.m. deadline for the entry of all MOC orders in all stocks, (b) prohibiting the cancellation or reduction of any MOC order in any stock after 3:50 p.m., (c) publishing order imbalances of 50,000 shares or more as soon as practicable after 3:50 p.m. in the pilot stocks, stocks being added to or dropped from an index, and in any other stock with the approval of a Floor Official and (d) limiting the entry of MOC orders after 3:50 p.m. to offset published imbalances. With respect to item (b) above, the Exchange will permit cancellations of MOC orders after 3:50 p.m. in those instances where a legitimate error has been made. The term ''pilot stocks'' refers to the list of stocks designated by the NYSE as pilot stocks for purposes of its auxiliary closing procedures.[6]

The proposed rule change also proposes certain procedures for the handling of MOC orders in market conditions where the NYSE's Rule 80A is in effect. On non-expiration days, if an MOC index arbitrage order to buy (sell) to establish or increase a position is entered, and Rule 80A subsequently goes into effect because of significant upward (downward) market movement, the MOC order must be canceled, regardless of the time Rule 80A goes into effect. If Rule 80A goes into effect prior to 3:50 p.m., the MOC order may be re-entered with the instruction ''buy minus'' (''sell plus''). If Rule 80A goes into effect after 3:50 p.m. and there is a published imbalance in the subject stock the MOC order may be re-entered with the instruction ''buy minus'' (''sell plus'') to offset the imbalance.

On expiration days, if an MOC index arbitrage order to buy (sell) to establish or increase a position is entered, and Rule 80A subsequently goes into effect because of significant upward (downward) market movement, the MOC order must be canceled, regardless of the time Rule 80A goes into effect. If Rule 80A goes into effect prior to 3:40 p.m., the MOC order may be re-entered with the instruction ''buy minus'' (''sell plus''). If Rule 80A goes into effect after 3:40 p.m. and there is a published imbalance in the subject stock, the MOC order may be re-entered with the instruction ''buy minus'' (''sell plus'') to offset the imbalance.

2. Statutory Basis

The statutory basis for the proposed rule is Section 6(b)(5) of the Exchange Act in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest; and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

The Exchange has neither solicited nor received written comments on the proposed rule change.

[4] The term ''expiration days'' refers to both (1) the trading day, usually the third Friday of the month, when some stock index options, stock index futures and options on stock index futures expire or settle concurrently (''Expiration Fridays'') and (2) the trading day on which end of calendar quarter index options expire (''QIX Expiration Days'').

[5] The BSE's auxiliary closing procedures for expiration days have been approved on a pilot basis until October 31, 1995. *See* Securities Exchange Act Release No. 34918 (October 31, 1994), 59 FR 55504 (''1994 Pilot Approval Order'').

[6] The Expiration Friday pilot stocks consist of the 50 most highly capitalized Standard & Poors (''S&P'') 500 stocks and any component stocks of the Major Market Index (''MMI'') not included therein. The QIX Expiration Day pilot stocks consist of the 50 most highly capitalized S&P 500 stocks, any component stocks of the MMI not included therein and the 10 highest weighted S&P Midcap 400 stocks.

## III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the BSE. All submissions should refer to File No. SR–BSE–95–10 and should be submitted by [insert date 21 days from date of publication],

## IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular with the requirements of Section 6[7] of the Act. In particular, the proposal is consistent with the Section 6(b)(5)[8] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, and in general, to protect investors and the public interest.

In recent years, the self-regulatory organizations have instituted certain safeguards to minimize excess market volatility that may arise from the liquidation of stock positions related to trading strategies involving index derivative products. For instance, since 1986, the NYSE has utilized auxiliary closing procedures on expiration days. These procedures allow NYSE specialists to obtain an indication of the buying and selling interest in MOC orders at expiration and, if there is a substantial imbalance on one side of the market, to provide the investing public with timely and reliable notice thereof and with an opportunity to make appropriate investment decisions in response. Based on the NYSE's experience,[9] the Commission believes that the MOC order handling requirements work relatively well and may result in more orderly markets at the close on expiration days.

In today's highly competitive market environment, however, it is possible that a regional exchange, which trades NYSE-listed stocks but does not have comparable closing procedures, could be utilized by market participants to enter MOC orders prohibited on the NYSE. Although the Commission has no reason to believe that the BSE market has become a significant alternative market to enter otherwise prohibited MOC orders, the Commission agrees with the BSE that, if this possibility were realized, it could have a negative impact on the fairness and orderliness of the national market system.[10] Accordingly, the Commission believes that it is reasonable for the BSE to adopt procedures for the handling of MOC orders that mirror the NYSE's, thereby ensuring the equal treatment of orders in both markets and, in the event of unusual market conditions, offering the BSE the same benefits in terms of potentially reducing volatility.

In this regard, the Commission notes that the proposed rule change will standardize the BSE's closing procedures on expiration days with those on the NYSE.[11] Specifically, on expiration days, the BSE proposal will impose a 3:40 p.m. deadline for entry of *all* MOC orders. In conjunction with the prohibition on cancellation or reduction of any MOC order after 3:40 p.m., this requirement should allow the specialist to make a timely and reliable assessment, for every stock, of MOC order flow and its potential impact on the closing price. While the Commission recognizes that 3:40 p.m. is relatively near the close, the Commission previously has determined that such a deadline strikes a reasonable balance between the need to effectuate an orderly closing and the need to avoid unduly infringing upon legitimate trading strategies.[12]

The amended procedures for expiration days will continue to require that, as soon as practicable after 3:40 p.m., BSE specialists disseminate substantial imbalances in the pilot stocks. Thereafter, no MOC orders may be entered except to offset a published imbalance in a pilot stock. In this regard, the BSE pilot program combines early submission of MOC orders with prompt dissemination of imbalances that reflect actual investor interest. As noted in prior Commission orders approving these procedures,[13] the BSE should have sufficient opportunity to attract any contra-side interest necessary to alleviate substantial MOC order imbalances in the pilot stocks and to dampen their effect on the closing price.

In addition, under the proposed rule change, the BSE will adopt MOC order handling requirements for non-expiration days that are substantially similar to those in place for expiration days. This will allow members and member organizations to follow comparable procedures at the close on all trading days. Although there is less likelihood of an influx of MOC orders at the close of non-expiration days, certain trading and asset allocation strategies could employ MOC orders. The 3:50 p.m. deadline for MOC order entry and cancellation, as well as the requirement to disseminate MOC orders consisting of 50,000 shares or more as soon as practicable after 3:50 p.m., on non-expiration days should help the specialist make a timely and reliable assessment of MOC order flow and its potential impact on the closing price and also should ensure that any imbalance publications reflect actual investor interest. In the Commission's opinion, a 3:50 p.m. deadline strikes a more appropriate balance for non-expiration days (as opposed to the 3:40 p.m. deadline for expiration days) given the reduced likelihood of substantial MOC order imbalances due to derivatives-related trading strategies.

In the event of unusual market conditions, the Commission believes that the amended procedures for non-expiration days will offer benefits in terms of assessing volatility at the close of trading in the same manner as the BSE's procedures for expiration days. Additionally, the Commission notes that, by permitting a Floor Official to authorize the publication of substantial MOC order imbalances on non-expiration days in any stock, the proposal should increase the information available to market participants and provide BSE specialists

[7] 15 U.S.C. 78f.

[8] 15 U.S.C. 78f(b)(5).

[9] The NYSE has submitted to the Commission several monitoring reports describing its experience with the auxiliary closing procedures. For further discussion of the NYSE's results, *see* Securities Exchange Act Release No. 34916 (October 31, 1994), 59 FR 55507.

[10] For example, if MOC orders prohibited on the NYSE were entered instead on the BSE, unusually large MOC order imbalances on the regional exchange could contribute to overall market volatility.

[11] See Securities Exchange Act Release No. 35589 (April 10, 1995), 60 FR 19313.

[12] *See, e.g.,* Securities Exchange Act Release No. 33639 (February 17, 1994), 59 FR 9295.

[13] *See* 1994 Pilot Approval Order, *supra,* note 5.

with a mechanism, if necessary, to attract contra-side interest in any stock.

The Commission finds it appropriate for the BSE to provide for procedures for the handling of MOC orders in market conditions when the NYSE's Rule 80A is in effect. The Commission believes that the rule change clearly informs market participants of the manner in which MOC order can be placed when the NYSE's Rule 80A is in effect. The Commission continues to believe that the provisions of NYSE Rule 80A provide a useful means of addressing market volatility.[14]

The Commission is approving the amendments to the BSE's auxiliary closing procedures for expiration days and non-expiration days as part of the existing pilot program that expires on October 31, 1995.

The Commission finds good cause for approving the proposed rule change prior the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. This will permit the proposed amendments to be effective simultaneously with the NYSE's amendments to the procedures for handling MOC orders.[15] In addition, the procedures the BSE proposes to use are identical to NYSE procedures that were published in the **Federal Register** for the full comment period and were approved by the Commission.[16]

It is therefore ordered, pursuant to Section 19(b)(2)[17] that the proposed rule change is hereby approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 95–14190 Filed 6–8–95; 8:45 am]

**BILLING CODE 8010–01–M**

[14] See Securities Exchange Act Release No. 29854 (October 24, 1991), 56 FR 55963.

[15] See Release No. 35589, supra note 11.

[16] No comments were received in connection with the most recent proposed rule change which modified the NYSE procedures. See Release No. 35589, *supra* note 11.

[17] 15 U.S.C. 78s(b)(2).

[18] 17 CFR 200.30–3(a)(12).

**[Release No. 34–35801; File No. SR–NASD–95–12]**

## Self-Regulatory Organizations; Notice of Filing Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to Advertising and Sales Literature Filing and Review Requirements Under the Rules of Fair Practice and the Government Securities Rules

June 2, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 10, 1995,[1] the National Association of Securities Dealers, Inc. (''NASD'') or ''Association'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is herewith filing a proposed rule change to Article III, Section 35 of the Rules of Fair Practice and Section 8 of the Government Securities Rules. Proposed new language is italicized and proposed deletions are bracketed.

ARTICLE III

Rules of Fair Practice

* * * * *

Communications With the Public

Sec. 35.

(a) Definitions

(1) Advertisement—For purposes of this section and any interpretation thereof, ''advertisement'' means material published, or designed for use in, a newspaper, magazine or other periodical, radio, television, telephone or tape recording, videotape display, signs or billboards, motion pictures, telephone directories (other than listings), *electronic* or other public media.

(2) Sales literature—For purposes of this section and any interpretation thereof, ''sales literature'' means any written *or electronic* communication distributed or made generally available to customers or the public, which communication does not meet the foregoing definition of ''advertisement.'' Sales literature includes, but is not limited to, circulars, research reports, market letters, performance reports or summaries, form letters, *telemarketing scripts,* seminar texts, and reprints or excerpts of any other advertisement, sales literature or published article.

(b) Approval and Recordkeeping

(1) Each item of advertising and sales literature shall be approved by signature or initial, prior to use *or filing with the NASD,* by a registered principal [(or his designee)] of the member.

* * * * *

(c) Filing Requirements and Review Procedures

(1) Advertisements and sales literature concerning registered investment companies (including mutual funds, variable contracts and unit investment trusts) not included within the requirements of Subsection (c)(2) of this section, and public direct participation programs (as defined in Article III, Section 34 of the Rules of Fair Practice) shall be filed with the Association's Advertising Regulation Department within 10 days of first use or publication by any member. *The member must provide with each filing the actual or anticipated date of first use.* Filing in advance of use is recommended. Members are not required to file advertising and sales literature which have previously been filed and which are used without change. Any members filing any investment company advertisement or sales literature pursuant to this Subsection that includes or incorporates rankings or comparisons of the investment company with other investment companies shall include a copy of the ranking or comparison used in the advertisement or sales literature.

(2) Advertisements concerning collateralized mortgage obligations registered under the Securities Act of 1933, and advertisements and sales literature concerning registered investment companies (including mutual funds, variable contracts and unit investment trusts) that include or incorporate rankings or comparisons of the investment company with other investment companies where the ranking or comparison category is not generally published or is the creation, either directly or indirectly, of the investment company, its underwriter or an affiliate, shall be filed with the Association's Advertising Regulation Department for review at least 10 days prior to use (or such shorter period as the Department may allow in particular circumstances) for approval and, if

[1] The proposed rule change was initially submitted on April 10, 1995, but was amended on May 10, 1995, in order to make technical changes and clarify rule language.

changed [or expressly disapproved] by the Association, shall be withheld from publication or circulation until any changes specified by the Association has been made or, [in the event of disapproval] *if expressly disapproved,* until the advertisement has been refiled for, and has received, Association approval. *The member must provide with each filing the actual or anticipated date of first use.* Any member filing any investment company advertisement or sales literature pursuant to this Subsection shall include a copy of the data, ranking or comparison on which the ranking or comparison is based.

(3) (A) Each member of the Association which has not previously filed advertisements with the Association (or with a registered securities exchange having standards comparable to those contained in this section) shall file its initial advertisement with the Association's Advertising Department at least ten days prior to use and shall continue to file its advertisements at least ten days prior to use for a period of one year. *The member must provide with each filing the actual or anticipated date of first use.*

[(B) Each member which, on the effective date of this section, had been filing advertisements with the Association (or with a registered securities exchange having standards comparable to those contained in this section) for a period of less than one year shall continue to file its advertisements, at least ten days prior to use, until the completion of one year from the date the first advertisement was filed with the Association or such exchange.]

* * * * *

(4) Notwithstanding the foregoing provisions, any District Business Conduct Committee of the Association, upon review of a member's advertising and/or sales literature, and after determining that the member has departed and there is a reasonable likelihood that the member will again depart from the standards of this section, may require that such member file all advertising and/or sales literature, or the portion of such member's material which is related to any specific types or classes of securities or services, with the Association's Advertising Department and/or the District Committee, at least ten days prior to use. *The member must provide with each filing the actual or anticipated date of first use.*

The Committee shall notify the member in writing of the types of material to be filed and the length of time such requirement is to be in effect. The requirement shall not exceed one year, however, and shall not take effect until 30 days after the member receives the written notice, during which time the member may request a hearing before the District Business Conduct Committee, and any such hearings shall be held in reasonable conformity with the hearing and appeal procedures of the Code of Procedure.

* * * * *

(d) Standards Applicable to Communications With the Public

* * * * *

(2) Specific Standards

In addition to the foregoing general standards, the following specific standards apply:

* * * * *

(B) Recommendations: In making a recommendation, whether or not labeled as such, a member must have a reasonable basis for the recommendation and must disclose [the price at the time the recommendation is made, as well as] any of the following situations which are applicable:

(i) That the member usually makes a market in the securities being recommended, or in the underlying security if the recommended security is an option, and/or that the member or associated persons will sell to or buy from customers on a principal basis;

(ii) That the member and/or its officers or partners own options, rights or warrants to purchase any of the securities of the issuer whose securities are recommended, unless the extent of such ownership is nominal;

(iii) That the member was manager or co-manager of a public offering of any securities of the recommended issuer within the last 3 years.

The member shall also provide, or offer to furnish upon request, available investment information supporting the recommendation. *Recommendations on behalf of corporate equities must provide the price at the time the recommendation is made.*

A member may use material referring to past recommendations if it sets forth all recommendations as to the same type, kind, grade or classification of securities made by a member within the last year. Longer periods of years may be covered if they are consecutive and include the most recent year. Such material must also name each security recommended and give the date and nature of each recommendation (e.g., whether to buy or sell), the price at the time of the recommendation was to be acted upon, and indicate the general market conditions during the period covered.

Also permitted is material which does not make any specific recommendation but which offers to furnish a list of all recommendations made by a member within the past year or over longer periods of consecutive years, including the most recent year, if this list contains all the information specified in the previous paragraph. Neither the list of recommendations, nor material offering such list, shall imply comparable future performance. Reference to the results of a previous specific recommendation, including such a reference in a follow-up research report or market letter, is prohibited if the intent or the effect is to show the success of a past recommendation, unless all of the foregoing requirements with respect to past recommendations are met.

* * * * *

GOVERNMENT SECURITIES RULES

* * * * *

Communications With the Public

Sec. 8

(a) Definitions

(1) Advertisement—For purposes of this section and any interpretation thereof, ''advertisement'' means material published, or designed for use in, a newspaper, magazine or other periodical, radio, television, telephone or tape recording, videotape display, signs or billboards, motion pictures, telephone directories (other than routine listings), *electronic* or other public media.

(2) Sales Literature—For purposes of this section and any interpretation thereof, ''sales literature'' means any written *or electronic* communication distributed or made generally available to customers or the public that does not meet the foregoing definition of ''advertisement.'' Sales literature includes, but is not limited to, circulars, research reports, market letters, performance reports or summaries, form letters, standard forms of option worksheets, *telemarketing scripts,* seminar texts, and reprints or excerpts of any other advertisement, sales literature, or published article.

(b) Approval and Recordkeeping

(1) Each item of advertising and sales literature shall be approved by signature or initial, prior to use *or filing with the NASD,* by a registered principal [(or designee)] of the member.

* * * * *

(c) Filing Requirements and Review Procedures

(1) Members shall file advertisements for review with the Association's Advertising Regulation Department as follows:

(A) Advertisements concerning government securities (as defined in Section 3(a)(42) of the Securities Exchange Act of 1934) other than collateralized mortgage obligations shall be filed by members with the Association's Advertising Department within 10 days of first use or publication; and

(B) Advertisements concerning collateralized mortgage obligations shall be filed with the Association's Advertising Regulation Department for review at least 10 days prior to use (or such shorter period as the Department may allow in particular circumstances) for approval and, if changed [or expressly disapproved] by the Association, shall be withheld from publication or circulation until any changes specified by the Association have been made or, [in the event of disapproval] *if expressly disapproved,* until the advertisement has been refiled for, and has received, Association approval. *The member must provide with each filing concerning government securities, including collateralized mortgage obligations, the actual or anticipated date of first use.*

(2) Each member of the Association that has not previously filed advertisements with the Association shall file its initial advertisement concerning government securities with the Association's Advertising Department at least 10 days prior to use and shall continue to file its advertisements concerning government securities at least 10 days prior to use for a period of one year. *The member must provide with each filing the actual or anticipated date of first use.*

(3) Notwithstanding the foregoing provisions, any District Business Conduct Committee of the Association, upon review of a member's government securities advertising and/or sales literature, and after determining that the member will again depart from the standards of this section, may require that such member file all government securities advertising and/or sales literature, or the portion of such member's material that is related to any specific types or classes of securities or services, with the Association's Advertising Department and/or the District Committee, at least 10 days prior to use. *The member must provide with each filing the actual or anticipated date of first use.*

The Committee shall notify the member in writing of the types of material to be filed and the length of time such requirement is to be in effect. The requirement shall not exceed one year, however, and shall not take effect until 30 days after the member receives the written notice, during which time the member may request a hearing before the District Business Conduct Committee, and any such hearings shall be held in reasonable conformity with the hearing and appeal procedures of the Code of Procedure.

* * * * *

(d) Standards Applicable to Communications With the Public

* * * * *

(2) Specific Standards

In addition to the foregoing general standards, the following specific standards apply:

* * * * *

(B) Recommendations: In making a recommendation, whether or not labeled as such, a member must have a reasonable basis for the recommendation made and must disclose [the price at the time the recommendation is made, as well as] any of the following situations which are applicable:

* * * * *

## II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The test of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

### *(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

Article III, Section 35 of the Rules of Fair Practice and Section 8 of the Government Securities Rules (''Rules'') govern members' communications with the public regarding general securities and government securities, respectively. The Rules contain definitions, internal approval and recordkeeping requirements, filing requirements and standards applicable to the content of such communications. The NASD is proposing to modify certain sections of the Rules in order to revise the definitions of, and the internal approval and timeliness of filing requirements for, advertising and sales literature and the scope of rules relating to ''Recommendations.'' The revisions will codify existing rule interpretations, rectify inconsistencies, and clarify issues which have been the source of member misunderstanding. It is not anticipated that these proposals will create additional regulatory burdens on the membership.

The NASD is proposing to modify the definitions of ''Advertisement'' and ''Sales Literature'' in Article III, Subsections 35(a) (1) and (2) of the Rules of Fair Practice and Subsections 8(a) (1) and (2) of the Government Securities Rules to include electronic messages. The NASD has consistently applied its standards for communications with the public to electronic messages sent via computer. The inclusion of the term ''electronic'' in the definition of ''Advertisement'' is intended to apply to communications available to all network subscribers including items displayed over network bulletin boards. The inclusion of the term ''electronic'' in the definition of ''Sales Literature'' is intended to apply to messages sent directly to individuals or targeted groups. The NASD believes that the proposed rule change will reduce member confusion by clarifying that the requirements set forth in these sections are applicable to such electronic communications.

The NASD is proposing to further modify the definition of ''Sales Literature'' in Article III, Subsection 35(a)(2) of the Rules of Fair Practice and Subsection 8(a)(2) of the Government Securities Rules to include telemarketing scripts. Members often file for review with the Advertising Regulation Department telemarketing scripts intended to be read to prospects and existing customers or delivered electronically through a telemarketing service. These scripts differ from other forms of telephone prospecting and customer contact in that they are followed without variation by the caller or callers. The NASD considers these scripts as comparable to a form letter delivered orally. The inclusion of telemarketing scripts in the definition will reduce confusion among members and promote more consistent application of the rules.

The NASD is proposing to modify Article III, Subsection 35(b)(1) of the Rules of Fair Practice and Subsection 8(b)(1) of the Government Securities Rules to require that each item of advertising and sales literature be

approved internally prior to use only by a registered principal. Currently, the Rules allow a registered principal to perform the review or to delegate this responsibility to a designee. The rules contain no guidelines regarding the level of experience, expertise, or qualification that the designee must have in order to assume this compliance responsibility. However, Part II of Schedule C to the By-Laws sets forth the categories and requirements of registered principals and subsection (2)(g)(ii)c.3 thereunder states definitively that a Limited Principal-General Securities Sales Supervisor shall not be qualified to perform final approval of advertising. Since the internal approval rule currently does not address the qualifications necessary for the designee, individuals less qualified than principals are being designated by registered principals to provide internal approval. The proposed amendment eliminates the potential for inconsistent internal standards applied by different members regarding the review of communications with the public.

The NASD is also proposing to modify Article III, Subsection 35(b)(1) of the Rules of Fair Practice and Subsection 8(b)(1) of the Government Securities Rules to require that advertising and sales literature be approved internally by members prior to being filed with the NASD Advertising Regulation Department. The current rules for review of advertisements and sales literature require that the material be approved internally by the member prior to first use, but do not require that material be approved internally by the member before being filed with the NASD. Members have verified to the NASD that their internal review sometimes occurs after the NASD response is received. This practice places the NASD in the role of providing the initial compliance review, a role that should, in the NASD's view, be maintained within the member firms' compliance departments. The proposed amendment will ensure that members are accountable for submitting material which is in reasonable conformity to the applicable rules. It is anticipated that this amendment will reduce the amount of refiling requested by the Advertising Regulation Department due to extensive deficiencies in the original filings.

The NASD is proposing to modify Article III, Subsections 35(c) (1), (2), (3)(A) and (4) to the Rules of Fair Practice and Subsections 8(c)(1)(A) and (B), (c)(2) and (c)(3) of the Government Securities Rules to require that, for filing requirements that have timeliness requirements, the member provide the actual or expected date of first use or publication of the item filed. Currently the rules provide that material be filed within ten days of first use or ten days prior to use, depending on the status of the firm and the subject matter of the communication. For example, the rules require that firms which have never filed material with the Advertising Regulation Department shall file their advertisement at least ten days prior to first use and continue to file their advertisements ten days prior to use for a period of one year from the date of first filing. For advertisements and sales literature for registered investment companies, direct participation programs and government securities, the rules currently require that they be filed on an ongoing basis within ten days of first use. Advertisements for collateralized mortgage obligations must always be filed at least ten days prior to use.

Under these guidelines, members file communications for review in various stages of a document's production. These stages range from first drafts to finished products. It is often impossible to determine the date of first use unless the information is provided voluntarily by the member or requested by the NASD reviewer. Because the NASD Advertising Regulation Department reviews approximately 3500 to 4000 items per month, it is impractical to routinely contact members and request they provide the date of use for each piece filed. Consequently, the NASD is unable to determine systematically if the member firms are meeting their filing obligations. The proposed amendment will enable the NASD to enforce the existing rules more effectively and consistently.

The NASD is proposing to delete Article III, Subsection 35(c)(3)(B) to the Rules of Fair Practice. This provision was always intended to be temporary in that it applied the pre-filing requirements of Subsection 35(c)(3)(A) for a period of one year to those firms that had been filing advertisements for less than one year when the pre-filing provisions became effective. The provision ensured that such firms continued to pre-file advertisements for a period of at least one year from the date their first advertisements were filed. As such, the provision became inapplicable exactly one year from its effective date.

The NASD is proposing to modify Article III, Subsection 35(d)(2)(B) to the Rules of Fair Practice and Subsection 8(d)(2)(B) to the Government Securities Rules to clarify that the requirement to disclose the price of the security applies only to recommendations for corporate equities. The literal language of the current rule arguably would require price disclosure with respect to all securities products in all communications deemed to be recommendations. However, the NASD has a longstanding practice of not requiring price disclosure on communications for securities products other than corporate equities. The proposed amendment specifies that the price requirement applies only to communications on behalf of corporate equities and deletes the price requirement entirely from the Government Securities Rules. In proposing this modification, the NASD has considered that both the Rules of Fair Practice and the Government Securities Rules prohibit members from omitting material information in communications with the public. Therefore, if inclusion of the price of the security is necessary to make the material not misleading, then the member is required to include the price as applicable.

The NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[2] which require that the Association adopt and amend its rules to promote just and equitable principles of trade, and generally provide for the protection of customers and the public interest in that the proposed rule change codifies existing rule interpretations, rectifies inconsistencies and clarifies issues which have been the source of member misunderstanding regarding the filing, review and approval of advertising and sales literature, and improves the efficiency of the advertising filing, review and approval process without creating additional regulatory burdens on the membership.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal**

[2] 15 U.S.C. § 78*o*–3(b)(6).

**Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds no longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approved 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. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR–NASD–95–12 and should be submitted by June 30, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 95–14191 Filed 6–8–95; 8:45 am]

**BILLING CODE 8010–01–M**

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**[Release No. 34–35795; File No. SR–NASD–95–23]**

## Self-Regulatory Organizations; Notice of Filing and Partial Immediate Effectiveness of Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to Gross Assessments and Continuing Education Fees

June 1, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. § 78s(b)(1), notice is hereby given that on May 23, 1995, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The NASD has designated the part of this proposal for continuing education fees as on establishing or changing a fee under § 19(b)(3)(A)(ii) of the Act, which renders the rule effective upon the Commission's receipt of this filing. The NASD is, however, requesting that the fee be implemented on July 1, 1995.[1] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing a rule change to amend Sections 1 and 2 to Schedule A of the By-Laws to clarify gross income filing requirements and to assess a fee for continuing education requirements. Proposed new language is italicized; proposed deletions are in brackets.

Schedule A

Assessments and fees pursuant to the provisions of Article VI of the By-Laws of the Corporation, shall be determined on the following basis.

Assessments

Sec. 1.

Each member shall pay an annual assessment composed of:

(a) An amount equal to the greater of $850.00 or the total of:

(i) 0.125% of the annual gross *revenue* [income] from state and municipal securities transactions,

(ii) 0.125% of annual gross *revenue* [income] from other over-the-counter securities transactions,

(iii) 0.125% of the annual gross *revenue* [income] from U.S. Government securities transactions, and

(iv) with respect to members whose books, records, and financial operations are examined by the NASD, 0.125% of annual gross *revenue* [income] from securities transactions executed on an exchange.

Each member is to report annual gross *revenue* [income] as defined in Section 5 of this Schedule, for [either] the preceding calendar year. [or the member's fiscal year ending in the preceding calendar year. The 12-month reporting period must be in accordance with the member's previously written election. New members will be given an opportunity to make this election after they become members. Members wishing to change their reporting year must advise the Association, in writing, of the change in dates and provide a reason for the change (i.e., merger or other organizational change and/or change in tax or fiscal year). If the change is from a fiscal year to the calendar year or to a new fiscal year ending at a later date, the member is to provide two reports of gross income covering the 12 consecutive months of both the new and old years. In such case, the assessment in the year of change will be the greater amount determined from the two reports. If the change is from a calendar year or a fiscal year to a new fiscal year ending at an earlier date, the member is to report gross income for the 12 consecutive months to the end of its new fiscal year.]

* * * * *

Fees

Sec. 2.

* * * * *

*(k) There shall be a session fee of $75.00 assessed as to each individual who is required to complete the Regulatory Element of the Continuing Education Requirements pursuant to the provisions of Part XII of Schedule ''C'' of the By-Laws.*

* * * * *

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

*(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

Recently, the NASD amended Section 5 of Schedule A to the By-Laws to

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[3] 17 CFR 200.30–3(a)(12).

[1] The proposal was originally filed with the Commission on May 15, 1995. The NASD subsequently submitted Amendment No. 1 to the filing which amends the proposed rule to publish under Section 19(b)(2) of the Act that portion of the proposed rule change that amends Section 1 to Schedule A to the NASD By-Laws and to publish under Section 19(b)(3)(A)(ii) of the Act that portion of the proposed rule change that amends Section 2 to Schedule A of the NASD By-Laws. Letter from Suzanne E. Rothwell, Associate General Counsel, NASD, to Mark P. Barracca, Branch Chief, Over-the-Counter Regulation, Division of Market Regulation, SEC, dated May 22, 1995.

define gross revenue for assessment purposes as income reported on the FOCUS report, with certain limited exclusions and deductions.[2] The FOCUS report reports income on a calendar year basis. However, Section 1 (a) of Schedule A was not amended when this change was enacted and still gives members the election to report on either a calendar year or fiscal year basis. The NASD is proposing to amend Section 1(a) of Schedule A to require all member firms to report annual gross revenue on a calendar year basis and to delete portions of the section that are no longer applicable. The NASD believes that the proposed amendment will simplify the data collection and reporting process for the NASD, provide a consistent basis for assessments among member firms and rectify the current inconsistency between Sections 1 and 5 of Schedule A.

Recently, the NASD also amended Schedule C to the By-Laws by adding new Part XII prescribing requirements for the continuing education of certain registered persons subsequent to their qualification and registration with the NASD.[3] The new rule established a formal two-part Securities Industry Continuing Education Program for securities industry professionals that would require uniform periodic training in regulatory matters (the ''Regulatory Element'') and ongoing programs by firms to keep employees informed of the products, services and investment strategies of their firms (the ''Firm Elements''). Uniform rules in this area have also been adopted by other self-regulatory organizations, including the New York Stock Exchange, the American Stock Exchange, the Philadelphia Stock Exchange, the Chicago Board Options Exchange and the Municipal Securities Rulemaking Board (''SROs''). The participating SROs have established a permanent Securities Industry/Regulatory Council on Continuing Education (''Council'') to make recommendations to SROs concerning the content of the Regulatory Element and requirements for satisfying the Firm Element.

An important feature of the continuing education program is that it would be operated on a cost recovery basis and generate modest reserves for unanticipated future expenditures. The participating SROs will begin administration of the Regulatory Element on July 1, 1995. This will include tracking and follow-up by the NASD's Central Registration Depository of persons subject to the program's requirements and administering the computer-based training program through the NASD PROCTOR system at PROCTOR centers or at newly-created mobile centers or special sessions for on-site delivery of the program. The Firm Element will be administered in two stages, with members required to complete written training plans by July 1, 1995 and implement such plans no later than January 1, 1996. The administration of this element will involve on-site review by the SROs of compliance of the plans with the Firm Element will be borne largely by the members, the NASD will function as Program Administrator for the Regulatory Element and will incur significant initial start-up and ongoing operational costs.

In order to cover the costs associated with the administration of the program, the NASD is proposing to amend Section 2 to Schedule A by adding a new provision to assess a $75.00 session fee against each individual required to complete the Regulatory Element of the continuing education program. The fee would apply to recoup the expenses of the Council and to cover the development, start-up and on-going operational costs of administering the Regulatory Element.

The NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(5) of the Act[4] which require that the rules of the Association provide for the equitable allocation of reasonable dues, fees, and other changes in that the proposed rule provides a consistent basis for assessments among member firms and rectifies the current inconsistency between Sections 1 and 5 of Schedule A, and fairly assesses a charge to cover the start-up and ongoing costs incurred by the Association in the administration of the Regulatory Element of the continuing education requirements.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice of the proposed rule change to Section 1 to Schedule A to the NASD By-Laws in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

The proposed rule change to Section 2 to Schedule A to the NASD By-Laws has become effective pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 thereunder because the NASD has designated the part of the proposal for continuing education fees as one establishing or changing a fee under § 19(b)(3)(A)(ii), which renders the rule effective upon the Commission's receipt of this filing. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statement with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–95–23 and should be submitted by June 30, 1995.

[2] *See* Securities Exchange At Release No. 35074 (December 9, 1994); 59 FR 64827 (December 15, 1994).

[3] *See* Securities Exchange Act Release No. 35341 (February 8, 1995); 60 FR 8426 (February 14, 1995).

[4] 15 U.S.C. 78*o*3.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 95–14121 Filed 6–8–95; 8:45 am]

BILLING CODE 8010–01–M

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**[Release No. 34–35820; File No. SR–NASD–95–22]**

## Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing of a Proposed Rule Change Relating to Extending the Continuing Education Requirement for Registered Persons to Government Securities Principals and Representatives

June 7, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on May 11, 1995, the National Association of Securities Dealers, Inc. (''NASD'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing to amend Schedule C of the NASD By-Laws to include government securities principals and representatives in the continuing education requirement for registered persons. Below is the text of the proposed rule change. Proposed new language is italicized, deleted language is in brackets:

**Part XII**

Continuing Education Requirements

This Part prescribes requirements regarding the continuing education of certain registered persons subsequent to their initial qualification and registration with the NASD. The requirements shall consist of a Regulatory Element and a Firm Element as set forth below.

(1) Regulatory Element

* * * * *

(e) Definition of registered person—For purposes of this Part, the term ''registered person'' means any person registered with the NASD as a representative, principal or assistant representative pursuant to Parts II, III [or], IV *or XI* respectively of Schedule C to the By-Laws.

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### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

*(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

The purpose of the proposed rule change is to make a technical amendment to the rule language in Section (1)(e) of Part XII of Schedule C of the NASD By-Laws, Continuing Education Requirements. The proposed change will require Government Securities Principals and Representatives to participate in the continuing education program. Such persons who are designated in Part XI of Schedule C of the By-Laws were inadvertently excluded from the definition of registered person in Section (1)(e) of Part XII of Schedule C when the NASD filed SR–NASD–94–72 with the Commission on December 7, 1994.[2]

The NASD believes the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act in that the proposed changes to Schedule C of the By-Laws will improve the standards of training, experience, and competence for persons associated with NASD members. Pursuant to this statutory obligation, the NASD has proposed this rule change to operate its two-part continuing education program for industry professionals.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The NASD has requested that the Commission find good cause pursuant to Section 19(b)(2) for approving the proposed rule change prior to the thirtieth day after publication in the **Federal Register**. In support of its request, the NASD states that it desires to ensure that all NASD registered persons will be required to participate in the continuing education program which will commence on July 1, 1995.

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by June 26, 1995.

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[1] 15 U.S.C. 78s(b)(1).

[2] The Commission approved SR–NASD–94–72 on February 8, 1995. Securities Exchange Act Release No. 35341 (February 8, 1995), 60 FR 8426.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95–14325 Filed 6–7–95; 12:29 pm]

BILLING CODE 8010–01–M

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**[Release No. 34–35796; File No. SR–NYSE–95–20]**

## Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by New York Stock Exchange, Inc., Relating to the Annual Maintenance Fee for Registered Persons

June 1, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. § 78s(b)(1), notice is hereby given that on May 24, 1995, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to increase the annual maintenance fee for registered persons from forty-six ($46.00) to fifty-two dollars ($52.00). The proposed fee change will be implemented July 1, 1995.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries as set forth in section A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to increase the annual maintenance fee for registered persons from forty-six ($46.00) to fifty-two dollars ($52.00). The annual maintenance fee charged all persons registered with the Exchange was originally adopted in 1976. The fee is intended to offset, in part, the costs incurred by the Exchange in the oversight of member organizations' sales practice activities. The fee was last increased in 1988 to its current forty-six dollar ($46.00) level.

On February 8, 1995, the SEC approved rules filed by the Exchange and other self-regulatory organizations to implement an industry-wide continuing education program commencing July 1, 1995.[1] six dollar increase in the annual maintenance fee is required to offset the increase in costs the Exchange estimates it will incur as a result of incorporating oversight of member organizations' continuing education programs into its annual field examination process.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(4) of the Securities Exchange Act of 1934 because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes the proposed rule change will impose no burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has not solicited, and does not intend to solicit, comments regarding the proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange and, therefore, has become effective pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the New York Stock Exchange. All submissions should refer to File No. SR–NYSE–95–20 and should be submitted by June 30, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 95–14122 Filed 6–8–95; 8:45 am]

BILLING CODE 8010–01–M

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**[Release No. IC–21110; 812–9552]**

## IMG Mutual Funds, Inc., et al.; Notice of Application

June 2, 1995.

**AGENCY:** Securities and Exchange Commission (''SEC'').

**ACTION:** Notice of application for exemption under the Investment Company Act of 1940 (the ''Act'').

**APPLICANTS:** IMG Mutual Funds, Inc. (the ''Company''); the IMG Equity Trust (the ''Equity Trust''); The IMG Income Trust (the ''Income Trust,'' and together

[3] 17 CFR 200.30–3(a)(12) (1994).

[1] Securities Exchange Act Release No. 35341 (Feb. 8, 1995), 60 FR 8426.

with the Equity Trust, the ''Trusts''); Investors Management Group, Ltd. (the ''Adviser''); and certain persons who may be deemed to be affiliated persons, or affiliated persons of affiliated persons, of the Company (the ''Affiliated Persons'').

**RELEVANT ACT SECTIONS:** Order requested under section 17(b) for an exemption from the provisions of section 17(a).

**SUMMARY OF APPLICATION:** Applicants seek relief to permit the exchange of shares of the Company for portfolio securities of two private investment trusts that are not registered under the Act. After the exchanges, the Trusts will dissolve and distribute the shares of the Company they receive *pro rata* to their participants.

**FILING DATES:** The application was filed on March 27, 1995 and amended on May 8, 1995.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 27, 1995, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicants, 720 Liberty Building, 418 Sixth Avenue, Des Moines, IA 50309–2410.

**FOR FURTHER INFORMATION CONTACT:** Marc Duffy, Senior Attorney, (202) 942–0565, or C. David Messman, Branch Chief, (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be available for a fee at the SEC's Public Reference Branch.

## Applicants' Representations

1. The Company is registered under the Act as an open-end diversified management investment company consisting of two series, the Stock Fund and the Bond Fund (together, the ''Funds''). The Company's registration statement under the Securities Act of 1933 (the ''Securities Act'') has been declared effective but no offering of the shares of the Funds has commenced. Each Fund will offer shares in three classes in reliance on rule 18f–3 under the Act. The classes will differ solely on the basis of minimum and routine investment requirements, and distribution and shareholder servicing fees. Classes of shares of the Funds will not be sold with any sales charge but will pay varying rule 12b–1 distribution fees under certain circumstances. The Company also may impose contingent deferred sales charges in the future. The Funds may, from time to time, enlist the assistance of an outside broker-dealer to market shares in the Funds. The Adviser will act as investment adviser to the Funds. The Adviser is registered under the Investment Advisers Act of 1940.

2. The Trusts were formed in 1991 as common law revocable grantor trusts under the laws of the State of Iowa. The Trusts have not registered under the Act in reliance on section 3(c)(1) of the Act, and the interests therein have not been registered under the Securities Act in reliance on section 4(2) of the Securities Act. Each participant in the Trust (a ''Participant'') established a separate revocable grantor trust under an individual Trust Agreement appointing Richard A. Westcott (''Westcott''), David W. Miles (''Miles'') and James W. Paulsen (''Paulsen'') to serve as Co-Trustees and authorizing the commingling of Participant funds in a single account. Westcott, Miles, and Paulsen are each directors and controlling persons of the Adviser, and directors of the Company. The Adviser selects the investments for the Trusts.

3. The Affiliated Persons consist of: (a) directors, principal shareholders, and employees of the Adviser, (b) spouses of the foregoing, (c) entities that are owned or controlled by one or more of the foregoing, and (d) trustees and/or participants in the Trusts who could be deemed to be affiliated persons, or affiliated persons of affiliated persons, of the Company under section 2(a)(3) of the Act.

4. Applicants propose that, prior to offering shares of the Stock Fund to the public, the Stock Fund will acquire portfolio securities of the Equity Trust in exchange for shares of the Stock Fund equal in value to the net asset value of the Equity Trust. The Equity Trust then will dissolve and distribute the Stock Fund shares it receives to its Participants *pro rata*, along with cash received from the sale of portfolio securities, if any, of the Equity Trust not acquired by the Company. A like exchange of shares of the Bond Fund for portfolio securities of the Income Trust will take place, followed by the distribution to Participants and dissolution of the Income Trust (together, the ''Exchanges''). Participants will receive that class of shares of the Stock Fund or the Bond Fund with the lowest expenses that they would otherwise be qualified to purchase based on the value of their Trust accounts. Following the Exchanges, Participants of the Trusts will hold all of the shares of each Fund, except for shares representing seed capital contributed to the Funds by the Adviser or one of its affiliates pursuant to section 14(a) of the Act.

5. Currently, on an annual basis, the Equity Trust incurs investment advisory fees of 1.25% and total expenses of 1.50%, and the Income Trust incurs investment advisory fees of 0.75% and total expenses of 1.00%. Following the Exchanges, the Stock Fund is expected to incur investment advisory fees of 0.50% and total expenses, which will vary among the different classes, of between 0.85% and 1.35%. The Bond Fund is expected to incur investment advisory fees of 0.30% and total expenses, which will vary among the different classes, of between 0.60% and 1.00%. Based on current valuations of the Trusts, the Adviser does not anticipate that any Participant will pay more expenses directly or indirectly for the Company shares received than what they are currently bearing as Participants in the Trusts.

6. Applicants would like to covert the Trusts to registered investment company form because the Trusts have proven to be more popular than originally anticipated and because of continuing investor interest in the Trusts. In contrast to the Trusts, which are not registered under the Act in reliance on section 3(c)(1), the Funds will not be subject to any limitation on the number of shareholders.

7. After the Exchanges, the Adviser intends for the foreseeable future to manage the assets of the Funds in substantially the same manner as it did for the Trusts, except as may be necessary or desirable: (a) To qualify the Funds as regulated investment companies under the Internal Revenue Code; (b) to comply with investment restrictions adopted by the Funds in accordance with the requirements of the Act or securities laws of states where shares in the Company will be offered; or (c) in light of changed market conditions.

8. The Exchanges will be effected under agreements and plans of exchange (the ''Plans'') to be approved by the Participants of the Trusts, in accordance with the respective Trust Agreements and the laws of the State of Iowa. A

registration statement under the Securities Act on Form N–14 relating to the Exchanges has been filed on behalf of the Company. Consent of the Participants of the Trusts for approval of the Plans will be made by means of a prospectus/information statement that forms part of the Form N–14 registration statement. The prospectus/information statement will describe the nature of and reasons for the Exchanges, the tax and other consequences to the Participants, and other relevant matters, including comparisons of the Funds and the Trusts in terms of their respective investment objectives and policies, fee structures, management structures, and other aspects of their operations, as well as the financial information required by Form N–14.

9. The Exchanges will not cause taxable gain or loss to be recognized by the Participants. As a result of the Exchanges, however, the Funds may acquire securities that have anticipated in value or that have depreciated in value from the date they were acquired. If appreciated securities were sold after the Exchanges, the amount of the gain would be taxable to future shareholders as well as Participants.

10. No brokerage commission, fee, or other remuneration will be paid in connection with the Exchanges. Neither Participants nor the Adviser or the Affiliated Persons will receive any financial benefit from the Exchanges (except as described in paragraph 9 above), apart from their *pro rata* interests in Company shares and other property distributed by the Trusts upon dissolution.

11. The Exchanges will not be effected unless and until each of the following conditions is satisfied: (a) The Company's Form N–1A and Form N–14 registration statements have been declared effective; (b) the Plans have been approved by the Participants of the Trusts; (c) the SEC has issued an order relating to this application; and (d) the Participants have received a favorable opinion of counsel regarding the tax consequences of the Exchanges.

12. The Adviser will assume all costs of the Exchanges, including the cost of transferring portfolio securities to the Company's custodian and the issuance costs (except registration and filing fees) of the Company's shares issued in the Exchanges, as well as the legal fees and expenses relating to this application and obtaining the opinion of counsel on certain tax matters.

13. A majority of the members of the Board of Directors of the Company (the ''Board'') are not ''interested persons'' as that term is defined in the Act. The Board has considered the desirability of the Exchanges from the point of view of the Company and the Trusts, and a majority of the Board, including a majority of the non-interested members of the Board, have concluded that: (a) The Exchanges are in the best interest of the respective Funds, the Trusts, and the Participants; (b) the Exchanges will not dilute the respective interests of the Participants of the Trusts when their interests are converted into Company Shares; and (c) the terms of the Exchanges as reflected in the Plans will be reasonable and fair, will not involve overreaching, and will be consistent with the policies of the Funds and the Trusts.

## Applicants' Legal Conclusions

1. Applicants seek an exemption under section 17(b) of the Act from the provisions of section 17(a) to the extent necessary to permit the Funds to acquire the assets of the Trusts in exchange for shares of the Funds. Section 17(a), in pertinent part, prohibits an affiliated person of a registered investment company, or an affiliated person of such person, from selling to or purchasing from such investment company any security or other property.

2. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include any person directly or indirectly controlling, controlled by, or under common control with, such other person. The Trusts may be considered affiliated persons of the Company because the Trusts and the Company may be deemed to be under the common control of the Adviser. Similarly, the Affiliated Persons may require relief from section 17(a) because they could be deemed to be affiliated persons of the Trusts and therefore affiliated persons of affiliated persons of the Company.

3. Section 17(b) authorizes the SEC to exempt any person from the provisions of section 17(a) if evidence establishes that: (a) The terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policy of the registered investment company; and (c) the proposed transaction is consistent with the general purposes of the Act. Applicants assert that each of these standards is met.

4. Given the similarity of investment objectives and policies of the Funds and their corresponding Trusts, each Fund will be attempting to assemble a portfolio of securities substantially similar to that held by the corresponding Trust. The Funds will acquire portfolio securities, for which market quotations are readily available, from the Trusts at their independent ''current market price,'' as defined in rule 17a–7 under the Act. Neither the participants nor the Adviser or the Affiliated Persons will be in a position to influence the valuation of the securities acquired by the Funds. Further, the Funds have the opportunity to purchase the portfolio securities of the Trusts with lower transaction costs than would have been possible purchasing such securities in the open market.

5. The proposed Exchanges do not give rise to the abuses that section 17(a) was designed to prevent. After the Exchanges, Participants will hold substantially the same assets as shareholders of the Funds as they had previously held as Participants. In this sense, the Exchanges can be viewed as a change in the form in which assets are held, rather than a disposition giving rise to section 17(a) concerns.

For the SEC by the Division of Investment Management, under delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 95–14123 Filed 6–8–95; 8:45 am]

BILLING CODE 8010–01–M

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**[Release No. 35–26300]**

## Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

June 2, 1995.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by June 26, 1995, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so

requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

**Consolidated Natural Gas Company, et al. (70–8619)**

Consolidated Natural Gas Company (''CNG''), a registered holding company, CNG Tower, 625 Liberty Avenue, Pittsburgh, Pennsylvania 15222–3199, and its wholly owned nonutility subsidiary companies, CNG Research Company (''Research'') and Consolidated Natural Gas Service Company, Inc. (''Service''), both located at CNG Tower, 625 Liberty Avenue, Pittsburgh, Pennsylvania 15222–3199; CNG Coal Company (''Coal''); CNG Producing Company (''Producing'') and its subsidiary company, CNG Pipeline Company (''Pipeline''), all located at CNG Tower, 1450 Poydras Street, New Orleans, Louisiana 70112–6000; CNG Transmission Corporation (''Transmission'') and CNG Storage Service Company (''Storage''), both located at 445 West Main Street, Clarksburg, West Virginia 26301; CNG Energy Services Corporation (''Energy Services''), One park Ridge Center, P.O. Box 15746, Pittsburgh, Pennsylvania 15244–0746; and CNG's public-utility subsidiary companies, The Peoples Natural Gas Company (''Peoples''), CNG Tower, 625 Liberty Avenue, Pittsburgh, Pennsylvania 15222–3199; The East Ohio Gas Company (''East Ohio''), located at 1717 East Ninth Street, Cleveland, Ohio 44114–0759; Virginia Natural Gas, Inc. (''VNG''), 5100 East Virginia Beach Boulevard, Norfolk, Virginia 23502–3488; Hope Gas, Inc. (''Hope Gas''), P.O. Box 2868, Clarksburg, West Virginia 26301–2868; and West Ohio Gas Company (''West Ohio''), P.O. Box 1217, Lima, Ohio 45802–1217 (collectively, ''Subsidiaries''), have filed an application-declaration under sections 6(a), 6(a)(2), 7, 9(a), 10, 12(b) and 12(c) of the Act and rules 43 and 45.

CNG proposes to issue and sell commercial paper in an aggregate principal amount not to exceed $800 million outstanding at any one time, from time-to-time through June 30, 1996 (''Commercial Paper''). Such Commercial Paper may be domestic commercial paper (''Domestic Paper'') and/or European commercial paper (''Euro Paper''). Domestic Paper will have varying maturities of not more than 270 days and Euro Paper will have maturities from 7 to 183 days. CNG proposes to sell Domestic Paper or Euro Paper, whichever provides the lower cost in a given transaction, but only so long as the discount rate or the effective interest cost on the date of sale does not exceed the prime rate of interest from a commercial bank.

To the extent that it becomes impractical to sell the Commercial Paper due to market conditions or otherwise, CNG proposes to borrow, repay and reborrow, without collateral under back-up lines of credit, an aggregate principal amount not to exceed $600 million through June 30, 1996 (''Loans''). Any additional funding needs in excess of $600 million that would otherwise have been provided by the Commercial Paper will be provided by advances under a proposed credit agreement described below. The Loans, together with any sales of Commercial Paper, will not exceed an aggregate outstanding principal amount of $800 million.

The Loans will mature not more than one year from the date of each borrowing, will be prepayable in whole or part at any time, and will bear interest at a rate not to exceed the prime commercial rate of interest of the lending bank in effect on the date of each borrowing. A commitment fee of no more than 0.125% of the principal amount of each bank's commitment may be paid.

CNG additionally proposes to obtain a revolving line of credit through June 30, 1996 of up to $150 million, with advances thereunder maturing in no more than 364 days. The interest rate on fixed rate advances under such line of credit would not exceed 50 basis points over LIBOR and the interest rate on floating rate advances under such line of credit would not exceed the higher of (i) 325 basis points over LIBOR or (ii) 47.5 basis points over the certificate of deposit rate.

Additionally, CNG proposes to restructure an existing credit agreement authorized by the Commission by orders dated March 28, 1991 and September 9, 1992 (HCAR Nos. 25383 and 25626, respectively). Pursuant to this agreement, loans of up to $300 million would be advanced to Consolidated from time to time through June 30, 1996, each such advance being evidenced by either a note to a group of participating banks (''Syndicated Note'') or to individual participating banks (''Money Market Note''). Each such note will mature in 364 days.

The interest rate for any Syndicated Note will not exceed (i) the higher of the prime rate announced by Chase Manhattan Bank or the federal funds rate plus 50 basis points, (ii) LIBOR, adjusted for reserve requirements, plus 25 basis points, or (iii) the certificate of deposit rate, adjusted for reserve requirements and deposit insurance costs, plus 37.5 basis points. The interest rate for a Money Market Note will be such rate as the banks may bid, which will either be expressed as an all-in-rate or with reference to LIBOR.

It is also proposed that, through June 30, 1996, CNG provide financing to the Subsidiaries in an aggregate amount not to exceed $1.225 billion in the form of open account advances, long-term loans and/or capital stock purchases. Individual Subsidiary financing by CNG would not exceed the following amounts: (1) Transmission, $100 million; (2) East Ohio, $265 million; (3) Peoples, $100 million; (4) VNG, $100 million; (5) Hope Gas, $15 million; (6) Energy Services, $300 million; (7) Storage, $1 million; (8) West Ohio, $25 million; (9) Service, $15 million; (10) Producing, $300 million; (11) Coal, $3 million; and (12) Research, $1 million.

Open account advances (''Advances''), may be made, repaid and remade on a revolving basis, and all such Advances will be repaid within one year from the date of the first Advance to the borrowing Subsidiary with interest at the same effective rate of interest as CNG's weighted average effective rate of commercial paper and/or revolving credit borrowings. If no such borrowings are outstanding, the interest rate shall be predicated on the Federal Funds' effective rate of interest as quoted by the Federal Reserve Bank of New York. Advances will be made through the CNG System Money Pool authorized by Commission order dated June 12, 1986 (HCAR No. 24128).

Long-term loans will mature over a period of time not in excess of 30 years with the interest rate predicated on and substantially equal to CNG's cost of funds for comparable borrowings. In the event CNG has not had recent comparable borrowings, the rates will be tied to the Salomon Brothers indicative rate for comparable debt issuances published in Salomon Brothers, Inc. Bond Market Roundup, or to a comparable rate index, on the date nearest to the time of takedown.

Capital stock will be purchased from the Subsidiaries at its par value (book value in the case of VNG). Capital stock transactions between CNG and its utility Subsidiaries would occur under an exemption pursuant to rule 52 and are not part of the authorization requested.

Producing proposes to provide to Pipeline, from time-to-time through June 30, 1996, up to an aggregate of $1 million of financing through short-term loans in the form of open account advances and/or long-term loans

evidenced by non-negotiable notes (documented by book entry only) and/or the purchase of up to 10,000 shares of Pipeline's common stock, $100 par value. The open account advances and long-term loans will bear interest at rates equal to the cost of money to Producing through its borrowing from CNG.

The Subsidiaries also propose to increase their authorized common stock as needed to accommodate proposed stock sales and to provide for future issues, any such increase being limited to a number of shares calculated by dividing the aggregate financing proposed for such Subsidiary herein by the par value (book value in the case of VNG) of such Subsidiary's common stock rounded up to the nearest hundred. The proposed increase in the authorized number of shares for each Subsidiary would not exceed the following amounts: (1) Transmissions, 10,000; (2) East Ohio, 5.3 million; (3) Peoples, 1 million; (4) VNG, 2,503; (5) Hope Gas, 150,000; (6) Energy Services, 300 million; (7) Storage, 100,000; (8) West Ohio, 2,500; (9) Service, 150,000; (10) Producing, 30,000; (11) Coal, 300; and (12) Research, 100.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 95–14193 Filed 6–8–95; 8:45 am]

BILLING CODE 8010–01–M

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**[File No. 1–11476]**

## Issuer Delisting; Notice of Application to Withdraw From Listing and Registration; (Voice Powered Technology International, Inc., Common Stock, $0.001 Par Value, Redeemable Warrants Expiring on October 19, 1997)

June 5, 1995.

Voice Powered Technology International, Inc. (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified securities (''Securities'') from listing and registration on the Boston Stock Exchange, Inc. (''BSE'' or ''Exchange'').

The reasons alleged in the application for withdrawing the Securities from listing and registration include the following:

According to the Company, the reason for the withdrawal is the fact that since October 1992, when the Securities were listed on the Exchange and began trading through the NASDAQ/Small Cap system there has been essentially no trading of the Securities on the Exchange. On the other hand, there has consistently been active trading of the Securities through NASDAQ/Small Cap system (*i.e.*, daily trading volume frequently in the 100,000 or greater range). There are presently thirty (30) market makers for the Securities on NASDAQ. There have been at least approximately twenty-five (25) market makers for the Securities on NASDAQ at any point in time over the past twelve (12) months.

Any interested person may, on or before June 23, 1995 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 95–14189 Filed 6–8–95; 8:45 am]

BILLING CODE 8010–01–M

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# SMALL BUSINESS ADMINISTRATION

**[Declaration of Disaster Loan Area #2782]**

## Illinois; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on May 30, 1995, I find that Madison and St. Clair Counties in the State of Illinois constitute a disaster area due to damages caused by severe storms and flooding beginning on May 15, 1995 and continuing. Applications for loans for physical damages may be filed until the close of business on July 29, 1995, and for loans for economic injury until the close of business on March 1, 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 Bond, Clinton, Jersey, Macoupin, Monroe, Montgomery, Randolph, and Washington in the Sate of Illinois, and St. Charles and St. Louis Counties and the City of St. Louis in the State of Missouri may be filed until the specified date at the above location.

The interest rates are:

| | Percent |
|---|---|
| For physical damage: | |
| Homeowners with credit available elsewhere | 8.000 |
| Homeowners without credit available elsewhere | 4.000 |
| Businesses with credit available elsewhere | 8.000 |
| Businesses and non-profit organizations without credit available elsewhere | 4.000 |
| Others (including non-profit organizations) with credit available elsewhere | 7.125 |
| For economic injury: | |
| Businesses and small agricultural cooperatives without credit available elsewhere | 4.000 |

The number assigned to this disaster for physical damage is 278206 and for economic injury the numbers are 853300 for Illinois and 853400 for Missouri.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 2, 1995.

**James W. Hammersley,**

*Acting Associate Administrator for Disaster Assistance.*

[FR Doc. 95–14143 Filed 6–8–95; 8:45 am]

BILLING CODE 8025–01–M

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**[License No. 01/02–0493]**

## NYSTRS/NV Capital, L.P.; Notice of Surrender of Licensee

Notice is hereby given that NYSTRS/NV Capital, L.P. (''NYSTRS''), 111 Westminster Street, Providence, Rhode Island, 02903 has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (Act). NYSTRS was licensed by the Small Business Administration on February 7, 1986.

Under the authority vested by the Act and Pursuant to the Regulations promulgated thereunder, the surrender of the license was accepted on May 25, 1995, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 1, 1995.

**Robert D. Stillman,**

*Associate Administrator for Investment.*

[FR Doc. 95–14195 Filed 6–8–95; 8:45 am]

BILLING CODE 8025–01–M

## DEPARTMENT OF STATE

**[Public Notice 2215]**

## Office of Protocol; Gifts to Federal Employees From Foreign Government Sources Reported to Employing Agencies in Calendar Year 1994

The Department of State submits the following comprehensive listing of the statements which, as required by law, Federal employees filed with their employing agencies during calendar year 1994 concerning gifts received from foreign governments sources. The compilation includes reports of both tangible gifts and gifts of travel expenses of more than minimal value, as defined by statute.

Publication of this listing in the **Federal Register** is required by Section 7342(f) of title 5, United States Code, as added by section 515(a)(1) of the Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95–105, August 17, 1977, 91 Stat. 865).

Dated: April 13, 1995

**Richard Moose,**

*Under Secretary for Management.*

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| President | 4′ scroll that bears Chinese characters on brocade paper. Recd—January 5, 1994. Est. Value—$1,200. Archive Foreign. | Mr. Chen Jie, Foreign Affairs Office, Huaibei People's Government, People's Republic of China. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | 19″ glass scepter, with brown glass handle and brown spikes. Recd—January 6, 1994. Est. Value—$1,500. Archive Foreign. | His Excellency, Valeriy Shmarov, Deputy Prime Minister of Ukraine. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Sterling silver clipper ship model and wooden stand. Approx. 9″ x 8″. Recd—January 10, 1994. Est. Value—$600. Archive Foreign. | His Excellency Ruud Lubbers, Prime Minister of the Netherlands. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Framed Turkish tapestry that incorporates a portrait of the President. Recd—January 12, 1994. Est. Value—$1,400. Archive Foreign. | Her Excellency Tansu Ciller, Prime Minister of the Republic of Turkey. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Gold-toned saxophone with mother-of-pearl keys and the engraved signature of President Havel, made by Amati Krasilce. Recd—January 18, 1994. Est. Value—$1,800. Archive Foreign. | His Excellency Vaclav Havel, President of the Czech Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | (1) Porcelain blue and white statue of the President holding a saxophone, made in Russia. (2) Green marble mantel striking clock with ormolu mounts and an eagle on a pedestal holding three crowns. Approx. 16½″ x 21″. (3) Framed photograph of the President with Boris Yeltsin. Recd—January 18, 1994. Est. Value—$1,800. Archive Foreign. | His Excellency Boris Yeltsin, President of the Russian Federation. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | (1) Brown and green glass vase that bears abstract designs. Approx. 10″. (2) Portrait of the President etched on a grain of rice and set in a lucite box with magnifying glass. Recd—January 11, 1994. Est. Value—$850. Archive Foreign. | His Excellency Leonid Kravchuk, President of Ukraine. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Blue leather scrapbook that contains various articles and photographs from the Slovak Republic. Approx. 13″ x 16″. Recd—January 15, 1994. Est. Value—$850. Archive Foreign. | His Excellency Michal Kovac, President of the Slovak Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| President | Green cut-crystal bowl, made by Val St. Lambert Cristal, Belgium. Approx. 12″ x 4″. Recd—January 18, 1994. Est. Value—$400. Archive Foreign. | His Excellency Jean-Luc Dehaene, Prime Minister of Belgium. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Miniature oak vodka cask that bears a male bronze figure on top with a ladle and a sword at his side. Cask bears Russian calligraphy on its side. Approx. 10″ x 15″. Recd—January 18, 1994. Est. Value—$300. Archive Foreign. | The Honorable Vitaly V. Pevnev, Mayor of the City of Azov Russian Federation. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Bronze sculpture of a knight on a horse, the symbol of Belarus. Approx. 10″ x 6″ x 4″. Recd—January 18, 1994. Est. Value—$750. Archive Foreign. | His Excellency Stanislav Shushkevich, Chairman of the Supreme Soviet Republic of Belarus. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Gold Pendulum date and time clock. Recd—January 14, 1994. Est. Value—$1,800. Archive Foreign. | His Excellency Claude Haegi, President of the State Council of the Republic and Canton of Geneva, Switzerland. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Large crystal vase that bears gold detail and miniature cartouche portrait of a woman. Recd—January 18, 1994. Est. Value—$500. Archive Foreign. | His Excellency Vaclav Klaus, Prime Minister of the Czech Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | (1) Large hardcover folio book, ''The Mosaics of Jordan,'' by Michele Piccirillo, in a red slipcase. (2) Bedoin-style red, black and green pillowcases. Recd—January 26, 1994. Est. Value—$425. Archive Foreign. | His Majesty Hussein I, King of the Hashemite Kingdom of Jordan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| | Sterling silver figure of an Arab warrior on a camel, inlaid with yellow gold. The figure is mounted on an agate panel base. Approx. 7½″ x 6¼″. Recd—January 26, 1994. Est. Value—$5,000. Archive Foreign. | ..... | |
| President | Model of an Amtrak ICE train housed in a clear plastic container. Approx. 34″ x 9″. Recd—January 31, 1994. Est. Value—$1,200. Archive Foreign. | His Excellency Dr. Helmut Koho, Chancellor of the Federal Republic of Germany. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| | Pair of Zeiss binoculars in a plastic case. Recd.—January 31, 1994. Est. Value—$225. Archive Foreign. | | |
| President | (1) 40″ x 35″ framed oil painting that depicts Kazakh horsemen with mountains in the background. Approx. 40″ x 35″. (2) Oriental rug that bears portraits of the President and First Lady in its center. Approx. 90″ x 60″. (3) Traditional Kazakh burgundy colored hat with gold embroidery and mink trim. (4) Burgundy velvet robe with gold embroidery. Recd—February 14, 1994. Est. Value—$2,750. Archive Foreign. | His Excellency Nursultan Nazarbayev, President of the Republic of Kazakhstan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Gold and pearl tie tac. Recd.—February 11, 1994. Est. Value—$300. Archive Foreign. | His Excellency Morihiro Hosokawa, Prime Minister of Japan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| First Family | A matted and framed 1851 engraving of Emmanuel Leuize's ''Washington Crossing the Delaware,'' by Paul Girardet. Recd—July 14, 1994. Est. Value—$750. Archive Foreign. Porcelain bowl that bears the image of a pink flamingo, titled ''The Audobon'' and made by Limoges. Approx. 9″ diameter. Recd—July 14, 1994. Est. Value—$300. Archive Foreign. | His Excellency Dr. Helmut Kohl, Chancellor of the Federal Republic of Germany. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Family | Wool kilim-style rug, made in Egypt. Approx 7′6″ x 5′. Recd—October 31, 1994. Est. Value—$3,000. Archive Foreign. | His Excellency Mohammad Hosni Mubarak, President of the Arab Republic of Egypt. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Family | (1) Intricately designed and crafted model wooden ship. (2) Large gold breast medal, the Order of Kuwait, and two pins housed in a presentation case. (3) Three black leather briefcases with red stitching. (4) Gold pen and a pencil set in leather box that bears the Seal of Kuwait. (5) Christian Dior wristwatch with leather band and four tiny sapphires. (6) Black and white robed Arab dress outfit. (7) Dress with black silk undergarment and sheer overgarment embossed with yellow gold threads and bangles in a geometric band motif. (8) Cloak in black, gold, and white with gold and black stripes. (9) Pen set and blotter. (10) Six Bedouin pillows, one blanket, and two saddlebags. (11) Book titled, ''Al Sadu Technique on Bedouin Weaving.'' (12) 18 kt. yellow gold double-link neck chain of Mubarak the Great. (13) Several books about Kuwait. Recd—October 28, 1994. Est. Value—$21,300. Archive Foreign. | His Highness Sheikh Jabir Al Ahmad Al Sabah, Amir of the State of Kuwait. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Greek icon, titled ''Coronation of the Virgin Enthroned,'' circa 1700. Egg tempera on wood. Recd—April 26, 1994. Est. Value—$3,000. Archive Foreign. | His Excellency Andreas Papandreou, Prime Minister of the Hellenic Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Watercolor painting that bears Chinese characters on brocade paper. Recd—May 4, 1994. Est. Value—$1,500. Archive Foreign. | His Excellency, Zou Jiahua, Vice Premier and Minister of Foreign Affairs of the People's Republic of China. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Seven-piece sterling silver tea service. Recd—May 16, 1994. Est. Value—$2,500. Archive Foreign. | His Excellency Datuk Seri Dr. Mahathir bin Mohamad, Prime Minister of Malaysia. | Non-Acceptance would cause embarrassment to donor and U.S. Government. |
| President | Indian oriental carpet whose design incorporates twelve square medallions. Approx. 4″ x 6″. Recd—May 19, 1994. Est. Value—$1,200. Archive Foreign. | His Excellency P.V. Narasimha Rao, Prime Minister of India. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| President | Framed hand-knit tapestry in paisley motif, speciality of Kashmir. Approx. 77″ x 5″ x 151″. Recd—May 24, 1994. Est. Value—$650. Archive Foreign. | His Excellency Farooq Leghari, President of the Islamic Republic of Pakistan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | (1) Statue of Romulus and Remus with SheWolf. (2) Hardcover book, ''Marcus Aurelius: History of a Monument and its Restoration.'' (3) Matted Watercolor of a Roman fountain. Approx. 18″ x 14″. Recd—June 2, 1994. Est. Value—$1,200. Archive Foreign. | The Honorable Francesco Rutelli, Mayor, City of Rome, Italy. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| | Oversized hardcover book, titled ''Roma Capitale,'' number 725, in a slipcase. Recd—June 2, 1994. Est. Value—$350. Archive Foreign. | ..... | |
| | Presentation box for the statue. Recd—June 2, 1994. Est. Value—$50. Archive Foreign. | ..... | |
| President | 800 fine silver medal that depicts President Clinton and the Leaning Tower of Pisa. Approx 2″ diameter. Recd—June 2, 1994. Est. Value—$300. Archive Foreign. | His Excellency Oscar Luigi Scalfaro, President of the Italian Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Stone mosaic that depicts the Roman Colliseum and is set in a gold frame. Approx. 13″ x 23″. Recd—June 2, 1994. Est. Value—$6,000. Archive Foreign. | His Holiness John Paul II | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Sterling silver box that bears an etching of the Italian Presidential Palace. The inside bears an inscription to the President. Recd—June 3, 1994. Est. Value—$850. Archive Foreign. | His Excellency Silvio Berlusconi, President of the Council of Ministers of the Italian Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| | Velvet presentation box. Recd—June 3, 1994. Est. Value—$10. Archive Foreign. | | |
| President | (1) Book about the artwork of Bernadette Kelly. (2) An oil painting by Bernadette Kelly. Recd—June 3, 1994. Est. Value—$1,800. Archive Foreign. | His Excellency Francois Mitterrand, President of the French Republic, and Mrs. Mitterrand. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Signed photographs of Queen Elizabeth II and Prince Philip. Each is in a sterling silver frame. Recd—June 6, 1994. Est. Value—$1,000. Archive Foreign. | Her Majesty Queen Elizabeth II | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| | Two presentation boxes. Recd—June 6, 1994. Est. Value—$15. Archive Foreign. | | |
| President | Cobalt blue vase that bears a gold design. Approx. 12″. Recd—June 6, 1994. Est. Value—$350. Archive Foreign. | His Excellency Edouard Balladur, Prime Minister of the French Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Four Diadora brand sweatsuits. Recd—June 4, 1994. Est. Value—$300. Archive Foreign. | His Excellency Roberto Maroni, Minister of the Interior, Italy. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| President | Signed color photograph of the Emperor and Empress of Japan inside an 11½″ x 14½″ sterling silver frame. Recd—June 22, 1994. Est. Value—$350. Archive Foreign. | Their Imperial Majesties, The Emperor and Empress of Japan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Four ceramic plates and a large ceramic bowl. Recd—June 23, 1994. Est. Value—$300. Archive Foreign. | His Majesty Hussein I, King of the Hashemite Kingdom of Jordan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | (1) Large crystal vase. (2) Ceramic glazed platter that bears a portrait of the President and First Lady in the center and a floral border. (3) Hardcover book with leather cover, titled ''Slovakia for the World.'' Recd—June 23, 1994. Est. Value—$400. Archive Foreign. | His Excellency Michal Kovac, President of the Slovak Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Lapis-lazuli table box with sterling silver trim and hinges and an inscription plate that reads ''Cordialmente Eduardo Frei Ruiz-Tagle, President of Chile 1994.'' Recd—June 30, 1994. Est. Value—$750. Archive Foreign. | His Excellency Eduardo Frei, President of the Republic of Chile. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Carved stone statue of a female religious figure. Recd—June 30, 1994. Est. Value—$250. Archive Foreign. | His Excellency Viktor Chernomyrdin, Chairman of the Council of Ministers of the Russian Federation. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Gold soccer ball trophy on a malachite and gold pedestal. Recd—July 14, 1994. Est. Value—$500. Archive Foreign. | His Royal Highness Prince Saud Al Faisal, Minister of Foreign Affairs of Saudi Arabia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Set of 12 Sudety hand-cut lead crystal old-fashioned glasses, matching decanter with stopper, and a round ashtray. All made in Poland. Recd—July 6, 1994. Est. Value—$620. Archive Foreign. | His Excellency Lech Walesa, President of the Republic of Poland. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Silver-colored metal bell with etched design, lettered ''That this world under God shall have a new birthday of freedom.'' Recd—July 11, 1994. Est. Value—$500. Archive Foreign. | The Honorable Eberhard Diepgen, Governing Mayor of Berlin, Federal Republic of Germany. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Large selection of ceramic Artistica Solimene dinnerware consisting of: 24 dinner plates in various designs; 12 salad plates; 12 soup bowls; soup tureen; large serving bowl; sectioned serving dish; two round-shaped and two oval-shaped serving platters; two serving bowls; and two small serving platters. Recd—July 8, 1994. Est. Value—$800. Archive Foreign. | The Honorable Giorgio Franchetti Pardo, Head of the Delegation for the Italian Presidency for the G–7 Summit for the Ministry of Foreign Affairs Italy. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| President | Brown leather photograph album that contains photographs from the President's and Mrs. Clinton's trip to Paris in June 1994, in a slipcase. Recd—July 14, 1994. Est. Value—$500. Archive Foreign. | His Excellency Francois Mitterrand, President of the French Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Saxophone with engraved lettering ''Amati Kraslice, ATS 21.'' Recd—July 6, 1994. Est. Value—$1,500. Archive Foreign. | His Excellency Lech Walesa, President of the Republic of Poland. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Oil on canvas painting of an abstract figure of a bird, titled ''She Wolf,'' by Latvian artist Illinere. Approx. 40″ x 35½″. Recd—July 15, 1994. Est. Value—$2,500. Archive Foreign. | His Excellency Guntis Ulmanis, President of the Republic of Latvia, and Mrs. Ulmane. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Reproduction of a pre-Columbian artifact. Recd—July 22, 1994. Est. Value—$350. Archive Foreign. | His Excellency Ernesto Perez Balladares, President of the Republic of Panama. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Glass and precious stone sculpture that is a model of the twin cities Eilat and Aqaba. Recd—July 28, 1994. Est. Value—$650. Archive Foreign. | The Honorable Gabi Kadosh, Mayor, City of Eilat, Israel. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Oil on canvas painting by Robert Elibekian, titled ''Actresses.'' Approx. 35″ x 42″. Recd—August 10, 1994. Est. Value—$2,000. Archive Foreign. | His Excellency Levon Ter-Petrosyan, President of the Republic of Armenia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Antique leather-bound manuscript of the Old and New Testaments, written in Ge'ez (the Ethiopian equivalent of Latin), the official language of the Ethiopian Orthodox Church. Recd—August 12, 1994. Est. Value—$1,500. Archive Foreign. | His Excellency Meles Zenawi, President of the Transitional Government of Ethiopia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Large floral arrangement of birds of paradise and proteus. Recd—August 19, 1994. Est. Value—$250. Accepted by Another Government Agency. | His Royal Highness Prince Bandar Bin Sultan, Ambassador of Saudi Arabia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Large floral arrangement. Recd—August 19, 1994. Est. Value—$350. Accepted by another Government agency. | His Majesty Hassan II, King of Morocco. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| | Large goldfish bowl vase that bears an oriental-style floral design on a white background. Recd—August 19, 1994. Est. Value—$90. Archive Foreign. | | |

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| | Steel storage chest with two lock clasps, fruit finial, two ring handles and flared base. The chest contains eleven coffee table books about Morocco: ''Tangier,'' 'Casablanca,'' ''The Majesty of Morocco,'' ''Morocco Seen from Above,'' ''La Mosquee Hassan II,'' ''Marakesh,'' ''Morocco Design from Casablanca to Marakesh,'' ''Living in Morocco,'' ''De L'Empire Aux Villes Imperiales,'' ''Marakesh—Demeures and Secret Gardens,'' and ''Traditional Islamic Craft in Moroccan Architecture.'' Recd—August 19, 1994. Est. Value—$4,300. Archive Foreign. | | |
| President | Antique sword with steel blade, inlaid with silver and gold. The scabbard is gold and has a carved ivory top. Recd—September 14, 1994. Est. Value—Pending Value. Archive Foreign. | Dr. Ing. Wardiman Djojonegoro, Minister of Education and Culture, Republic of Indonesia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Silver Byzantine icon of the Virgin Mary holding baby Jesus. Recd—September 21, 1994. Est. Value—$300. Archive Foreign. | Nicholas S. Revezoulis, Chairman, American Hellenic Friends of Clinton Organization, Greece. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| | ..... | The Honorable George Lianis, Deputy Minister of Culture, Greece. | |
| President | Hour Lavigne clock. Recd—September 22, 1994. Est. Value—$5,990. Archive Foreign. | The Honorable Jacques Chirac, Mayor of Paris, France. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Paperback, ''Romania in Europe and in the World,'' written and inscribed by Ion Iliescu. Recd—September 30, 1994. Est. Value—$25. Archive Foreign. | His Excellency Ion Iliescu, President of Romania. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| | (1) Portrait of President Roosevelt. (2) Romanian tapestry. Recd—September 30, 1994. Est. Value—$700. Archive Foreign. | | |
| President | Paperback, ''Century's Contract,'' inscribed by President Aliyev. Recd—September 30, 1994. Est. Value—$20. Archive Foreign. | His Excellency Heydar Alieyev, President of the Republic of Azerbaijan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| | Carpet with the President's portrait woven into the pattern. Recd—September 30, 1994. Est. Value—$500. Archive Foreign. | | |
| President | A pair of candlesticks. Recd—September 27, 1994. Est. Value—$900. Archive Foreign. | His Excellency Boris Yeltsin, President of the Russian Federation. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Small hardcover book, ''Hope,'' inscribed to President Clinton. Recd—October 6, 1994. Est. Value—$5. Archive Foreign. | Mr. Nelson Mandela, President of the State Republic of South Africa. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| | (1) Bronze sculpture of an elephant, with gold tusks, Approx. 10″x12″. (2) White gold pin in the shape of South Africa. (3) Photograph album that contains photographs of the great bull elephant. (4) White box that housed Inaugural Coin. Recd—October 6, 1994. Est. Value—$1,000. Archive Foreign. | | |
| | Coin that commemorates the inauguration of President Mandela. Recd—October 6, 1994. Est. Value—$500. Archive Foreign. | | |
| President | Ukrainian pine box with hinged lid that bears a native inlaid intricate geometrical design. Approx. 14″x17″. Recd—October 11, 1994. Est. Value—$250. Archive Foreign. | His Excellency Oleksandr Moroz, Chairman, Supreme Rada of Ukraine. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Sterling silver compote with wood interior. Recd—October 12, 1994. Est. Value—$700. Archive Foreign. | His Excellency Carlos Salinas de Gortari, President of the United Mexican States. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Sterling silver astrolabio nautico (compass), circa 1555. Recd—October 12, 1994. Est. Value—$4,000. Archive Foreign. | His Excellency Anibal Cavaco Silva, Prime Minister of Portugal. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Sterling silver box that bears the crest of Thailand on its lid. The inside is made of lacquered wood. Approx. 9″x5½″. Recd—October 20, 1994. Est. Value—$2,000. Archive Foreign. | His Excellency Chuan Leekpai, Prime Minister of the Kingdom of Thailand. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | (1) Inlaid wood and mother-of-pearl game table for playing backgammon and chess. (2) Inlaid wooden box. Recd—October 27, 1994. Est. Value—$2,000. Archive Foreign. | His Excellency Hafiz al-Asad, President of the Syrian Arab Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | The Order of Al-Hussein Bin Ali, the Kingdom of Jordan's highest decoration. Recd—October 26, 1994. Est. Value—$3,275. Archive Foreign. | His Majesty Hussein I, King of the Hashemite Kingdom of Jordan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| | Sterling silver box with wooden interior. Recd—October 26, 1994. Est. Value—$650. Archive Foreign. | | |
| President | Three ancient oil lamps in a glass case on a wooden base. Recd—October 27, 1994. Est. Value—$650. Archive Foreign. | The Honorable Ehud Olmert, Mayor of Jerusalem, Israel. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Sterling silver serving tray with inscription. Recd—October 26, 1994. Est. Value—$600. Archive Foreign. | His Excellency, Yitzhak Rabin, Prime Minister of Israel. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| | Framed antique map of the Holy Land. Recd—October 26, 1994. Est. Value—$1,000. Archive Foreign. | | |

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| President | Large, thick gold necklace and pendant. Necklace is housed in a green presentation box that bears the seal of the Saudi Royal Family on its cover. Recd—October 28, 1994. Est. Value—$15,000. Archive Foreign. | Fahd bin Abd Al-Aziz Al Saud, Custodian of the Two Holy Mosques, King of the Kingdom of Saudi Arabia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | (1) Three books with sterling silver covers. (2) Blue presentation box. Recd—October 31, 1994. Est. Value—$1,000. Archive Foreign. | His Excellency Ezer Weizman, President of Israel, and Mrs. Weizman. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | (1) Dark wooden jewelry box that bears a golfing scene on its cover. (2) Three packages of golf balls. Recd—November 8, 1994. Est. Value—$65. Archive Foreign.<br>(1) Wilson golf putter housed in a blond wooden box. (2) Large navy leather picture frame that contains a photograph of President and Mrs. Ahtisaari. Recd—November 8, 1994. Est. Value—$375. Archive Foreign. | His Excellency Martti Ahtisaari, President of Finland. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Wooden sculpture of a Filipino family by artist Baldemor. Approx. 14″x10″. Recd—November 14, 1994. Est. Value—$250. Archive Foreign. | His Excellency Fidel Ramos, President of the Republic of the Philippines. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | (1) Silk batik shirt. (2) Seven titles on Indonesia: ''Lordly Shardes,'' ''Indonesia 1994,'' ''Art of Indonesia,'' ''Green Indonesia,'' ''Bobbodadar Prayer in Stone,'' ''Istana President Indonesia,'' ''30 Years of Indonesia's Independence'' (two volumes, both autographed by President Soeharto). Recd—November 15, 1994. Est. Value—$500. Archive Foreign.<br>Five boxes of mangoes. Recd—November 15, 1994. Est. Value—$100. Accepted by Another Government Agency.<br>(1) Mask. (2) Dagger. (3) Two books that contain photographs commemorating President Clinton's trip to Indonesia. Recd—November 15, 1994. Est. Value—$1,000. Archive Foreign.<br>Red velvet presentation boxes for the mask, dagger, and photographs. Recd—November 15, 1994. Est. Value—$15. Archive Foreign. | His Excellency Soeharto, President of the Republic of Indonesia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Cloisonne plate with stand. Recd—November 15, 1994. Est. Value—$1,200. Archive Foreign. | His Excellency Jiang Zemin, President of the People's Republic of China. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| President | Framed and matted oil on canvas painting, titled ''Charcoal Vendors,'' by artist Claude Dambreville. Approx. 24″ x 36″. Recd—November 3, 1994. Est. Value—$500. Archive Foreign. | His Excellency Jean-Bertrand Aristide, President of the Republic of Haiti. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Sterling silver model boat with plaque on base that reads, ''Presented by Try Sutrisno, Vice President of the Republic of Indonesia.'' Recd—November 17, 1994. Est. Value—$600. Archive Foreign.<br>Clear glass presentation box for the model boat. Recd—November 17, 1994. Est. Value—$10 Archive Foreign. | His Excellency Try Sutrisno, Vice President of the Republic of Indonesia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | A wooden cask that bears a handpainted floral design. Approx. 12″ x 17″. Recd—November 22, 1994. Est. Value—$325. Archive Foreign. | His Excellency Leonid Kuchma, President of Ukraine. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Large porcelain vase made by Herend. Approx. 20½″. Recd—December 5, 1994. Est. Value—$3,000. Archive Foreign. | His Excellency Arpad Goncz, President of the Republic of Hungary.<br>His Excellency Gyula Horn, Prime Minister of the Republic of Hungary. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Korean lacquer box. The interior is inlaid with mother-of-pearl and holds a shelf. Approx. 13¾″ x 10¾″. Recd—December 8, 1994. Est. Value—$1,200. Archive Foreign. | His Excellency Kim Young Sam, President of the Republic of Korea. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Hand-hammered copper relief plaque that bears the image of a temple and the title ''Candi Borobudur, Indonesia.'' Recd—December 8, 1994. Est. Value—$450. Archive Foreign. | His Excellency Soewardi, Governor of Central Java, Indonesia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | (1) Small oval painting of the Three Kings in an oval sterling silver frame. Approx. 12″ x 8″. (2) Large carved papier mache and wooden archangel with wings in the form of a hunter in native costume holding an arquebus. (3) Paperback book, ''Bolivian Masterpieces: Colonial Painting.'' Recd—December 9, 1994. Est. Value—$1,670. Archive Foreign. | His Excellency Gonzalo Sanchez de Lozada, President of the Republic of Bolivia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Framed and matted oil painting of a corn patch on sandy terrain. Recd—December 9, 1994. Est. Value—$350. Archive Foreign. | His Excellency Luis Alberto Lacalle, President of the Oriental Republic of Uruguay. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Ten sterling silver demitasse spoons. Recd—December 9, 1994. Est. Value—$500. Archive Foreign. | His Excellency Oscar Alfredo Santamaria, Minister of Foreign Affairs of the Republic of El Salvador. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Framed and matted oil painting that depicts a farmer plowing a field. Recd—December 9, 1994. Est. Value—$650. Archive Foreign. | His Excellency Armando Calderon Sol, President of the Republic of El Salvador. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| President | Hollow silver bird statue with aquamarine colored stone eyes. Recd—December 9, 1994. Est. Value—$400. Archive Foreign | His Excellency Galo Leoro, Minister of Foreign Relations of the Republic of Ecuador | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Composition bust of Sister Euphemia wearing a turban and cross. Recd—December 10, 1994. Est. Value—$250. Archive Foreign | The Honorable P.J. Patterson, M.P., Prime Minister of Jamaica | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Small gilt metal framed enamel-on-metal painting of mountains and ocean. Recd—December 12, 1994. Est. Value—$250. Archive Foreign | The Right Honorable John Compton, Prime Minister of Saint Lucia | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | (1) Gold 500 pesos coin from the Dominican Republic. (2) Two hardcover books (one copy in Spanish, one in English) of ''Emotional Guide of the Romantic City,'' by President Balaguer. (3) A two volume set of books, titled ''Dominican Paintings.'' Recd—December 9, 1994. Est. Value—$500. Archive Foreign | His Excellency Joaquin Balaguer, President of the Dominican Republic | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | 1967 Royal Mint Bahamanian four coin set: ten dollar, twenty dollar, fifty dollar, and one hundred dollar. Recd—December 10, 1994. Est. Value—$950. Archive Foreign | The Right Honorable Sir Hubert A. Ingraham, Prime Minister of the Commonwealth of the Bahamas | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Framed and matted oil painting that depicts an idealized tropical nature scene of trees, water, and white long-necked swallows. Approx. 40½″21″. Recd—December 10, 1994. Est. Value—$1,500. Archive Foreign | Her Excellency Violeta Barrios de Chamorro, President of the Republic of Nicaragua | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Framed and matted watercolor painting that depicts a village scene. Approx. 38½″26″. Recd—December 10, 1994. Est. Value—$475. Archive Foreign | The Right Honorable Dr. Kennedy Alphonse Simmonds, Prime Minister of the Federation of Saint Kitts and Nevis | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Framed and matted oil painting that depicts a street scene. Approx. 40″23″. Recd—December 13, 1994. Est. Value—$1,200. Archive Foreign | His Excellency Ramiro De Leon Carpio, President of the Republic of Guatemala | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | Four coins from Suriname in a carved wooden case. Recd—December 12, 1994. Est. Value—$400. Archive Foreign | His Excellency Ronald Venetiaan, President of the Republic of Suriname | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | (1) Blue leather stamp album that contains stamps from Barbados. (2) Wooden box with a sea urchin depicted in silver on its lid. (3) Brown gourd ornately encased in silver and presented in a blue case with a silver stirrer. (4) Round wooden box whose lid bears a silver abstract design representing the limestone of Barbados. Recd—December 10, 1994. Est. Value—$2,200. Archive Foreign | The Right Honorable Sir Owen S. Arthur, M.P., Prime Minister of Barbados | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| President | (1) Large ceramic vase that bears a traditional Peruvian scene. (2) Rug that bears a portrait of President Clinton. Recd—December 9, 1994. Est. Value—$950. Archive Foreign | His Excellency Alberto Fujimori, President of the Republic of Peru | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | (1) Silver bowl with floral design. (2) Decorative pin. Recd—December 16, 1994. Est. Value—$2,100. Archive Foreign. | His Excellency N.K.P. Salve, Minister of Power, Republic of India. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | (1) 10 lbs. of dates. (2) Six bottles of olive oil. (3) Six bottles of wine. Recd—December 20, 1994. Est. Value—$125. Accepted by another Government Agency. | His Excellency Zine El-Abidine Ben Ali, President of the Republic of Tunisia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| | Green leather trunk whose lid is decorated with gold design. Approx. 15″ x 22″. Recd—December 20, 1994. Est. Value—$150. Archive Foreign. | | |
| President | (1) Five 4 oz. jars of Russian caviar. (2) Five bottles of Russian vodka. Recd—December 28, 1994. Est. Value—$300. Accepted by another Government Agency. | His Excellency Yuli M. Vorontsov, Ambassador of the Russian Federation. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | (1) 25-year-old Glenfarclas scotch. (2) 1982 magnum of Krug champagne. (3) 1963 Taylors sherry. (4) 1989 Raymond Lafont wine. (5) 1982 Margaux wine. (6) 1988 Montrachet wine. (7) Hennessy Paradis cognac. (8) Cristal Rose champagne. (9) Puligny Montrachet Les Clairvoyants. (10) Domain Jacques wine. (11) Exotic snack selection. (12) Red currant jelly with vintage port. (13) Moutarde de Meaux. (14) Walkers Highland Oatcakes in tin. (15) Super luxury Christmas pudding. (16) Brandy butter. (17) Algerian dates. (18) Mixed nuts. (19) Glazed nuts. (20) Box of glazed fruits. (23) Gold Rush tea. (24) Darjeeling Goomtee Tea. (25) Harrods homemade mince pies. (26) Harrods Christmas Cake in tin. (27) Christmas tin of traditional English biscuits. (28) Strawberry preserve with Cointreau. (29) Seville orange marmalade with cognac. (30) Selection of butter florentines in chocolate. Recd—December 28, 1994. Est. Value—$1,500. Accepted by another Government Agency. | His Majesty Sultan Haji Hassanal Bolkiah Mu'Izzaddin Waddaulah, Sultan, and Yang Di-Pertuan of Brunei Darussalam. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| | (1) Aynsley Pembroke cake knife. (2) Tea set for four. (3) Two dressing gowns. (4) Set of two towels. (5) Harrods corkscrew. (6) Malcom Sargent decanter. (7) Four champagne flutes. (8) Six handmade Christmas crackers. (9) Christmas bear. (10) Four hand-cut lead crystal glasses. (11) Natural wood coffee grinder. (12) Harrods selection compact disc volume I. Recd—December 28, 1994. Est. Value—$1,000. Archive Foreign. | | |
| First Lady | Six silver dessert spoons and dessert forks. Recd—January 5, 1994. Est. Value—$1,000. Archive Foreign. | Mrs. Son Myong Sun, wife of the President of the Republic of Korea. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | (1) Straw hat. (2) Floral bouquet made of straw. (3) Doll in Belarussian traditional dress made of straw. (4) Crystal slipper. Recd—January 14, 1994. Est. Value—$340. Archive Foreign. | His Excellency Petr Kravchanka, Minister of Foreign Affairs of the Republic of Belarus. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| | Two boxes of chocolates. Recd—January 14, 1994. Est. Value—$30. Accepted by another Government Agency. | | |
| First Lady | Large cut-crystal bowl with elaborate design, made by Bohemian Crystal. Approx. 18″. Recd—January 18, 1994. Est. Value—$350. Archive Foreign. | Mrs. Livia Klausova, Wife of the Prime Minister of the Czech Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | 18″ high glass goblet with brown and green bowl. Recd—January 11, 1994. Est. Value—$250. Archive Foreign. | His Excellency Vaclav Havel, President of the Czech Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | (1) Traditional Kazakh burgundy colored hat with gold embroidery and mink trim. (2) Burgundy velvet robe with gold embroidery. (3) Silver filigreed bracelet with three attached rings set with semiprecious stones and matching pair of earrings. The jewelry is housed in a burgundy velvet box. Recd—February 14, 1994. Est. Value—$765. Archive Foreign. | Mrs. Cara A. Nazarbayeve, wife of the President of the Republic of Kazakhstan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | Gold and pearl pin. Recd—March 11, 1994. Est. Value—$650. Archive Foreign. | His Excellency Morihiro Hosokawa, Prime Minister of Japan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | Silk stitchery of a kitten mounted in a rosewood rotating frame. Recd—May 3, 1994. Est. Value—$850. Archive Foreign. | His Excellency Zou Jiahua, Vice Premier and Minister of Foreign Affairs of the People's Republic of China. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | (1) Catalog of items from Manufacture Nationale de Sevres. (2) White vase with design of flowers and blue butterflies. Recd—June 10, 1994. Est. Value—$300. Archive Foreign. | His Excellency Francois Mitterrand, President of the French Republic, and Mrs. Mitterrand. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | Silk kimono robe. Recd—June 29, 1994. Est. Value—$12,700. Archive Foreign. | The Honorable Teiichi Aramaki, Governor, Kyoto Prefecture Japan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

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|---|---|---|---|
| First Lady | Silver necklace set with milky-white stone. Recd—July 14, 1994. Est. Value—$350. Archive Foreign. | His Excellency Lech Walesa, President of the Republic of Poland. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | Amber stone and bead necklace and matching bracelet. Recd—July 14, 1994. Est. Value—$700. Archive Foreign. | His Excellency Guntis Ulmanis, President of the Republic of Latvia, and Mrs. Ulmane. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | 12″ religious icon. Recd—June 30, 1994. Est. Value—$250. Archive Foreign. | Mrs. Valentina Fedorovna Chernomyrdina, wife of the Chairman of the Council of Ministers of the Russian Federation. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | Large oval cameo. Recd—July 5, 1994. Est. Value—$650. Archive Foreign. | His Excellency Silvio Berlusconi, President of the Council of Ministers of the Italian Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | Painting on goatskin that depicts various biblical events and stories. Recd—August 30, 1994. Est. Value—$1,000. Archive Foreign. | His Excellency Meles Zenawi, President of the Transitional Government of Ethiopia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | Four handpainted china teacups and saucers. Recd—September 27, 1994. Est. Value—$250. Archive Foreign. | Mrs. Naina Iosifovna Yeltsin, wife of the President of the Russian Federation. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | Large arrangement of flowers, including roses, orchids, and lilies. Recd—October 25, 1994. Est. Value—$400. Accepted by Another Government Agency. | His Majesty Hassan II, King of Morocco. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| | White bowl-shaped floral vase. Recd—October 25, 1994. Est. Value—$200. Archive Foreign. | | |
| First Lady | The Grand Cordon of the Order of Al-Nahda. Recd—October 26, 1994. Est. Value—$2,700. Archive Foreign. | His Majesty Hussein I, King of the Hashemite Kingdom of Jordon. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | Gold necklace. Recd—October 31, 1994. Est. Value—$350. Archive Foreign. | Mrs. Leah Rabin, wife of the Prime Minister of Israel. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | Round sterling silver platter with an engraving that commemorates the signing of the Israeli-Jordanian peace agreement. Recd—October 31, 1994. Est. Value—$600. Archive Foreign. | Her Majesty Noor Al Hussein, Queen of the Hashemite Kingdom of Jordan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | Small stone sculpture of a woman in the shape of a chair. Recd—October 27, 1994. Est. Value—$450. Archive Foreign. | Mrs. Sonia Peres, wife of the Minister of Foreign Affairs of Israel. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | Pearl necklace with diamond clasp. Recd—October 28, 1994. Est.Value—$3,000. Archive Foreign. | His Highness Sheikh Jabir Al Ahmad Al Sabah, Amir of the State of Kuwait. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | Bronze coin from 66–70 a.d. encircled in gold and on a gold chain. Recd—October 31, 1994. Est. Value—$400. Archieve Foreign. | His Excellency Ezer Weizman, President of Israel, and Mrs. Weizman. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

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| First Lady | (1) Batik fabric. (2) Stuffed toy monkey. (3) Gold plate flatware service for 12. (4) Compact 35 mm camera. (5) Commemorative medals. (6) Cosmetics. (7) Silk batick material. (8) Silk scarf. (9) Silk fabric. (10) Eight books: ''Bogor,'' ''Tanali Air,'' ''Museum Puma Bhakti Periwi,'' ''Indonesia Indah,'' ''Indonesia,'' ''What and Who in Beautiful Indonesia,'' ''Puspa Warna,'' ''Borobudor: Prayer in Stone.'' (11) Set of Indonesian 835 silver flatware service for 12, housed in large red box. Recd—November 15, 1994. Est. Value—$28,225. Archive Foreign. | Mrs. Tien Soeharto, wife of the President of the Republic of Indonesia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | A wooden vase that bears scenes from village life, signed on the bottom. Approx. 13″ x 7″. Recd—December 5, 1994. Est. Value—$275. Archive Foreign. | Mrs. Lydymyla Kuchma, wife of the President of Ukraine. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | Hollow sterling silver bird figurine. Recd—December 9, 1994. Est. Value—$325. Archive Foreign. | Mrs. Aglae De Leoro, wife of the Minister of Foreign Relations of Ecuador. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | Gold and amber stone necklace with matching earrings. Recd—December 9, 1994. Est. Value—$500. Archive Foreign. | His Excellency Joaquin Balaguer, President of the Dominican Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | Sterling silver necklace with blue lapis pendant. Recd—December 9, 1994. Est. Value—$600. Archive Foreign. | Mrs. Marta Larraechea de Frei, wife of the President of the Republic of Chile. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | Brazilian polished pewter milk pitcher. Recd—December 9, 1994. Est. Value—$235. Archive Foreign. | Mrs. Lucia Flecha de Lima, wife of the Brazilian Ambassador to the United States. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| First Lady | Small sterling silver harp in a blue velvet presentation case. Recd—December 16, 1994. Est. Value—$325. Archive Foreign. | Mrs. Maria Teresa Carrasco de Wasmosy, wife of the President of Paraguay. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President and First Lady | (1) Wine coaster with wooden bottom and a sterling silver decorative ring around its perimeter. (2) Six sterling silver teaspoons with a decorative floral pattern on their handles. (3) Sterling silver link bracelet. Recd—January 5, 1994. Est. Value—$910. Archive Foreign. | The Honorable Paul Keating, Prime Minister of Australia, and Mrs. Keating. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President and First Lady | Three items by Hermes: (1) Wooden jewelry box. (2) Enamel bracelet. (3) Four-piece desk set. Recd—June 3, 1994. Est. Value—$3,645. Archive Foreign. | The Honorable Philippe Seguin, President of the National Assembly, France. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President and First Lady | Two items by Hermes: (1) Scarf. (2) Sterling silver tray with leather handles for letters. Recd—June 3, 1994. Est. Value—$775. Archive Foreign. | His Excellency Alain Juppe, Minister of State for Foreign Affairs of the French Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

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| President and First Lady | (1) Three hardcover books on Argentina: ''Argentina Panorama,'' ''Argentina Una Aventura Fotografica,'' and ''Magica Buenos Aires'' (for the First Lady). (2) Sterling silver etched goblet (for the President). Recd—June 30, 1994. Est. Value—$775. Archive Foreign. | His Excellency Carlos Menem, President of the Argentine Nation. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President and First Lady | Brass tray with inlaid silver traditional Arabic designs. Recd—October 27, 1994. Est. Value—$2,800. Archive Foreign. | His Excellency Hafiz al-Asad, President of the Syrian Arab Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President and First Lady | (1) Wool rug that bears traditional Bedouin motifs. (2) Sterling silver Arabic coffee set. Recd—October 26, 1994. Est. Value—$7,000. Archive Foreign. | Their Majesties King Hussein I and Queen Noor Al Hussein, King and Queen of the Hashemite Kingdom of Jordan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| | (1) Gold brooch with inlaid stones in the colors of the Jordanian flag. (2) Signed photograph of the King and Queen on a motorcycle. Recd—October 26, 1994. Est. Value—$3,000. Archive Foreign. | | |
| Chelsea | (1) Pair of Adidas ''Predator'' soccer shoes. (2) Four Adidas ''World Cup'' commemorative jerseys and three pairs of matching shorts. (3) Small black leather Etienne Aigner handbag. Recd—July 14, 1994. Est. Value—$430. Archive Foreign. | His Excellency Dr. Helmut Kohl, Chancellor of the Federal Republic of Germany. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Chelsea | Silk brocade material. Recd.—October 28, 1994. Est. Value—$300. Archive Foreign. | Mrs. al-Asad Wife of the President of the Syrian Arab Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| James Alan Dorsking, Special Assistant to the President and Director of Correspondence and Presidential Messages. | Bronze statue of Jesus Christ. Recd—August 3, 1994. Est. Value—$400. General Services Administration. | Mr. Mikhail Alexeevitch Mironov, Director of correspondence, Office of Administration of the President of the Russian Federation. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Dr. John H. Gibbons, Assistant to the President for Science and Technology Policy and Director of the Office of Science and Technology Policy. | Sterling silver box with engraved etchings. Presented in cloth box. Recd—October 3, 1994. Est. Value—$800. Archives, Staff Gift. | Dr. Bacharuddin J. Habibie, Minister of State for Research and Technology of the Republic of Indonesia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Brenda I. Hilliard, Special Assistant to the Executive Secretary, National Security Council. | Women's Omega wristwatch with a gold face and a black leather band. Recd—March 28, 1994. Est. Value—$300. General Services Administration. | His Majesty Hussein I, King of the Hashemite Kingdom of Jordon. | Non-acceptance would cause embarrassment to donor and U.S. Government |
| Martin S. Indyk, Special Assistant to the President for Near East and South Asian Affairs, National Security Council. | One man's and one woman's Longines wristwatches. Recd—August 2, 1994. Est. Value—$300. General Services Administration. | Their Majesties King Hussein I and Queen Noor Al Hussein, King and Queen of the Hashemite Kingdom of Jordon. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| William H. Itoh, Executive Secretary, National Security Council. | Man's Breitling wristwatch. Recd—June 21, 1994. Est. Value—$500. General Services Administration. | His Excellency Ayman Majali, Chief of Protocol of the Kingdom of Jordan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Ellen B. Laipson, Director, Near East and South Asian Affairs, National Security Council. | (1) 63″40″ silk ghoum rug; green with a medallion design (2) 58½″40½″ silk ghoum rug; blue with an animal design. Recd—July 26, 1994. Est. Value—$4,500. General Services Administration. | Mr. Jalal Talalbani, Secretary General of the Patriotic Union of Kurdistan Iraqui National Congress. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

## AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Anthony Lake, Assistant to the President for National Security Affairs. | Woven silk rug with blue and cream colored medallion design. Approx. 3′3″5′8″. Recd—May 2, 1994 Est. Value—$850. General Services Administration. | General Abdul Waheed, Chief of the Army Staff, Pakistan. | Non-acceptance would cause embarrassment to donor and U.S. Government |
| Anthony Lake, Assistant to the President for National Security Affairs. | (1) Navy blue leather briefcase with red stitching. (2) Ceremonial black and white robe and headdress. (3) Wristwatch with a white face, gold case, and brown leather band. (4) Two red and gold pens. Recd—October 28, 1994. Est. Value—$1,035. General Services Administration. | His Highness Sheikh Jabir Al Ahmad AL Sabah, Amir of the State of Kuwait. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Anthony Lake, Assistant to the President for National Security Affairs. | Framed oil on canvas painting, ''Cock Fighters,'' by Gesner Armand and signed by artist. Approx. 16″20″. Recd—November 2, 1994. Est. Value—$250. General Services Administration. | His Excellency Jean-Bertrand Aristide, President of the Republic of Haiti. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Robert E. Rubin, Assistant to the President for Economic Policy. | Print of New Amsterdam, dated circa 1650. Recd—September 6, 1994. Est. Value—$450. General Services Administration. | His Excellency Helmut Tuerk, Ambassador of Austria. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Nancy Elisabet Soderberg, Special Assistant to the President for National Security Affairs and Staff Director of the National Security Council. | Framed painting on panel, ''Children in the Yard,'' by Buffon Thermidor and signed by artist. Approx. 12″16″. Recd—November 3, 1994. Est. Value—$250. General Services Administration. | His Excellency Jean-Bertrand Aristide, President of the Republic of Haiti. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

## AGENCY: OFFICE OF THE VICE PRESIDENT

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and Government | Circumstances justifying acceptance |
|---|---|---|---|
| The Vice President ..... | (1) Coffer, domed lid, red leather with gilt tooling, two doors enclosing drawers to interior. Approx. 21½'' W (Tunisia—late 20th century). Residence: For Official Use. (2) Dates, six bottles of Tunisian wine, and eight bottles of Tunisian olive oil. All food destroyed. Recd—January 1, 1994. Est.Value—$490.00. | His Excellency Zine El-Abidine Ben Ali, President of the Republic of Tunisia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| The Vice President ..... | Covered vegetable dishes, silver, each with nut finial and pierced anthemion border (Turkey—late 20th century). Recd—January 13, 1994. Est. Value—$225.00. Archive Foreign. | His Excellency Murat Karayalcin, Deputy Prime Minister of the Republic of Turkey. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| The Vice President ..... | Ewer, matte green ceramic reproduction of the original iron age vessel, applied with silver scrolling, hieroglyphics and pictograms, wire stand (late 20th century). Recd—March 7, 1994. Est. Value—$250.00. Archive Foreign. | His Excellency Yitzak Rabin, Prime Minister of Israel. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: OFFICE OF THE VICE PRESIDENT—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and Government | Circumstances justifying acceptance |
|---|---|---|---|
| The Vice President | Platter, silver, shaped border, deep cavetto. Approx. 16¼'' L (Bolivia—20th century). Recd—March 20, 1994. Est. Value—$450.00. Mrs. Gore's Office: For Official Use. | His Excellency Gonzalo Sanchez De Lozada, President of the Republic of Bolivia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| The Vice President | Vase, porcelain having red, green and gold foliate latticework ground, green and gold border, centered with the seal of the Vice President Gore. Approx. 16'' diameter across two handles (Thailand—late 20 century). Recd—May 5, 1994. Est. Value—$650.00. Mrs. Gore's Office: For Official Use. | The Honorable Pramual Sabhavasu, Member of Parliament in Thailand. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| The Vice President | Trophy, silvered and gilded metal in the form of a soccer ball flanked by two feathers, malachite, base, fitted case and box. Approx. 12'' H. (Saudi Arabia—late 20th century). Recd—July 11, 1994. Est. Value—$250.00. Archive Foreign. | His Royal Highness Prince Saud Al Faisal, Minister of Foreign Affairs of Saudi Arabia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| The Vice President | Plaques, bronze, 50 year celebration of the Warsaw Insurrection by the following Polish artists: Trzebiatowski, Dobrucka, Dworski, Januskiewicz, and Nowakowski. Approx. 4'' x 3½'' (varies). Recd—August 1, 1994. Est. Value—$650.00. Archive Foreign. | His Excellency Lech Walesa, President of the Republic of Poland. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| The Vice President | (1) Tray, 800 silver decorated with bright cut engraving with a fitted case. Approx. 10'' diameter (Egypt—20th century). Mrs. Gore's Office: For Official Use. (2) Tablecloth and six napkins, cotton, with polychrome and gilt floral embroidery (Egypt—late 20th century). Archive Foreign. (3) Mirror, 800 silver repousse back and frame, bird finial with a fitted case. Approx. 7'' diameter (Egypt—late 20th century). Mrs. Gore's Office: For Official Use. Recd—September 6, 1994. Est. Value—$480.00. | His Excellency Mohamed Hosni Mobarak, President of the Arab Republic of Egypt. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| The Vice President | Medal, high karat yellow gold, reproduction of an ancient coin. Approx. 1½'' diameter (late 20th century). Recd— October 19, 1994. Est. Value—$600.00. Archive Foreign. | The Honorable Carlo Scognamiglio, President of the Italian Senate. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| The Vice President | (1) Footed bowl, silver and parcel silver gilt having repousse floral motifs. Appox. 11'' diameter (India—late 20th century). (2) Badge, 18 karat yellow gold with enamel decoration ''Indian Power Delegation, India USA'' and name ''Albert Gore.'' Recd—November 11, 1994. Est. Value—$625.00. | The Honorable N.K.P. Salve, Minister of Power, Government of India. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: OFFICE OF THE VICE PRESIDENT—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and Government | Circumstances justifying acceptance |
|---|---|---|---|
| The Vice President | (1) Five jars of malossol caviar. Approx. 4 ounces. (2) Five bottles of vodka. Recd—December 25, 1994. Est. Value—$300.00. White House Mess: For Official Use. | The Honorable Yuli M. Vorontsov, Ambassador Extraordinary and Plenipotentiary of the Russian Federation. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Mrs. Gore | Covered bowl, oval, 800 silver, hinged lid with pierced and bright cut engraved decoration. Approx. 8½'' L oval (Egypt—20th century). Recd—September 22, 1994. Est. Value—$350.00. Mrs. Gore's Office: For Official Use. | Mrs. Laila Moussa, Wife Amre Moussa, Minister of Foreign Affairs of the Arab Republic of Egypt. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| The Vice President and Mrs. Gore | (1) Painting, oil on canvas, landscape, framed. Approx. 22'' x 33'' (by P.I. Krivenko, 1994). (2) Vase, porcelain having grey luster glaze with applied roses of the same material. Approx. 15¼'' (Kazakhstan—late 20th century). (3) Pelt of a wolf. (4) Cufflinks, 18 karat yellow gold disks, each engraved with the coat of arms of Kazakhstan. Recd—February 14, 1994. Est. Value—$1,175.00. Archive Foreign. | His Excellency Nursultan Nazarbayev, President of the Republic of Kazakhstan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| The Vice President and Mrs. Gore | (1) Book, the Tretyakov Gallery collection. (2) Jewelry (necklace, pair of earrings, and ring), silver wire mountings, each set with a polished piece of amber (late 20th century). (3) Scarf, silk, printed ''Russia'' in cyrillic. (4) Tea service (a teapot, covered sugar bowl, creamer, and six cups and saucers), porcelain having brown ''embroidery'' decoration (Russia—late 20th century). Recd—March 9, 1994. Est. Value—$615.00. Archive Foreign. | His Excellency Gherman V. Zharov, Head, Section of Protocol Administrative Department, The State Duma, The Assembly of the Russian Federation. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| The Vice President and Mrs. Gore | (1) Satchel, leather and suede, by Casa Lopez (Argentina—late 20th century). (2) Attache case, brown leather (Argentina—late 20th century). (3) Suitcase, two suiter, brown leather, by Casa Lopez (Argentina). (4) Mate cup and sipper (Approx. 5½'' H), plus straw, repoussee sterling silver with yellow gold highlights and Argentina coat of arms by Ricciardi (late 20th century). Recd—March 21, 1994. Est. Value—$725.00. Archive Foreign. | His Excellency Carlos Menem, President of the Argentine Nation. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: OFFICE OF THE VICE PRESIDENT—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and Government | Circumstances justifying acceptance |
|---|---|---|---|
| The Vice President and Mrs. Gore | (1) Bolts of Moroccan fabric with hold maylar threads. (2) Trunk, rose leather with gold tooling over a wood case, monogram of King Hassan II. Approx. 23¾'' W (Morocco—late 20th century). (3) Cachepot, pottery with polychrome glazes and gilding. Approx. 18'' H x 21'' diameter (Morocco—late 20th century). Recd—April 14, 1994. Est. Value—$1,200.00. Archive Foreign. | His Majesty Hassan II, King of Morocco. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| The Vice President and Mrs. Gore | (1) Belt buckle, sterling silver, two parts by Michala. Each approx. 2¼'' diameter (Greece—late 20th century). Archive Foreign. (2) Urn, sterling silver, elongated handles, gilt lined by Michala. Approx. 4¾'' H (Greece—late 20th century). Mrs. Gore's Office: For Official Use. Recd—April 20, 1994. Est. Value—$575.00.. | His Excellency Andreas Papandreou, Prime Minister of the Hellenic Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| The Vice President and Mrs. Gore | Figure, polished bronze, warrior holding axe in right hand and bird in left. Approx. 25½'' H. (Benin—late 20th century). Recd—May 11, 1994. Est. Value—$250.00. Archive Foreign. | His Excellency Nicephore Soglo, President of the Republic of Benin, and Mrs. Soglo. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| The Vice President and Mrs. Gore | (1) Tightly woven basket with cover, decorations are brown and designs are geometric. Approx. 21'' H x 17'' W. (2) Ostrich purse≤ (3) Round woven straw plate to hang. Recd—May 11, 1994. Est. Value—$550.00. Residence: For Official Use. | His Excellency President K.T. Nujoma, President of the Republic of Nimibia, and Mrs. Nujoma. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| The Vice President and Mrs. Gore | (1) Incense burner, silver, pierced and chased, removable lid, in fitted box. Approx. 8'' diameter x 9'' H (India—late 20th century). Residence: For Official Use. (2) Charger, white marble decorated with gold, red, and green lacquers in geometric motif. Approx. 12'' diameter (India—late 20th century). Archive Foreign. (3) Rosewater bottle, white marble decorated with gold, red, and green lacquers. 6'' H (India—late 20th century). Archive Foreign. Recd—May 18, 1994. Est. Value—$660.00. | His Excellency P.V. Narasimha Rao, Prime Minister of India. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

## AGENCY: EXECUTIVE OFFICE OF THE PRESIDENT

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| President | Two Bangladeshi-made jute carpets; one is blue with white trim and geometric designs, and the other is red. Recd—February 14, 1994. Est. Value—$1000. Archive Foreign. | His Excellency Humayun Kabir, Ambassador of the People's Republic of Bangladesh. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | (1) Enamel shield that bears a picture of a gladiator on a white horse stabbing a serpent with a spear. The shield is lettered ''Good Defeats Evil'' in English and Georgian text. (2) Multicolored, handwoven rug with white trim. Approx. 58″ x 43″. Recd—March 7, 1994. Est. Value—$1850. Archive Foreign. | His Excellency Eduard Shevardnadze, Chairman of the State Council of the Republic of Georgia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | (1) Three abstract glass sculptures: yellow/green, blue, and rose. Each has a hole in its base for bulb insert to illuminate sculpture. (2) Two volumes of illuminated manuscripts in Cyrillic text. Recd—March 4, 1994. Est. Value—$750. Archive Foreign. | His Excellency Leonid Kravchuk, President of Ukraine. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | (1) Waterford cut-crystal punch bowl. (2) Wooden statue of seagulls. Recd—March 18, 1994. Est. Value—$5000. Archive Foreign. | His Excellency Albert Reynolds, Prime Minister of Ireland. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| | Sterling silver sugar nips, circa 1750. Recd—March 18, 1994. Est. Value—$500. Archive Foreign | ..... | |
| President | (1) Framed expressionist-style oil painting of Jesus Christ by Anto Mamusa. Approx. 46″ x 34″. (2) Gold Croatian coin. Recd—March 22, 1994. Est. Value—$800. Archive Foreign. | His Excellency Franjo Tudjman, President of the Republic of Croatia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| President | 73 trees planted in Israel in memory of the President's mother, Virginia Kelly. Recd—March 11, 1994. Est. Value—$730. Archive Foreign. | His Excellency Yitzhak Rabin, Prime Minister of Israel. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

## AGENCY: OFFICE OF THE VICE PRESIDENT

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| The Vice President and Mrs. Gore | (1) Two bangle bracelets, 22 karat yellow gold pierced filigree (Pakistan—late 20th century). Archive Foreign. (2) Rug, wool on cotton, ivory field with six round pastel foliate and floral medallions, seven borders with tan main. Approx. 54¼″x87″ (Pakistan—late 20th century). Residence: For Official Use. Recd—May 25, 1994. Est. Value—$1,700.00. | His Excellency Faroog Ahmad Khan Leghari, President of the Islamic Republic of Pakistan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: OFFICE OF THE VICE PRESIDENT—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Vice President and Mrs. Gore ..... | (1) Cigarette box, sterling silver with niello decoration, bright cut engraved center. Approx. 8½″ L (Thai—late 20th century). (2) Fabric, salmon and white woven silk in traditional ''Ikat'' manner, boxed. Approx. 39″ x 14,6″ (Thai—late 20th century). Recd—October 19, 1994. Est. Value—$350.00. Archive Foreign. | His Excellency Chuan Leekpai, Prime Minister of the Kingdom of Thailand. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| The Vice President and Mrs. Gore | (1) Vase, silver with imperial gold chrysanthemum ''mon'' to side in fitted wood box. Approx. 13″ H (Japanese—late 20th century). (2) Picture frame, silver with gold imperial Chrysanthemum ''mon'' to top. Approx. 13¼″ x 10¼″ (Japanese—late 20th century). (3) Box covered, silver with pale and darker green cloisonne enamel decoration centered with the imperial gold chrysanthemum ''mon''. Approx. 3¾″ diameter (Japanese—late 20th century). Recd—November 10, 1994. Est. Value—$775.00. Archive Foreign. | His Imperial Majesty, The Emperor of Japan, and The Empress of Japan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| The Vice President and Mrs. Gore | (1) Sculpture, soapstone (steatite), depicting a musk ox with composition horns. Approx. 6½″ H (Eskimo—late 20th century). The Vice President's Office: For Official Use. Recd—December 13, 1994. (2) Box, silver plate, cast with Northwest American Indian motifs by Boma. Approx. 4½″ diameter (late 20th century). Archive Foreign. Recd—December 13, 1994. Est. Value—$285.00. | The Right Honorable Jean Cretien, P.C., M.P., Prime Minister of Canada, and Mrs. Aline Cretien. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| The Vice President's Family ..... | (1) Pocket watch, silver plated hunt case decorated with imperial Russian eagle coat of arms to front and rear, plated chain. The Vice President's Senate Office: For Official Use. (2) Plaque, Palekh lacquer, two troikas. Approx. 9¼″ x 15¾″ (by S. Fedoskino, Russia—1989). Foreign Archive. (3) Brooch, carved bone rose, inside a cigarette box, Palekh lacquer, landscape, by Fedoskino. Approx. 6½″ L (Russia—late 20th century). The Vice President's Senate Office: For Official Use. Recd—June 22, 1994. Est. Value)—$755.00. | His Excellency, Viktor Chernomydin, Chairman of the Council of Ministers of the Russian Federation, and Mrs. Chernomydin. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

## UNITED STATES SENATE

Report of Tangible Gifts Calendar Year 1994

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Robert L. Benoit, Sergeant at Arms. | Etched plate with silver plating. Recd—July 26, 1994. Est. value—$175. Disposition: Display in Sergeant at Arms' office. | King Hussein of the Kingdom of Jordan. | Non-acceptance would have caused embarrassment to the donor and the U.S. Government. |
| Hank Brown, U.S. Senator ..... | Polish cavalry sword. Recd—Oct. 24, 1994. Est. value—$523. Deposited with the Secretary of the Senate. | Predsident Lech Walesa of Poland. | Non-acceptance would have caused embarrassment to the donor and the U.S. Government. |
| Bob Dole, U.S. Senator ..... | Mother-of-pearl box. Recd—May 18, 1994. Est. value—$100. Deposited with the Secretary of the Senate. | Prime Minister of India, P.V. Narasimha Rao. | Non-acceptance would have caused embarrassment to the donor and the U.S. Government. |
| Bob Dole, U.S. Senator ..... | Gold and Silver boat. Recd—July 8, 1994. Est. value—$504. Disposition: Display in the Senator's office. | President of the Kuwaiti National Assembly, Ahmed Abdul-Aziz Al-Saadoon. | Non-acceptance would have caused embarrassment to the donor and the U.S. Government. |
| John McCain, U.S. Senator ..... | Solid gold medallion. Recd—June 24, 1994. Est. value—$106. Deposited with the Secretary of the Senate. | 1st Prime Minister, Minister of State for Economic Reform, Mircea Cosea; Chairman of Credit Bank, Marcel Ivan; Government of Romania. | Non-acceptance would have caused embarrassment to the donor and the U.S. Government. |
| John McCain, U.S. Senator ..... | Silver and gold ship. Recd—May 17, 1994. Est. value—$500. Deposited with the Secretary of the Senate. | Ahmed Abdul-Aziz Al-Saadoon, Government fo Kuwait. | Non-acceptance would have caused embarrassment to the donor and the U.S. Government. |
| George J. Mitchell, U.S. Senator .. | Power loomed, garden design oriental rug. Recd—Oct. 27, 1994. Est. value—$180. Deposited with the Secretary of the Senate. | President Hosni Mubarak of Egypt | Non-acceptance would have caused embarrassment to the donor and the U.S. Government. |
| Sam Nunn, U.S. Senator ..... | Silver filigree box. Recd—Oct. 4, 1994. Est. value—$250–300. Disposition: Display in the Senator's office. | Minister J.B. Habibie of Indonesia | Non-acceptance would have caused embarrassment to the donor and the U.S. Government. |
| Sam Nunn, U.S. Senator ..... | Set fo six silver with gold-tipped dessert spoons and forks. Recd—Oct. 19, 1994. Est. value—over $250. Disposition: Display in Senator's office. | President of South Korea, Kim Young Sam. | Non-acceptance would have caused embarrassment to the donor and the U.S. Government. |

## UNITED STATES SENATE

Report of Travel or Expenses of Travel Calendar Year 1994

| Name and title of person accepting travel expenses consistent with the interests of the U.S. Government | Brief description of travel or expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Gale Awaya, Congressional Fellow, Office of Senator Inouye. | Transportation and lodging in country, Nov. 13–19, 1994. | Government of Pakistan ..... | Official travel to meet with government officials, visit refugee camps and various sites. |
| Robert F. Bennett, U.S. Senator, Joyce Bennett, Spouse, U.S. Senator. | Transportation in country, Jan 4–8, 1994. | Government of China ..... | No commercial transportation available to meeting sites. |
| Robert F. Bennett, U.S. Senator, Joyce Bennett, Spouse, U.S. Senator. | Transportation within country to official meetings, Jan. 13, 1994. | Government of Indonesia ..... | U.S. military aircraft too large to land at airports where meetings held. |
| Benjamin S. Cooper, Staff Dir., Committee on Energy and Natural Resources. | Transportation in country, Jan. 4–8, 1994. | Government of China ..... | No commercial transportation available to meeting sites. |
| Benjamin S. Cooper, Staff Dir., Committee on Energy and Natural Resources. | Transportation within country to official meetings, Jan. 13, 1994. | Government of Indonesia ..... | U.S military aircraft too large to land at airports where meetings held. |
| Gary Ellisworth, Minority General Counsel, Committee on Energy and Natural Resources. | Transportation in country, Jan. 4–8, 1994. | Government of China ..... | No commercial transportation available to meeting sites. |

UNITED STATES SENATE—Continued

Report of Travel or Expenses of Travel Calendar Year 1994

| Name and title of person accepting travel expenses consistent with the interests of the U.S. Government | Brief description of travel or expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Gary Ellsworth, Minority General Counsel, Committee on Energy and Natural Resources. | Transportation within country to official meetings, Jan. 13, 1994. | Government of Indonesia | U.S. military aircraft too large to land at airports where meetings held. |
| Mark O. Hatfield, U.S. Senator, Antoinette Hatfield, Spouse, U.S. Senator. | Transportation in country, Jan. 4–8, 1994. | Government of China | No commercial transportation available to meeting sites. |
| Mark O. Hatfield, U.S. Senator, Antoinette Hatfield, Spouse, U.S. Senator. | Transportation within country to official meetings, Jan. 13, 1994. | Government of Indonesia | U.S. military aircraft too large to land at airports where meetings held. |
| Laura Hudson, Legislative Director, Office of Senator Johnston. | Transportation in country, Jan. 4–8, 1994. | Government of China | No commercial transportation available to meeting sites. |
| Laura Hudson, Legislative Director, Office of Senator Johnston. | Transportation within country to official meetings, Jan. 13, 1994. | Government of Indonesia | U.S. military aircraft too large to land at airports where meetings held. |
| J. Bennett Johnston, U.S. Senator, Mary Johnston, Spouse, U.S. Senator. | Transportation in country, Jan. 4–8, 1994. | Government of China | No commercial transportation available to meeting sites. |
| J. Bennett Johnston, U.S. Senator, Mary Johnston, Spouse, U.S. Senator. | Transportation within country to official meetings, Jan. 13, 1994. | Government of Indonesia | U.S. military aircraft too large to land at airports where meetings held. |
| Anne LeMay, Legislative Correspondent, Office of Senator Jeffords. | Transportation and lodging in country, Nov. 13–19, 1994. | Government of Pakistan | Official travel to meet with government officials, visit refugee camps and various sites. |
| Greg McGinity, Legislative Aide, Office of Senator Cochran. | Transportation and lodging in country, Nov. 13–19, 1994. | Government of Pakistan | Official travel to meet with government officials, visit refugee camps and various sites. |
| Harlan Mathews, U.S. Senator, Patsy Mathews, Spouse, U.S. Senator. | Transportation in country, Jan. 4–8, 1994. | Government of China | No commercial transportation available to meeting sites. |
| Harlan Mathews, U.S. Senator, Patsy Mathews, Spouse, U.S. Senator. | Transportation within country to official meetings, Jan. 13, 1994. | Government of Indonesia | U.S. military aircraft too large to land at airports where meetings held. |
| Don Nickles, U.S. Senator | Transportation in coutnry, Jan. 4–8, 1994. | Government of China | No commercial transportation available to meeting sites. |
| Don Nickles, U.S. Senator | Transportation within country to official meetings, Jan. 13, 1994. | Government of Indonesia | U.S. military aircraft too large to land at airports where meetings held. |
| Jan Paulk, Director, Office of Interparliamentary Services. | Transportation in country, Jan. 4–8, 1994. | Government of China | No commercial transportation available to meeting sites. |
| Jan Paulk, Director, Office of Interparliamentary Services. | Transportation within country to official meetings, Jan. 13, 1994. | Government of Indonesia | U.S. military aircraft too large to land at airports where meetings held. |
| Eric Silagy, Legislative Assistant, Office of Senator Johnston. | Transportation in country, Jan. 4–8, 1994.. | Government of China | No commercial transportation available to meeting sites. |
| Eric Silagy, Legislative Assistant, Office of Senator Johnston. | Transportation within country to official meetings, Jan. 13, 1994. | Government of Indonesia | U.S. military aircraft too large to land at airports where meetings held. |
| Alan K. Simpson, U.S. Senator, Ann Simpson, Spouse, U.S. Senator. | Transportation in country, Jan. 4–8, 1994. | Government of China | No commercial transportation available to meeting sites. |
| Alan K. Simpson, U.S. Senator, Ann Simpson, Spouse, U.S. Senator. | Transportation within country to official meetings, Jan. 13, 1994. | Government of Indonesia | U.S. military aircraft too large to land at airports where meetings held. |
| Arlen Specter, U.S. Senator, Joan Specter, Spouse, U.S. Senator. | Transportation in country, Jan. 4–8, 1994. | Government of China | No commercial transportation available to meeting sites. |
| Arlen Specter, U.S. Senator, Joan Specter, Spouse, U.S. Senator. | Transportation within country to official meetings, Jan. 13, 1994. | Government of Indonesia | U.S. military aircraft too large to land at airports where meetings held. |
| G. Robert Wallace, Minority Staff Director, Committee on Energy and Natural Resources. | Transportation in country, Jan. 4–8, 1994. | Government of China | No commercial transportation available to meeting sites. |

## UNITED STATES SENATE—Continued

Report of Travel or Expenses of Travel Calendar Year 1994

| Name and title of person accepting travel expenses consistent with the interests of the U.S. Government | Brief description of travel or expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| G. Robert Wallace, Minority Staff Director, Committee on Energy and Natural Resources. | Transportation within country to official meetings, Jan. 13, 1994. | Government of Indonesia ..... | U.S. military aircraft too large to land at airports where meetings held. |
| Sharon Waxman, Legislative Assistant, Office of Senator Lautenberg. | Transportation and lodging in country, Nov. 13–19, 1994. | Government of Pakistan ..... | Official travel to meet with government officials, visit refugee camps and various sites. |

## AGENCY: U.S. HOUSE OF REPRESENTATIVES

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Lee H. Hamilton, Member of Congress. | Pakistani Rug, 4.8 x 7, Hunt scene with lance bearing horsemen and archers among various animals on cream ground, surrounded by pink border containing various animals. Recd—May 24, 1994. Est. Value—$500. Approved for official display. | President of Pakistan, H.E. Sardar Farooq Ahmed Leghari. | Non-acceptance would have caused embarrassment to donor. |
| Michael J. O'Neil, Counsel to the Speaker. | Box set of black lacquer and gold plated pens, wrist watch and lighter Recd—August 1, 1994. Est. Value—$600. To be retained by the Clerk of the House for official display.. | King Hussein of Jordan ..... | Non-acceptance would have caused embarrassment to donor. |

## AGENCY: U.S. HOUSE OF REPRESENTATIVES

Report of Travel or Expenses of Travel

| Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government | Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Jay Kim, Member of Congress ..... | 6 nights lodging in Korea, and food for Member and Spouse, Nov. 13–19, 1994. | Republic of Korea ..... | Authorized by 5 U.S.C. § 7342(c)(1)(B)(ii). |
| James T. Kolbe, Member of Congress. | One way airfare from Beijing, China to Qingdao, China, food and lodging, Nov. 12–16, 1994. | The People's Republic of China ... | Authorized by 5 U.S.C. § 7342(c)(1)(B)(ii). |
| Michael G. Oxley, Member of Congress. | Ground transportation from Stutgart to Munich, Germany, for Member and Spouse, August 29, 1994. | German Federal Railway ..... | Authorized by 5 U.S.C. § 7342(c)(1)(B)(ii). |
| Michael G. Oxley, Member of Congress. | Ground transportation from Madrid to Avila, Spain, for Member and Spouse, September 3, 1994. | Spanish National Railway ..... | Authorized by 5 U.S.C. § 7342(c)(1)(B)(ii). |
| Al Swift, Member of Congress ..... | Ground transportation from Stutgart to Munich, Germany, for Member and Spouse, August 29, 1994. | German Federal Railway ..... | Authorized by 5 U.S.C. § 7342(c)(1)(B)(ii). |
| Al Swift, Member of Congress ..... | Ground transportation from Madrid to Avila, Spain, for Member and Spouse, September 3, 1994. | Spanish National Railway ..... | Authorized by 5 U.S.C. § 7342(c)(1)(B)(ii). |
| W.J. (Billy) Tauzin, Member of Congress. | Ground transportation from Stutgart to Munich, Germany, for Member and Spouse, August 29, 1994. | German Federal Railway ..... | Authorized by 5 U.S.C. § 7342(c)(1)(B)(ii). |

## AGENCY: U.S. HOUSE OF REPRESENTATIVES—Continued

Report of Travel or Expenses of Travel

| Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government | Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| W.J. (Billy) Tauzin, Member of Congress. | Ground transportation from Madrid to Avila, Spain, for Member and Spouse, September 3, 1994. | Spanish National Railway ..... | Authorized by 5 U.S.C. § 7342(c)(1)(B)(ii). |
| Mark Brown, Rep. William J. Hughes. | Food, lodging and ground transportation within Germany, April 23–May 7, 1994. | Federal Republic of Germany ..... | Authorized by 5 U.S.C. § 7342(c)(1)(B)(ii). |
| Sheila Canavan, Subcommittee on Environment, Energy and Natural Resources. | Food, lodging, air, ground and boat transportation within Germany, April 23–May 7, 1994. | Bundestag/Bundesrat of the Federal Republic of Germany. | Authorized by 5 U.S.C. § 7342(c)(1)(B)(ii). |
| Arthur Endres, Subcommittee on Transportation and Hazardous Materials. | Ground transportation from Stutgart to Munich, Germany, August 29, 1994. | German Federal Railway ..... | Authorized by 5 U.S.C. § 7342(c)(1)(B)(ii). |
| Arthur Endres, Subcommittee on Transportation and Hazardous Materials. | Ground transportation from Madrid to Avila, Spain, September 3, 1994. | Spanish National Railway ..... | Authorized by 5 U.S.C. § 7342(c)(1)(B)(ii). |
| Janina A. Jaruzelski, Subcomm. on Oversight and Investigations. | Food, lodging, ground and boat transportation within Germany, April 23–May 7, 1994. | Bundestag/Bundesrat of the Federal Republic of Germany. | Authorized by 5 U.S.C. § 7342(c)(1)(B)(ii). |
| James H. Mathews, Subcommittee on Fisheries Management. | Round trip air transportation from Mexico City, Mexico, to Guererro Negro (Bjoa California Sur) Mexico. Round trip boat trip Ojo de Liebre Lagoon, Feb. 27–28, 1994. | Mexico ..... | Authorized by 5 U.S.C. § 7342(c)(1)(B)(ii). |
| David P.W. Orlin, Appropriations Committee. | Food, lodging, round trip air transportation to Peshawar, and bus transportation from Lahore to Khati, Nov. 13–Nov. 20, 1994. | Government of Pakistan ..... | Authorized by 5 U.S.C. § 7342(c)(1)(B)(ii). |

## AGENCY: U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| J. Brian Atwood, Administrator ..... | Wool wall hanging, approx. 41″ × 74″, multicolored, river scene. Recd—October 20, 1994. Est. Value—$250. Retained by Agency for official use. | Dr. Amal Osman, Minister of Insurance and Social Affairs, Arab Republic of Egypt. | Non-acceptance would have caused embarrassment to donor & U.S. Government. |

## AGENCY: DEPARTMENT OF THE AIR FORCE

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Mr. Bauerlein, Deputy Under Secretary of the Air Force for International Affairs. | Cufflinks (1 pair), 18 carat gold, oblong. Recd—May 10, 1994. Est. Value—$295.00. On official display in Mr. Bauerlein's office. | Gen. Tantawi, Minister of Defense, Egypt. | Non-acceptance would have caused embarrassment to donor & U.S. Government. |
| Colonel Samuel H. Clovis, Jr., Chief, U.S. Office of Military Cooperation, Bahrain. | Native ceremonial dagger. Recd—January 13, 1994. Est. Value—$200.00 Turned-in to GSA, June 23, 1994. | His Highness the Amir, Shaikh Isa Bin Salman Al Khalifa, Bahrain. | Non-acceptance would have caused embarrassment to donor & U.S. Government. |
| Colonel Samuel H. Clovis, Jr., Chief, U.S. Office of Military Cooperation, Bahrain. | Men's Baume and Mercier wristwatch. Recd—January 13, 1994. Est. Value—$600.00. Turned in to GSA, June 23, 1994. | His Highness the Amir, Shaikh Isa Bin Salman Al Khalifa, Bahrain. | Non-acceptance would have caused embarrassment to donor & U.S. Government. |

## AGENCY: DEPARTMENT OF THE AIR FORCE—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Colonel Samuel H. Clovis, Jr., Chief, U.S. Office of Military Cooperation, Bahrain. | Women's Eterna wristwatch. Recd—January 13, 1994. Est. Value—$1,500.00. Turned in to GSA, June 23, 1994, subsequently purchased by Colonel Clovis. | His Highness the Amir, Shaikh Isa Bin Salman Al Khalifa, Bahrain. | Non-acceptance would have caused embarrassment to donor & U.S. Government. |
| Colonel Samuel H. Clovis, Jr., Chief, U.S. Office of Military Cooperation, Bahrain. | Women's single-strand pearl necklace. Recd—January 13, 1994. Est. Value—$3,000. Turned in to GSA, June 23, 1994. | His Highness the Amir, Shaikh Isa Bin Salman Al Khalifa, Bahrain. | Non-acceptance would have caused embarrassment to donor & U.S. Government. |
| Major General Henry M. Hobgood, Commander, 37th Training Wing, Lackland Air Force Base, Texas. | Oil painting (sunset and religious temple). Recd—May 31, 1994. Est. Value—$500.00. Turned in to GSA, August 4, 1994.. | Lieutenant General Sophoan Khen, Cambodian student, Defense Language Institute, Lackland Air Force Base, Texas. | Non-acceptance would have caused embarrassment to donor & U.S. Government. |
| Major General Henry M. Hobgood, Commander, 37th Training Wing, Lackland Air Force Base, Texas. | Books (2), ''Kuwait, A Nation's Story'' and ''Faces of Kuwait''. Recd—November 23, 1994. Est. Value—$300.00. On official display in 37th Training Wing building. | Lieutenant Colonel Al-Zayed, Kuwait Liaison Officer to Defense Language Institute, Lackland Air Force Base, Texas. | Non-acceptance would have caused embarrassment to donor & U.S. Government. |
| Special Agent Joseph G. Lukowski, Commander, Air Force Office of Special Investigations, Det 614, Yongsan Army Garrison, Seoul, Korea. | Gift certificates (non redeemable for cash) for purchase of goods on Korean market. Recd—December 22, 1994. Est. Value—$250.00. Donated to Hye-Shim-Won Children's Orphanage, Seoul, Korea. | Senior Superintendent Kim Yong-Che, Foreign Affairs Division II, Seoul, Korea. | Attempts to decline acceptance were unsuccessful; further effort would have caused embarrassment to donor. |
| The Honorable Sheila Widnall, Secretary of the Air Force, The Pentagon, Washington, DC. | Necklace and pendant Recd—May 10, 1994. Est. Value—$560.00. On official display in the office of the Secretary of the Air Force. | Field Marshall Husien Tantawi, Minister of Defense & Military Production, Egypt. | Non-acceptance would have caused embarrassment to donor & U.S. Government. |
| The Honorable Sheila Widnall, Secretary of the Air Force, The Pentagon, Washington, DC. | Vase, (90% silver). Recd—February 22, 1994. Est. Value—$350.00. On official display in the office of the Secretary of the Air Force. | Gen. Ramon Vega Hildago, Commander in Chief, Chilean Air Force. | Non-acceptance would have caused embarrassment to donor & U.S. Government. |

## AGENCY: DEPARTMENT OF THE ARMY

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| BG William P. Tangney, Commander, Special Operations Command Central, MacDill AFB, Florida 33621. | Chronosport Universal Diving Timer Watch. Recd—February 1994. Est. Value—$495.00. Pending a report to GSA. Approved for official display. | Prince Abdullah Lah Bin Hussein, Commander, Jordanian Special Forces. | Non-acceptance would have caused embarrassment to the donor. |
| LTG James R. Ellis, Cdr, Third United States Army, Fort McPherson, GA 30330–7000. | One Pakistani Rug (3′/2″ x 5′/2″). Recd—November 30, 1993. Est. Value—$450.00. Pending a report to GSA. Approved for official display. | LTG Ali Farrakh Khan, Chief of the General of the Pakistan Army. | Non-acceptance would have caused embarrassment to the donor. |
| LTG James R. Ellis, Cdr, Third United States Army, Fort McPherson, GA 30330–7000. | One Egyptian Rug (6′/7″ x 9′/8″). Recd—November 19, 1993. Est. Value—$400.00. Pending a report to GSA. Approved for official display. | MG Abdel Lottif Mabrouk, Chief Egyptian Training Authority. | Non-acceptance would have caused embarrassment to the donor. |

AGENCY: DEPARTMENT OF THE ARMY—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| COL William H. Kennedy, III, ARCENT Training and Security-Kuwait, DOHA, APO AE 09889. | Gold, Jeweled Indian Necklace set with Bracelet, Earrings, and Ring. Recd—February 10, 1994. Est. Value—$600.00. Pending transfer to GSA. | Wife of MG Ali Al-Mumin, Chief of Staff of Kuwait Armed Forces. | Non-acceptance would have caused embarrassment to the donor. |
| GEN Frederick M. Franks, Jr., Cdr, Training and Doctrine Cmd, Fort Monroe, VA 23651–5000. | Book, ''Japan: An Illustrated Encyclopedia''. Recd—May 18, 1994. Est. Value—$250.00. Pending a report to GSA. Approved for official display. | GEN Tomizawa, Chief of Staff, Japan Ground Self Defense Force. | Non-acceptance would have caused embarrassment to the donor. |
| COL William H. Kennedy, III, Commander, U.S. Army Central Command, Area Support Group—Kuwait, APO AE 09889–9900. | Yves Saint Laurent Swiss, Stainless Steel, Quartz Watch. Recd—July 25, 1994. Est. Value—$675.00. Pending transfer to GSA. | MG Ali M. Al-Mu'min, Chief of the General Staff of the Kuwaiti Armed Forces. | Non-acceptance would have caused embarrassment to the donor. |
| Honorable Togo D. West, Jr., Secretary of the Army. | Gold key chain and cuff links. Recd—May 12, 1994. Est. Value—$650.00. Pending a report to GSA. Currently displayed in the Office of the Secretary of the Army. | Field Marshal Husien Tantawy, Minister of Defense and Military Production, Egypt. | Non-acceptance would have caused embarrassment to the donor and U.S. Government. |
| GEN G.R. Sullivan, Chief of Staff, Army, Pentagon, Washington, D.C. | Oriental Rug. Recd—1991. Est. Value—Unknown. Pending a report to GSA. Approved for display. | Chief of Staff Counterpart, Saudi Arabia. | Non-acceptance would have caused embarrassment to the donor. |
| GEN G.R. Sullivan, Chief of Staff, Army, Pentagon, Washington, D.C. | Taurus Model 44 Caliber .44. Magnum Pistol, SN: NF970833. Recd—August 1994. Est. Value—$449.00. Approved for display. | Chief of Staff Counterpart, Saudi Arabia. | Non-acceptance would have caused embarrassment to the donor. |
| Mrs. G.R. Sullivan, Chief of Staff, Army, Pentagon, Washington, D.C. | Gold Scarab Bettle Bracelet. Recd—April 1993. Est. Value—$250.00. Approved for display. | Mrs. Wagida Tantawi, Wife, Minister of Defense and CINC Egyptian Armed Forces. | Non-acceptance would have caused embarrassment to the donor. |

AGENCY: DEPARTMENT OF THE ARMY

Report of Travel or Expenses of Travel

| Name and title of person accepting travel or travel expenses consistent with the interest of the U.S. Government | Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| MG Paul J. Vanderploog, Director of Logistics and Security Assistance Central Command, MacDill AFB, Florida 33621. | Recd.—January 10–11, 1993. Est. Value—$700.00. Expended for hotel room and meals. | Minister of Defense for the Government of Bahrain. | Non-acceptance would have caused embarrassment to the donor. |
| MG Paul J. Vanderploog, Director of Logistics and Security Assistance Central Command, MacDill AFB, Florida 33621. | Recd.—January 12–13, 1993. Est. Value—$550.00. Expended for hotel room and meals. | Minister of Defense for the Government of Bahrain. | Non-acceptance would have caused embarrassment to the donor. |
| MG Paul J. Vanderploog, Director of Logistics and Security Assistance Central Command, MacDill AFB, Florida 33621. | Recd.—May 23–25, 1993. Est. Value—$1,050.00. Expended for hotel room and meals. | Minister of Defense for the Government of Bahrain. | Non-acceptance would have caused embarrassment to the donor. |
| MG Paul J. Vanderploog, Director of Logistics and Security Assistance Central Command, MacDill AFB, Florida 33621. | Recd.—October 04–06, 1993. Est. Value—$1,050.00. Expended for hotel room and meals. | Minister of Defense for the Government of Bahrain. | Non-acceptance would have caused embarrassment to the donor. |

## AGENCY: DEPARTMENT OF THE ARMY—Continued

Report of Travel or Expenses of Travel

| Name and title of person accepting travel or travel expenses consistent with the interest of the U.S. Government | Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| MG Paul J. Vanderploog, Director of Logistics and Security Assistance Central Command, MacDill AFB, Florida 33621. | Recd.—October 09–10, 1993. Est. Value—$550.00. Expended for hotel room and meals. | Minister of Defense for the Government of Bahrain. | Non-acceptance would have caused embarrassment to the donor. |
| MG Paul J. Vanderploog, Director of Logistics and Security Assistance Central Command, MacDill AFB, Florida 33621. | Recd.—April 15–18, 1994. Est. Value—$500.00. Expended for hotel room. | Minister of Defense for the Government of Bahrain. | Non-acceptance would have caused embarrassment to the donor. |

## AGENCY: CENTRAL INTELLIGENCE AGENCY

Report of Tangible Gifts—1994

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Agency employee | Single strand of graduated cultered pearls measuring approximately 3 to 8½mm, with yellow gold clasp. L: 19 inches. Rec'd.—12 Jan 94. Est. Value—$900. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Agency employee | Ladies Eterna wristwatch. With 18 karat (750) yellow gold flexible chain link bracelet band. Rec'd.—12 Jan 94. Est. value—$750. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Agency employee | Baume & Mercier Riviera gentleman's wristwatch. With mother-of-pearl face and gilt Roman numerals and date calendar, within faceted gilt metal and stainless steel bezel and matching flexible bracelet. Case number 5131.3. Together with pair matching cuff links. Rec'd.—12 Jan 94. Est. value—$1,500. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Unknown, employee | Goldish-onyx figure of a ram. Standing on all fours and looking to its left, on red lacquered stand. H: of figure 8½ inches. Rec'd.—Est. value—$250. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Unknown, employee | Marquetry and engraved bone inlaid plaque of procession with elephant and soldiers. L: 29¾ inches. Rec'd.—1 Jan 73. Est. Value—$250. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Unknown, employee | Quartz specimen gilt metal mounted figure of a boar. In dustproof case. H: of boar 7; L: 12 inches. Rec'd.—1 Jan 75. Est value—$500. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

Report of Tangible Gifts—1994

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Agency Employee | Gentleman's Rodo Diastar wristwatch. With yellow gold textured face and faceted simulated diamond stud at quarter hour. With gilt metal and stainless steel flexible band. Rec'd—1 May 93. Est. value—$250. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Agency employee | Rug. 106.9. Red ground with floral medallion within floral border on white ground and complimentary guard border on light blue ground. Rec'd—1 May 94. Est. value—$750. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Admiral W.O. Studeman, USN, Deputy Director, Central Intelligence. | Silver three-light candelabrum, 20th Century. Having cast palmette standard supporting scroll arms cresting in floriform candle sockets, and raised on domed base. H: 7⅛; W: 10 oz. Rec'd—8 May 94. Est. value—$450. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Admiral W.O. Studeman, USN, Deputy Director, Central Intelligence. | Middle Eastern repoussé silver coffee pot, contemporary. Having a bulbous tapering body repousséd and chased with floral and leafage band, with strap handle and shaped spout; the domed lid and spear finial. H: 7⅞ inches. Wt. 12 oz. Rec'd—12 May 94. Est. value—$500. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Admiral W.O. Studeman, USN, Deputy Director, Central Intelligence. | Enameled and gilt filigree silver and apple green jade bracelet, contemporary. Having four flexible panels set with round jade carved with stylized phoenix birds within filigree mount with enameled floral and leaves and blue lavender. Rec'd—7 Jun 94. Est. value—$750. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Admiral W.O. Studeman, USN, Deputy Director, Central Intelligence. | Colored lithograph of *Place de la Concorde.* In burlwood frame with green mat. 914 inches. Rec'd—16 May 94. Est. value—$250. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Agency employee | Mother-of-pearl inlaid reddish-brown lacquer jewelry box, contemporary. With rectangular hinged doomed lid opening to view a rose kid lined tray. With removable undertray. Overall inlaid with mother-of-pearl, butterflies, scrolling vines and flowers. L: 8½; H: 4½ inches. Rec'd—19 Jan 94. Est. value—$250. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

Report of Tangible Gifts—1994

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Agency employee | Turquoise faïence mounted silver three-piece ensemble. Consisting of necklace, bracelet and ring. Each set with turquoise-blue cicada mounted panels. Rec'd—2 May 94. Est. value—$500. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Brass and steel four-barrel percussion pistol, with burlwood stock. Note: reproduction of the original. L, of barrels: 5⅞ inches. Rec'd—28 Feb 94. Est. value—$300. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Repoussé sterling vase. The bulbous body and flared neck repousséd with band of flowers and leaves. H: 6¼ inches. Wt. 9 oz. Rec'd—17 Feb 94. Est. value—$350. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Pictorial rug of Director Woolsey. 54.4. Rec'd—1 Feb 94. Est. value—$750. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | One volume of stamps. In gold brocaded floral silk binding. Rec'd—20 Jan 94. Est. value—$250. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Mother-of-pearl inlaid black lacquer box. Rectangular with removable lid inlaid with bamboo stalks. 139½ inches. Rec'd—19 Jan 94. Est. value—$350. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Partial silk rug. 4.9 x 3.2. Ivory ground with floral field and centering oval medallion with complementary field on red ground. Blue spandrels. Floral guard border on beige ground. Rec'd—30 Mar 94. Est. value—$600. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Pair sterling low candlesticks. Each with chased candle sockets. Each, H: 3¼ inches. Total weight 15 oz. Rec'd—17 Jan 94. Est. value—$500. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Inlaid silver plated and steel dagger. With decorated wood sheath. L: including sheath 16½ inches. Rec'd—5 Sep 94. Est. Value—$400. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Green jade single strand necklace and pair earrings. The necklace with sixty-two beads measuring approximately 10½ mm with yellow gold oval clasp set with cabochon green jade. 3 pieces. Rec'd—31 Oct 94. Est. Value—$1,200. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

Report of Tangible Gifts—1994

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| R. James Woolsey, Director, Central Intelligence. | Oil on canvas. Signed in cyrillic lower right and dated '94; also, titled, signed and dated on reverse in cyrillic. 21½ x 35½ inches. Red'd—6 Sep 94. Est. value—$500. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Chiesa di S. Maria a Trevi. Etching. Etching. Plate no. 104. In fruitwood and ebonized frame with ink drawn lined mat. 7½ x 12½ inches. Rec'd—18 Nov 94. Est. value—$450. To be retained for offical display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Silver and painted military figure. With 800-standard mark. H: 6 inches. Wt. 9 oz. Rec'd—16 Nov 94. Est. value—$500. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Silver presentation tray, Within beaded floral border. D: 11 inches. Wt. 16 oz. Rec'd—12 Oct 94. Est. value—$450. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Lacquered and gilt metal samurai suit mask, contemporary. H: 20 inches. Rec'd—19 Sep 94. Est. value—$500. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Silver plated three-piece coffee set and tray. Consisting of teapot, covered sugar bowl, creamer and round tray. H: of coffee pot 7 inches. Rec'd—5 Sep 94. Est. value—$250. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Pewter desk clock/thermometer. D: 5¼ inches. Rec'd—15 Sep 94. Est. value—$350. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Sterling three-piece tea set. Consisting of teapot, creamer and sugar. Each with bulbous body and chased decoration. Total weight approximately 25 oz. Rec'd—14 Sep 94. Est. value—$750. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Mottled brown agate vase. Urn-form with pedestal base. H: 10 inches. Rec'd—6 Sep 94. Est. value—$300. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Cloisonné enamel vase. The bulbous body and flared neck and polychromed enamel with scrolling vines, flowers, leaves against a mottled red ground, with brass ring rim and base. On hardwood base. H: overall 14 inches. Rec'd—12 Apr 94. Est. value—$500. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

Report of Tangible Gifts—1994

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| R. James Woolsey, Director, Central Intelligence. | Serpentine dragon boat. Supporting central pagoda-form pavillion with shaped flags and calligraphy. On hardwood stand. L: 15 inches. Rec'd—30 Aug 94. Est. value—$500. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Interior glass painted orb, 20th Century. Painted with continuous mountainous river landscape with boats, figures and bridge. On hardwood stand. D: of ball approximately 4 inches. Rec'd—31 Aug 94. Est. value—$400. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Famille rose medallion tea set, contemporary. Consisting of teapot, covered sugar, creamer, six cups and six saucers. Each polychrome decorated with ladies in garden within floral and gilt border. Rec'd—30 Aug 94. Est. value—$350. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey | Cloisonné enamel vase, contemporary. Pear-shaped and polychrome enameled with chrysanthemums and peony branches against a blue ground with brass ring base. On hardwood stand. H: overall 13½ inches. Rec'd—30 Aug 94. Est. value—$450. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey | Gentleman's Fred Date Calendar Force X wristwatch. With pewter dial and gilt metal hour indicators. Within rope and cog bezel with black alligator band. Rec'd—20 Jun 94. Est. value—$350. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Pewter mounted horn covered vessel. H: 10 inches. Rec'd—2 Jul 94. Est. value—$500. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Middle Eastern repoussé and filigree silver Keris. The shaped handle fitted in repoussé and filigree silver sheath with scrolling vines and geometric pattern. L: 11¾ inches. Rec'd—12 May 94. Est. value—$500. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Pair silver three-light candelabra, 20th Century. Having cast palmette standard supporting scroll arms cresting in floriform candle sockets, and raised on domed base. Each, H: 7⅛ inches. Total weight 20 oz. Rec'd—2 May 94. Est. value—$900. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

Report of Tangible Gifts—1994

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| R. James Woolsey, Director, Central Intelligence. | Watercolor on paper. Framed 28½ x 17¼ inches. Rec'd—18 Jan 94. Est. value—$500. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Coral graduated necklace and pair earrings. The fifty-two graduated beads measuring approximately 10½ to 13.3mm; with yellow gold oval clasp, set with cabochon coral and pair cabochon pierced type earrings with yellow gold mount. L: 24 inches. Rec'd—12 Apr. 94. Est. value—$900. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Embroidered black velvet ceremonial robe and hat. The border worked in trellising vines and flowers in red, blue and green, outlined in white and burgundy zigzag pattern. Rec'd—7 Sep 94. Est. value—$350. To be retained for official display. | 5USC7342 (f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Etching and aquatint in color. In gilt frame. 7½ 12½ inches. Rec'd—15 Nov 94. Est. value—$400. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Agency employee | Must de Cartier gentleman's wristwatch. With white dial and blue steel handle and gilt steel bezel dial and flexible bracelet. Numbered 1989/92. Rec'd—12 April 93. Est. value—$1,000. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Agency employee | Middle Eastern repoussé silver coffee pot. The bulbous body repousséd with band of flowers and diamond shaped band within scroll handle shaped spout with hinged lid with spike finial. H: 7¾ inches. Wt. 10 oz. Rec'd—10 Dec 94. Est. value—$500. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Replica of an early rowing sailing ship. In dustproof case. L: approximately 18 inches. Rec'd—15 Dec 94. Est. value—$750. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Middle Eastern repoussé silver large coffee pot. The bulbous body and elongated neck repousséd with band of flowers and geometric devices with strap handle and hinged lidded shaped spout; the hinged domed lid with spike finial. H: 13 inches. Wt. 43 oz. Rec'd—10 Dec 94. Est. value—$1,500. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |

AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

Report of Tangible Gifts—1994

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| R. James Woolsey, Director, Central Intelligence. | Parcel gilt silver incense burner. The squared flared body chased with flowering vines in gilt metal, and raised on four gilt metal pilasters, on silver base etched with conforming vines and leaves. H: 10 inches. Wt. 26 oz. Rec'd—7 Dec 94. Est. value—$1,500. To be retained for official display. | 5USC 7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Silver box. Circa 1993. Rectangular with hinged lid engraved and chased with quadrant depicting the Roman Theater, Aman; Garden Triclinium, Petra; the South Theater, Jerash; and Eddeer at Petra. The sides engine turned; the interior with gilt lid having a cornet engraved monogram and wood lined interior. L: 9; W: 6½; H: 2½ inches. Gross weight 42 oz. Rec'd—7 Dec. 94. Est. value—$2,500. To be retained for official display. | 5USC 7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Three-piece graduated Keris set. Each with floral and leafage repoussé handles and sheaths. L: from 13½ to 16 inches. Rec'd—5 Dec 94. Est. value—$1,200. To be retained for official display. | 5USC 7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Molded crystal plaque of woman in Gothic niche. Numbered 0293. Inscribed indistinctly. H: 9⅞ inches. Rec'd—5 Dec 94. Est. value—$400. To be retained for official display. | 5USC 7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Pair silver candlesticks. Each with bulbous body and shaped candle socket and raised on round domed base ending on three scroll feet. Each, H: 9¾ inches. Total weight 12 oz. Rec'd—4 Dec 94. Est. value—$500. To be retained for official display. | 5USC 7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Silver presentation tray, within molded border cast with leaves and flowers. D: 10 inches. Wt. 16 oz. Rec'd—3 Dec 94. Est. value—$500. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| R. James Woolsey, Director, Central Intelligence. | Repoussé silver box. Compressed oval-form with floral repoussé hinged lid and body and raised on four cast floral feet. L: 8 inches. Wt. 19 oz. Rec'd—2 Dec 94. Est. value—$600. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |

## AGENCY: CENTRAL INTELLIGENCE AGENCY—Continued

Report of Tangible Gifts—1994

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Admiral W.O. Studeman, USN, Deputy Director, Central Intelligence. | Model of a rowing sailboat. In dustproof case. L: approximately 19 inches. Rec'd—15 Dec 94. Est. value—$750. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| William E. Colby, Former Director, Central Intelligence. | _____ Rode (Mexican, 20th Century). Rural Landscape with Farmhouse and Mountains in Distance. Signed Rode lower right. Oil on canvas. Framed. 12 X 16. Rec'd—1 Jan 75. Est. value—$500. To be retained for official display. | 5USC7342(f)(4) | Non-acceptance would have caused embarrassment to donor and U.S. Government. |

## AGENCY: DEPARTMENT OF COMMERCE

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Ronald H. Brown, Secretary of Commerce. | 12″x14″ sand painting of the Great Wall of China, framed in ornate gold/white frame; Recd.—August 28, 1994; Est. Value—$300; Reporting to DOC September 14, 1994 pending transfer to GSA. | Li Qiyan, Mayor of Beijing Municipality, People's Republic of China. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Ronald H. Brown, Secretary of Commerce. | Carved Jade Ornament on a wooden base; Recd.—August 31, 1994; Est. Value—$325; Reported to DOC September 14, 1994; Approved for official use. | H.E. Hu Qili, Minister of Electronics, Beijing, People's Republic of China. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Ronald H. Brown, Secretary of Commerce. | Dragon shaped vessel with a glass and wood cover; Recd.—September 7, 1994; Est. Value—$325; Reported to DOC September 14, 1994; Approved for official use. | H.E. Chulsu Kim, Minister of Trade, Industry and Energy, Republic of Korea, Kyunggi-do, Korea. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |

## AGENCY: DEPARTMENT OF DEFENSE

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Lt. Gen. Wesley K. Clark, Army Director, Strategic Plans and Policy, The Joint Staff. | Pistol (9 mm), Recd—August 27, 1994. Est. Value—$500. Approved for historical item display in Europe at EUCOM Headquarters. | General Ratko Miadic, Bosnian Serb Army. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Lt. Col. Steven L. Neely, Army Country Director for Jordan (International Security Affairs). | Favre Leuba mens wristwatch, Serial Number F43–200–531 in a green box, approx. 4¾″x4¼″x2½″ with King's Crown on top. Recd—June 30, 1994. Est. Value—$650. Delivered to GSA December 29, 1994. | King Hussein of Jordan | Non-acceptance would have caused embarrassment to donor and U.S. Government. |

AGENCY: DEPARTMENT OF DEFENSE—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Admiral William A. Owens, USN, Vice Chairman of the Joint Chiefs of Staff. | Pakistani Rug (approx. 4′1″x5′8″), Recd—April 1, 1994. Est. Value—$2,000. Approved for official display. | General Abdul Waheed, Chief of the Army Staff, Pakistan. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| William J. Perry, Secretary of Defense. | Pakistani Rug (approx. 4′1″ by 4′1″x5′8″) Recd—April 1, 1994. Est. Value—$2,000. Approved for official display. | General Abdul Waheed, Chief of the Army Staff, Pakistan Army. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| William J. Perry, Secretary of Defense. | Bronze-tone plaque mounted on red velour, with metal eagle mounted on red, white and black stripes, and a chariot and presentation plaque on it, approx. 9½″x6¾″, in red velour case; Goldplated hand held fire arm with cleaning accessories and ammunition, Number 11EE71 (Helwan CAL 9 MM, (A.R.E); Egyptian Rug, Multicolor. Recd—May 10, 1994. Est. Value—$1,390. Approved for official display. | Field Marshal Mohamed Husein Tantawy, Minister of Defense and Military Production of Egypt. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| William J. Perry, Secretary of Defense. | Gold cufflinks and gold key chain with Egyptian scroll writing, in a black velour case with silver trim. Recd—April 11, 1994. Est. Value—$500. Approved for official display. | Field Marshal Mohamed Husein Tantawy, Minister of Defense and Military Production of Egypt. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| William J. Perry, Secretary of Defense. | Zeiss Binoculars (approx. 4″ × 4″) 8 × 20 BT*P*, NR 497279 (522040). Two tone Gray in Black/White box. Recd—May 2, 1994. Est. Value—$450. Approved for official display. | Volker Ruehe, Minister of Defense of Germany. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Mrs. William J. Perry, wife of Secretary of Defense. | Bracelet, 22 kt. Gold with alternating cartouches and scarabs links in green velour case with silver trim. Recd—May 10, 1994. Est. Value—$500. Approved for official display. | Field Marshal Mohamed Husein Tantawy, Minister of Defense and Military Production of Egypt. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| William J. Perry, Secretary of Defense. | Silver hand gun (Serial Number PX0485A) with ammunition and presentation plate in a wooden box with glass front, approx. 9½″ wide 2½″ tall. Enclosed in green denim bag with blue padding and two carrying handles; Four black wooden platters, hand painted, multi-colored with black background (1) approx. 7¾″ across, (2) approx. 11¾″ across; (3) approx. 14¾″ across and (4) approx. 19¾″ across; Two black wooden boxes, hand painted (approx. 7″ wide 2¾″ high, and 11¼″ wide 2¾″ high), multi-colored with black background; Ten black wooden eggs, hand painted, multi-colored with black background; White with red embroidery linen tablecloth, approx. 110″ × 72″ with six matching napkins, approx. 11½″ 11″. Recd—June 14, 1994. Est. Value—$695. Delivered to GSA December 29, 1994. | Army General Vitaliy Radetsky, Minister of Defense of Ukraine. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |

AGENCY: DEPARTMENT OF DEFENSE—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| William J. Perry, Secretary of Defense. | Decorative Vase 26″ with gold trim/handpainted. Recd—July 18, 1994. Est. Value—$250. Approved for Official Display. | Minister of National Defense Gheorghe Tinca. | Non-acceptance would have caused embarrassment to donor and the U.S. Government. |
| William J. Perry, Secretary of Defense. | Black Samsonite brief case with combination lock; Clothing: Baedlae-suit to include: Galabiyya-robe; Kafiyya-head cloth, agayla-band (size 48); Cartier watch with brown leather band and matching pen set. Recd—October 14, 1994. Est. Value—$930. Approved for Official Display. | Jaber Al-Ahmed Al-Sabah, Amir of Kuwait. | Non-acceptance would have caused embarrassment to donor and the U.S. Government. |
| William J. Perry, Secretary of Defense. | Hand-crafted porcelain horse on wooden base; String of Jade Beads with single Jade Bead clip earrings in red velour box. Recd November 2, 1994. Est. Value—$335. Approved for Official Display. | Chief of the General Staff, Ministry of National Defense Republic of China and Mrs. Liu Ho-Chien. | Non-acceptance would have caused embarrassment to donor and the U.S. Government. |
| General John M. Shalikashvili, Chairman, Joint Chiefs of Staff, and Mrs. Shalikashvili. | Double barrel shotgun, Serial Number 2962–1989 (in Arabic) in green case; Silver cartouche (personalized); Two scarab necklaces; Gold cartouche key chain, cuff links, and tie bar (personalized); Copper plate. Recd—December 4, 1994. Est. Value—$2,310. Approved for Official Display. | Lieutenant General Salah Halby, Chief of Staff of the Armed Forces, Egypt. | Non-acceptance would have caused embarrassment to donor and the U.S. Government. |
| Walter B. Slocombe, Under Secretary of Defense (Policy). | Small Oriental Rug (2½″ x 4″—Gray with red); Copper Plate; Plaque. Recd—December 7, 1994. Est. Value—$770. Approved for Official Display. | Lieutenant General Mumtaz Gul, 11th Corps Commander, Pakistan. | Non-acceptance would have caused embarrassment to donor and the U.S. Government. |
| Walter B. Slocombe, Under Secretary of Defense (Policy). | Plaque: Plate (Jade); Large Oriental (Silk) Rug (Beige, 6′ x 4′). Recd—December 7, 1994. Est. Value—$1560. Approved for Official Display. | General Abdul Waheed, Chief of the Army Staff, Pakistan. | Non-acceptance would have caused embarrassment to donor and the U.S. Government. |
| Frederick C. Smith, Director, Near Eastern and South Asian Affairs, Regional Security Affairs. | Men's silver and gold Baume and Mercier, Geneve wristwatch with Bahrain Defense Force emblem on the face. It is in a gray tri-fold box; Single strand of graduated cultured pearls with 18 kt. gold clasp in a black velvet case. Recd—January 20, 1994. Est. Value—$1,050. Delivered to GSA December 29, 1994.. | Lieutenant General Khalifa bin Ahmad Al Khalifa, Minister of Defense, Deputy Commander-in-Chief Bahrain. | Non-acceptance would have caused embarrassment to donor and the U.S. Government. |
| Frank G. Wisner, Under Secretary of Defense (Policy). | Pakistani rug, approximately 3½′ x 5′, Beige, pink and blue. Recd—April 1, 1994. Est. Value—$750. Approved for Official Display. | General Abdul Waheed, Chief of the Army Staff, Pakistan. | Non-acceptance would have caused embarrassment to donor and the U.S. Government. |

## AGENCY: DEPARTMENT OF DEFENSE

Report of Travel or Expenses of Travel

| Name and title of person accepting travel or travel expenses consistent with the Interests of the U.S. Government | Brief description and estimated value of travel or travel expenses accepted as consistent with the interest of the U.S. Government and occurring outside the United States | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Lt. Gen. Thomas G. Rhame, USA, Director, Defense Security, Assistance Agency. | Recd—January 4–5, 1994. Est. Value—$494. Expended for airfare and meals. | Government of Saudi Arabia | To attend and meeting to discuss Saudi Arabia's Foreign Military Sales Program. |

## AGENCY: BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Alan Greenspan, Chairman ..... | Gold commemorative medallion and book ''LaBanca D'Italia 100 Anni.'' Received: December 14, 1993. Est. Value obtained as of February 1, 1994: $700. Retained for display. | Bank of Italy. | To have refused would have caused offense or embarrassment. |
| Louise Roseman, Associate Director, Division of Reserve Bank Operations and Payment Systems. | Unframed oil painting on canvas. Received: January 13, 1994. Est. Value: $225. Retained for display. | Mr. Haryono, Managing Director, Bank of Indonesia. | Presented at ceremony. Non-acceptance would have caused embarrassment to donor. |

## AGENCY: GENERAL SERVICES ADMINISTRATION (GSA)

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Frank P. Pugliese Commissioner, FSS. | Replica of the defense wall of Kuwait. Recd-Kuwait. Recd—March 22, 1994. Est. Value—$450. On display for official use. | Ahmad Hamzeh Mustafe, Kuwait delegation team leader, Kingdom of Kuwait. | Non-acceptance would have cause embarrassment to donor and U.S. Government. |

## AGENCY: DEPARTMENT OF HEALTH AND HUMAN SERVICES

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Donna E. Shalala, Secretary | Mother-of-pearl box with blue presentation case. Recd.—November 26, 1994. Est. Value—$350. Disp.—Retained for official display.. | Yassir Arafat, Chairman, Palestine Liberation Organization. | Non-acceptance would have caused the donor embarrassment. |

## AGENCY: U.S. DEPARTMENT OF THE INTERIOR

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Bruce Babbitt, Secretary, U.S. Department of the Interior. | Gold Cup. Recd—May 8, 1994. Est. Vaue—$500. Displayed in Secretary's Immediate Office. | Secretaria Carpizo Mexico | Non-acceptance would have caused embarrassment to donor and the U.S. Government. |

## AGENCY: DEPARTMENT OF JUSTICE

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimatee value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Janet Reno, Attorney General | Silver and enamel cup and saucer set. Recd.—April 19, 1994. Est. Value—$300. Will report to GSA for disposition. | The Honorable Kim Doo-Hee, Minister of Justice, Republic of Korea. | Meeting with donor; non-acceptance would have caused embarrassment to the donor. |
| Louis J. Freeh, Director, Federal Bureau of Investigation. | Turkish blanket. Recd.—April 22, 1994. Est. Value—$350. Located in Director's office. | Mehmet Agar, Director General of State Police Force. | Meeting between the Director and donor; non-acceptance would have cause embarrassment to the donor. |

AGENCY: DEPARTMENT OF THE NAVY

REPORT OF TANGIBLE GIFTS

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Vice Adm. Vernon E. Clark, USN, Commander Cruiser, Destroyer Group 3. | Sailboat on white marble stand. Recd—July 29, 1994. Est. Value—$320. Being retained at COMCRUDESGRU 3. | MGEN Fhad Al-Ameer, Kuwaiti Armed Forces. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Lt. James J. Cunha, USN, Administrative Support Unit, SW Asia. | Dagger. Recd—April 17, 1994. Est. Value—$800. Being retained at ASU, SW Asia. | Sheikh Isa Bin Salman Al Khalifa, the Amir of Bahrain. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Lt. James J. Cunha, USN, Administrative Support Unit, SW Asia. | Man's watch and cuff links. Recd—April 17, 1994. Est. Value—$1,600. Being retained at ASU, SW Asia. | Sheikh Isa Bin Salman Al Khalifa, the Amir of Bahrain. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Lt. James J. Cunha, USN, Administrative Support Unit, SW Asia. | Woman's watch and pearls. Recd—April 17, 1994. Est. Value—$8,799. Being retained at ASU, SW Asia. | Sheikh Isa Bin Salman Al Khalifa, the Amir of Bahrain. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Rear Adm. Joseph J. Dantone, Jr., Commander Carrier Group 3. | Man's watch. Recd—September 29, 1993. Est. Value—$931. Being held in CNO (N09B33) pending transfer to GSA for disposition. | Ambassador Ahmed al-Ayoub, Kuwait. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Comdr. William O. Hawn, USN, USS Jack Williams (FFG 24). | Man's watch. Recd—October 13, 1994. Est. Value—$1,500. Being retained on board USS Jack Williams (FFG 24). | Major Sager Hamad Sager Al Maawda, Bahrain-Ameri Naval Forces. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Lt. Comdr. James W. Houck, USN, Force Judge Advocate, U.S. Naval Forces Central Command. | Dagger. Recd—April 17, 1994. Est. Value—$800. Being retained at COMUSNAVCENT. | Sheikh Isa Bin Salman Al Khalifa, the Amir of Bahrain. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Lt. Comdr. James W. Houck, USN, Force Judge Advocate, U.S. Naval Forces Central Command. | Man's watch and cuff links. Recd—April 17, 1994. Est. Value—$1,600. Being retained at COMUSNAVCENT. | Sheikh Isa Bin Salman Al Khalifa, the Amir of Bahrain. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Lt. Comdr. James W. Houck, USN, Force Judge Advocate, U.S. Naval Forces Central Command. | Woman's watch and pearls. Recd—April 17, 1994. Est. Value—$8,799. Being retained at COMUSNAVCENT. | Sheikh Isa Bin Salman Al Khalifa, the Amir of Bahrain. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Lt. Comdr. William H. Jacobs, USN, USS Jack Williams (FFG 24). | Man's watch. Recd—October 13, 1994. Est. Value—$1,000. Being retained on board USS Jack Williams (FFG 24). | Major Khalifa Adaulla Khalifa Al Khalifa, Bahrain-Ameri Naval Forces. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Dr. Jerome Karle, chief scientist, Laboratory for the Structure of Matter. | Prize—Ettore Majorana Research Award. Recd—December 1994. Est. Value—$90,000. | Ettore Majorana Center for Scientific Culture, Manger of prize established by Sicilian Parliament. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Vice Adm. Douglas J. Katz, USN, Commander U.S. Naval Forces Central Command. | Dagger. Recd—April 17, 1994. Est. Value—$800. Being held in CNO (N09B33) pending transfer to GSA for disposition. | Sheikh Isa Bin Salman Al Khalifa, the Amir of Bahrain. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Vice Adm. Douglas J. Katz, USN, Commander U.S. Naval Forces Central Command. | Man's watch and cuff links. Recd—April 17, 1994. Est. Value—$4,522. Being held in CNO (N09B33) pending transfer to GSA for disposition. | Sheikh Isa Bin Salman Al Khalifa, the Amir of Bahrain. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Vice Adm. Douglas J. Katz, USN, Commander U.S. Naval Forces Central Command. | Woman's watch and pearls. Recd—April 17, 1994. Est. Value—$13,300. Being held in CNO (N09B33) pending transfer to GSA for disposition. | Sheikh Isa Bin Salman Al Khalifa, the Amir of Bahrain. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Com. Kim F. Kline, USN, U.S. Naval Forces Central Command. | Dagger. Recd—April 17, 1994. Est. Value—$800. Being held in CNO (N09B33) pending transfer to GSA for disposition. | Sheikh Isa Bin Salman Al Khalifa, the Amir of Bahrain. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Com. Kim F. Kline, USN, U.S. Naval Forces Central Command. | Man's watch and cuff links. Recd—April 17, 1994. Est. Value—$1,600. Being held in CNO (N09B33) pending transfer to GSA for disposition. | Sheikh Isa Bin Salman Al Khalifa, the Amir of Bahrain. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |

## AGENCY: DEPARTMENT OF THE NAVY—Continued

REPORT OF TANGIBLE GIFTS

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Com. Kim F. Kline, USN, U.S. Naval Forces Central Command. | Woman's watch and pearls. Recd—April 17, 1994. Est. Value—$8,799. Being held in CNO (N09B33) pending transfer to GSA for disposition. | Sheikh Isa Bin Salman Al Khalifa, the Amir of Bahrain. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Vice Adm. Joseph W. Prueher, USN, Commander Sixth Fleet. | Oil portrait. Recd—October 4, 1994. Est. Value—$300. On display in the Office of the Vice Chief of Naval Operations. | Vice Adm. Pytar Grigor'evich Svyatashon, Russian Federation Navy. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |
| Dr. Thomas L. Reinecke, Head Electronic and Optical Properties Section, Naval Research Laboratory. | Prize—Humboldt Research Award. Recd—December 1994. Est. Value—$55,000. | Alexander von Humboldt Fountain, Federal Republic of Germany. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |

## AGENCY: DEPARTMENT OF THE NAVY

REPORT OF TRAVEL OR EXPENSES OF TRAVEL

| Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government | Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Negative | ..... | ..... | |

## AGENCY: DEPARTMENT OF STATE

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Warren Christopher, Secretary of State. | Crystal rectangular box engraved to the Secretary, Rec'd—January 8, 1994. Est. Value—$250. In Office of Protocol pending transfer to GSA. | George A. Joulwan, general in Belgium. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Warren Christopher, Secretary of State. | Val St. Lambert Crystal Dove. Rec'd—January 9, 1994. Est. Value—$250. In Office of Protocol pending transfer to GSA. | Clement J. Barter, area vice president for Conrad Hotels—Belgium. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Warren Christopher, Secretary of State. | Val St. Lambert Pair of 7″ crystal candlesticks. Rec'd—January 9, 1994. Est. Value—$800. In Office of Protocol pending transfer to GSA. | Willy Claus, Deputy Minister of Foreign Affairs of Belgium. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Warren Christopher, Secretary of State. | China tea set with teapot and two teacups. Rec'd—November 13, 1994. Est. Value—$250. Location: Unknown. | Boris Yeltsin, President of the Russian Federation. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Warren Christopher, Secretary of State. | Lacquered burl wood box measuring 9″x13″. Rec'd—January 24, 1994. Est. Value—$600. In Office of Protocol pending transfer to GSA. | Francois Mitterrand, President, the French Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Warren Christopher, Secretary of State. | 5′x7′ carpet with blue border. Rec'd—May 16, 1994. Est. Value—$500. Approved for official use. | Farooq Leghari, President, the Islamic Republic of Pakistan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: DEPARTMENT OF STATE—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Warren Christopher, Secretary of State. | Large wooden box inlaid with Mother of Pearl containing a decorative Damascus-style tablecloth and napkins. Rec'd—October 26, 1994. Est. Value—$300. In Office of Protocol pending transfer to GSA. | Faruq al-Shara', Minister of Foreign Affairs, Syrian Arab Republic. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Warren Christopher, Secretary of State. | Silver box with engraving on top commemorating the peace accord. Rec'd—October 26, 1994. Est. Value—$300. In Office of Protocol pending transfer to GSA. | Hussein I, King of the Hashemite Kingdom of Jordan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Warren Christopher, Secretary of State. | Yves Saint Laurent watch and two pens. Rec'd—October 28, 1994. Est. Value—$400. In Office of Protocol pending transfer to GSA. | Jabir Sabah, Amir, of the State of Kuwait. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Warren Christopher, Secretary of State. | Two sterling silver peacocks. Rec'd—December 9, 1994, Est. Value—$300. In Office of Protocol pending transfer to GSA. | Galo Leoto, Minister of Foreign Affairs, Republic of Ecuador. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Deputy Secretary of State, Strobe Talbott. | Rug, approximately 5′7′, oriental in design. Rec'd—April 1, 1994. Est. Value—$500. Approved for official use. | General Abdul Waheed, Chief of Army Staff, Islamic Republic of Pakistan. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Peter Tarnoff, Under Secretary for Political Affairs. | Sterling silver incense burner; sterling silver rosewater vase; sterling silver coffee server; tray of mixed metals. Rec'd—November 10, 1994. Est. Value—$6,000. In Office of Protocol pending transfer to GSA. | His Highness Shaikh Hamad bin Khalifa Al Thani, Crown Prince of the State of Qatar. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Molly Raiser, chief of protocol ..... | Sterling silver box with Jordan's Royal Seal and signatures of the King and Queen. Rec'd—August 24, 1994. Est. Value—$300. Approved for Official Use. | Hussein I, King of the Hashemite Kingdom. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Molly Raiser, chief of protocol ..... | Six five-piece place settings, sterling silver. Rec'd—November 29, 1994. Est. Value—$1,000. In Office of Protocol pending transfer to GSA. | Leonid Kuchma, President of Ukraine. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Marvin Brown, Consulate/NIV American Embassy, Colombia. | Gold chain necklace with gold crucifix symbol. Rec'd—January 18, 1994. Est. Value—$570. In office of Protocol pending transfer to GSA. | Department of Choco, Republic of Colombia. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Gretchen Gerwe Welch, Counsel General, American Embassy, Riyadh, Saudi Arabia. | Gold tone portable stereo. Rec'd—January 22, 1994. Est. Value—$300. In office of Protocol pending transfer to GSA. | Saudi Embassy in Washington, DC. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Robin Sanders, political officer, American Embassy, Dakar, Senegal. | Custom-made Senegalese costume. Rec'd—February 3, 1994. Est. Value—$300. In office of Protocol pending transfer to GSA. | Religious cosso mbacke ..... | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Gretchen Gerwe Welch, Counsel General, American Embassy, Riyadh, Saudi Arabia. | Wristwatch. Rec'd—February 14, 1994. Est. Value—$300. In office of Protocol pending transfer to GSA. | Embassy of Saudi Arabia, Washington, D.C. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Lisa Gail Allyn, Vic Counsul, American Embassy, Bahrain. | Eterna 18k gold ladies watch. Rec'd—February 14, 1994. Est. Value—$5,000. In office of Protocol pending transfer to GSA. | Shiakh Isa Bin Salman Al Khalika, Amir of Bahrain. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

AGENCY: DEPARTMENT OF STATE—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| David C. Litt, Deputy Director, NEA/NGA. | Two Oriental carpets. Rec'd—March 12, 1994. Est. Value—$600. | Jalal Talabani, Khosrat Rasul, Irbil, Iraq. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Amb. Robert Pelletreau, Asst. Secretary for NEA. | 18K Piaget men's watch with matching cufflinks; 18k Piaget woman's watch. Authentic Bahraini 84–87 graduated pearl necklace. Rec'd—June 5, 1994. Est. Value—$14,000. In office of Protocol pending transfer to GSA. | Isa Bin Salman Al-Khalifa, Amir, Bahrain. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Jerry Feierstein, NEA/ARP ..... | Men's Eterna 18k watch. Women's Eterna 18k watch. Rec'd—June 5, 1995. Est. Value—$4,000. In Office of Protocol pending transfer to GSA. | Isa Bin Salman Al-Khalifa, Amir, Bahrain. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| April Glaspie, Country Director/AFIS. | Silver bowl, Rec'd—June 9, 1994. Est. Value—$300. In Office of Protocol pending transfer to GSA. | Nayla Muawwad, Lebanese Member of Parliament. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| David S. Robins, DCM, Manama, Bahrain. | Men's Piaget 22k watch diamond-studed—appx. 55 mini diamonds with matching gold and diamond studded cufflinks. Rec'd—July 26, 1994. Est. Value—$8,700. In Office of Protocol pending transfer to GSA. | His Highness Shaikh Isa bin Salman Al Khalita, Amir of Bahrain. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Admiral Douglas Katz, and Mrs. Douglas Katz. | Double strand matched grad. pearls. Gold coin on 22'' gold chain. Rec'd—October 3, 1994. Est. Value—$6,500. In Office of Protocol pending transfer to GSA. | His Highness Shaikh Isa bin Salman AL Khalita, Amir of Bahrain. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Admiral Douglas Katz, and Mrs. Douglas Katz. | Man's 18k gold ''Oyster Perpetual'' Rolex watch. Ladies' 18k gold ''Oyster Perpetual'' Rolex watch Rec'd—October 3, 1994 Est. Value—$19,300 In Office of Protocol pending transfer to GSA. | His Highness Shaikh Isa bin Sulman Al Khalifa, amir of Bahrain. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| David Hale, Special Assistant to the Under Secretary for Political Affairs. | Sterling silver incense burner 8½''4'', with 18k gold seals. Rec'd—November 10, 1994. Est. Value—$2,000. In Office of Protocol pending transfer to GSA. | His Highness Shaikh Hamad bin Khalifa Al Thani, Crown Prince, State of Qatar. | Non-acceptance would cause embarrassment to donor and U.S. Government |
| David Hale, Special Assistant to the Deputy Under Secretary for Political Affairs. | Eterna 18 karat gold watch and 18 karat gold cufflinks in black case. Rec'd—November 15, 1994. Est. Value—$7,575. In Office of Protocol pending transfer to GSA. | Shaikh Isa bin Salman Al Khalita, amir of Bahrain. | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Robin L. Raphel, Assistant Secretary. | Two carpets 3'9''6'1''; 4'10''6'8''. Rec'd—April 13, 1994. Est. Value—$500. In Office of Protocol pending transfer to GSA. | Amin Arsala, Foreign Minister ..... | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| Charles L. Sykes, Deputy Assistant Secretary Bureau of Populations, Refugees, and Migration. | Three pictures, three lamps, three necklaces, three pr. of earrings pr. of cuff links with tie clamp, eight video cassette tapes, two audio tapes. Rec'd—October 28, 1994. Est. Value—$815. In Office of Protocol pending transfer to GSA. | Ching Hai, International Supreme Master. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

## AGENCY: DEPARTMENT OF STATE—Continued

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| U.S. Ambassador to Kuwait ..... | Cressida attache case; Christian Dior watch/pen, Abaya, headress. Rec'd—November 6, 1994. Est. Value—$1,690.52. In Office of Protocol pending transfer to GSA. | Amir of Kuwait ..... | Non-acceptance would cause embarrassment to donor and U.S. Government. |
| David M. Ransom, U.S. Ambassador to Bahrain. | Three men's Eterna watches. Five women's Eterna watches. Five sets of gold bangle bracelets. Rec'd—December 21, 1994. Est. Value—$22,680. In Office of Protocol pending transfer to GSA. | Shaikh Isa bin Sulman Al Khalifa, amir of Bahrain. | Non-acceptance would cause embarrassment to donor and U.S. Government. |

## AGENCY: UNITED STATES COAST GUARD

Report of Travel or Expense of Travel For Year Ending 1994

| Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government | Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Joseph D. Hersey, Jr., Asst Chief, G–TTM , USCG HQ. | Rec: 8 Feb 94. Item: Meals and lodging. Value: $300.. | John Carr, Faculty Mktg. Mgr., U.K. Plymouth College. | Presentation to Plymouth College on Maritime safety. |
| RADM H. B. Gehring, District Commander. | Rec: 4 Feb 94. Item: Transportation from Tokyo to Hiroshima. Value: $300.. | Maritime Safety Agency of Japan (JMSA). | Official visit to attend JMSA graduation. |
| Frank J. Flyntz, Asst Chief, G–MVP USCG HQ. | Rec: 4 Apr 94. Item: Travel/meals, lodging. | Mr. S.T. Aung, Member of International Maritime Organization, Philippines. | Provided assistance and expertise in merchant marine boat licensing for the government of the Philippines |
| Randolph DeKroney, Boat Licensing Specialist, G–MVP, USCG HQ. | Rec. 4 Apr 94. Item: Travel/meals, lodging. Value: $5,652. | Mr. S. T. Aung, Member of International Maritime Organization, Philippines. | Provided assistance and expertise in merchant marine boat licensing for the government of the Philippines. |
| CDR Frank Whipple, Commanding Officer. | Rec. 22 Apr 94. Item: Travel/meals, lodging. Value: $3,000. | Mr. Ignacio Vergrara, Environmental Protection for Latin America. Member of IMO, United Nations. | Assisted as technical advisor to Chile on an enviromental spill involving sodium cyanide. |

## AGENCY: U.S. TREASURY DEPARTMENT, COMPTROLLER OF THE CURRENCY

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Douglas E. Harris, senior policy adviser to the Comptroller. | Hand made wood replica of a dhow, Kuwaiti fishing vessel. Stored in blue velvet covered case. Received 10/17/94. Estimated value—$300. Currently used as a decorative item in Mr. Harris' office. | Ali A. Rashaid Al-Bader, Managing Director, Kuwait Investment Authority. | Non-acceptance would have caused embarrassment to donor and U.S. Government. |

AGENCY: DEPARTMENTAL OFFICES

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Joshua L. Steiner, Chief of Staff .. | Gold coin cufflinks. Rec'd—October 6, 1994. Est. Value—$250. Government property. | Minister of Finance, Saudi Arabia | Non-acceptance would have caused embarrassment to donor and U.S. Government |
| Lloyd Bentsen, Secretary ..... | Silver dagger. Rec'd—September 30, 1994. Est. Value—$300. Pending purchase by recipient. | Deputy Prime Minister, Malaysia .. | Non-acceptance would have caused embarrassment to donor and U.S. Government |
| Lloyd Bentsen, Secretary ..... | Sterling silver replica of Santa Maria. Rec'd—September 30, 1994. Est. Value—$300. Government property. | President, Assn. of Spanish Employer Organizations [CEOE]. | Non-acceptance would have caused embarrassment to donor and U.S. Government |
| Lloyd Bentsen, Secretary ..... | Statue of American Astronaut. Rec'd—September 30, 1994. Est. Value—$350. Government property. | President, Assn. of Spanish Employer Organizations [CEOE]. | Non-acceptance would have caused embarrassment to donor and U.S. Government |
| Lloyd Bentsen, Secretary ..... | Porcelain vase. Rec'd—March 19, 1994. Est. Value—$250. Government property. | Minister of Finance, Taiwan ..... | Non-acceptance would have caused embarrassment to donor and U.S. Government |
| Lloyd Bentsen, Secretary ..... | Gold palm tree statute. Rec'd—April 27, 1994. Est. Value—$400. Government property. | Minister of Finance, Saudi Arabia | Non-acceptance would have caused embarrassment to donor and U.S. Government |
| Jeffrey R. Shafer, Assistant Secretary for International Affairs. | Gold keyring. Rec'd—April 27, 1994. Est. Value—$450. Government property. | Minister of Finance, Saudi Arabia | Non-acceptance would have caused embarrassment to donor and U.S. Government |
| Lawrence H. Summers, Under Secretary for International Affairs. | Gold keyring. Rec'd—April 27, 1994. Est. Value—$450. Government property. | Minister of Finance, Saudi Arabia | Non-acceptance would have caused embarrassment to donor and U.S. Government |
| Jeffrey R. Shafer, Assistant Secretary for International Affairs. | Gold coin cufflinks. Rec'd—October 5, 1994. Est. Value—$250. Government property. | Minister of Finance, Saudi Arabia | Non-acceptance would have caused embarrassment to donor and U.S. Government |
| Lloyd Bentsen, Secretary ..... | Wooden chess set. Rec'd—September 12, 1993. Est. Value—$300. Government property. | President, Kyrgyzstan ..... | Non-acceptance would have caused embarrassment to donor and U.S. Government |
| Mark Sobel, Director, Office of Former Soviet Union Nations. | Wooden chess set. Rec'd—Septmeber 12, 1993. Est. Value—$300. Government property. | President, Kyrgyzstan ..... | Non-acceptance would have caused embarrassment to donor and U.S. Government |
| Ronald K. Noble, Assistant Secretary for Enforcement. | 2 books. Rec'd—December 11, 1993. Est. Value—$375. Government property. | Minister of Grce and Justice, Italy | Non-acceptance would have caused embarrassment to donor and U.S. Government |
| Lloyd Bentsen, Secretary ..... | Agate statue. Rec'd—January 18, 1994. Est. Value—$400. Government property. | Minister of Finance, China ..... | Non-acceptance would have caused embarrassment to donor and U.S. Government |
| Lloyd Bentsen, Secretary ..... | Framed porcelain tile painting. Rec'd—January 27, 1994. Est. Value—$257. Government property. | Mayor, City of Shanghai, China ... | Non-acceptance would have caused embarrassment to donor and U.S. Government |

AGENCY: DEPARTMENTAL OFFICES

Report of Travel or Expenses of Travel

| Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government | Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Evelyn Elgin, tax legislature attorney. | Rec'd—April 19, 1994. Est.—$4,135. Airfare, lodging, meals. | The State Tax Administration, Beijing, China. | Participate in seminar on non-governmental tax consultary services |
| David Lipton, Deputy Assistant Secretary for Eastern Europe and the Former Soviet Union. | Rec'd—June 15, 1994. Est.—$1,124.25. Airfare, meals and lodging. | Stockholm School of Economics, Institute of East European Economics, Stockholm, Sweden. | Participate in a conference on economic reforms in Russia |

AGENCY: DEPARTMENTAL OFFICES—Continued

Report of Travel or Expenses of Travel

| Name and title of person accepting travel or travel expenses consistent with the interests of the U.S. Government | Brief description and estimated value of travel or travel expenses accepted as consistent with the interests of the U.S. Government and occurring outside the United States | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Jeffrey Shafer, Assistant Secretary for International Affairs. | Rec'd—April 8, 1994. Est.—$493.50. Lodging and meals.. | Institute for International Finance, London, England. | To attend a conference |
| Lawrence Summers, Under Secretary for International Affairs. | Rec'd—April 24, 1994. Est.—$270. Lodging. | Italian Government ..... | To participate in a Sherpa meeting and prepare for the economic summit. |

AGENCY: U.S. CUSTOMS SERVICE

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Douglas M. Browning, Assistant Commissioner, Office of International Affairs. | Ten (10) Fresco's—prints. Recd—August 19, 1994. Est. Value—$350. Reported to GSA—December 21, 1994; pending transfer to GSA. | Dimitar Buzleviski, Director General, Macedonian Customs Service. | Non-acceptance would have caused embarrassment to donor and U.S. Government |

AGENCY: Office of the United States Trade Representative

Report of Tangible Gifts

| Name and title of person accepting gift on behalf of the U.S. Government | Gift, date of acceptance on behalf of the U.S. Government, estimated value, and current disposition or location | Identity of foreign donor and government | Circumstances justifying acceptance |
|---|---|---|---|
| Michael Kantor, U.S. Trade Representative. | duPont Chinese laquer and 18 karat gold fountain pen and pencil set, engraved General Agreement on Tariffs and Trade. Recd—April 12, 1994. Est. Value—$1,800. Located at USTR. | Sidi Mohammed, Crown Prince, and heir to throne of Morocco. | Morocco was host to 120 delegations for signing of the GATT Treaty. Each Minister was given same gift. Non-acceptance would have caused embarrassment to donor. |

[FR Doc. 95–13832 Filed 6–8–95; 8:45 am]

BILLING CODE 4710–20–M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Situational Awareness for Safety Systems Requirements Team Meeting

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces a meeting to solicit information from the aviation community concerning flight standards, and procedural applications based on advances in human factors, cognitive pilot decision making, computer and display technology, precision navigation, data link, and aviation weather systems. The information is requested to assist the Situational Awareness for Safety Systems Requirements Team (SASSRT) in forming the requirements for Basic and Advanced Situational Awareness for Safety Systems.

**DATES:** The meeting will be held on July 25, 1995, from 8:00 a.m. until 5:00 p.m.

**ADDRESSES:** The meeting will be held at the Virginia Center for Innovative Technology, 2214 Rock Hill Road, Herndon, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mark Cato, Crown Communications, Inc., 1850 K Street, NW Suite 1200, Washington, DC 20006; telephone (202) 785–2600, extension 3020.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. II), notice is hereby given of a meeting to solicit information from the aviation community concerning flight standards, and procedural applications based on advances in human factors, cognitive pilot decision making, computer and display technology, precision navigation, data link, and aviation weather systems. The information is requested to assist SASSRT in its deliberations with regard to a task assigned to SASSRT by the Federal Aviation Administration. Specifically the task is as follows:

Develop guidance, standards, and procedures that will: foster implementation of Situational Awareness for Safety (SAS) Systems; develop standards for the manufacture of equipment, hardware, software, and operational procedures; and coordinate validation of the SAS concept. SAS graphically displays aircraft position, terrain, weather, and other information, to pilots, dispatchers, and controllers. This information exchange will contribute to an environment that will promote an efficient and safe National Airspace System.

Attendance is open to the interested public, but may be limited to the space available. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the meeting coordinator listed under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Washington, DC, on June 5, 1995.

**Peter Hwoschinsky,**

*Program Manager, Situational Awareness for Safety.*

[FR Doc. 95–14178 Filed 6–8–95; 8:45 am]

BILLING CODE 4910–13–M

## Federal Highway Administration

## Environmental Impact Statement: Suffolk County, New York

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Suffolk County, New York.

**FOR FURTHER INFORMATION CONTACT:** Harold J. Brown, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 9th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: (518) 431–4127, or Philip J. Clark, Director, Design Division, New York State Department of Transportation, State Campus, 1220 Washington Avenue, Albany, New York 12232, Telephone: (518) 457–6452.

**SUPPLEMENTARY INFORMATION:** The Federal Highway Administration (FHWA), in cooperation with the New York State Department of Transportation (NYSDOT) will be preparing an Environmental Impact Statement (EIS) on a proposal to improve the Route 347 corridor in Suffolk County. The proposed improvement will involve the reconstruction of the existing route between its termini at the Northern State Parkway and Route 25A, a distance of approximately 15 miles, in the Towns of Smithtown, Islip and Brookhaven. Improvements to Route 347 are considered necessary to address the existing and projected traffic demand and traffic-related problems.

Alternatives being processed for detailed study in the Environmental Impact Statement include:

### Section A—Northern State Parkway to Route 454 Diverge

1. No build;
2. Transportation Demand Management (TDM)/Transportation System Management (TSM);
3. Six lane (convert one existing General Use Lane [GUL] to one High Occupancy Vehicle [HOV] lane each direction) limited access expressway with two lane flanking service roads (includes TDM/TSM);
4. Six lane (GUL's) limited access expressway with two lane flanking service roads (includes TDM/TSM);
5. Eight lane (add one HOV lane each direction or GUL's) restricted access expressway (includes TDM/TSM).

### Section B—Route 454 Diverge to Route 25A

1. No build;
2. TDM/TSM;
3. Four Lane (GUL's) arterial with restricted access by closing median openings and having grade separated interchanges (includes TDM/TSM);
4. Six lane (add one HOV lane each direction) arterial with some grade separations and jughandles (includes TDM/TSM);
5. Six lane (GUL's) arterial with some grade separations and jughandles (includes TDM/TSM).

One of the early opportunities for the public to be involved is in the scoping of the Draft Environmental Impact Statement (DEIS). Scoping is the process by which the important issues to be considered in the environmental analyses are identified. The purpose of scoping is to ensure that the DEIS is a concise, accurate and complete document that covers all concerns and issues for public and agency review.

Letters describing the proposed action and soliciting scoping comments will be sent to appropriate Federal, State and local agencies, public officials and various organizations that may have interest in this proposal. In addition to scoping discussions with these interested parties, the general public will have the opportunity to make scoping comments both in writing and at a Public Information/Scoping Meeting in Spring, 1995, exact time and location to be announced.

After the DEIS is prepared, it will be available for public and agency review and comment. This will be followed by a Public Hearing for which a public notice will be given of the time and place of the hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA or NYSDOT at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: May 30, 1995.

**Harold J. Brown,**

*Division Administrator, Federal Highway Administration, Albany, New York.*

[FR Doc. 95–14088 Filed 6–8–95; 8:45 am]

BILLING CODE 4910–22–M

## National Highway Traffic Safety Administration

**[Docket No. 95–22 Notice 2]**

## Decision That Nonconforming 1992 Mercedes-Benz 300E Passenger Cars Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Notice of decision by NHTSA that nonconforming 1992 Mercedes-Benz 300E passenger cars are eligible for importation.

**SUMMARY:** This notice announces the decision by NHTSA that 1992 Mercedes-Benz 300E passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S.-certified version of the 1992 Mercedes-Benz 300E), and they are capable of being readily altered to conform to the standards.

**DATES:** This decision is effective June 9, 1995.

**FOR FURTHER INFORMATION CONTACT:** George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

**SUPPLEMENTARY INFORMATION:**

### Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless

NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Liphardt & Associates of Ronkonkoma, New York (Registered Importer R–93–016) petitioned NHTSA to decide whether 1992 Mercedes-Benz 300E passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on April 7, 1995 (60 FR 17847) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

### Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP–114 is the vehicle eligibility number assigned to vehicles admissible under this decision.

### Final Determination

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1992 Mercedes-Benz 300E (Model ID 124.031) not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1992 Mercedes-Benz 300E originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. § 30115, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

**Authority:** 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: June 5, 1995.

**Marilynne Jacobs**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 95–14134 Filed 6–8–95; 8:45 am]

BILLING CODE 4910–59–M

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## UNITED STATES INFORMATION AGENCY

### Disability Exchanges Clearinghouse

**ACTION:** Notice—request for proposals.

**SUMMARY:** The United States Information Agency's Bureau of Educational and Cultural Affairs announces an open competition for an assistance award. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c)(3)–1 may apply for a single award to establish and manage a disability exchanges clearinghouse, the overall purpose of which is two-fold: (1) To provide information for the disability community about international exchange opportunities available to them; and (2) to assist exchange organizations in developing skills and understanding about how to incorporate people with disabilities into their exchange programs.

Overall grant-making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *: to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program cited above is provided through the Fulbright-Hays Act.

Programs and projects must conform with Agency requirements and guidelines outlined in the Solicitation Package. USIA projects and programs are subject to the availability of funds.

**ANNOUNCEMENT TITLE AND NUMBER:** All communications with USIA concerning this announcement should refer to the Disability Exchanges Clearinghouse and reference number *E/AE–95–01.*

**DEADLINE FOR PROPOSALS:** All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on Thursday, July 27, 1995. Faxed documents will not be accepted, nor will documents postmarked July 27, 1995 but received at a later date. It is the responsibility of each applicant to ensure that proposals are received by the above deadline.

*Award date:* The award should begin on September 30, 1995.

*Duration:* September 30, 1995—September 30, 1997.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Educational and Cultural Affairs, Office of Academic Programs, Academic Exchanges Divsiion—E/AE, U.S. Information Agency, 301 4th Street, SW., Washington, DC 20547, telephone number; 201/619–4360, fax number: 202/401–5914, internet address: DLEVIN@USIAGOV to request a Solicitation Package, which includes all application forms and further guidelines for preparing proposals, including specific criteria for preparation of the proposal budget. Please specify USIA Program Officer David Levin on all inquiries and correspondence. Interested applicants should read the complete **Federal Register** announcement before addressing inquiries to the Academic Exchanges Division or submitting their proposals. Once the RFP deadline has passed, the Academic Exchange Division may not discuss this competition in any way with applicants until the Bureau proposal review process has been completed.

**SUBMISSIONS:** Applicants must follow all instructions given in the Solicitation Package. The original and 15 copies of the complete application should be sent to: U.S. Information Agency, Ref.: E/AE–95–01 (Disability Exchanges Clearinghouse), Office of Grants Management, E/XE, Room 326, 301 4th Street, SW., Washington, DC 20547.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including but not limited to race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle.

Proposals obviously will relate directly to the disability community.

Proposals should make an effort to incorporate other types of diversity into various proposal elements and activities, including program staff, consultants and resource people, programmatic locations, program participants, materials and resources developed, collaborative programming, etc.

**Overview**

*Background*

For several years USIA's Bureau of Educational and Cultural Affairs has actively promoted the concept of diversity, making a concerted effort to increase the number of people from underrepresented audiences participating in its exchanges and other programming. This clearly has included outreach to the disability community. Simultaneously, the U.S. Congress has encouraged USIA to focus even more on people with disabilities and on disability-related matters. In FY 1995 the Congress appropriated funds to USIA for the purpose of making an award to a private non-profit organization to establish and manage a disability exchanges clearinghouse.

*Special Note*

In making this award and establishing the disability exchanges clearinghouse, funding priority will be given to entities that are operated by people with disabilities and knowledgeable about the operation and development of exchange programs for those with disabilities, and which have been involved for at least ten years in integrating persons with disabilities into such programs.

*Objectives*

The short term objectives in making an award to establish a disability exchanges clearinghouse are to develop a set of programs, products, and services that will: (1) provide information for the disability community at all levels about the various publicly-sponsored and privately-sponsored exchange opportunities available to them; and (2) assist exchange organizations, both private and public (including relevant USIA Offices, Divisions, and Branches) in developing skills and understanding about how to incorporate persons with disabilities into their exchange programs through training, technical assistance, and information-sharing.

The long-term objectives in making an award to establish a disability exchanges clearinghouse are: (1) To advance mutual understanding between the United States and other countries by increasing the number of people with disabilities participating in both publicly-sponsored and privately-sponsored international educational exchange programs; (2) to enable exchange organizations, associations and the broader public to understand and appreciate the importance and benefits of including people with disabilities in exchange programs; and (3) to help advance the civil rights of people with disabilities by their participating in exchange programs, thus benefiting personally and/or professionally from the exchange experience, while abroad and after returning home.

**Guidelines**

*Successful Project Components*

Proposals to establish and maintain a disability exchanges clearinghouse, in striving to meet the objectives described above, should include, but are not limited to the following components:

- Developing and disseminating an all-purpose brochure describing the Clearinghouse an its purposes, as well as its programs, products, and services.
- Developing a portable exhibit for use at conferences and meetings describing and promoting the Clearinghouse and its purposes, programs, products, and services.
- Developing and maintaining an electronic data base of exchange opportunities for individuals with disabilities in the principal types of international exchange programming—academic exchanges, professional and citizen exchanges, arts exchanges, international visitor programming, youth exchanges, etc. Selected information should be accessible by means of an internet gopher or web page. Selected information also should be available in alternate formats, including braille. The data base should also include resource information and references for internal use as well as information and references/resource material to assist exchange organizations to incorporate people with disabilities into their exchange programs.
- Establishing and strengthening relationships with the principal international exchange organizations and associations such as the Alliance for International Educational and Cultural Exchange, NAFSA: Association of International Educators, IIE, CIEE, and others, including selected Federal Departments and Agencies, in order to foster the possibility of collaborative efforts and to ensure that the Clearinghouse maintains comprehensive up-to-date information about exchange opportunities and resources.
- Establishing a toll-free telephone line, including TDD capability, with staff able to respond to incoming inquiries concerning international exchange programs vis-a-vis persons with disabilities.
- Developing and distributing a training/technical assistance manual, perhaps in loose-leaf format for easy update, for use by practitioners in the international exchanges field on how to incorporate persons with disabilities into their programs. Topics addressed would include such items as information about disabilities/disability awareness, publicity/recruitment, travel, affiliation/placement, accessibility and special needs accommodations, monitoring, evaluation, relevant Federal laws and regulations, resources/annotated organizational references, etc.
- Developing and conducting training/technical assistance workshops for relevant audiences regarding the incorporation of persons with disabilities into international exchange programs, perhaps in conjunction with regional/national conferences pertaining to international education/educational exchange or to the disability community.
- Writing, producing and distributing a quarterly or semi-annual journal devoted to topics pertaining to exchanges and persons with disabilities, highlighting success stories, new developments, collaborative efforts, special activities, etc. Articles written by people in the exchanges and disabilities communities and elsewhere should be welcome.
- Developing a brochure for individuals with disabilities and exchange practitioners detailing the rights and responsibilities of both when people with disabilities participate in international exchanges, following guidelines of the ADA and other Federal legislation.
- Authoring (or soliciting) and placing articles in selected local, regional, national and international newspapers and periodicals regarding the importance of including individuals with disabilities in international exchange programs, highlighting success stories, innovative programs, collaborative efforts, etc.

Where relevant, the awardee organization will be encouraged to conduct needs assessments to determine what information/resources/technical assistance is already available and what is needed by particular audiences, e.g., USIA Offices, Divisions, and Branches and related private organizations that manage or administer USIA-funded exchanges in addition to exchange associations representing the exchanges

community. Appropriate USIA elements will provide monitoring and oversight functions vis-a-vis Clearinghouse efforts. Products and services will be developed in consultation with the Agency and reviewed and approved by relevant Agency offices. All official documents should highlight the U.S. Government's role as sponsor and funding source. USIA requests that it receive the copyright use and be allowed to distribute written material as it sees fit.

*Proposal Preparation*

In developing proposals, particular attention should be paid to the objectives and guidelines stated in this RFP as well as to the stated proposal review criteria.

Proposals should include an executive summary (Tab B) not to exceed five double-spaced pages, providing the following information:

(1) Name of organization
(2) Beginning and ending date of the program
(3) Nature of activity
(4) Funding level requested from USIA, total cost-sharing from applicant and other sources, and total costs
(5) Scope and goals
(6) Brief descriptions of activaties, programs, products and services to be undertaken
(7) Nticipated results (short and long-term)

Proposals should include a narrative (Tab C) not to exceed forty double-spaced pages addressing the areas listed below:

(1) Vision (statement of need, objectives, goals, benefits)
(2) Participating organizations
(3) Clearinghouse programs, products and services
(4) Evaluation plan regarding Clearinghouse programs, products, and services
(5) Follow-on
(6) Clearinghouse management, including any subgrants
(7) Work plan/time frame

*Proposed Budget*

Organizations must submit a comprehensive line-item budget based on specific guidance in the Solicitation Package. The award will not exceed $500,000. The award will not be made to an organization with less than four years of experience in conducting international exchange programs, as USIA policy dictates that such organizations will be limited to $60,000 per assistance award.

Applicants must submit a comprehensive budget for the entire program. There must be a three-column summary budget as well as a break-down of each budget by line-item. For better understanding or further clarification, applicants should provide separate sub-budgets for each program component, or activity in order to facilitate USIA decisions on funding.

Allowable costs for the Clearinghouse include but are not limited to the following:

(1) Staff salaries and benefits
(2) staff travel and per diem
(3) occupancy
(4) telephone, TDD, fax, E-mail
(5) office furniture and equipment, including computer hardware, software and telecommunications, as well as equipment to convert written text into alternate formats, including braille
(6) office supplies
(7) reference materials
(8) accounting and auditing costs
(9) indirect costs, as appropriate
(10) consultant travel, per diem, and honoraria
(11) duplicating and printing
(12) postage and courier service
(13) participant travel and per diem
(14) conference attendance expenses, including exhibit space
(15) meeting expenses

Please refer to the Solicitation Package for further guidance regarding proposal preparation, complete budget guidelines and formatting instructions.

**Review Process**

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the solicitation Package. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will be reviewed by the Agency contracts office. Proposals may also be reviewed by the Office of the General Counsel or by other Agency elements. Funding decisions are at the discretion of the USIA Associate Director for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the USIA grants officer.

*Review Criteria*

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. Quality of the program idea: Proposals should exhibit originality, substance, precision, and relevance to Agency mission, and the short-term and long-term objectives and guidelines stated in this RFP.

2. Program planning: A detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. The agenda and plan should adhere to the program overview and guidelines described above.

3. Ability to achieve program objectives: Objective should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the organization will meet the program's objectives and plan.

4. Program comprehensiveness: Proposals should demonstrate how the various types of exchange programming—academic exchanges, citizen and professional exchanges, arts exchanges, youth exchanges, international visitor programming, etc. will be included in Clearinghouse planning and implementation efforts.

5. Cultural awareness and sensitivity: Proposals should demonstrate an awareness and sensitivity of issues related to people with disabilities, particularly in a cross-cultural/international setting.

6. Multiplier effect/impact: Proposed Clearinghouse activities should strengthen long-term mutual understanding, including maximum sharing of information and detail potential long-term benefits.

7. Support of Diversity: Proposals should demonstrate the recipient's commitment to promoting the awareness and understanding of diversity.

8. Institutional Capacity: Proposed personnel and institutional resources should be adequate and appropriate to achieve the Clearinghouse's goals.

9. Institution's Record/Ability: Proposals should demonstrate an institutional record of successful exchange programs, including previous interactions with other organizations in the exchanges and disability fields, as well as responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts. The Agency will consider the past performance of prior recipients and the demonstrated potential of new applicants.

10. Follow-on Activities: Proposals should provide a plan for continued follow-on activity (without USIA support) which insures that USIA supported programs are not isolated events.

11. Project/Activity Evaluation: Proposals should include a plan to evaluate the Clearinghouse's success, at

the macro and micro levels both as the activities unfold and at the end of the time period. USIA recommends that the proposal include draft survey questionnaires or other technique plus description of a methodology to be used to link outcomes to original project objectives. The award-receiving organization/institution will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

12. Cost-effectiveness: The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

13. Cost-sharing: Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

## Notice

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program. Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal USIA procedures.

## Notification

All applicants will be notified of the results of the review process on or about September 20, 1995. The award made will be subject to periodic reporting and evaluation requirements.

Dated: June 2, 1995.

**John P. Loiello,**

*Associate Director, Bureau of Educational and Cultural Affairs.*

[FR Doc. 95–14247 Filed 6–7–95; 11:36 am]

BILLING CODE 8230–01–M

# Sunshine Act Meetings

Federal Register
Vol. 60, No. 111
Friday, June 9, 1995

This section of the FEDERAL REGISTER contains notices of meetings published under the ''Government in the Sunshine Act'' (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## NATIONAL CREDIT UNION ADMINISTRATION

**TIME AND DATE:** 9:30 a.m., Wednesday, June 14, 1995.

**PLACE:** Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

**STATUS:** Open.

**BOARD BRIEFING:**

1. Insurance Fund Report.

**MATTERS TO BE CONSIDERED:**

1. Approval of Minutes of Previous Open Meeting.
2. Request from Hopewell Federal Credit Union, Heath, Ohio, for a Conversion to a Community Charter.
3. Appeal from Rochester Area State Employees FCU of the Regional Director's Decision to Grant a FOM Overlap to Brockport FCU.
4. Appeal from AOD Federal Credit Union of the Regional Director's Denial of a FOM Expansion Request.
5. Request for Comments: Operating Fee Scale.

**RECESS:** 10:45 a.m.

**TIME AND DATE:** 11:00 a.m., Wednesday, June 14, 1995.

**PLACE:** Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Approval of Minutes of Previous Closed Meeting.
2. Administrative Action under Section 206 of the FCU Act. Closed pursuant to exemptions (8), (9)(A)(ii) and (9)(B).
3. Administrative Action under Section 205 of the Federal Credit Union Act. Closed pursuant to exemption (8).
4. Administrative Action under Section 125 of the Federal Credit Union Act. Closed pursuant to exemption (8).
5. Administrative Action under Sections 206 and 208 of the Federal Credit Union Act. Closed pursuant to exemptions (5), (8) and (9)(A)(ii).
6. Personnel Actions. Closed pursuant to exemptions (2) and (6).

**FOR FURTHER INFORMATION CONTACT:** Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

**Becky Baker,**
*Secretary of the Board.*

[FR Doc. 95–14381 Filed 6–7–95; 3:54 am]

BILLING CODE 7535–01–M

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**DATE AND TIME:** June 20, 1995, 2:00 P.M. (Eastern Time).

**PLACE:** Conference Room on the Ninth Floor of the EEOC Office Building, 1801 ''L'' Street, NW., Washington, DC 20507.

**STATUS:** Part of the Meeting will be open to the public and part of the Meeting will be closed.

**MATTERS TO BE CONSIDERED:**

**Open Session**

1. Announcement of Notation Votes
2. Panel Discussion on Equal Pay Issues

**Closed Session**

Litigation Authorization: General Counsel Recommendations

**Note:** Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions.) Please telephone (202) 663–7100 (voice) and (202) 663–4074 (TTD) at any time for information on these meetings. CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer on (202) 663–4070.

Dated: June 7, 1995.

**Frances M. Hart,**
*Executive Officer, Executive Secretariat.*

[FR Doc. 95–14370 Filed 6–7–95; 8:45 am]

BILLING CODE 6750–06–M

## U.S. CONSUMER PRODUCT SAFETY COMMISSION

**TIME AND DATE:** 10 a.m., Tuesday, June 13, 1995.

**LOCATION:** Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland.

**STATUS:** Open to the Public.

**MATTER TO BE CONSIDERED:**

1. *Mid-Year Review/Additional Initiatives*

The staff will brief the Commission and the Commission will consider issues related to additional initiatives for fiscal year 1995 mid-year review.

For a recorded message containing the latest agenda information, call (301) 504–0709.

**CONTACT PERSON FOR ADDITIONAL INFORMATION:** Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207, (301) 504–0800.

Dated: June 6, 1995.

**Sadye E. Dunn,**
*Secretary.*

[FR Doc. 95–14363 Filed 6–7–95; 2:17 pm]

BILLING CODE 6355–01–M

## BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR

Notice is hereby given in accordance with Section 552b of Title 5, United States Code, that a meeting of the Blackstone River Valley National Heritage Corridor Commission will be held on Thursday, June 22, 1995.

The Commission was established pursuant to Public Law 99–647. The purpose of the Commission is to assist federal, state and local authorities in the development and implementation of an integrated resource management plan for those lands and waters within the Corridor.

The meeting will convene at 7:00 pm at Uxbridge Inn, 6 North Main Street, Uxbridge, MA for the following reasons:

1. Presentation from Town of Uxbridge
2. Report by Woonsocket Ad-hoc Committee
3. Commission Business
4. Other

It is anticipated that about twenty people will be able to attend the session in addition to the Commission members.

Interested persons may make oral or written presentations to the Commission or file written statements. Such requests should be made prior to the meeting to: James R. Pepper, Executive Director, Blackstone River Valley National Heritage Corridor Commission, One Depot Square, Woonsocket, RI 02895, Tel.: (401) 762–0250.

Further information concerning this meeting may be obtained from James R. Pepper, Executive Director of the Commission at the aforementioned address.

**Michael Creasey,**
*Acting, Executive Director BRVNHCC.*

[FR Doc. 95–14330 Filed 6–7–95; 12:25 pm]

BILLING CODE 4310–70–P

**BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM**

**TIME AND DATE:** 10:00 a.m., Wednesday, June 14, 1995.

**PLACE:** William McChesney Martin, Jr. Federal Reserve Board Building, C Street entrance between 20th and 2lst Streets, N.W., Washington, D.C. 20551.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:**

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: June 7, 1995.

**Jennifer J. Johnson,**

*Deputy Secretary of the Board.*

[FR Doc. 95–14297 Filed 6–7–95; 10:37 am]

BILLING CODE 6210–01–P

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**CORPORATION FOR NATIONAL AND COMMUNITY SERVICE**

Pursuant to the provisions of the Government in the Sunshine Act (5 U.S.C. § 552(b)), notice is hereby given of the following meeting of the Board of Directors of the Corporation for National and Community Service:

**''FEDERAL REGISTER'' CITATION OF PREVIOUS ANNOUNCEMENT:** Previously announced in the May 30, 1995 **Federal Register**.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 10:00 a.m.—3:00 p.m., June 16, 1995.

**CHANGES IN THE MEETING:** The status of the meeting has been changed from ''open'' to ''open and closed''. The meeting will be open, except that Board deliberations on grant applications will be closed, pursuant to exemptions 4 and 9(B) of the Government in the Sunshine Act. This partial closing has been certified by the Corporation's General Counsel. A copy of the certification will be posted for public inspection at the Corporation's headquarters, located at 1201 New York Avenue NW, Office of General Counsel, 8th Floor, Washington, D.C. 20525, and will otherwise be available upon request.

**CONTACT PERSON FOR FURTHER INFORMATION:** Rhonda Taylor, Associate Director of Special Projects and Initiatives, The Corporation for National Service, 8th Floor, Room 8619, 1201 New York Avenue NW, Washington, D.C. 20525. Phone (202) 606–5000 ext. 282. Fax (202) 565–2794.

Dated: June 6, 1995.

**Terry Russell,**

*General Counsel.*

[FR Doc. 95–14282 Filed 6–7–95; 8:45 am]

BILLING CODE 6050–28–P

federal register

Friday
June 9, 1995

# Part II

# Department of the Interior

## Fish and Wildlife Service

**50 CFR Part 32**

**Cape May National Wildlife Refuge; Addition to the List of Open Areas for Hunting in New Jersey; Proposed Rule**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 32**

**RIN 1018–AD03**

## Addition of Cape May National Wildlife Refuge to the List of Open Areas for Hunting in New Jersey

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) proposes to add Cape May National Wildlife Refuge to the list of areas open for big game hunting in New Jersey along with pertinent refuge-specific regulations for such activities. The Service has determined that such use will be compatible with the purposes for which the refuge was established. The Service has further determined that this action is in accordance with the provisions of all applicable laws, is consistent with principles of sound wildlife management, and is otherwise in the public interest by providing additional recreational opportunities of a renewable natural resource.

**DATES:** Comments may be submitted on or before August 8, 1995.

**ADDRESSES:** Assistant Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1849 C Street NW., MS 670 ARLSQ, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Duncan L. Brown, Esq., at the address above; Telephone: 703–358–1744.

**SUPPLEMENTARY INFORMATION:** National wildlife refuges are generally closed to hunting and sport fishing until opened by rulemaking. The Secretary of the Interior (Secretary) may open refuge areas to hunting and/or fishing upon a determination that such uses are compatible with the purpose(s) for which the refuge was established. The action must also be in accordance with provisions of all laws applicable to the areas, must be consistent with the principles of sound wildlife management, and must otherwise be in the public interest. This rulemaking proposes to open Cape May National Wildlife Refuge to big game (white-tailed deer) hunting.

### Request for Comments

Department of the Interior policy is, whenever practicable, to afford the public a meaningful opportunity to participate in the rulemaking process. A 60-day comment period is specified in order to facilitate public input. Accordingly, interested persons may submit written comments concerning this proposed rule to the person listed above under the heading **ADDRESSES**. All substantive comments will be reviewed and considered.

### Statutory Authority

The National Wildlife Refuge System Administration Act of 1966, as amended (NWRSAA) (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (RRA) (16 U.S.C. 460k) govern the administration and public use of national wildlife refuges. Specifically, Section 4(d)(1)(A) of the NWRSAA authorizes the Secretary to permit the use of any areas within the National Wildlife Refuge System (Refuge System) for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access, when he determines that such uses are compatible with the purposes for which each refuge was established. The Service administers the Refuge System on behalf of the Secretary. The RRA gives the Secretary additional authority to administer refuge areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary purposes for which the refuges were established.

### Opening Package

In preparation for this opening, the refuge unit has included in its ''openings package'' for Regional review and approval from the Washington Office the following documents: a hunting/fishing plan; an environmental assessment; a Finding of No Significant Impact (FONSI); a Section 7 evaluation or statement, pursuant to the Endangered Species Act, that these openings are not likely to adversely affect a listed species or critical habitat; a letter of concurrence from the affected States; and refuge-specific regulations to administer the hunts. From a review of the totality of these documents, the Secretary has determined that the opening of the Cape May National Wildlife Refuge to big game hunting is compatible with the principles of sound wildlife management and will otherwise be in the public interest.

In accordance with the NWRSAA and the RRA, the Secretary has also determined that this opening for big game hunting is compatible and consistent with the primary purposes for which the refuge was established. The Secretary has also determined that funds are available to administer the programs. A brief description of the hunting program is as follows:

*Cape May National Wildlife Refuge*

The Cape May National Wildlife Refuge was established administratively on January 20, 1989, under the authority of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a–742j; 70 Stat. 1119), as amended. The broad purposes of the refuge are for the development, advancement, management, conservation, and protection of fish and wildlife resources and for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. There are approximately 16,700 acres within the approved refuge acquisition boundary. The Fish and Wildlife Service (Service) has already purchased approximately 6,700 acres of the acquisition area. The refuge is located in the Townships of Middle, Dennis and Upper in Cape May County, New Jersey. The refuge is divided into two approximately equal divisions: The Great Cedar Swamp Division and the Delaware Bay Division. The topography of the refuge is typical of the coastal areas of New Jersey, where uplands taper gradually to a wide band of saltmarsh. There are 22 major vegetation types found on the refuge. These communities include mixed hardwood swamps, oak/pine forests, Atlantic white cedar swamps, and estuarine communities dominated by Spartina patens, and saltmarsh cordgrass.

The unique configuration and location of Cape May attracts flocks of raptors, songbirds and woodcock. The refuge supports a variety of animal life, including approximately 317 species of birds, 42 species of mammals, 55 species of reptiles and amphibians, and numerous species of fish, shellfish, and other invertebrates. Furbearers of economic importance inhabiting the area include otter, muskrat, and raccoon. Small mammals such as shorttail shrews and white-footed mice are common in upland fields and shrub habitat. Gray and red foxes are also common.

State deer biologists estimate a deer density of approximately 18 deer per square mile in Cape May County's Deer Management Zone (DMZ) 34, of which the refuge is a part. The deer population appears to have increased since 1981 with a corresponding increase in farmer complaints. The number of complaints has risen from 4 in 1990 to 12 in 1993. Crop depredation permitted kills have increased from 9 in 1990 to 36 in 1993. In order to address the below average herd health indices, and to reduce deer complaints in DMZ 34, the short term goal of the New Jersey Division of Fish, Game and Wildlife is to reduce the herd by approximately 20 percent. There are

no data on the number of hunters who have used the area within the refuge acquisition area in the past. However, the refuge estimates the annual visitation for deer hunting is less than 500 visits.

Based on the patrols that refuge law enforcement officers have made during the last two firearms deer hunting seasons, hunting pressure on white-tailed deer within the refuge boundary is low.

The sport hunting program will be monitored by refuge personnel, and conducted according to New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife deer hunt regulations.

Opening the refuge to big game hunting has been found to be compatible in a separate compatibility determination. The hunting program will be reviewed annually to ensure that a harvestable surplus of animals exist, and that sensitive habitats are protected from disturbance. A Section 7 evaluation pursuant to the Endangered Species Act was conducted. It was determined that the proposed action is not likely to adversely affect any Federally listed or proposed for listing threatened or endangered species or their critical habitats. Pursuant to the National Environmental Policy Act (NEPA), an environmental assessment was made and a Finding of No Significant Impact (FONSI) was made regarding the hunt. During the preparation of the environmental assessment, biologists and management personnel within the New Jersey Division of Fish, Game and Wildlife were consulted. Comments were solicited from the public during the draft environmental assessment phase. Articles on this assessment were carried in the local newspapers and sent to Federal, State and local legislators and conservation groups.

The Service has determined that there would be sufficient funds to administer the proposed hunt. Sufficient funds would be available within the refuge unit budget to operate such a hunt as proposed.

## Paperwork Reduction Act

The information collection requirements for part 32 are found in 50 CFR part 25 and have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 1018–0014. The information is being collected to assist the Service in administering these programs in accordance with statutory authorities which require that recreational uses be compatible with the primary purposes for which the areas were established. The information requested in the application form is required to obtain a benefit.

The public reporting burden for the application form is estimated to average six (6) minutes per response, including time for reviewing instructions, gathering and maintaining data, and completing the form. Direct comments on the burden estimate or any other aspect of this form to the Service Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (1018–0014), Washington, DC 20503.

## Economic Effect

This rulemaking was not subject to Office of Management and Budget review under Executive Order 12866. In addition, a review under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) has revealed that the rulemaking would not have a significant effect on a substantial number of small entities, which include businesses, organizations or governmental jurisdictions. This proposed rule would have minimal effect on such entities.

## Federalism

This proposed rule 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 rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

## Environmental Considerations

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), an environmental assessment has been prepared for this opening. Based upon the Environmental Assessments, the Service issued a Finding of No Significant Impact with respect to the opening. A Section 7 evaluation was prepared pursuant to the Endangered Species Act with a finding that no adverse impact would occur to any identified threatened or endangered species.

## Primary Author

Duncan L. Brown, Esq., Division of Refuges, U.S. Fish and Wildlife Service, Washington, DC, is the primary author of this rulemaking document.

## List of Subjects in 50 CFR Part 32

Hunting, Fishing, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

Accordingly, part 32 of chapter I of Title 50 of the *Code of Federal Regulations* is proposed to be amended as set forth below:

## PART 32—[AMENDED]

1. The authority citation for part 32 continues to read as follows:

**Authority:** 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, and 715i.

### § 32.7 [Amended]

2. Section 32.7 *List of refuge units open to hunting and/or fishing* is amended by adding the alphabetical listing of ''Cape May National Wildlife Refuge'' under the state of New Jersey.

3. Section 32.49 *New Jersey* is amended by adding the alphabetical listing of Cape May National Wildlife Refuge to read as follows:

### § 32.49 New Jersey.

* * * * *

**Cape May National Wildlife Refuge**

*A. Hunting of Migratory Game Birds.* [Reserved]

*B. Upland Game Hunting.* [Reserved]

*C. Big Game Hunting.* Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition: During the firearms big game season, hunters must wear, in a conspicuous manner on head, chest and back, a minimum of 400 square inches of solid-colored hunter orange clothing or material.

*D. Sport Fishing.* [Reserved]

* * * * *

Dated: May 20, 1995.

**George T. Frampton, Jr.,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 95–14154 Filed 6–8–95; 8:45 am]

BILLING CODE 4310–55–P

federal register

Friday
June 9, 1995

# Part III

# Department of Transportation

**Federal Aviation Administration**
**National Highway Traffic Safety Administration**

**14 CFR Part 91 et al.**
**49 CFR Part 571**
**Child Restraint Systems; Proposed Rules**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Parts 91, 121, 125, and 135**

**[Docket No. 28229; Notice No. 95–7]**

**RIN 2120–AF52**

## Child Restraint Systems

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to withdraw FAA approval for the use of booster seats and vest- and harness-type child restraint systems in aircraft during takeoff, landing, and movement on the surface. In addition, this notice emphasizes the existing prohibition in all aircraft against the use of lap held child restraint systems (including belly belts). The FAA believes that, during an aircraft crash, the banned devices may put children in a potentially worse situation than the allowable alternatives. This notice does not affect use of other types of approved child restraint devices. The FAA will continue to analyze methods to improve the alternatives to the proposed banned devices.

**DATES:** Comments must be received on or before July 10, 1995.

**ADDRESSES:** Comments on this notice should be mailed, in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–200), Docket No. 28229, 800 Independence Avenue SW., Washington, DC 20591. Comments delivered must be marked Docket No. 28229. Comments may be examined in room 915G weekdays between 8:30 a.m. and 5 p.m., except on Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Donell Pollard, (AFS–203), Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; Telephone (202) 267–3735.

**SUPPLEMENTARY INFORMATION:**

### Background

The FAA is concerned about the safety of children who use certain forms of child restraint systems aboard aircraft. In 1992, the FAA set forth in §§ 91.107(a), 121.311(b), 125.211(b), and 135.128(a) the child restraint systems acceptable for use in aircraft by listing labeling requirements and certain use requirements. Since that time the FAA has supplemented the rule with advisory material and with a public information leaflet titled ''Child/Infant Safety Seats Recommended for Use in Aircraft.''

Under present regulations a child who has not reached his or her second birthday (infant) is not required to have a separate seat aboard an aircraft. This means that the person accompanying an infant may choose to hold the infant during flight.

If the accompanying adult wishes to put the infant in a child restraint system on a passenger seat, the airline may require the adult to purchase a separate ticket for the infant. Whether or not the airline requires the purchase of a ticket for the infant, a separate passenger seat is necessary if a child restraint is to be used (14 CFR §§ 121.311(c), 125.211(c), and 135.128(b)).

The provisions of §§ 91.107, 121.311, 125.211, and 135.128 identify those child restraints that are approved for use aboard aircraft. These child restraint provisions also apply whenever a child restraint is used for a child 2 years old or older who is required to have a separate seat on the aircraft. A child 2 years old or older must either be properly secured in an approved child restraint or properly secured with a safety belt in a passenger seat.

The FAA's 1992 determination as to which child restraint systems would be approved for use aboard aircraft was based on many years of work by both the FAA and the National Highway Traffic Safety Administration (NHTSA). In the 1970's, NHTSA proposed dynamic testing of child restraint systems for use in automobiles. In the mid 1980's, the FAA and NHTSA undertook an effort to develop a common approach to the approval of child restraints. Federal Motor Vehicle Safety Standards (FMVSS) No. 213 (49 CFR 571.213) was amended to provide criteria for the certification of child restraints that were appropriate for both aircraft and automobiles.

FMVSS No. 213, as revised, is the current U.S. standard, and has allowed hundreds of models of seats to be approved, including booster-type child restraint systems (''booster seats''). The current FAA child restraint rules do not specifically refer to FMVSS No. 213. However, FMVSS No. 213 is the basis for the labels required under the FAA rules.

The current FAA rules on child restraint systems permit the use of child restraint systems only if they bear a proper label(s), meet certain use requirements, and meet adult accompaniment requirements.

Approved labels fall into three categories as follows:

1. Seats manufactured to U.S. standards between January 1, 1981, and February 25, 1985, must bear a label that states ''This child restraint system conforms to all applicable Federal motor vehicle safety standards.'' However, vest- and harness-type child restraint systems manufactured before February 26, 1985, are not approved for use on aircraft even if they bear this label.

2. Seats manufactured to U.S. standards on or after February 26, 1985, must bear the following two labels:

(i) ''This child restraint system conforms to all applicable Federal motor vehicle safety standards;'' and

(ii) ''THIS RESTRAINT IS CERTIFIED FOR USE IN MOTOR VEHICLES AND AIRCRAFT,'' in red lettering.

3. Seats that are not manufactured to approved U.S. standards must bear either a label showing approval of a foreign government or a label showing that the seats were manufactured under the standards of the United Nations.

The use requirements for child restraint systems are as follows:

1. The restraint system must be properly secured to an approved forward-facing seat or berth;

2. The child must be properly secured in the restraint system and must not exceed the specified weight limit for the restraint system; and

3. The restraint system must bear that appropriate label(s).

The adult accompaniment provisions for child restraint systems require that the child be accompanied by a parent, guardian, or attendant designated by the child's parent or guardian to attend to the safety of the child during the flight.

While the current rule language disallows vest- and harness-type child restraint systems manufactured before February 26, 1985, some of these systems manufactured after that date meet U.S., foreign government, or United Nations requirements.

### Need for Amendment

As discussed above, the present FAA rules on child restraint systems are based primarily on U.S. standards. However, the FAA now has determined that some child restraint systems that work well in automobiles may not be safe for use in aircraft. The FAA has reached this conclusion based in part on recent studies by FAA's Civil Aeromedical Institute (CAMI). A copy of CAMI's final report, as well as a follow-up report that clarifies certain issues in the CAMI report, is included in the docket. The CAMI studies were conducted to evaluate whether the FAA regulations regarding crashworthiness requirements for adult passenger seats and the standards applicable to child restraint devices were consistent, to respond to questions from the Air

Transport Association concerning which child restraint systems were approved for aircraft, and to respond to comments received from child restraint manufacturers, private testing organizations, the National Transportation Safety Board, foreign regulatory organizations, and consumer activists at the January 1993, session of the Society of Automotive Engineers (SAE) ad hoc committee on child restraints. Some of the most serious issues identified by CAMI concern child restraints commonly referred to as shield-type booster seats, vest- and harness-type child restraint systems, and belly belts.

FMVSS No. 213 defines a ''booster seat'' as ''either a backless child restraint system or a belt-positioning seat''. FMVSS No. 213 defines a ''backless child restraint system'' as ''a child restraint, other than a belt-positioning seat, that consists of a seating platform that does not extend up to provide a cushion for the child's back or head and has a structural element designed to restrain forward motion of the child's torso in a forward impact'' (hereinafter referred to as ''shield-type''). FMVSS No. 213 defines a ''belt-positioning seat'' as ''a child restraint system that positions a child on a vehicle seat to improve the fit of a vehicle Type 2 belt system on the child and that lacks any component, such as a belt system or a structural element, designed to restrain forward movement of the child's torso in a forward impact'' (49 CFR 571.213(S4)). NHTSA and the FAA are working together to develop additional standards to allow an improved assessment of the performance of child restraint systems in the aircraft environment.

Booster seats are generally designed for children who are 3 to 8 years old and weigh 30 to 60 pounds. As such, the children who weigh 40 pounds and over can be adequately protected in an aircraft seat restrained by the safety belt, and the children who weigh between 30 pounds (the threshold weight for a booster seat) and 40 pounds can be restrained in a forward facing child restraint system. The ''shield-type'' booster seat is secured to the vehicle with the passenger safety belt and the shield provides crash protection for the upper body of the child. The ''belt-positioning'' booster seat is secured to the vehicle, along with the child, with the passenger seat and shoulder belt system of the vehicle; the shoulder portion of the best provides crash protection for the upper body of the child.

Vest- and harness-type restraint devices are usually designed for children in the 25 to 50 pound range. The harness-type device usually consists of a torso harness with padded, adjustable straps over the shoulders and around the pelvis and, in some designs, it contains a crotch strap. The harness contains a means (e.g. a webbing attached to a metal back plate) for the passenger safety belt to attach the harness to the aircraft seat.

The belly belt included in the CAMI study has a short loop of webbing with standard buckle hardware installed on the ends. This belt is designed to be buckled around the child's abdomen and is secured to an adult's abdomen with the adult's safety belt by routing the safety belt through a small loop of webbing sewn on the belly belt. The belly belt, as well as other types of lap held child restraint devices, are not permitted to be used under the existing rules.

Under the existing rules, a child restraint system that bears one or more of the specified labels cannot be used unless the restraint system is properly secured to an approved forward-facing seat or berth (see §§ 91.107(a)(3)(iii)(C)(*1*), 121.311(b)(2)(iii)(A), 125.211(b)(2)(iii)(A), and 135.128(a)(2)(iii)(A)). Because lap held child restraint systems are not secured to a forward-facing seat or berth, but instead are secured to the adult, they cannot be used under existing rules. Nonetheless, the FAA has decided that it is important to emphasize this prohibition and, therefore, proposes to add clarifying language to the existing rules.

The CAMI study identified the following concerns with booster seats, vest- and harness-type child restraints, and belly belts:

Booster seats—In the test, the shield-type booster seat, in combination with other factors, contributed to an abdominal pressure measurement higher than in other means of protection.

Vest- and harness-type systems—When tested in an airplane seat, these systems allowed excessive forward body excursion, resulting in the anthropomorphic test dummy sliding off the front of the seat with a high likelihood of the child impacting the back of the row of seats in front of it. Rebound acceleration presents further risk for injury.

Belly belts—In the test, these systems allowed the anthropomorphic test dummy to make severe contact with the back of the seat in the row in front of the test dummy. The child also may be crushed by the forward bending motion of the adult to whom the child is attached.

CAMI research involved dynamic impact tests with a variety of certified child restraints installed in transport airplane passenger seats at the 16g peak loads required in 14 CFR § 25.562(b)(2). Some of the tests of child restraint systems were configured to represent a typical multi-row seat installation and included testing the effects of the occupant impact against the backs of seats. The tests investigated transport airplane passenger seat compatibility with child restraints and measured three performance factors: adaptability, structural response, and occupant protection.

**Shield-Type Booster Seats**

The FAA has determined that some child restraint systems that work well in automobiles may not be as safe for use in aircraft during takeoff, landing, and movement on the surface as other available means of protection. Unlike in an automobile, where seat backs are fixed and rigid and present a barrier to rear-generated forces, airline seats are generally not rigid and thus may breakover under their own inertia or when struck by a passenger. This represents a potential source of pressure and force to the occupant of a backless child restraint device.

The CAMI research found that in laboratory impact tests using representative airplane seats found in a transport airplane, shield-type booster seats may offer less protection from aft row occupant impact forces on the seat back than other available means of protection. Aft row occupant impact forces transmitted through the passenger seat back in which the child restraint is installed are an important consideration, particularly in seats with breakover seat backs. The movement of the aft row adult passenger may expose the child to an impact from behind and to being crushed between the airplane seat back and the booster seat shield. In addition, when this situation was studied by CAMI, increased abdominal loading of the child test dummy was discovered when the researchers reviewed the test data on an anthropomorphic dummy representing a 3-year old child weighing 33.3 pounds. The researchers then used a smaller ''CAMIX'' anthropomorphic dummy weighing 27.2 pounds, representing a 2-year old child, that was instrumented to measure abdominal loads. These measurements showed an increase in abdominal loads over those when the test dummy was protected by the aircraft seat's lap belt. The abdominal loading measured by this dummy in

shield-type booster seats was not caused by the dummy's impact against the shield alone, but by the force of the seat back and the aft row passenger as they pressed the dummy into the shield. Therefore, although CAMI used a test dummy weighing less than the range of children recommended by the manufacturer for its booster seat, the FAA believes that the dynamics would be the same for a child within the weight limits specified by the manufacturer.

The FAA believes that shield-type booster seats, which may contribute to higher abdominal loading, might put children in a potentially worse situation than the alternatives permitted in the FAA regulations. In the study, the FAA researchers at CAMI compared the abdominal load impacts on the CAMIX anthropomorphic test dummy when it was placed in a shield-type booster seat and when it was placed in a lap belt in a typical airplane passenger seat. When an adult-size test dummy aft of the CAMIX dummy and with a breakover seat back, the abdominal load was 37.6 pounds per square inch (psi) when the dummy was restrained by the lap belt compared to 59.5 psi for the dummy when it was in a shield-type booster seat.

The CAMI researchers also found that the abdominal loads on the CAMIX test dummy with a locked seat back were higher in the shield-type booster seat (in the 19.8 to 20.8 psi range) than in a typical airplane lap belt with a locked seat back (9.5 psi).

The FAA recognizes that the booster seats are designed for children in the 30 to 60 pound weight range. Although the CAMIX dummy is 27.2 pounds, it was the only test dummy available that was equipped to measure abdominal loads. However, the FAA believes that abdominal loads for children who are in the 30 to 60 pound weight range and who are in shield-type booster seats would similarly exceed the abdominal loads that those children would experience in lap belts in representative aircraft seats in a worst case survivable aircraft crash.

The FAA is proposing to ban shield-type booster seats in aircraft during takeoff, landing, and movement on the surface because of the concern about the increase in abdominal pressure. The FAA believes that there is a relationship between abdominal loading and injury. The agency notes, however, that no accepted injury criteria have been developed that would permit the FAA to predict precisely the severity or type of abdominal injury. In view of the absence of criteria for assessing the relationship between differences in measured levels of abdominal loading and the resulting risk of injury, the FAA invites comments, including statistical data, on the value of abdominal loading, by itself, as a predictor of injury.

The FAA recognizes that differences in abdominal loading are but one measure of the overall safety performance of child restraint devices. Among the others are the degree of extension of the spine and the head injury protection criteria (HIC) developed by NHTSA to measure head injury risk in motor vehicle crashes. Accordingly, the agency invites comments on the overall safety performance of shield-type booster seats compared to that of other available means of protection.

A separate seat or berth must be available in order to use a shield-type booster seat. If the FAA adopts this proposal to ban the use of shield-type booster seats, children over age 2 will have to use the passenger seat lap belt or some other type of approved child restraint system. The accompanying adult or the airline may provide the alternative approved child restraint system, but neither is required to do so. The FAA believes that children 2 years old or older will be safer in their own passenger seat restrained by a lap belt or in allowable child restraint systems than they would have been in the shield-type booster seats.

Under existing regulations, children under age 2 are not required to use a child restraint system or lap belt. Those children are permitted to be held on an adult's lap. By proposing to ban the use of shield-type booster seats, the FAA does not mean to encourage the practice of adults holding children under age 2 on their laps. Again, the FAA believes that a child who weighs enough to use a booster seat would be safer in a passenger seat lap belt or other approved type of child restraint system.

The FAA invites comments on the issue of whether the proposed ban would induce more parents to place more children on their laps during flight. The FAA also invites comments on the relative safety of placing children in shield-type booster seats versus putting children on laps. Although the FAA does not encourage the practice of holding a child under age 2 in an adult's lap, in 1992 the FAA decided not to mandate that children under age 2 use some type of restraint system (57 FR 42662). The FAA concluded that if children under age 2 were required to be in approved restraint systems and if the affected operators used such a requirement to charge for the transportation of children under age 2, more fatalities and injuries would occur. The FAA determined that if adults were charged for the transportation of infants, some adults would decide to drive in automobiles to their destinations rather than fly. Noting that the accident rate on the roads is higher than the accident rate in commercial air transportation, the FAA concluded that more deaths and injuries would occur for children in automobile accidents than would be avoided in aviation crashes if the FAA mandated the use of child restraint systems for children under age 2 on aircraft. The FAA invites comments on its previous decision not to mandate child restraint systems. Recently, Congress instructed the FAA to restudy the net safety impact that would result if the agency were to mandate restraint devices for infants. That study will be submitted to Congress shortly and will be added to this rulemaking docket.

**Vest- and Harness-Type Child Restraint Systems**

Because of the location of the safety belt anchors for an airplane seat, harness-type child restraints tested at CAMI did not provide adequate restraint to prevent a serious impact with a seat back in front of the child occupant and a rebound impact with the occupant's own seat.

The FAA is aware that there may be an issue as to whether a parent who has been told that these devices are banned will choose not to buy a ticket for a separate seat for a child under 2, and, instead, hold the child in the lap. A parent who has purchased a ticket for the use of the vest- and harness-type device also has the option of using the passenger seat lap belt or using an approved child restraint device. The FAA believes that a parent who has purchased a ticket for a child, upon being told that the child could not use a vest- and harness-type device, would elect to use the passenger seat lap belt or an approved child restraint device. Others may believe that the parent may choose to hold the child on his or her lap. However, as noted above, the FAA believes that a child would be safer in a passenger seat lap belt or other approved type of child restraint system. The FAA also believes that a parent of a child under 2, who is already predisposed to buy a ticket for a separate airplane seat for use with a vest- and harness-type device and who has received education on the effectiveness of the allowable alternatives in advance of purchasing tickets, would purchase a ticket for a separate seat in order to use an approved and recommended child restraint device. The FAA specifically invites comments on this issue. Based

on the CAMI research and further analysis, the FAA believes that, in an aircraft crash, vest- and harness-type child restraint systems put children in a potentially worse situation than the alternatives permitted in the FAA regulations.

In an aircraft crash, these systems allow unacceptable levels of body excursion and/or submarining (the occupant's lower body slides underneath the restraint system). The FAA believes that if a child under 2 falls in the weight use limits (25–50 pounds) recommended by vest and harness manufacturers, the child would be safer in a passenger seat restrained by a lap belt than in a vest- and harness-type device if no other approved device were available.

However, the FAA believes that a child weighing between 25 and 40 pounds, a weight range consistent with harness use, would be better protected in a forward facing child restraint device than in a lap belt. The FAA notes that the CAMI study demonstrated that six of the eight forward facing child restraint systems it tested did not provide a desirable level of head injury protection (i.e., head injury criterion (HIC) less than 1,000) in the worst-case simulated survivable airplane crash. Nonetheless, based on an analysis of CAMI's testing of the harness, the lap belt, and forward facing child restraint devices, the FAA finds that forward facing child restraint devices will provide higher levels of protection than lap belts and harnesses for children between 25 and 40 pounds. In addition, CAMI testing revealed that lap belts provide a superior level of protection for children weighing more than 40 pounds to that provided by harnesses and booster seats. Consequently, the FAA recommends the use of forward facing child restraint devices for children weighing between 25 pounds (the threshold weight for a harness device) and 40 pounds; the FAA further recommends the use of lap belts for children weighting more than 40 pounds. The agency is continuing to analyze the relative protection afforded by forward facing child restraint devices and is aggressively examining methods by which the efficacy of such devices can meet desired testing levels.

**Belt-Positioning Booster Seats**

Belt-positioning booster seats require shoulder harnesses, and transport airplanes do not have passenger shoulder harnesses. In addition, in other aircraft that may have shoulder harnesses for passengers, the FAA believes that during an aircraft crash there is a likelihood that a belt-positioning booster seat will shift from the passenger seat, causing a degradation in the performance of that child restraint system, thus resulting in injury. NHTSA recently issued an amendment (59 FR 37164; July 21, 1994) to its standard requiring that belt-positioning booster seats be labeled with a statement that they are not certified for use on aircraft. Based on further analysis, the FAA is proposing to ban all use of belt-positioning booster seats on aircraft.

It should be noted that, while booster seats and vest- and harness-type child restraints may be appropriate for use in automobiles, further analysis has indicated that their design may render them unsuitable for use in aircraft during takeoff, landing, and movement on the surface. The aircraft environment differs from the automobile environment in ways that are significant to this rulemaking and that add justification for the proposal of this notice. First, many booster seats require the use of a shoulder harness for proper restraint; however, shoulder harnesses are usually not available in transport airplane passenger seats. Second, the action of the shoulder harness inertial reels in automobiles is different than those in aircraft. Third, automobiles employ a rigid seat back system that maximizes the effectiveness of these child restraint systems, but aircraft usually do not have rigid seatbacks. Further, as a practical matter, a uniform application of this proposal to all aircraft is desirable, regardless of whether the aircraft has breakover seats.

**Other Issues**

The CAMI study identified other types of child restraint systems that did not provide the level of protection in a worst-case simulated survivable airplane crash that the FAA anticipated they would provide when the child restraint rule was originally promulgated. As previously noted, six of the eight forward facing child restraint systems in the CAMI study did not provide a level of head injury protection that is desirable in the worst case simulated survivable airplane crash. Because, unlike shield-type booster seats, forward facing child restraint devices have backs, the FAA has determined that forward facing child restraint devices are likely to provide a higher level of protection than shield-type booster seats at crash levels below the worst case survivable airplane crash.

The FAA notes that Roger N. Hardy of the Cranfield Impact Centre tested forward facing child restraint devices on behalf of the British Civil Aviation Authority (BCAA). In his report, entitled *The Restraint of Infants and Young Children in Aircraft* (BCAA Paper 92929, December 12, 1992), Dr. Hardy concluded that while forward facing child restraint devices did not provide the optimal level of protection, they provided a higher level of protection relative to either the use of a belly belt or the holding of children on the laps of adults without the use of a belly belt.

The FAA believes that forward facing child restraint devices are superior to vest- and harness-type devices, booster seats, belly belts, and the holding of children on laps. Consequently, the FAA recommends the use of forward facing seats for children weighing between 20 and 40 pounds. (For children who weigh up to 20 pounds, and for children weighing over 40 pounds, the FAA recommends the use of aft facing child restraint devices and passenger lap belts, respectively.) While the FAA acknowledges that some forward facing child restraint devices may not presently provide a desired level of protection in a worst case survivable aircraft crash, it is examining means by which these seats will perform at optimal levels in such crashes. In addition, the agency is working with NHTSA to develop appropriate modifications to FMVSS No. 213 for future seat design approvals for airplane seats.

The FAA has issued directives to its inspectors that emphasize the existing prohibition on the use of devices, e.g. belly belts, that are not designed to be secured to forward-facing seats or berths. In issuing these statements, the FAA was motivated by its concern that such restraint systems could potentially result in a worse situation for children than the allowable alternatives would provide in the event of an aircraft crash.

The FAA is concerned as to whether the implementation of this rule may induce a significant number of parents to fail to provide child restraint devices for automotive travel to or from airports. Factors to be considered in addressing this issue are the share of the market that booster seats and vest- and harness-type devices comprise, the extent to which state laws require the use of child restraint systems in automobiles, and the availability of child restraint devices from car rental companies. The FAA seeks comments on the risks of children suffering increased injury due to their continued use of shield-type booster seats. The agency asks whether there are specific types of aircraft crashes or other aircraft events in which the measured difference in abdominal loading would have a greater potential for increasing the severity of injury to children.

Comments should include data on the frequency of such crashes or events, if available.

The agency also invites comments on the extent of any risks of children being injured in motor vehicles if parents are discouraged from bringing shield-type booster seats along on their combined air and land trips, and whether parents would in fact be so discouraged. If parents are so discouraged, the booster seat might not be available for motor vehicle use during the land portion of their trips, and parents might not obtain a restraint from another source. In addition, the agency requests additional comments and information on the number of shield-type booster seats currently used by children on aircraft, and how the proposed ban would affect the decisions of parents in selecting and purchasing child restraints.

**Regulatory Evaluation Summary**

Changes to Federal regulations are required to undergo several economic analyses. First, Executive Order 12866 directs each Federal agency to propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. With respect to this notice, the FAA has determined that it: (1) is ''a significant regulatory action'' as defined in the Executive Order; (2) is significant as defined in the Department of Transportation's Regulatory Policies and Procedures; (3) would not have a significant impact on a substantial number of small entities; and (4) would not constitute a barrier to international trade. The FAA does not believe that this proposal would impose any significant costs on the public. Therefore, a full regulatory analysis, which includes the identification and evaluation of cost-reducing alternatives to this notice, has not been prepared. Instead, the agency has prepared a more concise analysis of this notice that is presented in the following paragraphs.

*Costs and Benefits*

There would be some compliance costs associated with this notice. This proposed rule will reduce the types of child restraint systems that can be used during ground movement, takeoff, and landings by prohibiting the use of all booster seats and vest- and harness-type child restraint systems during these phases of a flight. The restrictions on the use of these devices would need to be incorporated into flight attendant training and included in flight manuals, and this will impose additional costs on air carriers. For a period of time after the proposed rule becomes effective, there will also be some public education necessary and potential flight delays when flight attendants tell parents who brought prohibited child restraint devices on board the aircraft that the devices are banned for use during takeoff, landing, and movement on the ground. The FAA specifically requests comments on the cost of this notice, however.

The FAA has determined that booster seats and vest- and harness-type devices put children in a potentially worse situation than the alternatives during an aircraft crash. According to the CAMI study, these child restraint systems do not securely hold a child in place in an aircraft crash, and may themselves even cause harm to a child in the event of a crash. These types of accidents, while they rarely happen, usually occur during the takeoff or landing phases of a flight. Thus, prohibiting the use of these child restraint systems during takeoff and landing will enhance the child's safety. Since it is impractical to expect flight attendants to monitor, just prior to takeoff, whether children are out of banned devices, the FAA is prohibiting the use of these devices during movement on the surface also.

*Regulatory Flexibility Determination*

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by Federal regulations. The RFA requires a Regulatory Flexibility Analysis if a proposed rule will have ''a significant economic impact on a substantial number of small entities.'' FAA Order 2100.14A outlines FAA's procedures and criteria for implementing the RFA. Small entities are defined as independently owned and operated small businesses and small not-for-profit organizations. This proposed rule will impose unquantified costs on air carriers. These costs include changing manuals and training flight attendants about the restrictions on the use of certain child restraint devices. Initially, there may be some public education necessary and possible flight delays when flight attendants tell parents or guardians that they may not use certain child restraint devices during ground movement, takeoff, or landing. However, the FAA believes that this proposed rule will not have a significant economic impact on a substantial number of small entities.

*International Trade Impact Assessment*

This notice would not constitute a barrier to international trade, including the export of American goods and services to foreign countries and the import of foreign goods and services to the United States.

*Federalism Implications*

The regulations proposed herein would not have substantial direct effects on the states, on the relationship between the national government and that of any state, or on the distribution of power and responsibilities among the various levels of government. The respondents affected by the proposed amendments are private citizens, not state governments. Therefore, in accordance with Executive Order 12612, it is determined that this regulation would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

*Conclusion*

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this proposed regulation is a significant regulatory action under Executive Order 12866. This rule is considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, it is certified that this proposed rule would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects**

*14 CFR Part 91*

Air carriers, Air transportation, Aviation safety, Safety.

*14 CFR Part 121*

Air carriers, Air transportation, Aviation safety, Common carriers, Safety, Transportation.

*14 CFR Part 125*

Air carriers, Air transportation, Aviation safety, Safety.

*14 CFR Part 135*

Air carriers, Air taxi, Air transportation, Aviation safety, Safety.

**The Amendment**

In consideration of the foregoing, the Federal Aviation Administration proposes to amend parts 91, 121, 125, and 135 of the Federal Aviation Regulations (14 CFR parts 91, 121, 125, and 135) as follows:

## PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for part 91 continues to read as follows:

**Authority:** 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31 and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 et seq.; E.O. 11514, 35 FR 4247, 3 CFR, 1966–70 Comp., p. 902; 49 U.S.C. 106(g).

2. Section 91.107 is amended by removing the sentence in paragraph (a)(3)(iii)(B)(*1*) that begins with ''Vest- * * *'', by removing the final ''and'' in paragraph (a)(3)(iii)(B)(*3*), by revising paragraph (a)(3)(i) and the introductory text of paragraph (a)(3)(iii)(B), and by adding a new paragraph (a)(3)(iii)(B)(*4*) to read as follows:

**§ 91.107 Use of safety belts, shoulder harnesses, and child restraint systems.**

(a) * * *

(3) * * *

(i) Be held by an adult who is occupying an approved seat or berth, provided that the person being held has not reached his or her second birthday and does not occupy or use any restraining device;

* * * * *

(iii) * * *

(B) Except as provided in paragraph (a)(3)(iii)(B)(*4*) of this section, the approved child restraint system bears one or more labels as follows:

* * * * *

(*4*) Notwithstanding any other provision of this section, booster-type child restraint systems (as defined in Federal Motor Vehicle Safety Standard No. 213 (49 CFR 571.213)), vest- and harness-type child restraint systems, and lap held child restraints are not approved for use in aircraft; and

* * * * *

## PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS, AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

3. The authority citation for part 121 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 1354(a), 1355, 1356, 1357, 1401, 1421–1430, 1472, 1485, and 1502.

4. Section 121.311 is amended by removing the sentence in paragraph (b)(2)(ii)(A) that begins with ''Vest- * * *'', by removing the final ''and'' in paragraph (b)(2)(ii)(C), by revising paragraph (b)(1) and the introductory text of paragraph (b)(2)(ii), by adding a new paragraph (b)(2)(ii)(D), and by revising paragraph (c) to read as follows:

**§ 121.311 Seats, safety belts, and shoulder harnesses.**

* * * * *

(b) * * *

(1) Be held by an adult who is occupying an approved seat or berth, provided the child has not reached his or her second birthday and the child does not occupy or use any restraining device; or

(2) * * *

(ii) Except as provided in paragraph (b)(2)(ii)(D) of this section, the approved child restraint system bears one or more labels as follows:

* * * * *

(D) Notwithstanding any other provisions of this section, booster-type child restraint systems (as defined in Federal Motor Vehicle Standard No. 213 (49 CFR 571.213)), vest- and harness-type child restraint systems, and lap held child restraints are not approved for use in aircraft; and

(c) Except as provided in paragraph (c)(3), the following prohibitions apply to certificate holders:

(1) No certificate holder may permit a child, in an aircraft, to occupy a booster-type child restraint system, a vest-type child restraint system, a harness-type child restraint system, or a lap held child restraint system during take off, landing, and movement on the surface.

(2) Except as required in paragraph (c)(1) of this section, no certificate holder may prohibit a child, if requested by the child's parent, guardian, or designated attendant, from occupying a child restraint system furnished by the child's parent, guardian, or designated attendant provided:

(i) The child holds a ticket for an approved seat or berth or such seat or berth is otherwise made available by the certificate holder for the child's use;

(ii) The requirements of paragraph (b)(2)(i) are met;

(iii) The requirements of (b)(2)(iii) are met; and

(iv) The child restraint system has one or more of the labels described in paragraph (b)(2)(ii)(A) through paragraph (b)(2)(ii)(C).

(3) This section does not prohibit the certificate holder from providing child restraint systems or, consistent with safe operating practices, determining the most appropriate passenger seat location for the child restraint system.

* * * * *

## PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE

5. The authority citation for part 125 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 1354, 1421 through 1430 and 1502.

6. Section 125.211 is amended by removing the sentence in paragraph (b)(2)(ii)(A) that begins with ''Vest- * * *'', by removing the final ''and'' in paragraph (b)(2)(ii)(C), by revising paragraph (b)(1) and the introductory text of paragraph (b)(2)(ii), by adding a new paragraph (b)(2)(ii)(D), and by revising paragraph (c) to read as follows:

**§ 125.211 Seat and safety belts.**

* * * * *

(b) * * *

(1) Be held by an adult who is occupying an approved seat or berth, provided the child has not reached his or her second birthday and the child does not occupy or use any restraining device; or

(2) * * *

(ii) Except as provided in paragraph (b)(2)(ii)(D) of this section, the approved child restraint system bears one or more labels as follows:

* * * * *

(D) Notwithstanding any other provisions of this section, booster-type child restraint systems (as defined in Federal Motor Vehicle Standard No. 213 (49 CFR 571.213)), vest- and harness-type child restraint systems, and lap held child restraints are not approved for use in aircraft; and

(c) Except as provided in paragraph (c)(3), the following prohibitions apply to certificate holders:

(1) No certificate holder may permit a child, in an aircraft, to occupy a booster-type child restraint system, a vest-type child restraint system, a harness-type child restraint system, or a lap held child restraint system during take off, landing, and movement on the surface.

(2) Except as required in paragraph (c)(1) of this section, no certificate holder may prohibit a child, if requested by the child's parent, guardian, or designated attendant, from occupying a child restraint system furnished by the child's parent, guardian, or designated attendant provided:

(i) The child holds a ticket for an approved seat or berth or such seat or berth is otherwise made available by the certificate holder for the child's use;

(ii) The requirements or paragraph (b)(2)(i) are met;

(iii) The requirements of (b)(2)(iii) are met; and

(iv) The child restraint system has one or more of the labels described in paragraph (b)(2)(ii)(A) through paragraph (b)(2)(ii)(C).

(3) This section does not prohibit the certificate holder from providing child restraint systems or, consistent with safe operating practices, determining the most appropriate passenger seat location for the child restraint system.

* * * * *

## PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

7. The authority citation for part 135 continues to read as follows:

**Authority:** 49 U.S.C. app. 1354(a), 1355(a), 1421 through 1431, and 1502; 49 U.S.C. 106(g).

8. Section 135.128 is amended by removing the sentence in paragraph (a)(2)(ii)(A) that begins with ''Vest- * * *'', by removing the final ''and'' in paragraph (a)(2)(ii)(C), by revising paragraph (a)(1) and the introductory text of paragraph (a)(2)(ii), by adding a new paragraph (a)(2)(ii)(D), and by revising paragraph (b) to read as follows:

### § 135.128 Use of safety belts and child restraint systems.

(a) * * *

(1) Be held by an adult who is occupying an approved seat or berth, provided the child has not reached his or her second birthday and the child does not occupy or use any restraining device; or

(2) * * *

(ii) Except as provided in subparagraph (b)(2)(ii)(D) of this section, the approved child restraint system bears one or more labels as follows:

* * * * *

(D) Notwithstanding any other provision of this section, booster-type child restraint systems (as defined in Federal Motor Vehicle Standard No. 213 (49 CFR 571.213)), vest- and harness-type child restraint systems, and lap held child restraints are not approved for use in aircraft; and

(b) Except as provided in paragraph (b)(3), the following prohibitions apply to certificate holders:

(1) No certificate holder may permit a child, in an aircraft, to occupy a booster-type child restraint system, a vest-type child restraint system, a harness-type child restraint system, or a lap held child restraint system during take off, landing, and movement on the surface.

(2) Except as required in paragraph (b)(1) of this section, no certificate holder may prohibit a child, if requested by the child's parent, guardian, or designated attendant, from occupying a child restraint system furnished by the child's parent, guardian, or designated attendant provided:

(i) The child holds a ticket for an approved seat or berth or such seat or berth is otherwise made available by the certificate holder for the child's use;

(ii) The requirements or paragraph (a)(2)(i) are met;

(iii) The requirements of (a)(2)(iii) are met; and

(iv) The child restraint system has one or more of the labels described in paragraph (a)(2)(ii)(A) through paragraph (a)(2)(ii)(C).

(3) This section does not prohibit the certificate holder from providing child restraint systems or, consistent with safe operating practices, determining the most appropriate passenger seat location for the child restraint system.

* * * * *

Issued in Washington, DC, on May 19, 1995.

**William J. White,**

*Acting Director, Flight Standards Service.*

[FR Doc. 95–12800 Filed 6–7–95; 8:45 am]

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## 49 CFR Part 571

**[Docket No. 74–09; Notice 41]**

**RIN 2127–AF46**

## Federal Motor Vehicle Safety Standards; Child Restraint Systems

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This proposed rule, and a companion proposed rule issued by the Federal Aviation Administration (FAA), address the use of child harnesses and backless child restraints in aircraft. This document proposes to amend a provision in Federal Motor Vehicle Safety Standard No. 213, ''Child Restraint Systems,'' that permits those restraints to be certified for use in both motor vehicles and aircraft.

Under the current FAA regulations, aircraft-certified child restraints may be used on aircraft. However, because testing has raised concerns about the safety of using harnesses and backless child restraint systems on the types of seats found in aircraft, FAA is publishing, in today's **Federal Register**, an NPRM that would prohibit the use of booster seats, and vest- and harness-type child restraint systems on aircraft even if they are certified for aircraft use.

NHTSA is, in turn, concerned that if FAA were to ban harnesses and backless booster seats from being used on aircraft, continuing to permit the certification of those restraints for aircraft use could be confusing to the public. Accordingly, this document proposes to require manufacturers to label these restraints as not being for aircraft use.

**DATES:** Comments on this proposed rule must be received by the agency no later than July 10, 1995.

**ADDRESSES:** Comments should refer to the docket number and notice number and be submitted in writing to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. Telephone: (202) 366–5267. Docket hours are 9:30 a.m. to 4:00 p.m. Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Dr. George Mouchahoir, Office of Vehicle Safety Standards (telephone 202–366–4919), or Ms. Deirdre Fujita, Office of the Chief Counsel (202–366–2992), National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. For information on FAA's proposal, contact Ms. Donell Pollard (AFS–203), Air Transportation Division, Flight Standards Service (telephone 202–267–3735), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

**SUPPLEMENTARY INFORMATION:** This document proposes to amend the provision in Federal Motor Vehicle Safety Standard No. 213, ''Child Restraint Systems,'' that permits child restraint systems to be certified for use in both motor vehicles and aircraft. This rule complements an FAA proposal, published elsewhere in today's **Federal Register**, that would prohibit the use of booster seats, and vest- and harness-type child restraint systems on aircraft even if the restraints are certified for aircraft use.

The types of child restraint systems that are the subject of this NPRM are harnesses and backless child restraints. A harness typically consists of a vest or a series of straps that form a vest-like garment, that attaches at the back of the harness to a vehicle seat's lap belt. Harnesses are generally intended for children who weigh from 25 to 50 pounds, and some require the use of a tether strap to supplement the lap belt. A backless child restraint system is a type of child booster seat that has a structural element (typically a shield) designed to restrain forward motion of the child's torso in a frontal crash. Backless child restraint systems are generally intended for children weighing from 30 to 60 pounds.

(''Backless child restraint system'' is defined in S4 of FMVSS 213; see, 59 FR 37167, July 21, 1994). Backless child restraint systems are also known as ''backless booster seats'' or ''shield-type'' booster seats.

**Background**

Standard 213 permits manufacturers to certify their restraints [1] for aircraft use if they are certified for use in motor vehicles and meet an additional requirement, an inversion test. The provisions permitting such certification were added to the standard in 1984 (49 FR 34357; August 30, 1984), partly in response to suggestions of the National Transportation Safety Board (NTSB) that DOT simplify its standards for the performance of child restraints on aircraft by combining all technical requirements into a single standard (NTSB Safety Recommendations A–83–1, February 24, 1983). Prior to the amendment, FAA had its own child restraint standard, Technical Standard Order C100 (TSO C100). TSO C100 and FMVSS 213 had different performance requirements, methods of certification and testing procedures.

In the 1984 rulemaking, NHTSA and FAA concluded that the DOT child restraint requirements should be consolidated in FMVSS 213 and that a TSO C100 inversion test was the only performance requirement from the FAA standard that needed to be incorporated into FMVSS 213. In the inversion test, the combination of a child restraint, test dummy and aircraft passenger seat is rotated to an inverted position and held there. During the test, the child restraint must not experience any failure or deformation that could seriously injure or prevent the subsequent removal of the occupant.

Prior to the 1984 rulemaking, a manufacturer wishing to designate a child restraint model as suitable for aircraft had to submit information to FAA to obtain its approval of the model. As a result of this pre-1984 approval process, there was a disparity between the number of child restraints available for use in motor vehicles and the number available for use in aircraft. In 1984, approximately 28 models of child restraints were produced under FMVSS 213 for use in motor vehicles. The child restraint manufacturers obtained TSO authorizations for only five of the 28 models, or only 16 percent of the total production of child restraints.

The lack of FAA approval of most motor vehicle child restraints for use in aircraft aroused several safety concerns. One was that some families traveling by air were discouraged from taking unapproved child restraints with them and thus did not have them available for use at their destination to protect their children while the family was driving. The other concern was that those families who nevertheless took their unapproved child restraints on trips had to stow the restraints in the aircraft cargo compartment, and thus were not able to use them to protect their children during the flight.

The effect of the 1984 rulemaking was to speed certification of child restraints for use in aircraft, and thereby increase the availability of aircraft-certified child restraints. Since then, manufacturers have been able, under FMVSS 213, to ''self-certify'' their child restraints for aircraft use by ensuring that they pass all of the standard's motor vehicle requirements and the inversion test. As a result, there has been a tremendous increase in the number of child restraints certified for use in aircraft.

FAA complemented NHTSA's rulemaking by amending its Federal Aviation Regulations (FARs) (14 CFR Parts 91, 121, 125 and 135) to provide for the in-flight use of aircraft-certified child restraints. The amendments required the air carriers to allow the use of any child restraint having a labeling indicating that it is certified to FMVSS 213, manufactured under the standards of the United Nations, or approved by a foreign government, as long as the restraint can be secured to a forward-facing passenger seat. An infant or child who is accompanied by a parent, guardian, or properly designated attendant and who is properly placed in a device that meets the labeling requirements of the FARs and that, in turn, is properly secured in an approved aircraft seat using the safety belt, has been considered by FAA to comply with its regulations requiring each person to occupy an approved seat during takeoff and landing.

There are currently many different types of child restraint systems that are certified as complying with FMVSS 213's motor vehicle and aircraft requirements, and thus permitted by FAA for use on aircraft. In addition to harnesses and shield boosters, these systems included ''infant seats,'' which position an infant so that the baby faces toward the rear of the motor vehicle or aircraft; ''car beds,'' which position the child laterally across the vehicle or aircraft seat; and ''convertible'' child seats, which convert so that they can be used rear-facing with infants and forward-facing with toddlers. In addition, there are restraint systems, such as the ''belly belt,'' that are certified for use in airplanes by foreign countries. Belly belts restrain a small child on the lap of an adult and consist of a short loop of webbing with buckle hardware on the ends. The belt is buckled around the child's abdomen and is secured to the adult's safety belt by routing the adult's safety belt through a small loop of webbing sewn on the belly belt. Belly belts are certified for airplane use by the Civil Aviation Authority of the United Kingdom. However, belly belts cannot meet the performance requirements of FMVSS 213 and therefore have not been certified for use in the United States.

**FAA Withdrawal of Approval**

Elsewhere in today's **Federal Register**, FAA is proposing to withdraw approval for the use of harnesses and booster seats on aircraft. The FAA is also emphasizing the existing prohibition in all aircraft against the use of lap held child restraints, including belly belts. The action responds to recent research by FAA's Civil Aeromedical Institute (CAMI). The practical effect of that amendment would be to ban all use of these restraints on aircraft.

The CAMI research is discussed in a report entitled, ''The Performance of Child Restraint Devices in Transport Airplane Passenger Seats,'' a copy of which has been placed in the NHTSA rulemaking docket for this notice. (Persons wishing to obtain a copy of the report should contact FAA at the address given in the ''For Further Information'' section at the beginning of this final rule document.) CAMI dynamically tested six types of restraining devices: Child harnesses, booster seats, rear-facing infant seats, convertible child restraint systems, airplane seat lap belts, and belly belts. The first four devices were evaluated for their ability to fit and adjust to an airplane passenger seat and lap belt. The lap belt was evaluated for its ability to secure test dummies representative of children two and three years old. Fit and adjustment was not considered an issue for the installation of the belly belt. All of the devices were evaluated for their performance in aircraft seats with and without ''breakover'' seat backs (a breakover feature allows the seat back to rotate forward easily when impacted by an occupant from behind).

[1] One type of child restraint, the ''belt positioning'' booster seat, is not eligible for such certification. These restraints, which are intended for use by children weighing from 30 to 60 pounds, are designed for use with a lap/shoulder belt system. FMVSS No. 213 does not permit these restraints to be certified for aircraft use because aircraft passenger seats typically lack shoulder belts. See amendment of FMVSS 213 to permit manufacture of belt-positioning child seats (59 FR 37167; July 21, 1994). In its NPRM, the FAA proposes to ban the use of belt-positioning booster seats on airplanes.

They were also evaluated, using anthropomorphic test dummies representing children, for their ability to limit occupant head excursion, head and chest acceleration and abdominal forces. In addition, the test program evaluated the effect that the impact load of an ''aft row occupant'' had on the performance of a child restraint located in an aircraft seat immediately in front of the aft row occupant. The aft row occupant impact load was generated in tests called ''double row tests,'' using an adult test dummy placed in the aft row seat.

**Booster Seat Tests**

CAMI tested four models of shield-type booster seats in six dynamic tests, three of which involved single row tests, and the other three, double row tests. With regard to fit and adjustment of the booster seats to the airplane seat, CAMI found that three had fit and adjustment problems. One booster seat had problems fitting an airplane seat because of the limited width between arm rests on the passenger seat. This may have occurred because of the difference in width between the representative aircraft seat (about 20 inches wide) used in FMVSS 213 and the aircraft seat (17.25 inches wide) used in the CAMI testing. Two booster seats had incompatibility problems between the buckle/webbing path molded in the front shield and the airplane web path and buckle position of the lap belt on the airplane passenger seat used by CAMI. In fact, the webbing could not be installed over the front shield in accordance with the positioning instruction of the booster seats' manufacturers. CAMI also found that one of the four booster seats failed structurally, and two of the others allowed forward head excursion in excess of the 32-inch distance permitted by FMVSS 213.

CAMI also found a problem with the loads that the child dummies restrained in the tested booster seats experienced when the boosters were on a seat with a breakover seat back and exposed to loads from the aft row occupant. Its tests showed that loads from an aft row adult occupant resulted in an increase in abdominal loading of the dummy in a booster seat, as compared to the abdominal loading of a dummy in an aircraft lap belt with an adult aft-row occupant. The CAMI study states that, when placed in a seat with a breakover seat back, the booster seat encounters problems because:

> With no back shell, the typical booster seat does not provide protection from the forces transmitted by the airplane seat back during horizontal impact conditions. Traditionally, restraint systems in airplanes have been designed to avoid loads transmitted to the soft tissues of the abdomen. A child restrained in a booster seat may be forced against the rigid shield due to the seat back breakover action. For the intended size of children in booster seats, the load path of these breakover forces may include the abdominal region.

It is to be noted that CAMI also found that the abdominal loads on a child dummy placed in a shield-type booster seat secured to an airplane seat with a locked seat back were higher than on a child dummy secured in a typical airplane seat lap belt with a locked seat back. The FAA recognizes in its NPRM, however, that there are no accepted criteria to assess the relationship between differences in measured levels of abdominal loadings and any resulting risk of abdominal injury, and the type and severity of such injury.

**Harness Tests**

CAMI tested one type of harness restraint. The restraint consisted of a torso vest with straps over the shoulders and around the waist, and a crotch strap. The shoulder and abdomen straps were attached to a rectangular metal plate on the back of the restraint. The airplane lap belts were routed through a loop of webbing attached to the metal back plate on the restraint.

The restraint was tested with a three-year-old test dummy in two single row tests. CAMI found incompatibility problems between the harness and the airplane seat lap belts: ''With the lap belts adjusted to the minimum length, the [harness] could be moved forward approximately 7 inches before tension was developed in the belts. This was considered unsatisfactory for testing.'' CAMI also found grossly excessive excursion of the child anthropomorphic test dummy(ATD) restrained in the harness:

> The ATD moved forward and over the front edge of the seat cushion and proceeded to submarine toward the floor. Elasticity in the webbing of the harness and the lap belts then heaved the ATD rearward. The force pulling the ATD back into the seat appeared to be applied by the Gz [crotch] strap directly through the pubic symphysis of the pelvic bone.

Based on this finding, CAMI concluded that a harness performs poorly in protecting the child occupant.

**NHTSA Proposal**

NHTSA has tentatively concluded that, if FAA were to adopt its proposed ban on the use of harnesses and backless booster seats on aircraft, consumers would be confused if manufacturers were to continue nevertheless to certify these types of restraints for aircraft use. Accordingly, NHTSA proposes to amend FMVSS 213 to require manufacturers to label these child restraint systems as not being for use on aircraft. The standard already requires that belt-positioning booster seats be so labeled.

In issuing this proposal, NHTSA believes that it is important to emphasize several points about the use and performance of child restraints. First, there are significant differences between the seating environment of motor vehicles and that of aircraft. Second, because of those differences, the problems encountered with child restraint use in aircraft are not encountered with child restraint use in motor vehicles. Therefore, notwithstanding this proposal, the use of harnesses and booster seats in motor vehicles continues to be important for child safety.

The problems reported by CAMI, i.e., the combined effects of aircraft seatback breakover designs and aft occupant impacts, are not encountered in motor vehicles. The seat back in a motor vehicle is designed to remain fixed in a crash and not ''breakover'' in the manner of an airplane seat. Also, a vehicle seat containing a child restraint is less likely to be impacted from the rear by an adult than is an aircraft containing a child restraint. There are several reasons for this. First, child restraints are recommended for use in the rear vehicle seating positions. Thus, if a child restraint is installed as recommended, there will not, in most cases, be any passenger rearward of the child restraint who could impact and load the seat containing the child restraint in the event of a frontal crash. Exceptions would be in vehicles, such as vans and some station wagons, which have three rows of seats. Second, if there were a passenger seated behind the seat containing a child restraint, and that person were sitting in an outboard seating position, the person would have a lap/shoulder belt system available for use. Most aircraft lack shoulder belts. If the vehicle passenger were restrained by that belt system, the person would not load the seat with the child restraint in the manner observed in the CAMI study. Third, given the number of persons typically carried in a motor vehicle, it is unlikely there would be an adult seated behind a child in a child restraint, regardless of the number or pattern of seats in the vehicle.

Further, harnesses and other child restraints are tested under FMVSS 213 on a seat assembly that is representative of a motor vehicle seat, and that is equipped with a safety belt

representative of the lap belt in the center rear seating position. In its compliance testing, the agency has not found a problem between the vehicle lap belt and a child harness such as that found by CAMI between an airplane lap belt and a harness. In addition, NHTSA has not found in its compliance testing the type of fit and adjustment problems between booster seats and the vehicle seats that CAMI found between booster seats and the aircraft seats.

Booster seats could fit better on vehicles than aircraft in part because of the design of the belt restraints with which the boosters are attached to the vehicle. The position of the buckle for an aircraft seat belt assembly is very different from that of a buckle for a vehicle seat belt assembly. An aircraft seat belt assembly is designed so that when it is buckled, the buckle is located midway between the anchorages, in front of the user's abdomen. A motor vehicle lap/shoulder belt or lap-only belt is designed so that the buckle is located to the side of the user's torso, near the hip, when the belt is buckled.

Another reason for believing that the problems reported by CAMI are not indicative of the performance of child restraints in motor vehicles is the difference between the crash pulse used by CAMI and the crash pulse used in FMVSS 213 testing. In its testing of head excursion, head and chest acceleration and abdominal forces, CAMI used a crash pulse appropriate for aircraft. FMVSS 213 testing, by contrast, involves the use of a motor vehicle crash pulse.

In view of the problems revealed by the CAMI testing, NHTSA and FAA will consider whether there is a need for future rulemaking to improve FMVSS 213's requirements for aircraft-certified child restraints other than harnesses and booster seats. The agencies are developing possible requirements and procedures that could improve the assessment of the performance of child restraint systems in the aircraft environment. Among other issues, the agencies will consider whether the seat assembly used under FMVSS 213 in testing child restraints for aircraft use sufficiently represents an aircraft passenger seat. Child restraints certified as complying with FMVSS 213's aircraft requirements are currently tested on a ''representative aircraft passenger seat'' (S7.3 of FMVSS 213). FMVSS 213 also specifies that FAA approved aircraft safety belts are used to test child restraints that are certified to the aircraft requirements.

**Proposed Effective Date**

The proposed effective date is 90 days after the publication of a final rule in the **Federal Register**.

**Rulemaking Analyses and Notices**

*Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures*

NHTSA has evaluated the impacts of this proposal and has determined that it is significant within the meaning of the Department of Transportation's regulatory policies and procedures. The rulemaking action is significant because of the substantial public interest in issues involving child seats on aircraft. This rule is a significant regulatory action under E.O. 12866.

While this action is significant because of the public interest associated with it, NHTSA tentatively concludes that a rule resulting from this notice would have minimal impacts. In 1991, there were an estimated 1,200,000 booster seats produced. The consumer cost of a label is estimated to be $0.09 to $0.17, and total annual costs of a separate label range from $108,000 to $204,000. However, adding a sentence to the existing label, most likely the course of action taken in response to this rulemaking, would cost much less. This cost might be $0.01 per label, resulting in a total annual cost of $12,000. There is an added economic benefit of this proposed rule. Since booster seats would no longer be permitted to be certified for aircraft, there would be no need to perform the inversion test. Thus, testing costs to the child restraint manufacturer would be slightly reduced.

The agency is concerned whether this rulemaking action could affect consumers' use of booster seats before and after the air portion of their trips. In the 1984 rulemaking that allowed child restraints to be certified for use on motor vehicles and aircraft, NHTSA recognized that parents might not use child restraints to transport their children to and from the airport if the child restraint could not be used on the aircraft. The data indicated that child safety was not a critical issue for aircraft in terms of the number of child deaths, but that it was a large problem for motor vehicles before and after the flight. Many State laws that require the use of child seats in motor vehicles do not cover all the ages of children that might use booster seats. If booster seats may not be used on aircraft, and if parents are not willing to stow them with their luggage, NHTSA is concerned about the possibility that they could be left home altogether. As a result, the number of child injuries in motor vehicle accidents might increase. NHTSA requests comments on how it should assess this issue. The agency is particularly interested in information concerning how many of these booster seats are currently in use and on the availability of booster seats at car rental agencies.

*Regulatory Flexibility Act*

NHTSA has considered the effects of this proposal under the Regulatory Flexibility Act. I hereby certify that this rule, if adopted, would not have a significant economic impact on a substantial number of small entities. Of the 11 current child restraint manufacturers known to the agency (not counting manufacturers of built-in restraints), there are six that qualify as small businesses. This is not a substantial number of small entities. Regardless of the number of small entities, the proposed rule would not have a significant economic impact on these entities. As noted above, the labeling costs associated with this rulemaking would be minimal. Further, the agency believes sales of booster seats would be minimally affected by this rulemaking, if at all. NHTSA believes almost all consumers decide to purchase a child restraint based on their intent to use the restraint in a motor vehicle, not in aircraft.

*Executive Order 12612 (Federalism)*

This rulemaking action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. The agency has determined that this proposed rule would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

*National Environmental Policy Act*

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant impact on the quality of the human environment.

*Executive Order 12778 (Civil Justice Reform)*

This proposed rule would not have any retroactive effect. Under section 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets

forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

**Submission of Comments on This Proposal**

There is a 30-day comment period for this notice. The FAA provides a 30-day comment period for its proposal. NHTSA believes the comment period for the agencies' proposals should be identical since the two rulemaking actions complement each other. The comment period is shorter than 60 days so that FAA can expeditiously assess what action should be taken to address what that agency has tentatively concluded to be a possible safety problem.

Interested persons are invited to submit comments on this proposed rule. It is requested, but not required, that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the proposal will be considered as suggestions for further rulemaking action. Comments will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

**List of Subjects in 49 CFR Part 571**

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, NHTSA proposes to amend 49 CFR Part 571 as set forth below.

## PART 571—[AMENDED]

1. The authority citation for Part 571 would continue to read as follows:

**Authority:** 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.213 would be amended by revising S5.5.2(n) to read as follows:

**§ 571.213 Standard No. 213, Child Restraint Systems.**

* * * * *

S5.5.2 * * * * *

(n) Child restraint systems, other than belt-positioning seats, harnesses and backless child restraint systems, that are certified as complying with the provisions of section S8, shall be labeled with the statement ''This Restraint is Certified for Use in Motor Vehicles and Aircraft.'' Belt-positioning seats, harnesses and backless child restraint systems shall be labeled with the statement ''This Restraint is Not Certified for Use in Aircraft.'' The statement required by this paragraph shall be in red lettering and shall be placed after the certification statement required by paragraph (e) of this section.

* * * * *

Issued on May 19, 1995.

**Barry Felrice,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 95–12801 Filed 6–7–95; 8:45 am]

BILLING CODE 4910–59–P

federal register

Friday
June 9, 1995

# Part IV

# Postal Service

**39 CFR Part 20**

**Changes in International Postal Rates and Fees; Final Rule**

## POSTAL SERVICE

## 39 CFR Part 20

## Changes in International Postal Rates and Fees

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** The Postal Service, after considering the comments submitted in response to its request published in the **Federal Register** on March 20, 1995 (60 FR 14878–14888), for comments on proposed changes in international postage rates, hereby gives notice that it is implementing the proposed rates, except the air parcel post rates for Canada, which are revised as explained below.

**EFFECTIVE DATE:** 12:01 a.m., Sunday, July 9, 1995.

**FOR FURTHER INFORMATION CONTACT:** John Alepa, (202) 268–2650.

**SUPPLEMENTARY INFORMATION:** On March 20, 1995, the Postal Service published in the **Federal Register** a notice of proposed changes in international postage rates (60 FR 14878–14888). The Postal Service requested comments by April 19, 1995, and by that date received four comments: Two from private individuals, one from a competitor delivery service, and one from a mailer using International Surface Air Lift.

One of the private individuals urged the Postal Service to retain the surface letter rates because of considerable rate differences for weights over ½ ounce. The commenter additionally stated that the volume of such mail is low because the Postal Service discourages the use of the surface letter rates by mishandling surface letters.

The Postal Service disagrees. The Postal Service does not discourage the use of surface rates. However, because of the low volume of surface letters, processing costs are higher for surface letter class (LC) items than processing costs for air LC. The high costs associated with processing and dispatching surface LC items, therefore, make it desirable to eliminate the surface rates and merge all LC into a single mailstream that will provide the lowest combined cost and improve overall service. For these reasons, the Postal Service is eliminating the surface LC rates.

The second private individual commented on four areas of the proposed rates.

First, the commenter stated that the 1-ounce rate of $1.00 for letters to countries other than Canada and Mexico ''is not needed since the 40-cent increment will cover that.'' The Postal Service is uncertain of the meaning of the comment because this is just another way of presenting the rate and because ½-ounce and 1-ounce letters are most common and many people like to know what those rates are without performing the calculation.

Second, the commenter observed that the aerogramme rate for Canada and Mexico is higher than the proposed ½-ounce letter rates to Canada and Mexico. This is true. The proposed ½-ounce rates are 46 cents to Canada and 40 cents to Mexico, and the proposed aerogramme rate is 50 cents to all countries. This rate difference has been in place for many years. It is not practical to produce, distribute, and stock aerogrammes in three separate denominations at all post offices in the United States. For this reason, the Postal Service will continue to produce aerogrammes at a single rate for worldwide use.

Third, the commenter observed that the parcel post rates to Canada are inconsistent because the surface rates exceed the air rates for items weighing more than 10 pounds. The commenter is correct. The air parcel post rates published at 60 FR 14883–14884 were in error; the correct rates are published in section VB of this notice.

Fourth, the commenter noted inconsistencies in the rates for Canada and Mexico ''where there are some weights where Canadian rates are less than Mexican rates and other weights where the reverse is true.'' The commenter further observed that ''if the rates are related to the costs involved, it would appear that they should be more consistent.'' It is true that rates are based on the cost involved; however, the costs for mail sent to Canada and to Mexico are not the same. To the contrary, one of the costs in international rates is terminal dues (reimbursements between postal administrations exchanging mail), which are not the same for Canada and Mexico. Specifically, the United States and Mexico use the terminal dues specified by the Universal Postal Convention, whereas the United States and Canada have a bilateral agreement that provides for different terminal dues payments. In addition, there are different transportation and handling costs to each of these countries. As a result, in some weight steps, Canadian rates are less than Mexican rates, and for other weight steps the reverse is true.

The mailer using International Surface Air Lift (ISAL) observed that the effective rate increases are high for certain lightweight ISAL items. The Postal Service proposed changing the rate structure for ISAL to simplify the rates for this service and to associate the rate to cost more closely. Currently, there is a piece rate of 32 cents for all items weighing 2 ounces or less. Items weighing more than 2 ounces are charged only a per-pound rate based on the rate group assigned to the destination country. By averaging the rate for all items weighing 2 ounces, the same rate is charged notwithstanding that items that weigh closer to 2 ounces incur higher costs than items that weigh less. The proposed structure more closely reflects how the costs are incurred.

The competitor delivery company questioned the factual support for some of the rate changes. This commenter noted that some Express Mail International Service (EMS) rates increase whereas others decrease. The commenter also questioned the reassignment of some countries among country groups. The commenter requested the Postal Service to release cost and other information to support these changes and asserted that making such changes without providing such information would violate the Postal Reorganization Act and the Administrative Procedure Act (APA). The Postal Service disagrees. The international mail business is highly competitive, with private companies, other postal administrations, and alliances between private companies and postal administrations all competing for outbound U.S.-origin mail of all kinds. The information about costs and markets that this commenter requested the Postal Service to disclose is commercially sensitive and could be used by competitors to take business away from the Postal Service, to the detriment of the Postal Service's remaining customers. There is no legal requirement for the Postal Service to disclose commercially sensitive information and, indeed, such information is exempted from disclosure under the Freedom of Information Act. *See* 39 U.S.C. 410(c)(2). Similarly, the APA does not apply to the Postal Service except in those specific instances when the Postal Reorganization Act makes it applicable. 39 U.S.C. 410(b)(1). *See, e.g.,* 39 U.S.C. 3001(j). Nothing in the Postal Reorganization Act makes the APA applicable to the establishment of international rates. Accordingly, withholding the commercially sensitive information requested by this commenter violates neither the Postal Reorganization Act nor the APA.

The notice published on March 20, 1995, contained an error in section VIE2 at 60 FR 14884. The indemnity limit for

registered items to all countries other than Canada is given as $32.25. The maximum indemnity is $32.35.

After reviewing and considering the comments received, the Postal Service adopts the following rates and fees and amends the International Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 20.1.

**List of Subjects in 39 CFR Part 20**

Foreign relations, Incorporation by reference, International postal services.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

## PART 20—[AMENDED]

1. The authority citation for 39 CFR part 20 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

2. The International Mail Manual is amended to incorporate the following postal rates and fees:

### International Postal Rates and Fees

*I. Express Mail International Service*

(See section VII for country rate groups.)

A. On Demand Service

1. Country-Specific Rates

| Weight not over (lb.) | Country | | | | |
|---|---|---|---|---|---|
| | Canada | Mexico | Great Britain | China | Japan |
| 0.5 | $15.50 | $15.00 | $16.50 | $15.00 | $15.00 |
| 1 | 18.00 | 17.50 | 18.75 | 17.50 | 17.00 |
| 2 | 22.00 | 21.00 | 22.50 | 20.00 | 19.50 |
| 3 | 25.50 | 24.50 | 26.50 | 26.00 | 25.00 |
| 4 | 28.50 | 28.00 | 30.00 | 33.00 | 31.00 |
| 5 | 32.00 | 30.75 | 34.00 | 36.00 | 34.00 |
| Each add'l pound or fraction | 3.50 | 2.75 | 3.75 | 6.00 | 5.50 |

2. Rate Group Countries

| Weight not over (lb.) | Rate group | | | | | |
|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 0.5 | See Country-Specific Rates | $21.00 | $15.00 | $19.00 | $18.00 | $20.00 |
| 1 | | 23.00 | 18.00 | 23.50 | 19.75 | 22.50 |
| 2 | | 26.00 | 21.00 | 26.00 | 26.00 | 26.50 |
| 3 | | 28.50 | 27.00 | 32.00 | 29.50 | 32.50 |
| 4 | | 34.00 | 35.00 | 36.75 | 33.50 | 39.50 |
| 5 | | 39.00 | 39.50 | 42.25 | 37.50 | 47.50 |
| Each add'l pound or fraction | | 4.50 | 6.00 | 5.75 | 3.90 | 6.50 |

B. Custom Designed Service

1. Country-Specific Rates

| Weight not over (lb.) | Country | | | | |
|---|---|---|---|---|---|
| | Canada | Mexico | Great Britain | China | Japan |
| 0.5 | Custom Designed Service Not Available | $23.00 | $24.50 | $23.00 | $23.00 |
| 1 | | 25.50 | 26.75 | 25.50 | 25.00 |
| 2 | | 29.00 | 30.50 | 28.00 | 27.50 |
| 3 | | 32.50 | 34.50 | 34.00 | 33.00 |
| 4 | | 36.00 | 38.00 | 41.00 | 39.00 |
| 5 | | 38.75 | 42.00 | 44.00 | 42.00 |
| Each add'l pound or fraction | | 2.75 | 3.75 | 6.00 | 5.50 |

2. Rate Group Countries

| Weight not over (lb.) | Rate group | | | | | |
|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 0.5 | See Country-Specific Rates | $29.00 | $23.00 | $27.00 | $26.00 | $28.00 |
| 1 | | 31.00 | 26.00 | 31.50 | 27.75 | 30.50 |
| 2 | | 34.00 | 29.00 | 34.00 | 34.00 | 34.50 |
| 3 | | 36.50 | 35.00 | 40.00 | 37.50 | 40.50 |
| 4 | | 42.00 | 43.00 | 44.75 | 41.50 | 47.50 |
| 5 | | 47.00 | 47.50 | 50.25 | 45.50 | 55.50 |
| Each add'l pound or fraction | | 4.50 | 6.00 | 5.75 | 3.90 | 6.50 |

*II. Letters and Letter Packages*

All LC mail (letters, letter packages, post and postal cards, and aerogrammes) receives First-Class service in the United States, dispatch by the most expeditious transportation available, and airmail or priority service in the destination country. Mailer should endorse all LC items ''Airmail'' or ''Par Avion.''

A. Canada and Mexico

| Weight not over | | Canada [1] | Mexico |
|---|---|---|---|
| (lb.) | (oz.) | | |
| 0 | 0.5 | $0.46 | $0.40 |
| 0 | 1 | 0.52 | 0.46 |
| 0 | 1.5 | 0.64 | 0.66 |
| 0 | 2 | 0.72 | 0.86 |
| 0 | 3 | 0.95 | 1.26 |
| 0 | 4 | 1.14 | 1.66 |
| 0 | 5 | 1.33 | 2.06 |
| 0 | 6 | 1.52 | 2.46 |
| 0 | 7 | 1.71 | 2.86 |
| 0 | 8 | 1.90 | 3.26 |
| 0 | 9 | 2.09 | 3.66 |
| 0 | 10 | 2.28 | 4.06 |
| 0 | 11 | 2.47 | 4.46 |
| 0 | 12 | 2.66 | 4.86 |
| 1 | 0 | 3.42 | 6.46 |
| 1 | 8 | 4.30 | 9.66 |
| 2 | 0 | 5.18 | 12.86 |
| 2 | 8 | 6.06 | 16.06 |
| 3 | 0 | 6.94 | 19.26 |
| 3 | 8 | 7.82 | 22.46 |
| 4 | 0 | 8.70 | 25.66 |

[1] A 4-pound maximum applies except for registered items sent to Canada. Canada-bound registered items may weigh up to 66 pounds. For registered items weighing over 4 pounds, the rate is $1.76 for each additional pound up to a 66-pound limit.

BULK LETTER SERVICE TO CANADA

[See IMM 225]

| Weight not over (oz.) | Bulk letter service to Canada |
|---|---|
| 0.5 | $0.42 |
| 1 | 0.48 |
| 1.5 | 0.60 |
| 2 | 0.68 |
| 3 | 0.91 |

B. Countries Other Than Canada and Mexico

(Maximum weight: 64 ounces)

| Weight Not Over (oz.) | All countries (other than Canada and Mexico) |
|---|---|
| 0.5 | $0.60 |
| 1.0 | 1.00 |
| Each additional 0.5 ounce, up to and including 32 ounces | 0.40 |
| Each additional ounce over 32 | 0.40 |

C. International Priority Airmail (IPA)

(See section VII for country rate groups.)

| Rate group | Piece rate | Pound rate |
|---|---|---|
| Worldwide Nonpre-sort | $0.25 | $8.55 |
| Presort: | | |
| Group 1 | 0.25 | 5.15 |
| Group 2 | 0.10 | 7.15 |
| Group 3 | 0.10 | 8.50 |

*III. Post/Postal Cards and Aerogrammes*

A. Post/Postal Cards

| Country | Rate |
|---|---|
| Canada | $0.40 |
| Mexico | 0.35 |
| All others | 0.50 |

B. Aerogrammes

All countries: $0.50 each.

*IV. Other Articles (AO) (Includes Printed Matter and Small Packets)*

A. Regular Printed Matter and Small Packets—Surface

| Weight not over | | Country | | |
|---|---|---|---|---|
| (lb.) | (oz.) | Canada | Mexico | All others |
| 0 | 1 | $0.46 | $0.40 | $0.50 |
| 0 | 2 | 0.60 | 0.60 | 0.80 |
| 0 | 3 | 0.88 | 0.80 | 1.00 |
| 0 | 4 | 1.02 | 0.94 | 1.21 |
| 0 | 5 | 1.16 | 1.22 | 1.63 |
| 0 | 6 | 1.30 | 1.22 | 1.63 |
| 0 | 7 | 1.44 | 1.50 | 2.05 |
| 0 | 8 | 1.58 | 1.50 | 2.05 |
| 0 | 9 | 1.72 | 1.78 | 2.47 |
| 0 | 10 | 1.86 | 1.78 | 2.47 |
| 0 | 11 | 2.00 | 2.06 | 2.89 |
| 0 | 12 | 2.14 | 2.06 | 2.89 |
| 0 | 13 | 2.28 | 2.34 | 3.31 |
| 0 | 14 | 2.42 | 2.34 | 3.31 |

| Weight not over | | Country | | |
|---|---|---|---|---|
| (lb.) | (oz.) | Canada | Mexico | All others |
| 0 | 15 | 2.56 | 2.62 | 3.73 |
| 1 | 0 | 2.70 | 2.62 | 3.73 |
| 1 | 2 | 2.90 | 2.86 | 4.03 |
| 1 | 4 | 3.10 | 3.10 | 4.33 |
| 1 | 6 | 3.30 | 3.34 | 4.63 |
| 1 | 8 | 3.50 | 3.58 | 4.93 |
| 1 | 10 | 3.70 | 3.82 | 5.23 |
| 1 | 12 | 3.90 | 4.06 | 5.53 |
| 1 | 14 | 4.10 | 4.30 | 5.83 |
| 2 | 0 | 4.30 | 4.54 | 6.13 |
| 3 | 0 | 5.58 | 6.14 | 8.05 |
| 4 | 0 | 6.86 | 7.74 | 9.97 |
| Each add'l pound or fraction | | 1.28 | 1.60 | 1.92 |
| M-bag rate per pound or fraction | | 1.06 | 1.32 | 1.45 |

B. Valuepost/Canada

| Weight | Rate |
|---|---|
| Letter-size: | |
| 1 ounce or less | $0.32 |
| Over 1 ounce | 0.30 plus $0.39 per pound or fraction of a pound. |
| Flat-size: | |
| 5 ounce or less | $0.57 |
| Over 5 ounces | 0.34 plus $0.93 per pound or fraction of a pound. |

C. Publishers' Periodicals—Surface

| Weight not over (oz.) | Country | | |
|---|---|---|---|
| | Canada | Mexico | All others |
| 1 | $0.40 | $0.32 | $0.32 |
| 2 | 0.46 | 0.40 | 0.40 |
| 3 | 0.52 | 0.52 | 0.52 |
| 4 | 0.59 | 0.60 | 0.60 |
| 5 | 0.65 | 0.75 | 0.76 |
| 6 | 0.72 | 0.75 | 0.76 |
| 7 | 0.78 | 0.90 | 0.92 |
| 8 | 0.85 | 0.90 | 0.92 |
| 9 | 0.91 | 1.05 | 1.08 |
| 10 | 0.98 | 1.05 | 1.08 |
| 11 | 1.04 | 1.20 | 1.24 |
| 12 | 1.11 | 1.20 | 1.24 |
| 13 | 1.17 | 1.35 | 1.40 |
| 14 | 1.24 | 1.35 | 1.40 |
| 15 | 1.30 | 1.50 | 1.56 |
| 16 | 1.37 | 1.50 | 1.56 |
| 18 | 1.43 | 1.64 | 1.71 |
| 20 | 1.49 | 1.78 | 1.86 |
| 22 | 1.55 | 1.92 | 2.01 |
| 24 | 1.61 | 2.06 | 2.16 |
| 26 | 1.67 | 2.20 | 2.31 |
| 28 | 1.73 | 2.34 | 2.46 |
| 30 | 1.79 | 2.48 | 2.61 |
| 32 | 1.85 | 2.62 | 2.76 |
| 3 lb. | 4.00 | 3.58 | 3.72 |
| 4 lb. | 4.64 | 4.54 | 4.68 |
| 5 lb. | 5.28 | 5.50 | 5.64 |
| 6 lb. | 5.92 | 6.46 | 6.60 |
| 7 lb. | 6.56 | 7.42 | 7.56 |
| 8 lb. | 7.20 | 8.38 | 8.52 |
| 9 lb. | 7.84 | 9.34 | 9.48 |
| 10 lb. | 8.48 | 10.30 | 10.44 |
| 11 lb. | 9.12 | 11.26 | 11.40 |
| Each add'l pound or fraction | 0.64 | 0.96 | 0.96 |
| M-bag rate per pound or fraction | 0.64 | 0.72 | 0.79 |

D. Books and Sheet Music—Surface

| Weight not over (lb.) | Country | | |
|---|---|---|---|
| | Canada | Mexico | All others |
| 1 | $1.37 | $1.50 | $1.56 |
| 2 | 1.85 | 2.62 | 2.76 |
| 3 | 4.00 | 3.58 | 3.72 |
| 4 | 4.64 | 4.54 | 4.68 |
| 5 | 5.28 | 5.50 | 5.64 |
| 6 | 5.92 | 6.46 | 6.60 |
| 7 | 6.56 | 7.42 | 7.56 |
| 8 | 7.20 | 8.38 | 8.52 |
| 9 | 7.84 | 9.34 | 9.48 |
| 10 | 8.48 | 10.30 | 10.44 |
| 11 | 9.12 | 11.26 | 11.40 |
| Each add'l pound or fraction | 0.64 | 0.96 | 0.96 |
| M-bag rate per pound or fraction | 0.64 | 0.72 | 0.79 |

E. International Surface Air Lift (ISAL)

(See section VII for country rate groups.)

Rates are per piece plus the per-pound rate for the each pound or fraction of a pound for the total weight in each rate group. M-bags are pound rates only.

| Rate group | Piece rate | Regular per-pound rate | | M-bag per-pound rate | |
|---|---|---|---|---|---|
| | | Full service | Gateway/direct shipment | Full service | Gateway/direct shipment |
| 1 | $0.23 | $2.10 | $1.85 | $2.12 | $1.87 |
| 2 | 0.10 | 2.60 | 2.35 | 2.61 | 2.36 |
| 3 | 0.10 | 2.80 | 2.55 | 2.81 | 2.56 |
| 4 | 0.10 | 3.65 | 3.40 | 3.66 | 3.41 |

F. Air—Other Articles (Printed Matter, Matter for the Blind, and Small Packets)

1. Canada and Mexico—Air

| Weight not over (oz.) | Canada | Mexico |
|---|---|---|
| 0.5 | $0.45 | $0.46 |
| 1 | 0.51 | 0.60 |
| 1.5 | 0.62 | 0.70 |
| 2 | 0.70 | 0.80 |
| 3 | 0.93 | 1.00 |
| 4 | 1.11 | 1.20 |
| 5 | 1.29 | 1.40 |
| 6 | 1.47 | 1.60 |
| 7 | 1.65 | 1.80 |
| 8 | 1.83 | 2.00 |
| 9 | 2.01 | 2.20 |
| 10 | 2.19 | 2.40 |
| 11 | 2.37 | 2.60 |
| 12 | 2.55 | 2.80 |
| 16 | 3.27 | 3.60 |
| 24 | 4.07 | 5.20 |
| 32 | 4.87 | 6.80 |
| 2.5 lb | 5.67 | 8.40 |
| 3.0 lb | 6.47 | 10.00 |
| 3.5 lb | 7.27 | 11.60 |
| 4.0 lb | 8.07 | 13.20 |
| Each add'l 0.5 pound or fraction | 0.80 | 1.60 |
| M-bag rate per pound or fraction | 1.41 | 1.50 |

2. All Other Countries—Air (See section VII for country rate groups.)

| Weight not over (oz.) | Western hemisphere (except Canada and Mexico) (WH) | Europe (EU) | Asia/Africa (AA) | Pacific Rim (PR) |
|---|---|---|---|---|
| 1 | $0.75 | $0.90 | $0.98 | $1.00 |
| 2 | 1.07 | 1.32 | 1.48 | 1.55 |
| 3 | 1.39 | 1.74 | 1.98 | 2.10 |

| Weight not over (oz.) | Western hemisphere (except Canada and Mexico) (WH) | Europe (EU) | Asia/Africa (AA) | Pacific Rim (PR) |
|---|---|---|---|---|
| 4 | 1.71 | 2.16 | 2.48 | 2.65 |
| 6 | 2.35 | 3.00 | 3.48 | 3.75 |
| 8 | 2.99 | 3.84 | 4.48 | 4.85 |
| 10 | 3.63 | 4.68 | 5.48 | 5.95 |
| 12 | 4.27 | 5.52 | 6.48 | 7.05 |
| 14 | 4.91 | 6.36 | 7.48 | 8.15 |
| 16 | 5.55 | 7.20 | 8.48 | 9.25 |
| 18 | 5.85 | 7.80 | 9.28 | 10.15 |
| 20 | 6.15 | 8.40 | 10.08 | 11.05 |
| 22 | 6.45 | 9.00 | 10.88 | 11.95 |
| 24 | 6.75 | 9.60 | 11.68 | 12.85 |
| 26 | 7.05 | 10.20 | 12.48 | 13.75 |
| 28 | 7.35 | 10.80 | 13.28 | 14.65 |
| 30 | 7.65 | 11.40 | 14.08 | 15.55 |
| 32 | 7.95 | 12.00 | 14.88 | 16.45 |
| 2.5 lb | 9.15 | 14.40 | 18.08 | 20.05 |
| 3.0 lb | 10.35 | 16.80 | 21.28 | 23.65 |
| 3.5 lb | 11.55 | 19.20 | 24.48 | 27.25 |
| 4.0 lb | 12.75 | 21.60 | 27.68 | 30.85 |
| Each additional 0.5 pound or fraction of 0.5 pound | 1.20 | 2.40 | 3.20 | 3.60 |
| M-bag rate per pound or fraction of a pound | 2.47 | 4.41 | 6.27 | 6.35 |

*V. Parcel Post*

The weight limits for parcels vary by country and are usually 22, 33, or 44 pounds. Algeria, Canada, Denmark, Faroe Islands, Greenland, Ireland, Great Britain and Northern Ireland, Liechtenstein, and Switzerland have 66-pound weight limits. The rates over 44 pounds are given in anticipation of other countries increasing parcel weight limits.

A. Surface

| Weight not over (lb.) | Canada | Bahamas, Bermuda, Caribbean Islands, Central America, Mexico, and St. Pierre & Miquelon | All other countries |
|---|---|---|---|
| 2 | $6.95 | $7.50 | $9.00 |
| 3 | 8.23 | 8.94 | 10.92 |
| 4 | 9.51 | 10.38 | 12.84 |
| 5 | 10.79 | 11.82 | 14.76 |
| 6 | 12.07 | 13.26 | 16.68 |
| 7 | 13.35 | 14.70 | 18.60 |
| 8 | 14.63 | 16.14 | 20.52 |
| 9 | 15.91 | 17.58 | 22.44 |
| 10 | 17.19 | 19.02 | 24.36 |
| 11 | 18.39 | 20.46 | 26.28 |
| 12 | 19.59 | 21.90 | 28.20 |
| 13 | 20.79 | 23.34 | 30.12 |
| 14 | 21.99 | 24.78 | 32.04 |
| 15 | 23.19 | 26.22 | 33.96 |
| 16 | 24.39 | 27.66 | 35.88 |
| 17 | 25.59 | 29.10 | 37.80 |
| 18 | 26.79 | 30.54 | 39.72 |
| 19 | 27.99 | 31.98 | 41.64 |
| 20 | 29.19 | 33.42 | 43.56 |
| 21 | 30.31 | 34.86 | 45.48 |
| 22 | 31.43 | 36.30 | 47.40 |
| 23 | 32.55 | 37.74 | 49.32 |
| 24 | 33.67 | 39.18 | 51.24 |
| 25 | 34.79 | 40.62 | 53.16 |
| 26 | 35.91 | 42.06 | 55.08 |
| 27 | 37.03 | 43.50 | 57.00 |
| 28 | 38.15 | 44.94 | 58.92 |
| 29 | 39.27 | 46.38 | 60.84 |
| 30 | 40.39 | 47.82 | 62.76 |
| 31 | 41.51 | 49.26 | 64.68 |
| 32 | 42.63 | 50.70 | 66.60 |
| 33 | 43.75 | 52.14 | 68.52 |
| 34 | 44.87 | 53.58 | 70.44 |

| Weight not over (lb.) | Canada | Bahamas, Bermuda, Caribbean Islands, Central America, Mexico, and St. Pierre & Miquelon | All other countries |
|---|---|---|---|
| 35 | 45.99 | 55.02 | 72.36 |
| 36 | 47.11 | 56.46 | 74.28 |
| 37 | 48.23 | 57.90 | 76.20 |
| 38 | 49.35 | 59.34 | 78.12 |
| 39 | 50.47 | 60.78 | 80.04 |
| 40 | 51.59 | 62.22 | 81.96 |
| 41 | 52.71 | 63.66 | 83.88 |
| 42 | 53.83 | 65.10 | 85.80 |
| 43 | 54.95 | 66.54 | 87.72 |
| 44 | 56.07 | 67.98 | 89.64 |
| Each add'l pound or fraction | 1.12 | 1.44 | 1.92 |

B. Air

| Weight not over (lb) | Rate groups | | | | | | |
|---|---|---|---|---|---|---|---|
| | Canada | Mexico | A | B | C | D | E |
| 1 | ..... | $6.50 | $6.50 | $8.25 | $9.75 | $11.20 | $12.80 |
| 2 | 7.00 | 9.70 | 9.86 | 12.25 | 15.03 | 16.96 | 19.20 |
| 3 | 8.28 | 12.90 | 13.22 | 16.25 | 20.31 | 22.72 | 25.60 |
| 4 | 9.56 | 15.46 | 16.58 | 20.25 | 25.59 | 28.48 | 32.00 |
| 5 | 10.84 | 18.02 | 19.46 | 23.45 | 29.91 | 33.76 | 37.44 |
| 6 | 12.12 | 20.58 | 22.34 | 26.65 | 34.23 | 39.04 | 42.88 |
| 7 | 13.40 | 23.14 | 25.22 | 29.85 | 38.55 | 44.32 | 48.32 |
| 8 | 14.68 | 25.70 | 28.10 | 33.05 | 42.87 | 49.60 | 53.76 |
| 9 | 15.96 | 28.26 | 30.98 | 36.25 | 47.19 | 54.88 | 59.20 |
| 10 | 17.24 | 30.82 | 33.86 | 39.45 | 51.51 | 60.16 | 64.64 |
| 11 | 18.44 | 33.06 | 36.58 | 42.33 | 55.51 | 64.48 | 69.12 |
| 12 | 19.64 | 35.30 | 39.30 | 45.21 | 59.51 | 68.80 | 73.60 |
| 13 | 20.84 | 37.54 | 42.02 | 48.09 | 63.51 | 73.12 | 78.08 |
| 14 | 22.04 | 39.78 | 44.74 | 50.97 | 67.51 | 77.44 | 82.56 |
| 15 | 23.24 | 42.02 | 47.46 | 53.85 | 71.51 | 81.76 | 87.04 |
| 16 | 24.44 | 44.26 | 50.18 | 56.73 | 75.51 | 86.08 | 91.52 |
| 17 | 25.64 | 46.50 | 52.90 | 59.61 | 79.51 | 90.40 | 96.00 |
| 18 | 26.84 | 48.74 | 55.62 | 62.49 | 83.51 | 94.72 | 100.48 |
| 19 | 28.04 | 50.98 | 58.34 | 65.37 | 87.51 | 99.04 | 104.96 |
| 20 | 29.24 | 53.22 | 61.06 | 68.25 | 91.51 | 103.36 | 109.44 |
| 21 | 30.36 | 55.14 | 63.30 | 70.81 | 95.35 | 107.52 | 113.76 |
| 22 | 31.48 | 57.06 | 65.54 | 73.37 | 99.19 | 111.68 | 118.08 |
| 23 | 32.60 | 58.98 | 67.78 | 75.93 | 103.03 | 115.84 | 122.40 |
| 24 | 33.72 | 60.90 | 70.02 | 78.49 | 106.87 | 120.00 | 126.72 |
| 25 | 34.84 | 62.82 | 72.26 | 81.05 | 110.71 | 124.16 | 131.04 |
| 26 | 35.96 | 64.74 | 74.50 | 83.61 | 114.55 | 128.32 | 135.36 |
| 27 | 37.08 | 66.66 | 76.74 | 86.17 | 118.39 | 132.48 | 139.68 |
| 28 | 38.20 | 68.58 | 78.98 | 88.73 | 122.23 | 136.64 | 144.00 |
| 29 | 39.32 | 70.50 | 81.22 | 91.29 | 126.07 | 140.80 | 148.32 |
| 30 | 40.44 | 72.42 | 83.46 | 93.85 | 129.91 | 144.96 | 152.64 |
| 31 | 41.56 | 74.02 | 85.38 | 96.09 | 133.59 | 148.96 | 156.80 |
| 32 | 42.68 | 75.62 | 87.30 | 98.33 | 137.27 | 152.96 | 160.96 |
| 33 | 43.80 | 77.22 | 89.22 | 100.57 | 140.95 | 156.96 | 165.12 |
| 34 | 44.92 | 78.82 | 91.14 | 102.81 | 144.63 | 160.96 | 169.28 |
| 35 | 46.04 | 80.42 | 93.06 | 105.05 | 148.31 | 164.96 | 173.44 |
| 36 | 47.16 | 82.02 | 94.98 | 107.29 | 151.99 | 168.96 | 177.60 |
| 37 | 48.28 | 83.62 | 96.90 | 109.53 | 155.67 | 172.96 | 181.76 |
| 38 | 49.40 | 85.22 | 98.82 | 111.77 | 159.35 | 176.96 | 185.92 |
| 39 | 50.52 | 86.82 | 100.74 | 114.01 | 163.03 | 180.96 | 190.08 |
| 40 | 51.64 | 88.42 | 102.66 | 116.25 | 166.71 | 184.96 | 194.24 |
| 41 | 52.76 | 90.02 | 104.58 | 118.49 | 170.39 | 188.96 | 198.40 |
| 42 | 53.88 | 91.62 | 106.50 | 120.73 | 174.07 | 192.96 | 202.56 |
| 43 | 55.00 | 93.22 | 108.42 | 122.97 | 177.75 | 196.96 | 206.72 |
| 44 | 56.12 | 94.82 | 110.34 | 125.21 | 181.43 | 200.96 | 210.88 |
| Each add'l pound or fraction | 1.12 | 1.60 | 1.92 | 2.24 | 3.68 | 4.00 | 4.16 |

*VI. Fees for Special Mail Services and Miscellaneous Charges*

*=Fees changed effective January 1, 1995, based on changes in domestic rates and fees that took effect on that date.

A. Nonstandard Surcharge—Letters and regular printed matter weighing 1 ounce or less: $0.11*

B. Customs Clearance and Delivery Fee: $3.75

C. Inquiry Fee: $6.60*

D. Return Receipt: $1.10*

E. Registered Mail

1. Canada

| Limit of indemnity | Fee |
|---|---|
| $100.00 | *$4.95 |
| 500.00 | *5.40 |
| 1,000.00 | *5.85 |

2. All Other Countries

| Limit of indemnity | Fee |
|---|---|
| $32.35 | *$4.85 |

F. Insured Mail

| Limit of indemnity | Fee | |
|---|---|---|
| | Canada | All other countries |
| $50 | *$0.75 | $1.60 |
| 100 | *1.60 | 2.45 |
| 200 | *2.50 | 3.35 |
| 300 | *3.40 | 4.25 |
| 400 | *4.30 | 5.15 |
| 500 | *5.20 | 6.05 |
| 600 | *6.10 | 6.95 |
| 700 | | 7.40 |
| 800 | | 7.85 |
| 900 | | 8.30 |
| 1,000 | | 8.75 |
| 1,100 | | 9.20 |
| 1,200 | | 9.65 |

G. Money Orders

The fees for international money orders issued on form MP 1 ($3.00) and money orders issued pursuant to an Authorization to Issue an International Money Order ($7.50) are not changed. The use of domestic money orders was abolished on March 1, 1995.

H. Special Handling

| Weight (lb.) | Fee |
|---|---|
| Not over 10 | *$5.40 |
| Over 10 | *7.50 |

I. Special Delivery

| Class of mail | 2 pounds or less | More than 2 pounds |
|---|---|---|
| Letters, Letter Packages, and Post/Postal Cards | *$9.95 | *$10.35 |
| Printed Matter, Matter for the Blind, and Small Packets | *$10.45 | *$11.25 |

J. Restricted Delivery: $2.75*

K. Recorded Delivery: $1.10*

L. Certificates of Mailing

| Type of mailing | Fee |
|---|---|
| Piece Mailing: | |
| Basic service (Form 3817) | *$0.55 |
| Firm mailing book (Form 3877) | *0.20 |
| Bulk Mailing: | |
| Up to 1,000 identical pieces | *$2.75 |
| Each additional 1,000 pieces | *0.35 |
| Duplicate copy | *$0.55 |

M. Return Charges

(For returned publishers' periodicals originally mailed to Canada by publishers or registered news agents, see IMM 781.5a.)

| Weight not over (oz.) | Charge* |
|---|---|
| 1 | $0.32 |
| 2 | 0.55 |
| 3 | 0.78 |
| 4 | 1.01 |
| 5 | 1.24 |
| 6 | 1.47 |
| 7 | 1.70 |
| 8 | 1.93 |
| 9 | 2.16 |
| 10 | 2.39 |
| 11 | 2.62 |
| 12 | 2.90 |
| 13 | 2.90 |
| 14 | 2.95 |
| 15 | 2.95 |
| 16 | 2.95 |
| Over 1 pound | Use domestic zone 8 fourth-class rates. |

N. International Reply Coupons

Selling price for U.S.-issued coupons: $1.05. Redemption price for foreign-issued coupons: $0.60.

O. International Business Reply

| Item | Fee |
|---|---|
| Envelope (not over 2 oz.) | $1.00 |
| Card | 0.60 |

P. Pickup Fee—$4.95*

*VII. Country Table*

| Country | Air AO rate group | Express mail rate group | Air parcel post rate group | Int'l surface air lift (ISAL) | Int'l priority airmail (IPA) |
|---|---|---|---|---|---|
| Afghanistan | AA | | D | | 2 |
| Albania | EU | | C | 1 | 2 |
| Algeria | AA | 6 | D | 4 | 2 |
| Ardorra | EU | | B | | 2 |
| Angola | AA | 6 | E | 4 | 2 |
| Anguila | WH | | A | | 2 |
| Antigua & Barbuda | WH | | A | | 2 |
| Argentina | WH | 5 | D | 2 | 2 |
| Armenia | EU | 4 | E | | 3 |
| Aruba | WH | 5 | A | 2 | 2 |
| Ascension | AA | | | | 2 |
| Australia | PR | 3 | D | 3 | 1 |
| Austria | EU | 4 | B | 1 | 3 |
| Azerbaijan | EU | 4 | E | | 3 |
| Azores | EU | 4 | C | | 3 |
| Bahamas | WH | 5 | A | | 2 |
| Bahrain | AA | 6 | D | 4 | 2 |

| Country | Air AO rate group | Express mail rate group | Air parcel post rate group | Int'l surface air lift (ISAL) | Int'l priority airmail (IPA) |
|---|---|---|---|---|---|
| Bangladesh | AA | 6 | E | 4 | 2 |
| Barbados | WH | 5 | B | | 2 |
| Belarus | EU | 4 | E | | 3 |
| Belgium | EU | 2 | D | 1 | 3 |
| Belize | WH | 5 | A | 2 | 2 |
| Benin | AA | 6 | C | 4 | 2 |
| Bermuda | WH | 5 | A | | 2 |
| Bhutan | AA | [2] 6 | E | | 2 |
| Bolivia | WH | 5 | B | 2 | 2 |
| Bosnia—Herzegovina | EU | 4 | C | | 3 |
| Botswana | AA | 6 | E | | 2 |
| Brazil | WH | 5 | E | 2 | 2 |
| British Virgin Islands | WH | | A | | 2 |
| Brunei Darussalam | AA | 6 | D | | 2 |
| Bulgaria | EU | 4 | D | 1 | 2 |
| Burkina Faso | AA | 6 | D | 4 | 2 |
| Burma | AA | | D | | 2 |
| Burundi | AA | 6 | E | 4 | 2 |
| Cambodia (Kampuchea) | AA | 6 | | | 2 |
| Cameroon | AA | 6 | D | 4 | 2 |
| Canada | ([3]) | ([4]) | ([3]) | | |
| Cape Verde | AA | 6 | D | | 2 |
| Cayman Islands | WH | 5 | A | | 2 |
| Central African Republic | AA | 6 | E | 4 | 2 |
| Chad | AA | 6 | D | | 2 |
| Chile | WH | 5 | D | 2 | 2 |
| China | PR | ([5]) | D | 3 | 3 |
| Colombia | WH | 5 | B | 2 | 3 |
| Comoros | AA | | E | | 2 |
| Congo | AA | 6 | D | 4 | 2 |
| Corsica | EU | 2 | E | | 1 |
| Costa Rica | WH | 5 | A | 2 | 2 |
| Cote d'Lvoire (Ivory Coast) | AA | 6 | D | 4 | 2 |
| Croatia | EU | 4 | C | | 3 |
| Cuba | WH | | | 2 | 2 |
| Cyprus | AA | 6 | C | | 2 |
| Czech Republic | EU | 4 | C | 1 | 3 |
| Denmark | EU | 4 | C | 1 | 1 |
| Djibouti | AA | 6 | D | | 2 |
| Dominica | WH | | A | | 2 |
| Dominican Republic | WH | 5 | A | 2 | 2 |
| Ecuador | WH | 5 | C | 2 | 2 |
| Egypt | AA | 6 | D | 4 | 2 |
| El Salvador | WH | 5 | B | 2 | 2 |
| Equatorial Guinea | AA | 6 | D | | 2 |
| Eritrea | AA | 6 | D | | 2 |
| Estonia | EU | [6] 4 | E | | 3 |
| Ethiopia | AA | 6 | D | 4 | 2 |
| Falkland Islands | WH | | ([7]) | | 2 |
| Faroe Islands | EU | 4 | C | | 1 |
| Fiji | PR | [6] 6 | B | 3 | 2 |
| Finland | EU | 4 | D | 1 | 1 |
| France (incl. Monaco) | EU | [6] 2 | E | 1 | 1 |
| French Guiana | WH | 5 | C | 2 | 2 |
| French Polynesia | AA | | D | | 2 |
| Gabon | AA | 6 | D | 4 | 2 |
| Gambia | AA | | B | | 2 |
| Georgia, Republic of | EU | 4 | E | | 3 |
| Germany | EU | [6] 2 | B | 1 | 1 |
| Ghana | AA | 6 | D | 4 | 2 |
| Gibraltar | EU | | C | | 2 |
| Great Britain & Northern Ireland | EU | ([5]) | C | 1 | 1 |
| Greece | EU | 4 | C | 1 | 3 |
| Greenland | EU | | D | | 1 |
| Grenada | WH | 5 | A | | 2 |
| Guadeloupe | WH | 5 | A | | 2 |
| Guatemala | WH | 5 | A | 2 | 2 |
| Guinea | AA | 6 | B | | 2 |
| Guinea-Bissau | AA | 6 | B | | 2 |
| Guyana | WH | 5 | B | 2 | 2 |
| Haiti | WH | | A | 2 | 2 |
| Honduras | WH | 5 | B | 2 | 2 |

| Country | Air AO rate group | Express mail rate group | Air parcel post rate group | Int'l surface air lift (ISAL) | Int'l priority airmail (IPA) |
|---|---|---|---|---|---|
| Hong Kong | PR | 3 | C | 3 | 3 |
| Hungary | EU | 4 | C | 1 | 3 |
| Iceland | EU | 4 | C | 1 | 1 |
| India | AA | 6 | D | 4 | 3 |
| Indonesia [12] | PR | 6 | E | 3 | 2 |
| Iran | AA | ..... | D | 4 | 3 |
| Iraq [8] | AA | 6 | D [9] | [10] 4 | 2 |
| Ireland | EU | 2 | C | 1 | 1 |
| Israel | AA | 6 | C | 4 | 3 |
| Italy | EU | 4 | C | 1 | 1 |
| Jamaica | WH | 5 | A | 2 | 2 |
| Japan | PR | ([5]) | E | 3 | 1 |
| Jordan | AA | 6 | C | 4 | 2 |
| Kazakhstan | EU | 4 | E | ..... | 3 |
| Kenya | AA | 6 | D | 4 | 2 |
| Kiribati | AA | ..... | B | ..... | 2 |
| Korea, Dem. People's Rep. (North) | PR | ..... | | ..... | 2 |
| Korea, Republic of (South) | PR | 3 | C | 3 | 3 |
| Kuwait | AA | 6 | C | 4 | 2 |
| Kyrgyzstan | EU | 4 | E | ..... | 3 |
| Laos | PR | 6 | E | ..... | 2 |
| Latvia | EU | 4 | E | ..... | 3 |
| Lebanon | AA | ..... | C | 4 | 2 |
| Lesotho | AA | 6 | E | ..... | 2 |
| Liberia | AA | 6 | C | [10] 4 | 2 |
| Libya | AA | ..... | D | [10] 4 | 2 |
| Liechtenstein | EU | 2 | B | 1 | 2 |
| Lithuania | EU | 4 | E | ..... | 3 |
| Luxembourg | EU | 4 | B | 1 | 1 |
| Macao | PR | 6 | C | ..... | 2 |
| Macedonia, Republic of | EU | 4 | C | ..... | 3 |
| Madagascar | AA | 6 | E | 4 | 2 |
| Madeira Islands | EU | 4 | B | ..... | 3 |
| Malawi | AA | 6 | D | ..... | 2 |
| Malaysia | PR | 6 | D | 3 | 3 |
| Maldives | AA | 6 | D | ..... | 2 |
| Mali | AA | 6 | C | 4 | 2 |
| Malta | EU | 4 | C | ..... | 2 |
| Martinique | WH | 5 | A | ..... | 2 |
| Mauritania | AA | 6 | D | 4 | 2 |
| Mauritius | AA | 6 | E | 4 | 2 |
| Mexico | ([11]) | ([5]) | A | 2 | 3 |
| Moldova | EU | 4 | E | ..... | 3 |
| Mongolia | AA | ..... | | ..... | 2 |
| Montserrat | WH | ..... | A | ..... | 2 |
| Morocco | AA | 6 | C | 4 | 2 |
| Mozambique | AA | 6 | E | 4 | 2 |
| Namibia | AA | 6 | D | ..... | 3 |
| Nauru | AA | 6 | C | ..... | 2 |
| Nepal | AA | ..... | D | ..... | 2 |
| Netherlands | EU | [6] 2 | C | 1 | 1 |
| Netherlands Antilles | WH | 5 | A | 2 | 2 |
| New Caledonia | AA | 6 | D | ..... | 1 |
| New Zealand | PR | 6 | D | 3 | 3 |
| Nicaragua | WH | 5 | B | 2 | 2 |
| Niger | AA | 6 | D | 4 | 2 |
| Nigeria | AA | 6 | C | 4 | 2 |
| Norway | EU | 4 | D | 1 | 1 |
| Oman | AA | 6 | D | 4 | 2 |
| Pakistan | AA | 6 | D | 4 | 2 |
| Panama | WH | 5 | A | 2 | 2 |
| Papua New Guinea [8] | PR | 6 | D | 3 | 2 |
| Paraguay | WH | 5 | D | 2 | 2 |
| Peru | WH | 5 | B | 2 | 2 |
| Philippines | PR | 6 | D | 3 | 3 |
| Pitcairn Island | AA | ..... | B | ..... | 2 |
| Poland | EU | 4 | B | 1 | 3 |
| Portugal | EU | 4 | C | 1 | 3 |
| Qatar | AA | 6 | C | 4 | 2 |
| Reunion | AA | ..... | E | 4 | 2 |
| Romania | EU | 4 | C | 1 | 2 |
| Russia | EU | 4 | E | 1 | 3 |

| Country | Air AO rate group | Express mail rate group | Air parcel post rate group | Int'l surface air lift (ISAL) | Int'l priority airmail (IPA) |
|---|---|---|---|---|---|
| Rwanda | AA | 6 | D | [10] 4 | 2 |
| Saint Christopher (St. Kitts) & Nevis | WH | ..... | A | ..... | 2 |
| Saint Helena | AA | ..... | C | ..... | 2 |
| Saint Lucia | WH | 5 | A | ..... | 2 |
| Saint Pierre & Miquelon | WH | ..... | A | ..... | 2 |
| Saint Vincent & the Grenadines | WH | 5 | A | ..... | 2 |
| San Marino | EU | ..... | C | 1 | 2 |
| Sao Tome & Principe | AA | ..... | D | ..... | 2 |
| Saudi Arabia | AA | 6 | D | 4 | 3 |
| Senegal | AA | 6 | D | 4 | 2 |
| Serbia-Montenegro (Yugoslavia) [8] | EU | 4 | C [9] | ..... | 3 |
| Seychelles | AA | 6 | D | ..... | 2 |
| Sierra Leone | AA | 6 | D | 4 | 2 |
| Singapore | PR | 3 | D | 3 | 3 |
| Slovak Republic | EU | 4 | C | ..... | 2 |
| Slovenia | EU | 4 | C | ..... | 3 |
| Solomon Islands | AA | 6 | C | ..... | 2 |
| Somalia [1] | AA | 6 | D | 4 | 2 |
| South Africa | AA | 6 | D | 4 | 3 |
| Spain | EU | 4 | C | 1 | 3 |
| Sri Lanka | AA | 6 | D | 4 | 2 |
| Sudan | AA | 6 | D | 4 | 2 |
| Suriname | WH | ..... | B | 2 | 2 |
| Swaziland | AA | 6 | D | ..... | 2 |
| Sweden | EU | [6] 4 | D | 1 | 1 |
| Switzerland | EU | 2 | B | 1 | 3 |
| Syria | AA | 6 | C | 4 | 2 |
| Taiwan | PR | 3 | C | 3 | 3 |
| Tajikistan | EU | 4 | E | ..... | 3 |
| Tanzania | AA | 6 | E | 4 | 2 |
| Thailand | PR | 3 | D | 3 | 3 |
| Togo | AA | 6 | D | 4 | 2 |
| Tonga | AA | ..... | B | ..... | 2 |
| Trinidad & Tobago | WH | 5 | B | 2 | 2 |
| Tristan da Cunha | AA | ..... | E | ..... | 2 |
| Tunisia | AA | 6 | C | 4 | 2 |
| Turkey | EU | 4 | C | 1 | 2 |
| Turkmenistan | EU | 4 | E | ..... | 3 |
| Turks & Caicos Islands | WH | ..... | A | ..... | 2 |
| Tuvalu | AA | ..... | B | ..... | 2 |
| Uganda | AA | 6 | D | 4 | 2 |
| Ukraine | EU | 4 | E | ..... | 3 |
| United Arab Emirates | AA | 6 | D | 4 | 2 |
| Uruguay | WH | 5 | B | 2 | 2 |
| Uzbekistan | EU | ..... | E | ..... | 3 |
| Vanuatu | AA | [6] 6 | B | ..... | 2 |
| Vatican City | EU | ..... | C | ..... | 2 |
| Venezuela | WH | 5 | B | 2 | 2 |
| Vietnam | PR | 6 | E | ..... | 2 |
| Wallis & Futuna Islands | AA | ..... | D | ..... | 1 |
| Western Samoa | AA | 6 | B | ..... | 2 |
| Yemen | AA | 6 | E | 4 | 2 |
| Zaire | AA | 6 | E | 4 | 2 |
| Zambia | AA | 6 | E | 4 | 2 |
| Zimbabwe | AA | 6 | E | 4 | 2 |

[1] All mail service suspended.
[2] On Demand Service not available.
[3] See separate rates for Canada.
[4] See country-specific rate. Custom Designed Service not available.
[5] See country-specific rate.
[6] Custom Designed Service not available.
[7] Surface parcel post service available.
[8] Restrictions apply. See IMM.
[9] Parcel post service suspended.
[10] ISAL service suspended.
[11] See separate rates for Mexico.
[12] Mail service to East Timor is limited. See IMM.

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# Part V

# Postal Service

**39 CFR Parts 111 and 501**

**Manufacture, Distribution, and Use of Postage Meters; Final Rule**

## POSTAL SERVICE

## 39 CFR Parts 111 and 501

## Manufacture, Distribution, and Use of Postage Meters

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** This final rule clarifies and amends the standards in the Domestic Mail Manual (DMM) and the Domestic Mail Manual Transition Book (DMMT) regarding the manufacture, distribution, and use of postage meters.

This final rule adopts most of the proposed changes to the standards governing the manufacture, distribution, and use of postage meters as published by the Postal Service in the **Federal Register** on January 31, 1995 (60 FR 5964–5995). The final rule also allows the Postal Service to tighten its controls over meters and to protect postal revenue more efficiently. The changes are designed to increase the information available to the Postal Service for effective management and control of the meter program. In addition, security controls are being supplemented to ensure that correct postage is paid and that postage meter misuse is minimized.

**EFFECTIVE DATE:** This rule is effective June 30, 1995, except for §§ 501.22(b) and 501.22(e)(2), which are effective January 2, 1996.

January 2, 1996, is the effective date for the electronic transmission of license applications and centralized application processing. (In this document, see DMM P030.2.1, Procedures and DMM P030.2.3, Refusal to Issue Meter License.

January 2, 1996, is the effective date for the use of revised PS Form 3601–A, Application for a License to Lease and Use Postage Meters, and PS Form 3601–C, Postage Meter Installation, Withdrawal, or Replacement. (In this document, see Exhibit B, Exhibit C.

June 30, 1995, is the effective date for the use of the new security seals; however, implementation will depend on the availability from the Postal Service's supplier.

(In this document, see 39 CFR 501.20 Keys and setting equipment and 39 CFR 501.25(b)(5) Inspection of meters in use)

**FOR FURTHER INFORMATION CONTACT:** Nicholas S. Stankosky, (202) 268–5311.

**SUPPLEMENTARY INFORMATION:** On January 31, 1995, the Postal Service published a notice of proposed rulemaking for public comment in the **Federal Register** (60 FR 5964–5995) to revise existing standards in the Domestic Mail Manual (DMM) and Domestic Mail Manual Transition Book (DMMT) regarding the manufacture, distribution, and use of postage meters. Moreover, this proposed rule would introduce new regulations in title 39, Code of Federal Regulations (CFR), to clarify postal standards for the manufacture and distribution of postage meters.

The proposed rule detailed efforts undertaken by the Postal Service to adopt new standards for postage meters that satisfy and protect the interests of the users, manufacturers, and the Postal Service. These standards are designed to improve meter security through new rules on design deficiencies, manufacturers' inspections, refunds, meter licensing, missing meters, shipment of meters, security seals, meter labeling, and meter testing. The new rules also establish administrative controls and make adjustments to the Computerized Remote Postage Meter Resetting System (CMRS).

The Postal Service requested that comments on the proposed rules be submitted by March 17, 1995. Twelve written comments were received from interested companies and individuals. Having given thorough consideration to these comments, the Postal Service now adopts its final rule.

The Postal Service's evaluation of the comments follows. Because the regulations fall into four categories (meter security, administrative controls, other issues, and Computerized Remote Postage Meter Resetting System), the comments are organized into four sections in the comment section under these four categories. In addition, a fifth section in this comment section addresses general comments separately. The sixth section discusses specific revisions to the Domestic Mail Manual, Domestic Mail Manual Transition Book, and title 39, Code of Federal Regulations, part 501, followed by tables summarizing the revisions.

The revised regulations are published herein in their entirety. Applicable modifications to the proposed regulations, based on the comments received, are referenced in each section and summarized at the end of the comment section. Otherwise, the rules are adopted as proposed. The numbering scheme shown in the section titled Discussion of Comments reflects the scheme published in the **Federal Register** for the proposed rule (60 FR 5964–5995).

### Discussion of Comments

### I. Meter Security

Meter security pertains to integrity weakness and design deficiencies; meter manufacturers— inspections; custody of suspect meters; missing meters; security seals; and meter labeling. Prompt notification of all potential security weaknesses identified in a particular meter or class of meters is necessary to protect postal revenue. The Postal Service depends on manufacturers to identify and notify the Postal Service of any potential security weakness and to maintain proper distribution controls. The Postal Service therefore adopts with this final rule new requirements for reporting by manufacturers. The Postal Service will impose administrative sanctions against manufacturers that do not comply with these reporting and distribution requirements.

*A. Integrity Weakness and Design Deficiencies*

One commenter expressed concern about the meter security regulations proposed in 39 CFR 501.13 and 501.14. The commenter stated that the Postal Service is placing undue emphasis on meter design for revenue security.

The Postal Service notes that postage meters must protect against tampering and misuse. The Postal Service must emphasize the importance of meter security to reduce the threat of revenue losses to the greatest extent possible.

This commenter also believed that the proposed regulations fail to address adequately the importance of mailer profile and Postal Service in-plant verification as critical components of a secure postal payment system.

The commenter's point is well-taken. The new rules do take account of the importance of mailer profiles. For example, inspection frequencies in 39 CFR 501.25 are based on the characteristics of particular meters and on the mailer's profile. Additionally, in-plant verification of the makeup of metered mail is done during the acceptance process, and metered indicia are sampled at destinating post offices.

The commenter also stated that the proposed regulations are more a predicate for imposing penalties on meter manufacturers than an efficient means to improve security and that the Meter Accounting and Tracking System (MATS) is being developed with no assurance of operational efficiency or cost-effectiveness.

The Postal Service does not accept the commenter's view that the rules are a predicate for imposing penalties or that penalties are contemplated. Rather, these rules place more responsibility for security and revenue protection on those who manufacture and distribute postage meters. The new sanctions are remedial in nature, and, ideally, the Postal Service should never have to impose administrative sanctions. MATS

does not pertain to the proposed rulemaking in the **Federal Register** notice published on January 31, 1995; therefore, it is not appropriate for the Postal Service to address MATS in this notice.

One commenter stated that one postal official had previously expressed that proposed 39 CFR 501.13, which establishes the manufacturer's duty to report integrity weaknesses and design deficiencies, would apply only to security defects or weaknesses of design in a particular meter or model of postage meter. The commenter further suggested that the rule should not apply to information or knowledge received by a manufacturer relating to postage-meter tampering by a customer or to other potential security breaches unrelated to the design and operation of a postage meter.

The requirements for reporting security weaknesses and methods of meter tampering are directly related to the manipulation of the meter made possible because of design deficiencies. The manipulation of a meter in and of itself is evidence of a security weakness of the manufacturer's product. It is the manufacturer's obligation to report those incidents in which misuse occurs because someone can take advantage of such deficiencies. Additionally, the collection of this information will increase manufacturer's awareness of a problem with meter performance. The number of reported instances will help in determining the extent or seriousness of the situation.

One commenter noted that the standards in 39 CFR 501.13 do not provide sufficient clarity and due process regarding what needs to be reported.

The standards in 39 CFR 501.13 define the information that must be provided in general terms. If there is any doubt about information that must be reported, the Postal Service invites interested parties to submit requests for advisory opinions on an ad hoc basis.

The same commenter also stated that the standards in 39 CFR 501.14 and 501.23 lack sufficient clarity and ascertainable standards for imposing administrative sanctions.

The Postal Service sees no reason for including additional standards. The sanctions in these sections merely allocate the risk of loss entirely to the manufacturer only when the manufacturer fails to execute certain prescribed tasks. Once facts underlying the violation and costs and losses are proved, the manufacturer is held liable for costs and losses. Except as provided in these sections, no other factors are considered, and thus no additional standards need be prescribed.

The same commenter also stated that 39 CFR 501.14 is arbitrary because it does not relate the sanction to losses actually caused by an alleged failure to report. The commenter suggested that the rule measure losses from the date when the defect should have been reported rather than the date of discovery.

The Postal Service does not agree. Sanctions are measured from the date when the manufacturer knows or should know information giving rise to the duty to report; hence, the measurement of damages and of duty to report are rationally related.

The commenter also stated that the proposed regulations would promote manufacturers' filing of numerous inconclusive reports to avoid liability. According to the commenter, such filings would place unnecessary strain on limited Postal Service resources and increase manufacturers' administrative costs. The commenter recommended that the Postal Service require manufacturers to report only those design deficiencies that, following testing, cause the manufacturer to conclude that a security threat exists.

The proposed regulations clearly articulate the manufacturer requirements for ''preliminary'' and ''final'' reporting. These requirements cover a substantial list of situations and occurrences relating to possible meter misuse. To limit reporting as the commenter suggested would undermine the ability of the manufacturers and the Postal Service to maintain control of the program. Although there might be some additional cost incurred by both parties, the risk of revenue losses would increase if the suggestion were adopted.

One commenter stated that the term ''employees'' should be deleted from the definition of manufacturer under 39 CFR 501.13(a). The definition of employee should be limited to the officers and those management employees of the manufacturer who have meter security responsibilities.

The Postal Service expects that each individual employed by a meter manufacturer is already charged with the responsibility to report meter security problems to the manufacturer's headquarters unit. To limit the definition as suggested would reduce the possible number of available sources of pertinent information. Field employees are important sources of information because they see meters in a live environment.

The commenter also suggested that the term ''findings'' should be deleted from 39 CFR 501.13(b)(1). Because findings must be based on test results, the commenter believed that the term ''findings'' is unnecessary and will result in the filing of superfluous reports and in contributing to confusion about when the meter manufacturer's obligation to report arises.

The Postal Service does not accept the commenter's narrow reading of the term ''findings,'' which refers to the discovery, awareness, determination, or perception of information relating to all meter activities. The term is not limited to those situations surrounding meter-testing results. Findings in the field are just as important as testing results because they enable on-site evaluations of meter performance and mailer practices.

One commenter believed that manufacturers should be required to file reports on security issues only when they concern common security design features present in meters approved for use in the United States. The commenter suggested that the scope of the rule be narrowed so that the manufacturer need only report information about meter security when a meter model in use in foreign jurisdictions is subsequently submitted to the Postal Service for approval.

The Postal Service does not agree; it must be apprised of problems relating to all postage meters of the authorized manufacturers, regardless of where the meters have been approved for distribution. Because all meters share many of the same components, a problem discovered in a foreign location may provide useful information about a meter approved for use in the United States.

*B. Meter Manufacturers' Inspections*

One commenter expressed concern about the meter security regulations proposed in 39 CFR 501.5 and 501.23. The commenter believed that high-volume and high-risk mailers are not clearly identified for increased meter inspections. The commenter recommended that the Postal Service identify these mailers by the Standard Industrial Codes for third-party mailers.

A high-volume mailer is defined as one who has annual metered postage exceeding $12,000. Part B ''Business Profile'' of the license application (PS Form 3601–A) asks the applicant to report his or her annual estimated metered postage. The report is incremented to show usage exceeding $12,000. This information can be used initially to identify high-volume mailers. Manufacturers may use the Standard Industrial Codes for third-party mailers, other codes as appropriate, and their own mailer

records for the identification of high-volume and high-risk mailers.

*C. Custody of Suspect Meters*

No comments were received.

*D. Missing Meters*

No comments were received.

*E. Shipment of Meters*

Four commenters expressed concern about the meter security regulations proposed in 39 CFR 501.22 and 501.23 and in DMM P030.2.9. One commenter believed that only meters destined for customers should be shipped by registered mail. Another commenter stated that the criteria for exceptions and implementation schedules for shipping meters by registered mail must be developed. This commenter was concerned with the lengthy process for tracing registered mail. A third commenter stated that there is no justification for the mandated use of registered mail, and another commenter stated that the requirement to use registered mail is costly and unjustified.

All postage meters are capable of printing postage indicia for services to be rendered by the Postal Service. Meters must accordingly be kept out of the hands of unauthorized individuals who might misuse the meter. Therefore, the rule applies to all meter shipments regardless of destination to ensure security and safety. The regulation permits the manufacturers to use alternative delivery carriers that offer the same level of security as registered mail. However, the requirement for use of registered mail is retained in the final rule.

*F. Security Seals*

Two commenters expressed concern about the meter security regulations proposed in 39 CFR 501.20. One of these commenters had no objection to the proposed use of the seals but expressed concern about the added cost to manufacturers. The other commenter believed that the new seal was incompatible with one of its meter products.

Because the manufacturers lease meters and the Postal Service does not collect fees from the manufacturers or licensees, the cost of the new seals should be borne by the manufacturers as a cost of doing business. The new seals are being slightly modified in size to accommodate all postage meters.

*G. Meter Labeling*

One commenter expressed concern about the meter security regulations proposed in 39 CFR 501.22(r) and 501.23 and in DMM P030.2.4(g). The commenter stated that the Postal Service has not allowed sufficient time to complete meter labeling.

The manufacturers were originally notified of the labeling requirements in August 1993 and have been given a reasonable time in which to comply. Manufacturers are expected to have meter labeling completed by the effective date of these regulations.

*H. Postage Meter Testing*

No comments were received.

**II. Administrative Controls**

The administrative controls include postage meter refunds; use of PS Form 3602–A; meter licensing procedures; performance regulations; suspension and revocation; and installations and withdrawals. The Postal Service is establishing new procedures to enhance control over electronic meter register refunds and to expedite the refund process.

*A. Postage Meter Refunds*

No comments were received.

*B. Use of PS Form 3602–A*

Five commenters expressed concern about the standard proposed in DMM P030.2.4(b) requiring that meter users maintain a daily record of meter register readings (PS Form 3602–A). The commenters did not understand the need for this standard and believed that it would impose a hardship on small businesses. Another commenter believed that a reasonable transition period be allowed to supply the form to mailers and instruct them on its use.

These comments have merit; however, the form is a valuable document in substantiating the amount of refunds to be issued. The use of PS Form 3602–A will continue to be voluntary. In the event that a meter malfunctions and a customer has not maintained the PS 3602–A or its equivalent, the customer may not be eligible for a refund of the amount claimed. Current regulations are modified to reflect the Postal Service recommendation that the form be maintained by meter users. DMM P030.2.4(b) is revised accordingly in the final rule.

*C. Meter Licensing Procedures*

Three commenters expressed concern about the procedures proposed in 39 CFR 501.22(b) and 501.22(e) and in DMM P030.1.9, P030.2.2, P030.2.3, and P030.2.4. One commenter stated that customer-requested information on meter applications should be limited because of mailer privacy and the placement of an undue administrative burden on the applicant and the Postal Service system.

The mailer privacy issue is being addressed in proposed modifications to the Postal Service Administrative Support Manual and will be published in a separate **Federal Register** notice.

The commenter also recommended that the Postal Service be required to issue a decision on an appeal within 10 days after the appeal is filed with the Postal Service.

In some cases, time is needed to conduct additional research. Consistent with this objective, the commenter's recommendation to limit the decision process for appeals to 10 days is not reasonable. It is the intention of the Postal Service to act as quickly as possible on appeals without sacrificing the fact-finding effort required to render a fair decision.

One commenter suggested that the format for the meter license be reevaluated to make it less intimidating.

The new license application was reviewed by meter users in six customer focus groups before the issuance of the proposed changes. Invariably, the meter users acknowledged the reasonableness of the requirements for additional applicant information and stated that the proposed application would not be burdensome to complete. However, the statement pertaining to the penalties for submission of a false, fictitious, or fraudulent statement is deleted.

Another commenter believed that clarification is required on the options for submitting licenses.

The two options for submission of a meter license application are clearly stated in DMM P030.2.1, which pertains to meter license procedures.

This same commenter believed that implementation of new licensing procedures is inappropriate at this time because requirement and implementation issues are still undefined.

As stated above, the effective date for the electronic transmission of license applications, use of the revised PS Form 3601–A, and centralized application processing is January 2, 1996. Before this implementation, the Centralized Meter Licensing System (CMLS) requirements will be published in the **Federal Register** for public review and comment.

One commenter stated that the new licensing procedures constitute a form of worksharing that should result in some form of compensation to the meter manufacturers.

CMLS is essential for the effective control and management of applications and licenses. The Postal Service does not agree that this cooperative effort

with the manufacturers, which will result in serving customers better, constitutes a form of worksharing for which compensation should be made. Manufacturers are engaged in a profit-making enterprise and must incur some costs as the price of doing business. The Postal Service, on the other hand, collects no fees for processing meter applications from either manufacturers or licensees.

One of the same commenters noted that MATS was not addressed in the proposed regulations.

MATS does not pertain to these regulations because it is a separate system being developed and implemented by another department within the Postal Service.

*D. Performance Regulations*

No comments were received.

*E. Suspension and Revocation*

One commenter stated that the criteria on which the Postal Service may suspend or revoke a meter manufacturer's authorization under 39 CFR 501.5 or approval of a meter under 39 CFR 501.12 fail to provide clear and ascertainable standards to guide meter manufacturer conduct or Postal Service decisionmaking. In the commenter's view, 39 CFR 501.5 authorizes the Postal Service to revoke a meter manufacturer's authorization based on potentially minor violations and in a manner not readily amenable to judicial review. The commenter suggested that suspension under 39 CFR 501.5 be imposed only when the Postal Service determines that a manufacturer has committed serious or persistent violations.

With respect to 39 CFR 501.5, the Postal Service refers the commenter to paragraph (b) of that section, which clearly sets forth the criteria in forming a decision to suspend or revoke. One of these factors is the ''nature and circumstances of the violation.'' This factor enables the Postal Service to consider the seriousness of the violation in determining whether to suspend or revoke a manufacturer's authorization. Thus, if the violation is not serious, the sanction imposed, if any, can be narrowly tailored to fit the circumstances.

With respect to 39 CFR 501.12, the Postal Service refers the commenter to paragraph (a) of that section, which establishes the criteria to be evaluated when determining to suspend approval to manufacture or distribute a meter or class of meters. The rule clearly provides that decisionmaking will be based on the potential risk to postal revenue. Thus, the rule contemplates that when the risk to postal revenue is high in terms of amount and probability of loss, a suspension is more likely; when the amount at stake and probability of loss are low, suspension is less likely.

One commenter suggested that the standard of proof required by the Postal Service to suspend or revoke a meter manufacturer's authorization be raised to ''clear and convincing evidence'' instead of ''preponderance of evidence.''

The Postal Service does not subscribe to the commenter's view. First, the Postal Reorganization Act (Pub. L. No. 91–375, 84 Stat. 719 (1970)) is silent on regulation of the meter industry, and there is no suggestion in the legislative history that a standard of proof higher than a preponderance of the evidence was ever contemplated in this context, much less intended. Nor is the nature of the proceeding and parties affected similar to those in which courts have imposed a higher standard. The U.S. Supreme Court has generally required proof by clear and convincing evidence where ''particularly important individual interests or rights are at stake,'' such as the potential deprivation of individual liberty, citizenship, or parental rights. *Herman & MacLean* v. *Huddleston,* 459 U.S. 375, 389 (1983). Such compelling individual interests are not present here.

Second, adoption of the commenter's proposal would, in essence, express a preference for the manufacturers' interests. The balance of interests here, however, warrants use of the preponderance standard. Postal Service revenue is placed at risk when manufacturers fail to execute their responsibilities in accordance with postal regulations. As experience demonstrates, this risk is not insubstantial. Ratepayers ultimately bear the cost of covering these losses. The interests of the manufacturers are thus outweighed by the interests of the Postal Service and ratepayers in protecting postal revenue.

One commenter stated that the Postal Service does not have the statutory authority to impose punitive sanctions.

The Postal Service does not accept the commenter's suggestion that express statutory authority is a prerequisite to the Postal Service's imposition of administrative sanctions in this context. In enacting the Postal Reorganization Act, Congress delegated broad rulemaking authority to the Postal Service to manage its operations. Largely absent from the Postal Reorganization Act are provisions establishing detailed postage payment programs. Prior to the enactment of the Postal Reorganization Act, Congress established that postage could be paid by meter. This statutory framework was eliminated by the Postal Reorganization Act, leaving no specific statutory authority for any meter program. Rather than addressing the specific methods of payment of postage available to ratepayers, the Postal Reorganization Act merely provides that the Postal Service has the power ''to prescribe, in accordance with [title 39], the amount of postage and the manner in which it is to be paid'' and ''to provide such other evidences of payment of postage and fees as may be necessary or desirable.'' 39 U.S.C. 404(a)(2), (4). Accordingly, the Postal Reorganization Act evinces the intent of Congress to divest itself of the details of postage payment systems, including meters, and to delegate to the Postal Service the responsibility for establishing and maintaining programs for postage payment systems and their attending regulatory schemes. It is therefore implicit from the text of the Postal Reorganization Act that Congress delegated to the Postal Service authority to promulgate a regulatory scheme for the postage meter program without need for express statutory authority establishing the postage meter program.

Notwithstanding, in the view of the Postal Service the proposed administrative sanctions are not penalties because only make-whole relief is contemplated. As such, no express statutory authority is required. *See Gold Kist* v. *U.S. Dep't of Agriculture,* 741 F.2d 344, 347–48 (11th Cir. 1984), *amended in part,* 751 F.2d 115 (11th Cir. 1985); *Frame* v. *United States,* 885 F.2d 1119, 1142 (3d Cir. 1989), *cert. denied,* 493 U.S. 1094 (1990). Both the *Frame and Gold Kist* courts generally held that agencies have the power to impose administrative sanctions that are not penalties if the sanctions are remedial and reasonably related to the purposes of the enabling statutes. If the purpose of an administrative sanction is ''not to stigmatize or punish wrongdoers,'' the sanction is remedial rather than punitive. *Frame,* 885 F.2d at 1143 (citing *West* v. *Bergland,* 611 F.2d 710, 722 n.14 (8th Cir. 1979), *cert. denied,* 449 U.S. 821 (1990)).

The proposed regulations at issue here are strictly remedial. Their purpose is not to punish or stigmatize manufacturers; rather, they serve to make the Postal Service whole for its losses attributable to manufacturers' products or conduct. Indeed, the Postal Service does not seek to recover any amount exceeding its costs or losses, net of any amount collected by meter users. The proposed sanctions merely permit the Postal Service to collect a fair

approximation of its costs and revenue losses and thus establish a method for allocating the risk of loss of Postal Service revenue.

One commenter stated that the temporary suspension under 39 CFR 501.5(c) and 501.12(b) should not be permitted to be extended more than 120 days for further investigation in the absence of clearly articulated good cause or the manufacturer's consent.

In response, the Postal Service notes that a good cause showing is implicit in the rule. Under 39 CFR 501(c)(4), the Postal Service must decide the disposition of a suspension at the end of a 90-day period. At such time, the Postal Service must withdraw the suspension, make a determination to revoke authorization, or extend the suspension either to allow more time for investigation or to permit the manufacturer to correct the problem. Thus, a suspension may extend beyond 90 days only if the Postal Service demonstrates good cause for its continuation, e.g., additional time is needed to investigate or the manufacturer needs additional time to correct the problem.

The commenter also suggested that the Postal Service lift a suspension under 39 CFR 501.5(c)(3) immediately upon the implementation of a solution to the problem that originally gave rise to the suspension.

The language in 39 CFR 501.5(c)(3) implicitly incorporates the standard in 39 CFR 501.5(c)(4)(iii) that a suspension is withdrawn before the close of the 90-day period upon the manufacturer's identification and implementation of a satisfactory solution. The final rule is revised to clarify this cross-reference. The parallel provision in 39 CFR 501.12(b)(3) is also revised.

One commenter stated that 39 CFR 501.5, 501.12, 501.14, and 501.23 do not expressly provide for separation of function in the adjudication of alleged violations. The commenter also proposed that the rules clarify that such appeals will be decided by an officer who is independent of the initial decisionmaking.

The Postal Service recognizes the importance of maintaining the integrity of the decisionmaking process. To maximize resource flexibility, however, the Postal Service has determined to address this concern on an ad hoc basis. In cases in which the decisionmaker has participated in the investigation, the adjudication will be handled by an alternative decisionmaker.

*F. Installations and Withdrawals*

One commenter believed that the meter installation/withdrawal report (PS Form 3601–C) should be redesigned or not implemented until the Meter Accounting and Tracking System is on-line. Another commenter recommended that the format and details required on PS Form 3601–C be tested in the field.

The Postal Service will require the use of PS Form 3601–C effective January 2, 1996, when the Centralized Meter Licensing System is implemented.

**III. Other Issues**

Other issues concern the taking of a meter outside the United States; licensee reporting of faulty or defective meters; quarterly meter reports; Postal Service examination of meters; and training media.

*A. Taking a Meter Outside the United States*

One commenter noted that the regulations for taking a meter outside the United States do not address the exceptions for government agencies and military branches.

DMM P030.2.2 provides that meters may be taken outside the United States, its territories, and its possessions with the express consent of the Postal Service. This provision applies to government agencies and military branches.

*B. Licensee Reporting of Faulty or Defective Meters*

No comments were received about this section.

*C. Quarterly Meter Reports*

No comments were received about this section.

*D. Postal Service Examination of Meters*

Three commenters stated that the requirements for the examination of meters that have not been reset within 3 months are excessive and inconvenient to customers. It is their opinion that a 6-month cycle is more appropriate. In addition, one commenter suggested that for CMRS meters, periodic calls be made to the manufacturers' data center instead of meter inspections.

The Postal Service does not agree that the requirement for the examination of those meters not reset within 3 months is excessive or especially burdensome to licensees. To extend the period would greatly increase the period of time before the Postal Service might identify tampering or misuse. Mailers who participated in the focus group discussion on this subject expressed no concerns on this requirement.

*E. Training Media*

One commenter expressed a concern about the costs associated with the development and distribution of training media for resetting and inspection and suggested that the manufacturers provide a master tape to the Postal Service for reproduction as needed.

The Postal Service is working in a cooperative effort with the manufacturers to develop training material. Once a master copy of the training materials is produced that covers all the meter families for all manufacturers, the Postal Service will reproduce and distribute copies to post offices. The expense borne by the manufacturers should be minimal.

**IV. Computerized Remote Postage Meter Resetting System**

The Postal Service is changing the cash management arrangements of the Computerized Remote Postage Meter Resetting System (CMRS) to establish more direct control of licensee payments and balances and to provide improved service for CMRS licensees.

One commenter stated that the proposed rule would improve the efficiency and security of Postal Service funds handling over the current methods. Also, the commenter believed that Postal Service investment results would improve because of earlier availability of funds that could be invested. This same commenter also requested that the Postal Service change the wording in the last sentence in the last paragraph under CMRS to read as follows: ''The funds in the Postal Service fund at Treasury would be backed in full faith and credit by the U.S. Treasury, whereas that is not the case with investments by a commercial bank trustee.''

The Postal Service agrees with the suggestion that ''funds in the Postal Service fund would be backed in full faith and credit by U.S. Treasury securities, whereas that is not always the case with investments by a commercial bank trustee.'' The change is incorporated into 39 CFR 501.28(b)(1).

Another commenter supported the Postal Service initiative for CMRS and believed that customers would prefer this approach to the alternatives currently available. The commenter also stated that this initiative should promote the wider use of CMRS.

The Postal Service agrees that customers will prefer modernized cash management procedures that make customer funds available as soon as possible, and it believes that the initiative will promote the wider use of CMRS.

A third commenter strongly disagreed that approved changes to CMRS are

necessary or in the best interests of mailers. This same commenter stated that it is unfair and unjustified for the Postal Service to restructure the system in a way that increases the responsibility of the manufacturers and simultaneously deprives them of compensation.

After careful consideration, the Postal Service respectfully disagrees with the assertions that the changes are unnecessary and contrary to mailers' best interests. The Postal Service believes strongly that current cash management and payment methods must be modernized, and it has therefore agreed to pay for envelopes, deposit tickets, and multiple lockbox bank locations. The Postal Service believes that the manufacturers should promote payment methods for customers that encourage customers to reduce or eliminate funds held in trust account deposits. Finally, the Postal Service believes that the responsibilities of manufacturers will remain the same while the Postal Service's responsibilities will increase.

A fourth commenter expressed concern about compensation to manufacturers and about procedures to advance funds to customers. The same commenter was concerned about customer price increases resulting from new CMRS procedures. This commenter found representatives of the Postal Service Corporate Treasury and the Finance Department to be responsive to the issues raised by bringing a new form of funds management to CMRS. The commenter also believed that the commenter's company should not be forced to suffer a financial penalty if its competitors are allowed an excessive amount of time to convert to the new system.

The Postal Service disagrees with the use of the term ''compensation.'' The Postal Service has asked each manufacturer to provide details about expenses associated with CMRS and has indicated that it will review the services provided by the manufacturers in collecting and accounting for Postal Service revenue. The Postal Service also has repeatedly expressed its intention to have all manufacturers operating under the new regulations so that no manufacturer is at an advantage or disadvantage.

A fifth commenter objected to the proposed rulemaking on CMRS and stated that the current relationship cannot be unilaterally amended by regulation.

Before the publication of the proposed regulations, the Postal Service thoroughly reviewed and considered its legal authority and determined that it had the requisite authority to issue the proposed regulations. Upon receipt and review of the comments, the Postal Service reaffirmed its earlier conclusion.

The commenter stated that the proposed regulations violate a statement of understanding between the commenter and the Postal Service and that the Postal Service is recommending unilateral changes to the understanding to take over financial control of CMRS. This proposed takeover of a successful private sector-operated enterprise is contrary to the government trend of outsourcing business functions.

The Postal Service does not believe that the proposed regulations violate any relationship with any manufacturer. Further, the Postal Service is not proposing a takeover of a private sector-operated enterprise but rather the modernization of cash management and payment methods. The Postal Service has received letters supporting its position, including one from a cabinet-level agency. A key component of the new regulations is extensive use of the most modern collection methods available in the private commercial banking system.

One commenter maintained that investments were made based on the contractual commitment, entitling the manufacturer to recoup its investment.

The Postal Service concludes that no change to the proposed regulations is warranted in response to the comment about recoupment of investments.

One commenter stated that CMRS has attained a high degree of customer satisfaction and that all parties have benefited from enhanced security.

With respect to customer satisfaction, there has been no substantiation of high customer satisfaction, only anecdotal statements about adverse effects on customers. Customer satisfaction is one of the primary factors considered in publishing regulations designed partly to promote CMRS meters.

The commenter believed that the risks and benefits have not been identified by the Postal Service and that customers would object to any increased costs resulting from the proposed changes.

The Postal Service has identified the costs and benefits of the proposed regulations and continues to believe that the proposed changes will benefit both customers and meter manufacturers. Further, after reviewing manufacturers' CMRS costs and pricing behavior, the growth in the use of CMRS meters, the increase in competition in providing remote meter resetting services, and the savings that customers should realize from the proposed changes, the Postal Service believes that the changes can be made without necessarily increasing costs to customers. The Postal Service will continue to work with the manufacturers to identify additional ways in which costs can be controlled.

The same commenter disagreed with the Postal Service position that funds in commercial accounts are at risk.

The Postal Service considered the risk of loss of customer funds in commercial trustee accounts, both before and after publication of the proposed regulations. The Postal Service has determined that it should not continue to have more than $7 billion of its revenue held by and flow through an unnecessary third party, and the Postal Service continues to believe that the safest place for customer advance deposits is the U.S. Treasury, a view supported by the U.S. Department of the Treasury.

The commenter stated that Postal Service Treasury officials had not responded to the commenter's previous offer to review investment strategy.

The Postal Service believes that the location of the customer funds is an important component of risk. Because the safest place for customer advance deposits is the U.S. Treasury, the Postal Service has determined that the funds must be kept there, backed in full faith and credit by the U.S. Treasury.

The commenter also believed that there is no evidence that mail float time is an issue of customer concern.

The Postal Service disagrees. Another commenter indicated that customers would be pleased to have their funds available sooner for postage. Furthermore, reduction in the time between when funds are sent by a CMRS customer and the availability of such funds is consistent with commonly recognized, prudent business cash management practices.

The same commenter believed that one-time conversion costs would be significant and that the Postal Service has not presented an adequate proposal for compensation. The commenter stated that there is no evidence to support Postal Service notions of improved customer funds management or the reduced need for meter manufacturers to furnish advances to customers.

The Postal Service has asked each manufacturer to provide details on conversion costs, although the Postal Service does not agree with use of the term ''compensation.'' Not all manufacturers have provided information in support of conversion costs, and that information is necessary for the Postal Service to determine the magnitude of such costs, if any.

## V. General Comments

All the manufacturers supported the Postal Service efforts to improve meter security and control. One manufacturer specifically commented that the Postal Service was business-like and professional in giving manufacturers an opportunity to discuss their views on the regulations in an open forum. Another commenter believed that the Postal Service had disregarded comments previously made by manufacturers on the proposed regulations.

To keep the manufacturers informed, the Postal Service held several meetings to discuss the proposed regulations. Each manufacturer was given an opportunity to express the specific views of its organization and of the industry. In addition, the Postal Service conducted a series of customer focus group sessions to provide a forum for comments from interested parties who were not manufacturers. A public meeting also was conducted in which the manufacturers and others could express their views. The Postal Service noted the concerns and opinions from these discussions before publishing the proposed regulations.

One commenter stated that market tests or analyses were not conducted to measure the effect the proposed regulations would have on customers. In addition, the commenter believed that the regulations do not take into account new technology for encrypted data verification.

Participants in the customer focus groups recognized the need for revising meter regulations and indicated that any inconvenience to meter users will be minimal. They supported the Postal Service's effort because, in their opinion, meter misuse and fraud affect postage rates.

The Postal Service has solicited the cooperation of the meter manufacturers in the development of encrypted indicia. This effort is under way, and the results and specifications will be published for public review and comment when they become available.

## VI. Revisions

The following sections were revised since the proposed rule; the revisions are reflected in the final rule.

### *A. PS Form 3601–A*

The statement on PS Form 3601–A, Application for a License to Lease and Use Postage Meters, pertaining to the penalties for submission of a false, fictitious, or fraudulent statement is deleted.

Reference

Exhibit B

### *B. PS Form 3602–A*

The use of PS Form 3602–A, Daily Record of Meter Register Readings, is voluntary, but its use is recommended to support refunds in case of register malfunctions.

References

DMM P030.2.1 Procedures
DMM P030.2.6 Licensee Responsibilities
DMM P030.3.4 Alternative Meter Setting Location
DMM P030.3.7 Postage Transfers and Refunds
DMM P030.3.8 Postage Adjustments, Misregistering Meters
DMM P030.3.11 Periodic Examination of CMRS Meters
39 CFR 501.22(g) Distribution controls.
39 CFR 501.22(h)(2) Distribution controls.
39 CFR 501.25(b)(3) Inspections of meters in use.

### *C. Computerized Remote Postage Meter Resetting System*

For customers participating in the Computerized Remote Postage Meter Resetting System (CMRS) program, the Postal Service will include deposit tickets with check payments.

Reference

39 CFR 501.28(e)(6) Computerized remote postage meter resetting (parts of proposed 39 CFR 501.28 are renumbered).

### *D. Deposits in U.S. Treasury*

Deposits in the Postal Service fund at Treasury are backed in full faith and credit by the U.S. Treasury.

Reference

39 CFR 501.28(b)(1) Computerized remote postage meter resetting.

### *E. Manufacturer Suspensions*

Manufacturer suspensions may be withdrawn before the end of the 90-day period if the Postal Service determines that the manufacturer—s solution and implementation are satisfactory.

References

39 CFR 501.5(c)(4)(iii) Suspension and revocation of authorization.
39 CFR 501.12(b)(4)(iii) Suspension and revocation of approval.

### *F. Domestic Mail Manual*

Domestic Mail Manual (DMM) P030.2.0, Meter License, is reorganized and renumbered since the proposed rule. DMM P030.1.9, Appeals, is renumbered as DMM P030.2.5.

### *G. High-Volume Mailers*

High-volume mailers are defined for manufacturer meter inspections.

Reference

39 CFR 501.25 Inspection of meters in use.

### *H. Domestic Mail Manual Transition Book*

Domestic Mail Manual Transition Book part 144 is transferred as revised to 39 CFR 501, with the exception of these sections: 144.312, 144.313, 144.341, 144.342, 144.344, 144.345, 144.346, 144.347, 144.348, 144.349, 144.35, 144.363, 144.37, 144.382(b), 144.383(b), 144.383(c), 144.383(d), 144.384, 144.53, 144.54, 144.61, 144.62, 144.63, 144.64, 144.65, and 144.67.

TABLES OF CROSS-REFERENCES.—DOMESTIC MAIL MANUAL (DMM) REVISIONS

| DMM P030 old section | DMM P030 new section | Changes and comments |
|---|---|---|
| 1.1 | 1.1 | Editorial changes. |
| 1.2 | 1.2 | 1.2 is revised to update names and addresses of authorized meter manufacturers. Editorial changes. |
| 1.3 | 1.3 | Editorial changes. |
| 1.4, 1.5, 1.6, 1.7 | 1.4, 1.5, 1.6, 1.7 | None. |

TABLES OF CROSS-REFERENCES.—DOMESTIC MAIL MANUAL (DMM) REVISIONS—Continued

| DMM P030 old section | DMM P030 new section | Changes and comments |
|---|---|---|
| 1.8, 1.9 | 1.8 | 1.8, Meter Documentation, and 1.9, Markings and Endorsements, are combined into 1.8, Meter Documentation, Markings, and Endorsements. Editorial changes. |
| 2.0 | 2.0 | None. |
| 2.1 | 2.1 | 2.1 is modified to include electronic transmission of license applications by the manufacturer and to require all licenses to be processed at a central location. |
| 2.2 | 2.2 | 2.2 is renamed Licensee Agreement. Parts of 2.7 are incorporated into 2.2 and restrictions are clarified on taking meters outside the United States. |
| 2.3 | 2.3 | Editorial changes. |
| 2.4 | 2.6 | 2.4 is renumbered as 2.6 and revised to make Postal Service (PS) Form 3602–A optional though recommended to support refunds. Revised 2.6 includes examination requirements; license revocation for failure to comply with examination requirements; modifications to licensing procedures; reporting of malfunctioning meters; labeling requirements. |
| — | 2.5 | New 2.5, Appeals, is added to specify appeal procedures for licensees and applicants. |
| — | 2.7 | New 2.7, Custody of Suspect Meters, is added to cite authority of postal inspectors to make on-site visits and withdraw suspect meters. |
| 2.5 | 2.8 | 2.5 is renumbered as 2.8, renamed Defective Meters, and revised to change procedures when a meter's registers are faulty or defective. Manufacturers are required to check meters out of service within a specific period and provide replacement meter. |
| 2.6 | 2.4 | 2.6, Place of Mailing, is incorporated into 2.4(e), Revocation of License. |
| 2.7 | 2.4 | 2.7 is renumbered as 2.4 and revised to clarify that taking meters outside the United States can be grounds for license revocation. |
| — | 2.9 | 2.9, Missing Meters, is added to specify reporting requirements for missing meters. |
| — | 2.10 | 2.10, Returning Meters, is added to specify procedures for returning meters to manufacturer whenever meter is defective or no longer wanted by licensee. |
| 3.0 | 3.0 | None. |
| 3.1 | 3.1 | 3.1 is revised to require use of new PS Form 3601–C for meter installations, withdrawals, or replacements. |
| 3.2 | 3.2 | 3.2 is renamed Licensee Relocation. Editorial changes. |
| 3.3 | 3.3 | Editorial changes. |
| 3.4 | 3.4 | 3.4 is renamed Alternative Meter Setting Location. Editorial changes. |
| 3.5 | 3.6 | 3.5 is renumbered as 3.6. |
| 3.6 | — | 3.6, Manufacturer Withdrawal, is moved to 39 CFR 501.22(g) and 501.22(i). |
| 3.7 | 3.5 | 3.7 is renumbered as 3.5. Editorial changes. |
| 3.8 | 3.7 | 3.8 is renumbered as 3.7 and renamed Postage Transfers and Refunds. Editorial changes. |
| — | 3.8 | New 3.8, Postage Adjustments, Misregistering Meters, is added to expand requirements that include new procedures for processing refunds for defective meters. |
| 3.9 | 3.8 | 3.9, Manufacturer's Statement, is incorporated into new 3.8, Postage Adjustments, Misregistering Meters. |
| 3.10 | 3.9 | 3.10 is renumbered as 3.9 and renamed Computerized Meter Resetting System. Requirement is added for use of PS Form 3601–C, Meter Installation, Withdrawal, or Replacement. |

TABLES OF CROSS-REFERENCES.—DOMESTIC MAIL MANUAL (DMM) REVISIONS—Continued

| DMM P030 old section | DMM P030 new section | Changes and comments |
|---|---|---|
| 3.11 | 3.10 | 3.11 is renumbered as 3.10 and renamed Postage Transfer for CMRS Meters. Editorial changes. |
| 3.12 | 3.11 | 3.12 is renumbered 3.11 and renamed Periodic Examination of CMRS Meters. Editorial changes. |
| 3.13 | 3.12 | 3.13 is renumbered as 3.12 and revised to specify requirement changes. |
| — | 3.13 | New 3.13, CMRS Refunds, is added to outline CMRS refund procedures. |
| 4.0 | 4.0 | None. |
| 4.1 | 4.1 | Editorial changes. |
| 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14, 5.0, 5.1, 5.2, 5.3, 5.4 | 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14, 5.0, 5.1, 5.2, 5.3, 5.4 | None. |
| 6.0 | 6.0 | 6.0 is revised to reference that requirements for manufacture and distribution of meters are published in 39 CFR 501. |
| 6.1 | — | 6.1 is eliminated and requirements moved to 39 CFR 501.1 and 501.2. |
| 6.2 | — | 6.2 is eliminated and requirements moved to 39 CFR 501.3 |
| 6.3 | — | 6.3 is eliminated and requirements moved to 39 CFR 501.5. |
| 6.4 | — | 6.4 is eliminated and requirements moved to 39 CFR 501.5. |
| 6.5 | 6.0 | 6.5 is revised and renumbered as 6.0. |

DOMESTIC MAIL MANUAL TRANSITION BOOK (DMMT) AND 39 CFR 501 REVISIONS

| DMMT section | 39 CFR 501 section | Changes and comments |
|---|---|---|
| 144.9 | 501 | None. |
| 144.91, 144.912 | 501.1 | Section is moved from DMMT 144.91 and 144.912 and DMM P030.6.0. |
| 144.911 | 501.2 | Section is moved from DMMT 144.911. Editorial changes. |
| 144.915 | 501.3 | Section is moved from DMMT 144.915 and combined with DMM P030.6.0. |
| — | 501.4 | New 39 CFR 501.4, Burden of proof standard, clarifies burden of proof standard. |
| 144.913, 144.914 | 501.5 | Section is moved from DMMT 144.913 and 144.914, clarified, and expanded. |
| 144.92 | 501.6 | Section is moved from DMMT 144.92. |
| 144.931 | 501.7 | Section is moved from DMMT 144.931. Editorial changes. |
| 144.932 | 501.8 | Section is moved from DMMT 144.932. |
| 144.935 | 501.9 | Section is moved from parts of DMMT 144.935 and redrafted. |
| 144.933, 144.935 | 501.10 | Section is moved from DMMT 144.933 and parts of DMMT 144.935 and redrafted. |
| 144.936, 144.937 | 501.11 | Section is moved from DMMT 144.936 and 144.937 and expanded. |
| 144.913, 144.914 | 501.12 | Section is moved from parts of DMMT 144.913 and 144.914 and expanded. |
| — | 501.13 | 39 CFR 501.13, Reporting, specifies manufacturer reporting requirements. |

DOMESTIC MAIL MANUAL TRANSITION BOOK (DMMT) AND 39 CFR 501 REVISIONS—Continued

| DMMT section | 39 CFR 501 section | Changes and comments |
|---|---|---|
| — | 501.14 | 39 CFR 501.14, Administrative sanction on reporting, specifies sanctions for noncompliance with manufacturer reporting requirements. |
| 144.941 | 501.15 | Section is moved from DMMT 144.941. |
| 144.934, 144.942 | 501.16 | Section is moved from DMMT 144.934 and 144.942. |
| 144.943 | 501.17 | Section is moved from DMMT 144.943. |
| 144.944 | 501.18 | Section is moved from DMMT 144.944. |
| 144.945 | 501.19 | Section is moved from DMMT 144.945. |
| 144.946 | 501.20 | Section is moved from DMMT 144.946 and expanded. |
| 144.951 | 501.21 | Section is moved from DMMT 144.951. |
| 144.21, 144.225, 144.343, 144.355a, 144.36, 144.361, 144.383, 144.952, 144.963 | 501.22 | Section is moved from DMMT 144.21, 144.225, 144.343, 144.355a, 144.36, 144.361, 144.383, 144.952, and 144.963, expanded, and redrafted. |
| — | 501.23 | 39 CFR 501.23, Administrative sanction, specifies manufacturer sanctions for failure to comply with meter standards. |
| 144.96 | 501.24 | Section is moved from DMMT 144.96. |
| 144.962 | 501.25 | Section is moved from DMMT 144.962 and expanded. |
| 144.952f, 144.963 | 501.26 | Section is moved from DMMT 144.952f and 144.963 and expanded. |
| 144.964 | 501.27 | Section is moved from DMMT 144.964. |
| 144.97, 144.971, 144.972, 144.973, 144.974, 144.975, 144.976, 144.977 | 501.28 | Section is moved from DMMT 144.97, 144.971, 144.972, 144.973, 144.974, 144.975, 144.976, and 144.977 and expanded. |
| 144.98 | 501.29 | Section is moved from DMMT 144.98. |

**List of Subjects in 39 CFR Part 111**

Administrative practice and procedure, Postal Service.

In consideration of the foregoing, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations (see 39 CFR part 111).

## PART 111—[AMENDED]

1. The authority citation for 39 CFR 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Revise the following sections of the Domestic Mail Manual to read as set forth below:

### P030 Postage Meters and Meter Stamps

*1.0 BASIC INFORMATION*

21.1 Description of Meters

Postage meters can print one or more denominations of postage and display the amount of postage used and the amount remaining. A meter locks when no postage or minimal postage remains. A meter generally must be taken to the licensing post office to be reset by payment for additional postage. Avoiding the payment of postage by misusing a meter is punishable by law.

1.2 Meter Manufacturers

Postage meters are available only by lease from authorized manufacturers. The USPS holds manufacturers responsible for the control, operation, maintenance, and replacement of their meters. The following manufacturers are authorized to lease meters:

ASCOM HASLER MAILING SYSTEMS INC
19 FOREST PKY
SHELTON CT 06484–0903

FRANCOTYP-POSTALIA INC
1980 UNIVERSITY LN
LISLE IL 60532–2152

FRIDEN NEOPOST
30955 HUNTWOOD
HAYWARD CA 94544–7005

PITNEY BOWES INC

1 ELMCROFT RD
STAMFORD CT 06926–0700

1.3 Possession

No one other than an authorized manufacturer may possess a postage meter without a valid USPS meter license and a rental agreement with the meter manufacturer and until the USPS sets, seals (if applicable), and checks the meter into service. Other parties in possession of a meter must immediately surrender it to the manufacturer or USPS.

* * * * *

1.8 Meter Documentation, Markings, and Endorsements

Unless excepted by standard, a mailing of pieces bearing meter stamp postage must be accompanied by documentation meeting the standards in P012 if the mailing contains nonidentical-weight pieces or pieces without the full correct postage at the applicable rate. Each piece bearing meter postage must show the markings and endorsements required for the rate claimed and any special service requested.

*2.0 METER LICENSE*

2.1 Procedures

An applicant wanting to be licensed to lease and use a meter must provide an original signed Form 3601–A to the post office where the applicant intends to deposit metered mail. A meter manufacturer may, on behalf of the applicant, electronically transmit the information requested on Form 3601–A to the designated USPS license application central processing center in USPS-specified format. A single license covers all meters licensed to the same applicant by the same post office, but a separate application must be submitted for each post office where the applicant wants to deposit metered mail. There is no fee for this application and license. After approving an application, the USPS issues a license (Form 3601–B) and one Form 3602–A for each meter checked into service. The use of Form 3602–A is voluntary, but its use supports refunds in the case of meter register malfunctions. If a meter manufacturer transmits the application on behalf of the applicant, the USPS notifies the manufacturer when a license is issued.

2.2 Licensee Agreement

By submitting an application, the licensee agrees that the license may be revoked immediately and the meter removed by the manufacturer or the USPS in these cases: the meter is used in any fraudulent or unlawful scheme or enterprise; the meter is unused during any consecutive 12-month period; the licensee fails to exercise sufficient control of the meter or fails to comply with the standards for meter care or use; or a meter is taken outside the United States, its territories, or its possessions (without written permission by the manager of Retail Systems and Equipment, USPS Headquarters).

2.3 Refusal to Issue Meter License

The USPS may refuse to issue a meter license for these reasons: the applicant submitted false or fictitious information on the license application; within 5 years preceding submission of the application, the applicant violated any standard for the care or use of a meter that resulted in the revocation of that applicant's meter license; or there is sufficient reason to believe that the meter is to be used in violation of the applicable standards. When an application for a license to lease and use meters is refused, the USPS sends the licensee written notice of the reason. If the license application is electronically transmitted to the USPS by a manufacturer on behalf of the applicant, the USPS notifies the manufacturer of the refusal. An applicant refused a meter license may appeal the decision under 2.5.

2.4 Revocation of License

The USPS notifies the licensee in writing of the reasons why the meter license is to be revoked. The USPS also notifies the licensee's meter manufacturer of the revocation so that the manufacturer can cancel the lease agreement and remove the meter from service. Revocation takes 10 days thereafter unless, within that time, the licensee appeals the decision under 2.5. A license is subject to revocation for any of these reasons:

a. A meter is used for any illegal scheme or enterprise.

b. The license or licensee's meter is not used for 12 consecutive months.

c. Sufficient control of a meter is not exercised or the standards for its care or use are not followed.

d. The meter is kept or used outside the boundaries of the United States or those U.S. territories and possessions where the USPS operates (except as specified in 2.2).

e. Metered mail is deposited at other than the licensing post office (except as permitted by 5.0 or D072).

2.5 Appeals

An applicant who has been refused a meter license, or a licensee who has had a license revoked, may file a written appeal with the manager of Retail Systems and Equipment (RSE), USPS Headquarters, within 10 calendar days of receipt of the decision. A licensee appealing decisions on postage adjustments may file the appeal with the same official within 60 days of the date that the manufacturer submitted the postage recommendation to the USPS.

2.6 Licensee Responsibilities

The meter licensee's responsibilities for the care and use of a meter include the following:

a. After a meter is delivered to a licensee, the licensee must keep the meter in the licensee's custody until it is returned to the authorized manufacturer or the licensing post office.

b. Each day of operation, the licensee may record the readings of the ascending and descending registers on Form 3602–A (except that licensees using metering systems that record these readings electronically may use system-generated printed records of the preceding 12 months of meter activity as a substitute for manual entry of daily readings on Form 3602–A). The licensee may bring Form 3602–A to the post office when the meter is reset or examined.

c. The licensee must make meters in the licensee's custody and records on meter transactions immediately available for review and audit on request by the USPS or the meter manufacturer.

d. The licensee must present meters not reset within a 3-month period to the licensing post office for examination. Remote-set meters that are reset at least once every 3 months need be presented for examination only annually. Failure to present a meter for examination as required following notification can result in revocation of the licensee's authorization to lease and use meters.

e. The licensee must immediately notify the licensing post office and manufacturer's representative of any change in the licensee's name, address, or telephone number, or the location of the meters, or any other information contained on the original Form 3601–A. The USPS thereafter issues a modified meter license reflecting the updated information. The licensee must verify and update license information on a periodic basis as well as following any event that indicates the need to update this information immediately (e.g., billings returned to a meter manufacturer or failure of a manufacturer to locate a meter for inspection).

f. The licensee must report a misregistering or otherwise defective meter to the manufacturer according to 2.8 and must ensure that the meter is not used.

g. The licensee must ensure that the cautionary and barcode labels placed onto each meter before its being checked into service are not removed while the meter is in the licensee's possession. The cautionary label contains basic reminders on leasing, meter movement, and misuse. The barcode label contains a barcoded representation of the meter serial number. Meters without these labels may not be checked into service.

2.7 Custody of Suspect Meters

Postal inspectors are authorized to conduct unannounced on-site examinations of meters reasonably suspected of being manipulated or otherwise defective. An inspector may also immediately withdraw a suspect meter from service for physical and/or laboratory examination. The inspector issues the licensee a receipt for the meter, forwards a copy to the manufacturer, and, if necessary, assists in obtaining a replacement meter from the meter manufacturer. Where possible, the Inspection Service provides the manufacturer with advance notice that a meter is to be inspected. Unless there is reason to believe that the meter has been fraudulently set with postage, existing postage in the meter to be examined is transferred to the replacement meter.

2.8 Defective Meters

The licensee must immediately report any defective meter to the licensing postmaster and the manufacturer. The manufacturer must pick up any defective meter and take it to the licensing post office to be checked out of service within 3 business days of being notified by the licensee. A faulty meter may not be used under any circumstance, and it must be removed from service when taken to the licensing post office. The manufacturer provides the licensee with a replacement meter.

2.9 Missing Meters

The licensee must immediately report to the licensing postmaster and the manufacturer the loss or theft of any meter or the recovery of any missing meter. Reports must include the meter model and serial number; the date, location, and details of the loss, theft, or recovery; and a copy of any police report.

2.10 Returning Meters

After a meter is delivered to a licensee, the meter must be kept in the licensee's custody until returned to the authorized manufacturer or licensing post office. A licensee with a faulty or misregistering meter or no longer wanting to retain a meter must notify the meter manufacturer's representative of any meter to be returned to the licensing post office to be checked out of service. Meters must be shipped by registered mail unless the manager of RSE, USPS Headquarters, gives written permission to ship meters otherwise.

*3.0 SETTING METERS*

3.1 Initial Setting

Before delivering a meter to the licensee, the meter manufacturer must take the meter to be set, sealed (if applicable), and checked into service by the post office where it is to be regularly set or examined, unless the meter is serviced through the on-site meter-setting program described in 3.5. The manufacturer must present the postal representative with the meter and a completed Form 3601–C when checking a meter into service.

3.2 Licensee Relocation

If a licensee changes the post office where metered mail is to be deposited, the meter must be checked out of service by the licensing post office. That meter or another meter must be licensed at the new post office before it is reset or initial settings are made. For this standard, a post office includes all subordinate branches and stations of the licensing post office.

3.3 Location of Setting

Except under 3.4 or 3.5, meters must be set at the licensing post office, not at contract stations or branches. Remote-set meters are subject to 3.9 through 3.13 and related standards.

3.4 Alternative Meter Setting Location

The postmaster serving a licensee's location may set a meter used to pay postage on mail presented at another post office, subject to these conditions:

a. The licensee must obtain a meter license from the post office where the mailing is to be deposited and must present the license to the licensee's local post office with the meter for setting and Form 3602–A, if maintained (or its electronic equivalent).

b. The postmark die must show the name of the post office of mailing (licensing post office).

c. A separate meter must be used for mailings made at each post office.

d. Mail matter sent to another post office for mailing must be shipped on private transportation, to be deposited at the time and place designated by the postmaster. Such matter may not be consigned to the USPS in bulk by freight, express, or other carrier. The USPS has no responsibility for the metered matter before it is accepted in the mail.

e. When a meter is no longer used, the licensee must return the meter to the manufacturer's representative or licensing post office to have it checked out of service.

3.5 On-Site Meter-Setting Program

The on-site meter-setting program allows USPS employees to set or examine meters at a licensee's place of business within the area served by the licensing post office. Only the licensee's meters participating in the program may be set or examined at that location. The program also provides for checking meters into or out of service at the meter manufacturer's branch offices, including meters set for use at another post office. A fee is charged for each meter set, examined, or checked into or out of service at a licensee's place of business or at a manufacturer's office, unless a USPS employee (qualified to set meters) is regularly assigned to that licensee's location for postal administrative duties. The licensee must pay on-site setting or examination fees (shown in R900) and postage by check or advance deposit account at the time of the setting or examination.

3.6 Payment for Postage

Payment must be made for postage when the meter is set. Payment may be in cash or by check, money order, or withdrawal from an advance deposit account established with the post office. (Advance deposit accounts may be established when the licensee's monthly metered postage is $500 or more.) Payment by check or advance deposit account is subject to USPS standards and procedures.

3.7 Postage Transfers and Refunds

Upon USPS verification, unused postage in a meter being checked out of service may be transferred to another of the licensee's meters licensed at the same post office, or the licensee may request a refund, which may include a refund for unused meter stamps according to applicable standards. The meter must be examined by the USPS before a refund or credit is initiated for unused postage or additional postage is collected, based on what is found. The licensee may also submit Form 3602–A, if maintained, or a system-generated register as supporting documentation.

3.8 Postage Adjustments, Misregistering Meters

To request a postage adjustment for a faulty or misregistering meter, the

licensee must present to the manufacturer the meter and the licensee's Form 3602–A, if maintained. After examining a meter checked out of service for apparent faulty operation affecting registration, the manufacturer must provide the licensing post office with a report of the malfunction. The report must contain all applicable meter documentation (including a copy of the licensee's Form 3602–A, if maintained, and the licensee's Form 3610 provided by the USPS) and a recommendation about the appropriate postage adjustment. If the electronic redundant memory data, as examined by the manufacturer, is inconclusive about the appropriate postage adjustment, the manufacturer must include an analysis of the licensee's recent mailing history supporting the recommended postage adjustment. (In the absence of a completed Form 3602–A, the licensee may submit some other reliable evidence showing that a postage adjustment is warranted.) A licensee may appeal a postage adjustment under 2.5.

3.9 Computerized Meter Resetting

The Computerized Remote Postage Meter Resetting System (CMRS) allows certain meters to be reset electronically at the licensee's place of business. CMRS meters must be set at the licensee's place of business, except under 3.11. Before delivering a meter to the licensee, the manufacturer must take the meter and a completed Form 3601–C to the licensing post office to have the meter checked into service, unless the meter is initially checked into service at the manufacturer's office under 3.5.

3.10 Postage Transfer for CMRS Meters

No postage is set by the licensing post office unless a CMRS meter is checked out of service and the unused postage in it is transferred to another CMRS meter leased by the same licensee for use at the same post office.

3.11 Periodic Examination of CMRS Meters

CMRS meters must be reset or examined every 3 months. CMRS meters set at least once every 3 months require examination by a USPS employee only annually. The licensee must take a CMRS meter and applicable Form 3602–A, if maintained, to the licensing post office when notified by the manufacturer of a required examination. A licensee who does not comply with examination requirements may not reset meters via CMRS. Failure to have a meter examined on notification can result in revocation of the licensee's meter license.

3.12 Resetting CMRS Meters

The following conditions must be met for resetting a CMRS meter:

a. The licensee's account must have sufficient funds to cover the desired postage increment, or the manufacturer must agree to advance funds to the licensee. The licensee may deposit funds by check, electronic funds, or automated clearinghouse transfer.

b. The licensee must provide the manufacturer or designated meter resetting company with the meter serial number, licensee's account number, and the meter's ascending and descending registers.

c. After a meter is reset, the manufacturer must provide the licensee with documentation of the transaction and the balance remaining in the licensee's account, unless the manufacturer provides a monthly statement documenting all transactions for the period and the balance after each transaction.

3.13 CMRS Refunds

The USPS issues a refund to a licensee for any unused postage in a meter. Refunds of licensee balances maintained by the USPS in the USPS fund are made to the licensee by the USPS lockbox bank within 48 hours after receipt of a licensee's request.

*4.0 METER STAMPS*

4.1 Designs

Meter stamp designs (types, sizes, and styles) must be those specified when a meter is approved by the USPS for manufacture (see Exhibit 4.1).

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*6.0 METER MANUFACTURE AND DISTRIBUTION*

Title 39, Code of Federal Regulations, part 501, contains information about the authorization to manufacture and distribute meters; the suspension and revocation of such authorization; performance standards required in meters, test plans, testing, and approval of meters; required manufacturing security measures; and standards for the distribution and maintenance of meters. Further information may be obtained from Retail Systems and Equipment, USPS Headquarters.

**List of Subjects in 39 CFR Part 501**

Administrative practice and procedure, Postal Service.

3. Add subchapter G, Postage Meters, consisting of part 501 to read as set forth below:

## PART 501—AUTHORIZATION TO MANUFACTURE AND DISTRIBUTE POSTAGE METERS

Sec.

501.1 Manufacturer authorization.
501.2 Manufacturer qualification.
501.3 Changes in ownership or control.
501.4 Burden of proof standard.
501.5 Suspension and revocation of authorization.
501.6 Specifications.
501.7 Test plans.
501.8 Submission of each model.
501.9 Security testing.
501.10 Meter approval.
501.11 Conditions for approval.
501.12 Suspension and revocation of approval.
501.13 Reporting.
501.14 Administrative sanction on reporting.
501.15 Materials and workmanship.
501.16 Breakdown and endurance testing.
501.17 Protection of printing dies and keys.
501.18 Destruction of meter stamps.
501.19 Inspection of new and rebuilt meters.
501.20 Keys and setting equipment.
501.21 Distribution facilities.
501.22 Distribution controls.
501.23 Administrative sanction.
501.24 Meter replacement.
501.25 Inspection of meters in use.
501.26 Meters not located.
501.27 Repair of internal mechanism.
501.28 Computerized remote postage meter resetting.

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 410, 2601, 2605; Inspector General Act of 1978, as amended (Pub. L. 95–452, as amended), 5 U.S.C. App. 3.

### § 501.1 Manufacturer authorization.

Any person or concern seeking authorization to manufacture and distribute postage meters must submit a request to the Postal Service in person or in writing. Upon qualification and approval, the applicant is authorized in writing to manufacture meters and to lease them to persons licensed accordingly by the Postal Service. The Postal Service may specify the functional area charged with processing the application and administering its meter program.

### § 501.2 Manufacturer qualification.

Any concern wanting authorization to manufacture and/or lease postage meters for use by licensees under Domestic Mail Manual P030.1.2 must:

(a) Satisfy the Postal Service of its integrity and financial responsibility;

(b) Obtain approval of at least one meter model incorporating all the features and safeguards specified in § 501.6;

(c) Have, or establish, and keep under its supervision and control adequate manufacturing facilities suitable to carry out the provisions of §§ 501.15 through

501.20 to the satisfaction of the Postal Service (such facilities must be subject to unannounced inspection by representatives of the Postal Service); and

(d) Have, or establish, and keep adequate facilities for the control, distribution, and maintenance of meters and their replacement when necessary.

**§ 501.3 Changes in ownership or control.**

Any person or concern wanting to acquire ownership or control of an authorized postage meter manufacturer must provide the Postal Service with satisfactory evidence of that person's or concern's integrity and financial responsibility.

**§ 501.4 Burden of proof standard.**

The burden of proof is on the Postal Service in adjudications of suspension and revocation under §§ 501.5 and 501.12 and administrative sanctions under §§ 501.14 and 501.23. Except as otherwise indicated in those sections, the standard of proof shall be the preponderance-of-evidence standard.

**§ 501.5 Suspension and revocation of authorization.**

(a) The Postal Service may suspend and/or revoke authorization to manufacture and/or distribute any or all of a manufacturer's postage meters if the manufacturer engages in any unlawful scheme or enterprise, fails to comply with any provision in this part 501, or fails to implement instructions issued in accordance with any final decision issued by the Postal Service within its authority over the meter program.

(b) The decision to suspend or revoke a manufacturer's authorization shall be based on the nature and circumstances of the violation (whether the violation was willful, whether the manufacturer voluntarily admitted to the violation, whether the manufacturer cooperated with the Postal Service, whether the manufacturer implemented successful remedial measures) and on the manufacturer's performance history. Before determining whether a manufacturer's authorization to manufacture and/or distribute meters should be revoked, the procedures in paragraph (c) of this section shall be followed.

(c) Suspension in all cases shall be as follows:

(1) Upon determination by the Postal Service that a manufacturer is in violation of the provisions in this part 501, the Postal Service shall issue a written notice of proposed suspension citing deficiencies for which suspension of authorization to manufacture and/or distribute a specific meter or class of meters may be imposed under paragraph (c)(2) of this section. Except in cases of willful violation, the manufacturer shall be given an opportunity to correct deficiencies and achieve compliance with all requirements within a time limit corresponding to the potential risk to postal revenue.

(2) In cases of willful violation, or if the Postal Service determines that the manufacturer has failed to correct cited deficiencies within the specified time limit, the Postal Service shall issue a written notice setting forth the facts and reasons for the decision to suspend and the effective date if a written defense is not presented as provided in paragraph (d) of this section.

(3) If, upon consideration of the defense as provided in paragraph (e) of this section, the Postal Service deems that the suspension is warranted, the suspension shall remain in effect for up to 90 days unless withdrawn by the Postal Service, as provided in paragraph (c)(4)(iii) of this section.

(4) At the end of the 90-day suspension, the Postal Service may:

(i) Extend the suspension in order to allow more time for investigation or to allow the manufacturer to correct the problem;

(ii) Make a determination to revoke authorization to manufacture and/or distribute the manufacturer's meters in part or in whole; or

(iii) Withdraw the suspension based on identification and implementation of a satisfactory solution to the problem. Manufacturer suspensions may be withdrawn before the end of the 90-day period if the Postal Service determines that the manufacturer's solution and implementation are satisfactory.

(d) The manufacturer may present the Postal Service with a written defense to any suspension or revocation determination within 30 calendar days of receiving the written notice (unless a shorter period is deemed necessary). The defense must include all supporting evidence and state with specificity the reasons for which the order should not be imposed.

(e) After receipt and consideration of the defense, the Postal Service shall advise the manufacturer of the decision and the facts and reasons for it. The decision shall be effective on receipt unless it provides otherwise. The decision shall also advise the manufacturer that it may appeal that determination within 30 calendar days of receiving written notice (unless a shorter time frame is deemed necessary), as specified therein. The appeal must include all supporting evidence and state with specificity the reasons the manufacturer believes that the decision is erroneous.

(f) An order or final decision under this section does not preclude any other criminal or civil statutory, common law, or administrative remedy that is available by law to the Postal Service, the United States, or any other person or concern.

**§ 501.6 Specifications.**

Postage meters must incorporate all the following features and safeguards:

(a) A postage meter is the postage printing die and postage registering mechanism of a mailing machine. It may be integral with the mailing machine or separable. In either case, the licensee must be able to take the meter to the post office for setting or examination.

(b) A meter may be capable of printing one denomination of postage and registering the number of such impressions made (single denomination), or it may be capable of printing varying denominations and registering either multiples of the smallest unit printed (multidenomination) or the currency value of the impressions made (omnidenomination). The printing die or dies, counters, and counteractuating mechanism must be inseparable from the meter, except by the manufacturer.

(c) In each meter, there must be two accurate and dependable counting devices: one ascending and registering the total imprinted, the other descending and registering the unused postage balance. The descending register must actuate a locking mechanism that prevents further operation of the meter after the register descends to zero or an amount less than the largest denomination printable in one operation. In electronic meters, the locking device must prevent printing if the amount to be printed reduces the descending register to less than zero. The construction of the descending register must allow the post office to set any amount of postage or number of impressions within its capacity, prepaid by the licensee.

(d) The entire meter must be encased in a substantial housing to which unauthorized access cannot be gained without creating obvious damage. The descending register must be accessible to the post office by a door equipped with a suitable lock and with provision for a post office seal. The requirement that accessibility to the descending register be restricted does not apply to Computerized Remote Postage Meter Resetting System electronic meters that have no access to the descending register of the meter. Descending

registers on this type of meter are reset electronically by coded input only. The ascending register and all other components must be so shielded as not to be accessible even when the door is open. The readings of both registers must be easily obtainable at any time between operations, by visibility through closed windows, by imprint on tape or card, or by a combination of the two methods. The construction of the housing must make it impossible to alter the readings of the ascending register except by normal operation or impossible to gain access to the internal components, except for setting the descending register under § 501.20(c), without mutilation.

(e) The printing die must either conform in design to one already in use or be approved by the Postal Service. The die must include the serial number of the meter and identification of the manufacturer, and the die must be so constructed or shielded that it is not practically possible without proper registration in the ascending and descending register to obtain imprints fraudulently. The die must be attached to the meter in a manner (such as with breakoff screws) that it is not practicable to remove or replace the die fraudulently.

(f) The meter die must include a postmark to print the name of the city and state from which mail is dispatched and the date of mailing, except as specified by the Postal Service. Information that must appear in the meter postmark and the location of that postmark must be as specified by the Postal Service.

(g) A meter may be designed to print a meter slogan or ad plate to the left of, and next to, the postmark. The size and position of a meter slogan or ad plate must not interfere with or obscure the meter stamp or postmark, and it must be possible to install the plate easily without exposing the meter stamp die. Plates must be made of suitable, durable material that does not soften or disintegrate while in use. Plates must be well-fitted and so securely fastened to the printing mechanism that they do not become loose or detached or otherwise interfere with proper operation of a meter.

(h) The entire meter must be of sufficiently solid, substantial, and dependable construction that protects the Postal Service amply against loss of revenue from fraud, manipulation, misoperation, or breakdown.

(i) In addition to the features and safeguards above, electronic meters must:

(1) Have either nonvolatile ascending and descending registers or a solid-state memory that stores the data for the ascending and descending registers. Solid-state memories that rely on applied voltage for memory retention must be powered by batteries with a minimum support life of 5 years from the date of battery renewal with no external power applied and with sufficient redundancy to be self-checking.

(2) Be able to display the amounts in both the ascending and the descending registers (not necessarily at the same time).

(3) Be able to display, free from accidental changes, the next amount of postage to be printed.

(4) Be resettable by Postal Service employees, preferably without customized equipment.

(5) Contain a fault-detection device for computational security that automatically locks out the meter and prevents printing of additional postage in the event of malfunction.

(6) Meet Postal Service test specifications in United States Postal Service Specification, Postage Meters, Electronic, Postal Service-M–942 (RDC). Persons wanting to manufacture electronic meters may obtain a copy of this Postal Service test specification from Postal Service Headquarters.

(j) Auxiliary equipment required for the operation of the meters must be part of the final production models submitted for Postal Service approval. Failure of the auxiliary equipment, which could cause malfunction in meter operation, is considered the same as a meter failure.

### § 501.7 Test plans.

To receive Postal Service approval, a postage meter must be tested. Manufacturers of electronic meters must submit a detailed test plan to the Postal Service for approval at least 60 days before conducting the tests. The test plan must include tests that, if passed by a meter, prove compliance by the meter with all postal requirements. The test plan must list the parameters to be tested, test equipment, procedures, test sample sizes, and test data formats. Also, the plan must include detailed descriptions, specifications, design drawings, schematic diagrams, and explanations of the purposes of all special test equipment and nonstandard or noncommercial instrumentation.

### § 501.8 Submission of each model.

Each meter model proposed for manufacture must be approved by the Postal Service after testing at the manufacturer's expense. A preliminary working model that meets the specifications in § 501.6 may be submitted for tentative approval. No meter of any model may be distributed or used for postage payment until a complete unit made to production drawings and specifications is submitted, tested, and approved, unless authorized for preliminary field testing.

### § 501.9 Security testing.

The Postal Service reserves the right to require or conduct additional examination and testing at any time, without cause, of any meter submitted to the Postal Service for approval or approved by the Postal Service for manufacture and distribution.

### § 501.10 Meter approval.

As provided in § 501.13, the manufacturer has a duty to report security weaknesses to the Postal Service to ensure that each meter model and every meter in service protects the Postal Service against loss of revenue at all times. A grant of approval of a model does not constitute an irrevocable determination that the Postal Service is satisfied with the revenue-protection capabilities of the model. After approval is granted to manufacture and distribute a meter, no change affecting the basic features or safeguards of a meter may be made except as authorized or ordered by the Postal Service in writing.

### § 501.11 Conditions for approval.

(a) The Postal Service may require, and reserves future rights to require, that production models of approved meters be deposited with the Postal Service.

(b) The manufacturer must provide copies of resetting and inspection media to each licensing post office before distribution. The contents of the media must explain how the meter is reset and describe any special or unique features of the meter. The manufacturer must also provide a training video for any new metering product that includes an explanation of how the device is reset as well as recommended methods for detecting evidence of tampering.

(c) As a condition of approval, the manufacturer has a continuing obligation to provide the Postal Service with copies of service manuals and updates to setting instructions. The manufacturer must also promptly provide Retail Systems and Equipment, Postal Service Headquarters, with any additional documentation on request.

(d) On request by the Postal Service, additional meters must be submitted to the Postal Service for testing, at the expense of the manufacturer.

**§ 501.12 Suspension and revocation of approval.**

(a) The Postal Service may suspend meter approval under § 501.10 if the Postal Service has probable cause to believe that a manufacturer's meter or class of meters poses an unreasonable risk to postal revenue. Suspension of approval to manufacture or distribute a meter or class of meters in whole or in part shall be based on the potential risk to postal revenue. Before determining whether approval of a meter or class of meters should be revoked, the procedures in paragraph (b) of this section shall be followed.

(b) Suspension in all cases shall be as follows:

(1) Upon determination by the Postal Service that a meter poses an unreasonable risk to postal revenue, the Postal Service shall issue a written notice of proposed suspension citing deficiencies for which suspension may be imposed under paragraph (b)(2) of this section. The manufacturer shall be given an opportunity to correct deficiencies and achieve compliance with all requirements within a time limit corresponding to the potential risk to postal revenue.

(2) If the Postal Service determines that the manufacturer has failed to correct cited deficiencies within the specified time limit, the Postal Service shall issue a written notice setting forth the facts and reasons for the decision to suspend and the effective date if a written defense is not presented as provided in paragraph (c) of this section.

(3) If, upon consideration of the defense as provided in paragraph (d) of this section, the Postal Service deems that the suspension is warranted, the suspension shall remain in effect for up to 90 days unless withdrawn by the Postal Service, as provided in paragraph (b)(4)(iii) of this section.

(4) At the end of the 90-day suspension, the Postal Service may:

(i) Extend the suspension in order to allow more time for investigation or to allow the manufacturer to correct the problem;

(ii) Make a determination to revoke the approval of the manufacturer's meter or class of meters; or

(iii) Withdraw the suspension based on identification and implementation of a satisfactory solution to the problem. Manufacturer suspensions may be withdrawn before the end of the 90-day period if the Postal Service determines that the manufacturer's solution and implementation are satisfactory.

(c) The manufacturer may present the Postal Service with a written defense to any suspension or revocation determination within 30 calendar days of receiving the written notice (unless a shorter period is deemed necessary). The defense must include all supporting evidence and state with specificity the reasons for which the order should not be imposed.

(d) After receipt and consideration of the written defense, the Postal Service shall advise the manufacturer of the decision and the facts and reasons for it. The decision shall be effective on receipt unless it provides otherwise. The decision shall also advise the manufacturer that it may appeal that determination within 30 calendar days of receiving written notice (unless a shorter period is deemed necessary), as specified therein. The appeal must include all supporting evidence and state with specificity the reasons that the manufacturer believes that the decision is erroneous.

(e) An order or final decision under this section does not preclude any other criminal or civil statutory, common law, or administrative remedy that is available by law to the Postal Service, the United States, or any other person or concern.

**§ 501.13 Reporting.**

(a) For purposes of this section, ''manufacturer'' refers to the authorized postage meter manufacturer in § 501.1 and its foreign affiliates, subsidiaries, assigns, dealers, independent dealers, employees, and parent corporations.

(b) Each authorized meter manufacturer in § 501.1 must submit a preliminary report to notify the Postal Service promptly (in no event more than 21 calendar days of discovery or 21 calendar days from June 30, 1995) of the following:

(1) All findings or results of any testing known to the manufacturer concerning the security or revenue protection features, capabilities, or failings of any meters sold, leased, or distributed by the manufacturer that have been approved for sale, lease, or distribution by the Postal Service or any foreign postal administration; or have been submitted for approval by the manufacturer to the Postal Service or other foreign postal administration(s).

(2) All potential security weaknesses or methods of meter tampering of the meters that the manufacturer distributes of which the manufacturer knows or should know, and the meter or model subject to each method. These potential security weaknesses include but are not limited to suspected equipment defects, suspected abuse by a meter licensee or manufacturer employee, suspected security breaches of the Computerized Remote Postage Meter Resetting System, occurrences outside normal performance, or any repeatable deviation from normal meter performance (within the same model family and/or by the same licensee).

(c) Within 45 days of the preliminary notification of the Postal Service under § 501.13(b), the manufacturer must submit a written report to the Postal Service. The report must include the circumstances, proposed investigative procedure, and the anticipated completion date of the investigation. The manufacturer must also provide periodic status reports to the Postal Service during subsequent investigation and, on completion, must submit a summary of the investigative findings.

(d) The manufacturer must establish and adhere to timely and efficient procedures for internal reporting of potential security weaknesses. The manufacturer is required to submit a copy of internal reporting procedures and instructions to the Postal Service for review.

**§ 501.14 Administrative sanction on reporting.**

(a) Notwithstanding any act, admission, or omission by the Postal Service before June 30, 1995, an authorized postage meter manufacturer may be subject to an administrative sanction for failing to comply with § 501.13.

(b) The Postal Service shall determine all costs and revenue losses measured from the date that the manufacturer knew, or should have known, of a potential security weakness, including, but not limited to, administrative and investigative costs and documented revenue losses that result from any meter for which the manufacturer failed to comply with any provision in § 501.13. The Postal Service shall recover any and all such costs and losses (net of any amount collected by the Postal Service from the licensees or meter users) with interest by issuing a written notice to the manufacturer setting forth the facts and reasons on which the determination to impose the sanction is based. The notice shall advise the manufacturer of the date that the action takes effect if a written defense is not presented within 30 calendar days of receipt of the notice.

(c) The manufacturer may present the Postal Service with a written defense to the proposed action within 30 calendar days of receipt. The defense must include all supporting evidence and state with specificity the reasons for which the sanction should not be imposed.

(d) After receipt and consideration of the defense, the Postal Service shall

advise the manufacturer of the decision and the facts and reasons for it; the decision shall be effective on receipt unless it provides otherwise. The decision shall also advise the manufacturer that it may, within 30 calendar days of receiving written notice, appeal that determination as specified therein.

(e) The manufacturer may submit a written appeal to the Postal Service within 30 calendar days of receipt of the decision. The appeal must include all supporting evidence and state with specificity the reasons that the manufacturer believes that the administrative sanction was erroneously imposed. The submission of an appeal stays the effectiveness of the sanction.

(f) The imposition of an administrative sanction under this section does not preclude any other criminal or civil statutory, common law, or administrative remedy that is available by law to the Postal Service, the United States, or any other person or concern.

**§ 501.15 Materials and workmanship.**

All meters must adhere to the quality in materials and workmanship of the approved production model and must be manufactured with suitable jigs, dies, tools, etc., to ensure proper maintenance and interchangeability of parts.

**§ 501.16 Breakdown and endurance testing.**

Each meter model proposed for manufacturing must pass without error or breakdown the following described printing cycle endurance test, which includes operation of the printing mechanism with proper registration of the selected postage value in both the ascending and descending registers. At reasonably frequent intervals, the manufacturer must take meters at random from production and subject them to breakdown tests to make certain that quality and performance standards are maintained.

(a) For meters that operate at 100 or more printing cycles per minute—4 million cycles. For meters that operate at less than 100 printing cycles per minute (and cannot be used interchangeably on power-base machines that operate at 100 or more printing cycles per minute)—2 million cycles.

(b) For multidenomination and omnidenomination meters, postage value selection elements must be tested for one-half million operations. A complete operation includes selection of a value and return to zero.

(c) Balance register lockout operation must be done at the start of, at intervals during, and after the printing cycle test.

**§ 501.17 Protection of printing dies and keys.**

During the process of fabricating parts and assembling postage meters, the manufacturer must exercise due care to prevent loss or theft of keys or of serially numbered postage-printing dies or component parts (such as denomination-printing dies, or auxiliary power supply and meter-setting equipment for electronic meters) that might be used in some manner to defraud the Postal Service of revenue. All serially numbered printing dies produced should be accounted for by assembly into meters or by evidence of mutilation or destruction. Postage printing dies removed from meters and not suitable for reassembly must also be mutilated so that the dies cannot be used or they must be completely destroyed.

**§ 501.18 Destruction of meter stamps.**

All meter stamps printed in the process of testing dies or meters must be collected and destroyed daily.

**§ 501.19 Inspection of new and rebuilt meters.**

All new and rebuilt meters must be inspected carefully before leaving the manufacturer's meter service station.

**§ 501.20 Keys and setting equipment.**

The meter manufacturer must furnish keys and other essential equipment for setting the meters to all post offices under whose jurisdiction its meters are licensed for use. These items must be protected and must not be furnished to persons not authorized by the Postal Service to possess them. The Postal Service shall maintain control over the procurement, manufacture, and distribution of meter security seals. Manufacturers must reimburse the Postal Service promptly for the cost of the seals. All costs associated with meter security seals are apportioned twice annually to the meter manufacturers by the installed base of each manufacturer.

**§ 501.21 Distribution facilities.**

Authorized manufacturers must keep adequate facilities for and records of the distribution, control, and maintenance of postage meters. All such facilities and records are subject to inspection by Postal Service representatives.

**§ 501.22 Distribution controls.**

Each authorized postage meter manufacturer must do the following:

(a) Hold title permanently to all meters of its manufacture except those purchased by the Postal Service.

(b) On behalf of applicants, transmit electronically copies of completed PS Forms 3601–A, Application for a License to Lease and Use Postage Meters, to the designated Postal Service central processing facility.

(c) Lease meters only to parties that have valid licenses issued by the Postal Service.

(d) Supply only those meter slogan or ad plates that meet the Postal Service requirements for suitable quality and content.

(e) (1) Have all meters set, sealed (if applicable), and checked into service by the appropriate Postal Service representative before delivering them to licensees. Meters must be checked into service at the licensing post office, unless the meter is serviced under the on-site meter-setting program.

(2) The meter manufacturer must present the meter and a completed PS Form 3601–C, Postage Meter Installation, Withdrawal, or Replacement, to the appropriate Postal Service representative when checking a meter into service.

(3) A meter should show a zero in the descending register before being checked into service. If a zero is not shown, the initial payment must include the residual amount the locked-out meter could not imprint.

(f) Notify Computerized Remote Postage Meter Resetting System licensees of the dates on which meter examinations are due, and notify the licensing post offices of CMRS meters that have not been reset during the previous 3 months and/or are due for an annual examination. Resetting transactions must not be completed by the manufacturer if the meters are not taken to the post office for examination by the due date. Licensees who do not bring in their meters after the initial manufacturer notification must be approached again within 15 days, preferably by personal contact. If a response is not received within another 15 days, the Postal Service shall notify the licensee that the meter is to be removed from service and the meter license revoked, following the procedures for revocation specified by regulation. The Postal Service shall notify the manufacturer to remove the meter from the licensee's location and present it to the licensing post office to be checked out of service within 15 days.

(g) Present meters to the licensing post office to be checked out of service if the licensee no longer wants the meter or if the meter is to be removed from

service for any other reason. Take the meter to the licensing post office for withdrawal, with a completed PS Form 3601–C, Postage Meter Installation, Withdrawal, or Replacement, and copy of the applicable PS Form 3602–A, Record of Meter Register Readings, or equivalent.

(h) Retrieve any misregistering, faulty, or defective meter and present it to the licensing post office to have the meter checked out of service within 3 business days of being notified by the licensee of the defect. After examining a meter withdrawn for apparent faulty operation affecting registration, the manufacturer must furnish a report explaining the malfunction to the licensing post office. That report must include all applicable meter documentation and a recommendation for the appropriate postage adjustment, if applicable, as follows:

(1) *Mechanical meters.* The manufacturer's postage adjustment recommendation for a misregistering mechanical meter must be accompanied by a refund request; a copy of the licensee's PS Form 3610, Record of Postage Meter Settings, and PS Form 3602–A, Record of Meter Register Readings, or equivalent, and the manufacturer's analysis of the licensee's recent mailing history supporting the recommended postage adjustment.

(2) *Electronic meters.* The manufacturer's postage adjustment recommendation for a misregistering electronic meter must be accompanied by a manufacturer-generated summary report of the appropriate redundant electronic register memory readouts for the meter, clearly indicating the register readings; a letter of instruction explaining the summary report; a copy of the licensee's PS Form 3610, PS Form 3602–A, if maintained, and applicable system-generated register documentation (if maintained in lieu of PS Form 3602–A); and an explanation of the meter malfunction that resulted in inaccurate registration, if determined. If a summary report of the appropriate redundant electronic register memory readouts cannot be retrieved, the manufacturer's recommendation must be accompanied by a refund request; a copy of the licensee's PS Form 3610, PS Form 3602–A, and applicable system-generated register documentation (if the PS Form 3602–A is not maintained); and the manufacturer's analysis of the licensee's recent mailing history supporting the recommended postage adjustment.

(i) Report promptly the loss or theft of any meter or the recovery of any lost or stolen meter. The manufacturer must provide notification by the Postal Service with completing a standardized lost and stolen meter incident report notifying within 30 calendar days of the manufacturer's determination of a meter loss, theft, or recovery. The manufacturer must complete all preliminary location activities specified in § 501.26 before submitting this report to the Postal Service.

(j) Provide the designated Postal Service Information Systems Service Center (ISSC) with a compatible computer magnetic tape, computer diskette, or electronic transmission, listing all licensee meters in service, at the close of business each postal quarter. Include in each file record the meter serial number, model number, the user's name and address, the date that the meter was placed in service, and the ZIP Code or finance number of the licensing post office. Manufacturers are responsible for reconciling differences and keeping accurate records. This reporting includes reconciliation of differences with licensing post offices by the manufacturer's branches or dealers, which results from meters that are not in Postal Service or manufacturer records.

(k) Keep at manufacturer's headquarters a complete record by serial number of all meters manufactured, showing all movements of each from the time that the meter is produced until it is scrapped, and the reading of the ascending register each time the meter is checked into or out of service through a post office. These records must be available for inspection by Postal Service officials at any time during business hours. These records must be destroyed 3 years after the meter is scrapped.

(l) Cancel a lease agreement with any lessee whose meter license is revoked by the Postal Service, remove the meter within 15 calendar days, and have the meter checked out of service.

(m) Promptly remove from service any meter that the Postal Service indicates should be removed from service. When a meter license is canceled, all meters in use by the licensee must be removed from service.

(n) Keep a permanent record by serial number of all meter keys issued to postmasters, as well as those sections of the manufacturer's establishment in which their use of the keys is essential, preferably in the form of signed receipt cards. The record must include the date, location, and details of any loss, theft, or recovery of such keys.

(o) Examine each meter withdrawn from service for failure to record its operations correctly and accurately, and report to the Postal Service the mechanical condition or fault that caused the failure.

(p) Provide monthly the designated ISSC with a compatible computer tape of lost or stolen meters. The file is due on the first of each month (for the preceding month's activity).

(q) Take reasonable precautions in the transportation and storage of meters to prevent use by unauthorized individuals. Manufacturers must ship all meters by Postal Service registered mail unless given written permission by the Postal Service to use another carrier. The manufacturer must demonstrate that the alternative delivery carrier employs security procedures equivalent to those for registered mail.

(r) Affix to all meters both a cautionary label providing the meter user with basic reminders on leasing, meter movement, and misuse and a barcoded label containing a barcoded representation of the meter serial number.

(1) The cautionary label must be placed on all meters in a conspicuous and highly visible location. Words printed in capital letters should be emphasized, preferably printed in red. The minimum width of the label should be 3.25 inches, and the minimum height should be 1.75 inches. The label should read as follows:

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**RENTED POSTAGE MEMBER—NOT FOR SALE**

PROPERTY OF [NAME OF MANUFACTURER]

Use of this meter is permissible only under U.S. Postal Service license. Call [Name of Manufacturer] at (800) ###-#### to relocate/return this meter.

**WARNING! METER TAMPERING IS A FEDERAL OFFENSE.**

IF YOU SUSPECT METER TAMPERING,

**CALL POSTAL INSPECTORS AT 1–800–654–8896 OR (202) 484–5480.**

REWARD UP TO $50,000 for information leading to the conviction of any person who misuses postage meters resulting in the Postal Service not receiving correct postage payments.

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(2) The barcode label must be placed near the stamped serial number and must meet these specifications: Code 3 of 9, ten digits long, with the first two digits being the manufacturer code (01—Ascom Hasler, 02—Pitney Bowes, 03—Francotyp-Postalia, 04—Friden Neopost) and the next eight digits being the meter serial number, zero-filled, right-justified. Additional barcode digits may be used for manufacturer purposes if the Postal Service is notified of the information to be encoded thereby.

(3) Exceptions to the formatting of required labeling are determined on a case-by-case basis. Any deviation from standardized meter labeling requirements must be approved in writing by the Postal Service.

**§ 501.23 Administrative sanction.**

(a) ''Meter'' for purposes of this section means any postage meter manufactured by an authorized postage meter manufacturer under § 501.1 that is not owned or leased by the Postal Service.

(b) An authorized manufacturer that, without just cause, fails to conduct or perform adequately any of the controls in § 501.22, to follow standardized lost and stolen meter incident reporting in § 501.26, or to conduct any of the inspections required by § 501.25 in a timely fashion is subject to an administrative sanction based on the investigative and administrative costs and documented revenue losses (net of any amount collected by the Postal Service from the licensee or meter user) with interest per occurrence measured from the date on which the cost and/or loss occurred, as determined by the Postal Service. Sanctions shall be based on the costs and revenue losses that result from the manufacturer's failure to comply with these requirements.

(c) The Postal Service may impose an administrative sanction under this section by issuing a written notice to the manufacturer setting forth the facts and reasons on which the determination to impose the sanction is based. The Postal Service shall determine all costs and losses. The notice shall advise the manufacturer of the date that the action shall take effect if a written defense is not presented within 30 calendar days of receipt of the notice.

(d) The manufacturer may present to the Postal Service a written defense to the proposed action within 30 calendar days of receipt of the notice. The defense must include all supporting evidence and state with specificity the reasons for which the sanction should not be imposed.

(e) After receipt and consideration of the written defense, the Postal Service shall advise the manufacturer of the decision and the facts and reasons for it. The decision shall be effective on receipt unless it provides otherwise.

(f) The manufacturer may submit a written appeal of the decision within 30 calendar days of receiving the decision, addressed to the manager of Retail and Customer Service, Postal Service Headquarters. The appeal must include all supporting evidence and state with specificity the reasons that the manufacturer believes that the administrative sanction was erroneously imposed. The submission of an appeal stays the effectiveness of the sanction.

(g) The imposition of an administrative sanction under this section does not preclude any other criminal or civil statutory, common law, or administrative remedy that is available by law to the Postal Service, the United States, or any other person or concern.

**§ 501.24 Meter replacement.**

The manufacturer must keep its postage meters in proper operating condition for licensees by replacing them when necessary or desirable to prevent mechanical breakdown.

**§ 501.25 Inspection of meters in use.**

(a) The manufacturer must have all its meters in service with licensees inspected according to the following schedule. A high-volume mailer is defined as one who has annual metered postage in excess of $12,000.

BILLING CODE 7710–12–P

| Meter Type | Monthly | Quarterly | Semiannually | Annually |
|---|---|---|---|---|
| Mechanical | Special Circumstances | High-Volume Licensees Using System Meters | Other Licensees Using System Meters | Stand-Alone Meters |
| Electronic | Special Circumstances | | High-Volume Licensees Using Non-CMRS System Meters | All CMRS and Other Electronic Meters |

BILLING CODE 7710–12–C

(b) Manufacturer inspections must be sufficiently thorough to determine that each meter is clean, in proper operating condition, and recording its operations correctly and accurately. The manufacturers must:

(1) Compare the meter serial number on the meter with the serial number on the source document (manufacturer's records).

(2) Record the ascending and descending register readings and calculate the total readings. Record the locking-seal identification number.

(3) Obtain the licensee's PS Form 3602–A, Record of Meter Register Readings, or equivalent, and a copy of the most recent PS Form 3603, Receipt for Postage Meter Setting, and verify the control total after the last setting with the control total calculated during the proof-of-register procedure.

(4) Verify the accuracy of postage selection, denomination indicator wheels or electronic display, and denomination printing wheels following the proof of registers by printing a .00 meter stamp and then comparing the register readings with the recorded register readings.

(5) Check to determine that the post office locking seal is in place and properly sealed and that the seal wire is properly wound and tightly gripped by the seal-locking mechanism, and tightly pulled up to the lock cover or post. Ensure that the locking-seal identification number matches the seal number recorded at the time of the last meter resetting.

(6) Check to determine that the lock cover properly protects the lock and has not been loosened, bent, or tampered with.

(7) Complete the following, as applicable to the specific meter model:

(i) Check to ensure that the meter fits properly on the meter base.

(ii) Check all breakoff screws to determine that no screw is missing or loose or shows signs of removal.

(iii) Operate the dater and meter ad selector dials to test the dater, postmark die, and meter ad plate.

(iv) Check the alignment and condition of engraving on the denomination printing wheels, when visible.

(v) Check the descending register door for damage, pry marks, or scarring.

Make certain that the door cannot be opened without unlocking it.

(vi) Examine the meter drum for damage, pry marks, or scarring.

(vii) Examine the meter cover for pry marks or scarring near the post office lock or breakoff screws, any drilled holes, or any signs of attempted entry into the internal mechanism of the meter.

(viii) Examine the meter stamp die for excessive wear, damage, breakage, or scars from prying, and the postage die retaining screws for signs of wear to ensure that none is missing or shows signs of removal.

(ix) Check the register, counter, and display windows for breakage or cloudiness.

(x) Obtain the signature of the licensee to show that a meter inspection has taken place.

(8) Report immediately to the licensee's licensing postmaster any irregularity in the operation of the meter or sign of improper use, and take steps to replace or remove the meter.

**§ 501.26 Meters not located.**

Upon learning that one or more of its postage meters in service cannot be located, the manufacturer must undertake reasonable efforts to locate the meters by following a series of Postal Service-specified actions designed to locate the meters. If these efforts are unsuccessful and a meter is determined to be lost or stolen, the manufacturer must notify the Postal Service within 30 days by submitting a Lost and Stolen Meter Incident Report.

(a) If a licensee cannot be located, the manufacturer must, at a minimum, complete the following actions:

(1) Call the licensee's last known telephone number.

(2) Call directory assistance for the licensee's new telephone number.

(3) Contact the licensee's local post office for current change of address information.

(4) Contact the local post office for a copy of the applicable PS Form 3610 and PS Form 3601–C. Verify the location of the meter or licensee currently maintained in those meter records.

(5) Contact the rental agency responsible for the property where the licensee was located, if applicable.

(6) Visit the licensee's last known address to see whether the building superintendent or a neighbor knows the meter licensee's new address.

(7) Check the centralized meter inspection file for change of address notation.

(8) Mail a certified letter with return receipt to the licensee at the last known address with the notation ''Forwarding and Address Correction Requested.''

(9) If new address information is obtained during these steps, any scheduled meter inspections must be completed promptly.

(b) If a meter is reported to be lost or stolen by the licensee, the manufacturer must, at a minimum, complete the following actions:

(1) Ensure that the meter licensee has filed a police report and that copies have been provided to the appropriate Inspection Service Contraband Postage Identification Program (CPIP) specialist.

(2) Withhold issuance of a replacement meter until the missing meter has been properly reported to the police and to the appropriate Inspection Service CPIP specialist.

(c) If the manufacturer later learns that the meter has been located and/or recovered, the manufacturer must update lost and stolen meter activity records, inspect the meter promptly, initiate a postage adjustment or transfer if appropriate, and check the meter out of service if a replacement meter has been supplied to the meter licensee.

(d) If a meter reported to the Postal Service as lost or stolen is later located, the manufacturer is responsible for submitting a new Lost and Stolen Meter Incident Report that references the initial report and outlines the details of how the meter was recovered. This report must be submitted to the Postal Service within 30 days of recovery of the meter. The meter manufacturer is also responsible for purging lost and stolen meter reports that are provided on a periodic basis to the Postal Service ISSC for those meters that have been recovered.

(e) Any authorized manufacturer that fails to comply with standardized lost and stolen reporting procedures and instructions is subject to an administrative sanction under § 501.23, as determined by the Postal Service.

**§ 501.27 Repair of internal mechanism.**

Repair or reconditioning of meters involving access to internal mechanisms must be done only within a factory or suitable meter repair department under the manufacturer's direct control and supervision. Meters must be checked out of service by the post office of setting before they are opened or internal repairs are undertaken.

**§ 501.28 Computerized remote postage meter resetting.**

(a) *Description.* The Computerized Remote Postage Meter Resetting System (CMRS) permits postal licensees using specially designed postage meters to reset their meters at their places of business via telephonic communications. Authorized meter manufacturers that offer CMRS services are known as meter resetting companies (MRCs). To reset a meter, the licensee telephones the MRC and provides identifying data. Before proceeding with the setting transaction, the MRC must verify the data and ascertain from its own files whether the licensee has sufficient funds on deposit with the Postal Service. If the funds are available or the manufacturer opts to provide a funds advance in accordance with paragraph (b)(5) of this section, the MRC may complete the setting transaction.

(b) *Deposits with the Postal Service.* (1) Deposits in the Postal Service Fund at Treasury are backed in full faith and credit by the U. S. Treasury.

(2) A CMRS licensee is required to have funds available on deposit with the Postal Service before resetting a meter or the manufacturer may opt to provide a funds advance in accordance with paragraph (b)(4) of this section. The details of this deposit requirement are covered within the Acknowledgment of Deposit Requirement document. By signing this document, the licensee agrees to transfer funds to the Postal Service through a lockbox bank, as specified by the MRC, for the purpose of prepayment of postage. The MRC representative must provide all new CMRS licensees with this document when a new account is established. The document must be completed and signed by the licensee and sent to the licensing post office by the MRC.

(3) The MRC is required to incorporate the following language into its meter rental agreements:

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**Acknowledgment of Deposit Requirement**

By signing this meter rental agreement, you represent that you have read the Acknowledgment of Deposit Requirement and are familiar with its terms. You agree that, upon execution of this Agreement with [the MRC], you will also be bound by all terms and conditions of the Acknowledgment of Deposit Requirement, as it may be amended from time to time.

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(4) The licensee is permitted to make deposits in one of three ways: check, electronic funds transfer (or wire transfer), or automated clearinghouse (ACH) transfer. These deposits are to be processed by the lockbox bank. The lockbox bank must wire daily all available balances to the Postal Service.

(5) If the MRC chooses to offer advancement of funds to licensees, the MRC is required to maintain a deposit with the Postal Service equal to at least 1 day's average funds advanced. The total amount of funds advanced to

licensees on any given day may not exceed the amount the manufacturer has on deposit with the Postal Service. The MRC is not authorized to perform settings in excess of the licensee's balance in any other circumstance. The Postal Service shall not be liable for any payment made by the MRC on behalf of a licensee that is not reimbursed by the licensee because the MRC is solely responsible for the collection of advances.

(c) *Revenue protection.* The Postal Service shall conduct periodic assessments of the revenue protection safeguards of each MRC system and shall reserve the right to revoke an MRC's authorization if the CMRS system does not meet all requirements set forth by the Postal Service. In addition, the Postal Service shall reserve the right to suspend the operation of the MRC for any serious operational deficiency that is likely to result in the loss of funds to the Postal Service as provided in § 501.12.

(d) *Equipment.* The meters used in the computerized resetting system must conform to the specifications in § 501.6. They must be tested under § 501.7 and conform to the safeguards, distribution, and maintenance requirements of §§ 501.15 through 501.23 to protect the Postal Service against loss of revenue from fraud, manipulation, misoperation, or breakdown.

(e) *Financial operation.* (1) Before the Postal Service's selection of a lockbox provider, the MRC must establish a lockbox account in the name of the Postal Service at a bank or banks approved by the Postal Service to handle the deposits of licensees. The MRC must make arrangements with such banks under which the banks are to inform the manufacturer of the amounts of licensee funds received each banking day.

(2) The Postal Service lockbox bank processes the CMRS deposits daily, consolidates the data, and performs a direct file transmission to each MRC. The daily deposit processing cutoff times and the automated file transmission times are coordinated independently with each of the MRCs. Manufacturers must ensure that their data center computers are programmed to reflect each licensee deposit and track all licensee activity.

(3) The MRC must require each licensee that requests meter resetting to provide the meter serial number, the licensee account number, and the meter's ascending and descending register readings. The manufacturer must verify that the information provided to the licensee is consistent with its records. The MRC must also verify that there are sufficient funds in the licensee's account to cover the postage setting requested before proceeding with the setting transaction (unless the manufacturer opts to provide the licensee a funds advance). Immediately following each such resetting, the MRC must charge the licensee's account for the amount of the postage reset. After the completion of each transaction, the manufacturer must promptly provide the licensee with a statement documenting the transaction and the balance remaining in the licensee's account. As an alternative, the manufacturer may provide a statement monthly that documents all transactions for the period and that shows the balance in the licensee's account after each transaction.

(4) Each banking day, the lockbox bank is to transfer, by 10 a.m. local time, amounts payable to the Postal Service from the transactions during the previous day to a designated Federal Reserve Bank. The MRC must maintain licensee service activity data to accept and respond to inquiries from licensees concerning the status of their payments. The lockbox bank must provide the MRCs with a nationwide, toll-free telephone number for licensee service. The Postal Service lockbox bank must assign a dedicated senior level licensee service representative to handle all inquiries and investigations.

(5) The Postal Service requires that the MRCs publicize to all CMRS licensees the following payment options (listed in order of preference):

(i) Automated clearinghouse (ACH) debits/credits.

(ii) Electronic funds transfers (wire transfers).

(iii) Checks.

(6) Licensee check deposits must be mailed to a predetermined post office box address specified by the lockbox bank and accompanied by a preencoded deposit ticket. The Postal Service provides CMRS customers with deposit tickets for inclusion with check payments. At the time a new account is opened, a licensee not possessing a preencoded deposit slip must present the initial payment to the MRC representative who in turn assigns the licensee a new account number and manually prepares a deposit ticket to be mailed to the lockbox bank for processing.

(7) If a licensee prefers to use a payment form other than a check, the licensee must contact the MRC representative for instructions, and the MRC must provide the licensee with the appropriate information regarding the use of ACH debits/credits and electronic funds transfers (wire transfers).

(8) Returned checks and ACH debits are the responsibility of the Postal Service. In the case of a returned check, the Postal Service lockbox bank, after an automatic second presentment, advises the MRC of the account in question so that the MRC data file can be locked. The MRC must lock the licensee account immediately so that the licensee is unable to reset the meter until the Postal Service receives payment in full for the check returned. The lockbox bank provides collection services for returned checks on behalf of the Postal Service. The Postal Service lockbox bank notifies the MRC once this item is paid. The MRC then releases the account for activity.

(f) *Refunds.* The Postal Service issues a refund to a licensee for any unused postage in a meter. Refunds of licensee balances maintained by the Postal Service in the Postal Service fund are intended to be made directly to the licensee by the lockbox bank within 48 hours after receipt of a licensee's request.

(g) *Reports.* The manufacturer must provide reports according to the following schedule:

| Report description | Content | Frequency | Medium |
|---|---|---|---|
| MRC CMRS Daily Activity Report | Summary of Business Activity | Daily | Paper (facsimile). |
| Revenue Allocation Report | ZIP Code of Licensing Post Office; Amount of Resettings. | Postal Accounting Period | Electronic. |
| Postage Refunds Report | Customer ID; ZIP Code; Amount of Refund. | Daily (by request only) | Paper. |
| Funds Advanced Report | Customer ID; ZIP Code; Amount of Funds Advanced. | Daily (by request only) | Paper. |

(h) *Inspection of records and facilities.* The manufacturer must make its facilities that handle the operation of the computerized resetting system and all records about the operation of the system available for inspection by representatives of the Postal Service at all reasonable times.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

**Note:** The following report and Postal Service forms are published for information only and will not be codified in the Code of Federal Regulations.

BILLING CODE 7710–12–P

**Exhibit A**

## Lost and Stolen Meter Incident Report

(To be filed within 30 days of determining that a meter is lost, stolen, or recovered)

1. Report code: _____
2. Report number: _____
3. Report date: _____
4. Occurrence date: _____
5. Manufacturer's code: _____
6. Meter serial number: _____
7. Model number: _____
8. Licensing post office finance number: _____
9. Meter license number: _____

**A. Administrative Details**

10. Accountable district/branch/dealer:

11. Complete address (including ZIP+4):

12. Complete name and last known address of licensee:

13. Indicate whether the licensee is a third-party mailer:

14. Police report number, if stolen:

Note: For stolen meters, a copy of the applicable police report must be attached to the stolen report. For recovered meters, a copy of the original lost or stolen report must be attached to the recovery report.

15. Name, precinct, and address of applicable police department:

16. For **lost or stolen** meters:

Last known register readings:
Ascending: _____
Descending: _____
Seal number: _____
Date of last setting: _____

Date of last manufacturer's inspection: _____

17. For **found or recovered** meter:

Reference initial report number: _____
Meter date reading at time of recovery: _____

Lost and Stolen Meter Incident Report [DRAFT]

**Exhibit A**

**B. Circumstances**

18. Details of loss or recovery (include time, place, name of individual who reported incident, and all pertinent facts):

19. Indicate any history of other meters reported as lost or stolen by this customer and attach all reports relating to these instances:

**C. Report Distribution**

Concurrent distribution of this report must be made to the licensing post office and the applicable Inspection Service Contraband Postage Identification Program (CPIP) specialist.

20. Name and address of licensing post office:

21. Name and address of applicable Inspection Service CPIP specialist:

**D. Report Certification**

The following certify that this report was accurately completed and submitted after the actions specified in 39 CFR 501.26 were followed:

22. Printed name and signature of person completing the report:

23. Printed name and signature of supervisor:

**The submission of false, fictitious, or fraudulent statements can result in imprisonment of up to 5 years and a fine of up to $10,000 (18 U.S.C. 1001).**

**Failure to report a lost or stolen meter according to standardized reporting procedures outlined in 39 CFR 501.26 and/or 39 CFR 501.22 can result in an administrative sanction. Additionally, lost and stolen meter activity reports must be submitted upon locating or recovering a meter that has been reported as lost or stolen. The submission of a lost and stolen meter activity report does not relinquish the manufacturer's responsibility to update input for the national computerized quarterly lost and stolen report.**

Lost and Stolen Meter Incident Report [DRAFT]

**Exhibit A**

**Missing Meters Required Actions**
**(39 CFR 501.26)**

**If a meter licensee cannot be located, do the following:**

1. Call licensee's last known telephone number.
2. Call directory assistance for new telephone number.
3. Contact local post office for current change of address information.
4. Contact local post office for a copy of Form 3610 and Form 3601-C for indication of new address.
5. Contact rental agency responsible for property where licensee was located.
6. Visit licensee's last known address to determine whether building superintendent or a neighbor knows licensee's new address.
7. Check centralized meter inspection file for change of address notation.
8. Mail a certified letter with return receipt to licensee at last known address, and add notation "Forwarding and Address Correction Requested" on the envelope.

**If a meter licensee reports a lost or stolen meter, do the following:**

1. Ensure that meter licensee has filed a police report and that copies have been provided to appropriate Contraband Postage Identification Program (CPIP) postal inspector.
2. Do not issue a replacement meter without ensuring that missing meter has been properly reported to police and to Inspection Service.

Lost and Stolen Meter Incident Report [DRAFT]

**Exhibit B**

**U.S. Postal Service**

## Application for a License to Lease and Use Postage Meters

(Complete and submit original signed form to the post office where metered mail will be deposited.)

Post Office Where Mail to Be Deposited:
Name: _____ State: ____ ZIP Code: _____

**A. Applicant**

1. Business Name: _____ 2. Telephone: ( ) _____
3. Corporate Business Customer Information System (CBCIS) Number *(if known)*: _____
4. Business Tax Identification Number: _____
5. Corporate Business Agent *(if applicable)*: _____
6. Federal Agency Code (for U.S. official mail [penalty indicia]) _ _ _ - _ _ _ _ _
7. Mailing Address *(delivery)*:
   Address: _____
   City: _____ State: _____ ZIP+4: _____ Fax Number: _____
8. Physical Street Address *(if mailing address is a post office box or different from above)*:
   _____
   City: _____ State: _____ ZIP+4: _____

**B. Business Profile**

1. Company's primary business function: _____
2. Give us your best estimate of postage usage:

   a. Anticipated Annual Metered Postage:
   Less than $7,000 [ ]
   $7,000 to $12,000 [ ]
   $12,001 to $25,000 [ ]
   More than $25,000 [ ]

   b. Annual Percentage of Metered Mail:
   Letters ____%
   Flats ____%
   Parcels ____%

3. Does your business anticipate mailing metered mail at discounted rates? [ ] Y [ ] N
4. Does your business have an authorization to use permit imprints at this or any other post office? [ ] Y [ ] N
5. Does your business prepare or process mail for other *(third)* parties? [ ] Y [ ] N
6. Does your business currently hold any other meter licenses at this or any other post office? [ ] Y [ ] N
   **If yes,** list:

| Post Office City | State | ZIP Code | License Number |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

7. Have you or your business ever had a meter license revoked? [ ] Y [ ] N
   **If yes,** provide specific details *(including dates and licensing post office)*: _____
   _____
   _____

PS Form 3601-A [DRAFT]

**Exhibit B**

**The collection of this information is authorized by 39 U.S.C. 401 and 404. This information will be used to administer postage meter activities. As a routine use, the information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the U.S. Postal Service is a party or has an interest; to a government agency in order to obtain information relevant to a Postal Service decision concerning employment, security clearances, contracts, licenses, grants, permits, or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations, contracts, licenses, grants, or other benefits; to a congressional office at your request; to an expert, consultant, or other person under contract with the Postal Service to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of Postal Service finances; to a labor organization as required by the National Labor Relations Act; and to disclose the identity and address of user and identity of agent to any member of the public. Completion of this form is voluntary; however, if this information is not provided, you may not receive meter services.**

**C. Certification**

The application must be signed and submitted to the U.S. Postal Service by a corporate officer or an individual within the business with the authority to sign checks.

I hereby certify that all information furnished on this form is accurate and truthful.

Applicant's Signature: _____ Date: _____

Printed Name: _____ Contact Telephone: ( ) - _____

Business Title: _____

PS Form 3601-A [DRAFT]

**Exhibit C**

**U.S. Postal Service**

## Postage Meter Installation, Withdrawal, or Replacement

**[ ] Installation** **[ ] Withdrawal** **[ ] Replacement**

**Reason for Meter Activity:**

[ ] New Meter [ ] Model Change [ ] Mechanical Failure
[ ] Register Failure [ ] Cancellation of Lease [ ] USPS Revocation of License
[ ] Other: _____

**Explanation:** _____

**A. Licensee Information**

Meter License Number: _____

Licensee Business/Individual Name: _____

**B. Meter Location**

Address: _____

City: _____ State: _____ ZIP+4: _____

Contact Person: _____ Telephone: _____

Meter Indicia Option Requested:

1. City: _____ State: _____
2. Name of Classified Branch: _____ State: _____
3. ZIP Code Designation: _____
4. Military APO/FPO: _____

**C. Meter Information**

| **Withdrawn Meter** | | **Installed Meter** | |
|---|---|---|---|
| Meter Manufacturer: | _____ | Meter Manufacturer: | _____ |
| Model Number: | _____ | Model Number: | _____ |
| Serial Number: | _____ | Serial Number: | _____ |
| Locking Seal Number: | _____ | Locking Seal Number: | _____ |
| Ascending Register: | _____ | Ascending Register: | _____ |
| Descending Register: | _____ | Descending Register: | _____ |
| Control Total: | _____ | Control Number: | _____ |

PS Form 3601-C [DRAFT]

**Exhibit C**

**D. Refunded/Transferred Postage**

[ ] Postage Refunded $ _____ [ ] Postage Transferred $ _____

[ ] Refund Not Determined and/or Locally Authorized *(provide explanation)*

Explanation: _____

**E. Manufacturer's Authorized Representative**

Name *(typed)* and Title: _____

Employee ID #: _____

Dealer/Branch Office Code #: _____

Address: _____

City: _____ State: _____ ZIP+4: _____

Telephone: _____

Signature: _____

**The submission of a false, fictitious, or fraudulent statement can result in imprisonment of up to 5 years and a fine of up to $10,000 (18 U.S.C. 1001).**

**F. USPS Representative**

**Round Stamp Here**
(required)

Name *(typed)* and Title: _____

Post Office, Station, or Branch Location: _____

Signature: _____

PS Form 3601-C [DRAFT]

[FR Doc. 95–14137 Filed 6–8–95; 8:45 am]
BILLING CODE 7710–12–C

federal register

Friday
June 9, 1995

# Part VI

# Department of Transportation

## Federal Aviation Administration

**14 CFR Parts 1 and 25**

**Airworthiness Standards: European Transport Category Airplanes; Changes to Advisory Circular (AC) 25–7; Final Rule and Notice**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Parts 1 and 25**

**[Docket No. 27705; Amendment Nos. 1–40 and 25–84]**

**RIN 2120–AF25**

# Revision of Certain Flight Airworthiness Standards To Harmonize With European Airworthiness Standards for Transport Category Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Federal Aviation Administration (FAA) is amending part 25 of the Federal Aviation Regulations (FAR) to harmonize certain flight requirements with the European Joint Aviation Requirements 25 (JAR–25). This action responds to a petition from the Aerospace Industries Association of America, Inc. and the Association Europeenne des Constructeurs de Materiel Aerospatial. These changes are intended to benefit the public interest by standardizing certain requirements, concepts, and procedures contained in the airworthiness standards for transport category airplanes.

**EFFECTIVE DATE:** July 10, 1995.

**FOR FURTHER INFORMATION CONTACT:** Donald K. Stimson, Flight Test and Systems Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, FAA, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone (206) 227–1129, facsimile (206) 227–1320.

**SUPPLEMENTARY INFORMATION:**

## Background

These amendments are based on Notice of Proposed Rulemaking (NPRM) 94–15, which was published in the **Federal Register** on April 22, 1994 (59 FR 19296). In that notice, the FAA proposed amendments to 14 CFR parts 1 and 25 to harmonize certain airworthiness standards for transport category airplanes with the European Joint Aviation Requirements 25 (JAR–25). Harmonizing the U.S. and European airworthiness standards benefits the public interest by reducing the costs associated with showing compliance to disparate standards, while maintaining a high level of safety.

NPRM 94–15 was developed in response to a petition for rulemaking from the Aerospace Industries Association of America, Inc. (AIA) and the Association Europeenne des Constructeurs de Materiel Aerospatial (AECMA). In their petition, AIA and AECMA requested changes to §§ 25.143(c), 25.143(f), 25.149, and 25.201 to standardize certain requirements, concepts, and procedures for certification flight testing and to enhance reciprocity between the FAA and JAA. In addition, AIA and AECMA recommended changes to FAA Advisory Circular (AC) 25–7, ''Flight Test Guide for Certification of Transport Category Airplanes,'' to ensure that the harmonized standards would be interpreted and applied consistently. A copy of that petition is included in the docket.

The proposals published in NPRM 94–15 would harmonize not only the sections of part 25 and JAR–25 addressed in the petition, but also related sections. These proposals were developed by the Aviation Rulemaking Advisory Committee (ARAC) and forwarded to the FAA as an ARAC recommendation. The FAA accepted the recommendation and published NPRM 94–15 for public comment in accordance with the normal rulemaking process.

## The Aviation Rulemaking Advisory Committee

The ARAC was formally established by the FAA on January 22, 1991 (56 FR 2190), to provide advice and recommendations concerning the full range of the FAA's safety-related rulemaking activity. This advice was sought to develop better rules in less overall time using fewer FAA resources than are currently needed. The committee provides the opportunity for the FAA to obtain firsthand information and insight from interested parties regarding proposed new rules or revisions of existing rules.

There are over 60 member organizations on the committee, representing a wide range of interests within the aviation community. Meetings of the committee are open to the public, except as authorized by section 10(d) of the Federal Advisory Committee Act.

The ARAC establishes working groups to develop proposals to recommend to the FAA for resolving specific issues. Tasks assigned to working groups are published in the **Federal Register**. Although working group meetings are not generally open to the public, all interested parties are invited to participate as working group members. Working groups report directly to the ARAC, and the ARAC must concur with a working group proposal before that proposal can be presented to the FAA as an advisory committee recommendation.

The activities of the ARAC will not, however, circumvent the public rulemaking procedures. After an ARAC recommendation is received and it is found acceptable by the FAA, the agency proceeds with the normal public rulemaking procedures. Any ARAC participation in a rulemaking package will be fully disclosed in the public docket.

## Discussion of the Proposals

In NPRM 94–15, the FAA proposed amending certain sections of the FAR, as recommended by the ARAC, to harmonize these sections with JAR–25. Concurrently, the JAA circulated Notice of Proposed Amendment (NPA) 25B–261, which proposed revising JAR–25, as necessary, to ensure harmonization in those areas for which the amendments proposed in NPRM 94–15 differ from the current JAR–25.

The FAA proposed to: (1) Introduce the term ''go-around power or thrust setting'' to clarify certain part 25 flight requirements; (2) revise the maximum control forces permitted for demonstrating compliance with the controllability and maneuverability requirements; (3) provide requirements for stick force and stick force gradient in maneuvering flight; (4) revise and clarify the requirements defining minimum control speed during approach and landing; (5) clarify the procedural and airplane configuration requirements for demonstrating stalls and revise the list of acceptable flight characteristics used to define the occurrence of stall; and (6) require that stall characteristics be demonstrated for turning flight stalls at deceleration rates up to 3 knots per second.

Revisions were also proposed for AC 25–7 to ensure consistent application of these proposed revised standards. Public comments concerning the revisions to AC 25–7 were invited by separate notice in the same issue of the **Federal Register** as NPRM 94–15 (59 FR 19303).

*Proposal 1.* Certain part 25 flight requirements involving flight conditions other than takeoff (i.e., §§ 25.119, 25.121(d), 25.145(b)(3), 25.145(b)(4), 25.145(b)(5), 25.145(c)(1), 25.149(f)(6), and 25.149(g)(7)(ii)) specify using the maximum available takeoff power or thrust as being representative of the appropriate maximum in-flight power or thrust. In practice, however, the power or thrust setting used to obtain the maximum in-flight power or thrust (commonly referred to as the go-around power or thrust setting) usually differs from the setting used for takeoff. In the

past, the FAA interpreted the words ''maximum available takeoff power or thrust'' to mean the maximum in-flight power or thrust, with the takeoff power or thrust setting not always being ''available'' in flight. In NPRM 94–15, the FAA proposed changing the nomenclature to ''go-around power or thrust setting'' for clarification and to reflect terminology commonly used in the operational environment. (The term ''go-around'' refers to a deliberate maneuver to abort a landing attempt prior to touchdown by applying the maximum available power or thrust, retracting flaps, and climbing to a safe level-off altitude.)

The go-around power or thrust setting may differ from the takeoff power or thrust setting, for example, due to the airspeed difference between the takeoff and go-around flight conditions. In addition, complying with the powerplant limitations of § 25.1521 may result in a lower power setting at the higher airspeeds associated with a go-around. As another example, the controllability requirements of §§ 25.145(b)(3), 25.145(b)(4), 25.145(b)(5), 25.149(f), and 25.149(g) may also limit the go-around power or thrust setting to less than that used for takeoff. Another reason to separate the takeoff and go-around power (or thrust) nomenclature is that certification practice has not required, and applicants have not always proposed, changing the go-around power or thrust setting when a previously approved takeoff power or thrust is increased.

The FAA proposed to substitute the term ''go-around power or thrust setting'' for ''maximum available takeoff power or thrust'' in §§ 25.119, 25.121(d), 25.145(b)(3), 25.145(b)(4), 25.145(c)(1), 25.149(f)(6), and 25.149(g)(7)(ii). (Note that the requirement of § 25.145(b)(5) also uses the power specified in § 25.145(b)(4).) In addition, the FAA proposed to define ''go-around power or thrust setting'' in part 1 as ''the maximum allowable in-flight power or thrust setting identified in the performance data.'' By this revision, the FAA intended to clarify that the applicable controllability requirements should be based on the same power or thrust setting used to determine the approach and landing climb performance contained in the approved Airplane Flight Manual (AFM).

The proposed terminology referred to a power or thrust ''setting'' rather than a power or thrust to make it clear that existing engine ratings would be unaffected. The powerplant limitations of § 25.1521 would continue to apply at the go-around power (or thrust) setting. Existing certification practices would also remain the same, including the relationship between the power or thrust values used to comply with the landing and approach climb requirements of §§ 25.119 and 25.121(d). For example, the thrust value used to comply with § 25.121(d) may be greater than that used for § 25.119, if the operating engine(s) do not reach the maximum allowable in-flight thrust by the end of the eight second time period specified in § 25.119.

*Proposal 2.* The FAA proposed to revise the table in § 25.143(c) to match the control force limits currently provided in JAR 25.143(c). This table prescribes the maximum control forces for the controllability and maneuverability flight testing required by §§ 25.143(a) and 25.143(b). For transient application of the pitch and roll control, the revised table would contain more restrictive maximum control force limits for those maneuvers in which the pilot might be using one hand to operate other controls, relative to those maneuvers in which both hands are normally available for applying pitch and roll control. The revised table would retain the current control force limits for transient application of the yaw control, and for sustained application of the pitch, roll, and yaw controls.

For maneuvers in which only one hand is assumed to be available, the FAA proposed to reduce the maximum permissible control forces from 75 pounds to 50 pounds for pitch control, and from 60 pounds to 25 pounds for roll control. These lower control forces would be more consistent with § 25.145(b), which states that a force of 50 pounds for longitudinal (pitch) control is ''representative of the maximum temporary force that readily can be applied by one hand.'' In addition to adding more restrictive control force limits for maneuvers in which only one hand may be available to apply pitch and roll control, the FAA proposed to reduce the maximum permissible force for roll control from 60 pounds to 50 pounds for maneuvers in which the pilot normally has both hands available to operate the control.

The FAA proposed to further revise § 25.143(c) by specifying that the table of maximum permissible control forces applies only to conventional wheel type controls. This restriction, also specified in the current JAR 25.143(c), recognizes that different control force limits may be necessary when considering sidestick controllers or other types of control systems.

For clarification, the FAA proposed to replace the terms ''temporary'' and ''prolonged,'' used in §§ 25.143(c), 25.143 (d), 25.143(e), and 25.145(b), with ''transient'' and ''sustained,'' respectively. ''Transient'' forces are those control forces resulting from maintaining the intended flight path during changes to the airplane configuration, normal transitions from one flight condition to another, or regaining control after a failure. The pilot is assumed to take immediate action to reduce or eliminate these forces by retrimming or by changing the airplane configuration or flight condition. ''Sustained forces,'' on the other hand, are those control forces resulting from normal or failure conditions that cannot readily be trimmed out or eliminated. The FAA proposed adding these definitions of ''transient'' and ''sustained'' forces to AC 25–7.

In addition, the FAA proposed several minor editorial changes for §§ 25.143(c) through 25.143(e) to improve readability and correct grammatical errors. For example, the words ''immediately preceding'' were proposed to replace ''next preceding'' in § 25.143(d). These editorial changes were intended only to clarify the regulatory language, while retaining the existing interpretation of the affected sections.

*Proposal 3.* The FAA proposed to add the JAR 25.143(f) requirements regarding control force characteristics during maneuvering flight to part 25 as a new § 25.143(f). By adding these requirements, the FAA would ensure that the force to move the control column, or ''stick,'' must not be so great as to make excessive demands on the pilot's strength when maneuvering the airplane, and must not be so low that the airplane can easily be overstressed inadvertently.

These harmonized requirements would apply up to the speed $V_{FC}/M_{FC}$ (the maximum speed for stability characteristics) rather than the speed $V_{MC}/M_{MC}$ (the maximum operating limit speed) specified by the current JAR 25.143(f). Requiring these maneuvering requirements to be met up to $V_{FC}/M_{FC}$ is consistent with other part 25 stability requirements. Section 25.253, which defines $V_{FC}/M_{FC}$, would be revised to reference the use of this speed in the proposed § 25.143(f). An acceptable means of compliance with § 25.143(f), including detailed interpretations of the stick force characteristics that meet these requirements, would be added to AC 25–7.

*Proposal 4.* Section 25.149(f) requires that the minimum control speed be determined assuming the critical engine suddenly fails during (or just prior to) a go-around from an all-engines-operating approach. For airplanes with

three or more engines, § 25.149(g) requires the minimum control speed to be determined for a one-engine-inoperative landing approach in which a second critical engine suddenly fails. The FAA proposed to revise §§ 25.149(f) through 25.149(h) to clarify and revise the criteria for establishing these minimum control speeds, $V_{MCL}$ and $V_{MCL-2}$, respectively, for use during approach and landing.

The FAA proposed to clarify that $V_{MCL}$ and $V_{MCL-2}$ apply not only to the airplane's approach configuration(s), as prescribed in the current standards, but also to the landing configuration(s). The FAA recognizes that configuration changes occur during approach and landing (e.g. flap setting and landing gear position) and considers that the minimum control speeds provided in the AFM should ensure airplane controllability, following a sudden engine failure, throughout the approach and landing.

Applicants would have the option of determining $V_{MCL}$ and $V_{MCL-2}$ either for the most critical of the approach and landing configurations (i.e., the configuration resulting in the highest minimum control speed), or for each configuration used for approach or for landing. By determining the minimum control speeds in the most critical configuration, applicants would not be required to conduct any additional testing to that already required by the current standards. Only if these resulting speeds proved too constraining for other configurations would the FAA expect applicants to exercise the option of testing multiple configurations.

The FAA also proposed to add provisions to state the position of the propeller, for propeller airplanes, when establishing these minimum control speeds. For the critical engine that is suddenly made inoperative, the propeller position must reflect the most critical mode of powerplant failure with respect to controllability, as required by § 25.149(a). Also, since credit cannot be given for pilot action to feather the propeller during this high flightcrew workload phase of flight, the FAA proposed that $V_{MCL}$ and $V_{MCL-2}$ be determined with the propeller position of the most critical engine in the position it automatically achieves. For $_{MCL-2}$, the engine that is already inoperative before beginning the approach may be feathered, since the pilot is expected to ensure the propeller is feathered before initiating the approach.

To ensure that airplanes have adequate lateral control capability at $V_{MCL}$ and $V_{MCL-2}$, the FAA proposed to require airplanes to be capable of rolling, from an initial condition of steady straight flight, through an angle of 20 degrees in not more than 5 seconds, in the direction necessary to start a turn away from the inoperative engine. This proposed addition to § 25.149 is contained in the current JAR 25.149.

The FAA also proposed guidance material for AC 25–7 to enable applicants to additionally determine the appropriate minimum control speeds for an approach and landing in which one engine, and, for airplanes with three or more engines, two engines, are already inoperative prior to beginning the approach. These speeds, $V_{MCL(1\ out)}$ and $V_{MCL-2(2\ out)}$, would be less restrictive than $V_{MCL}$ and $V_{MCL-2}$ because the pilot is assumed to have trimmed the airplane for the approach with an inoperative engine (for $V_{MCL(1\ out)}$) or two inoperative engines (for $V_{MCL-2(2\ out)}$). Also, the approach and landing procedures under these circumstances may use different approach and landing flaps than for the situations defining $V_{MCL}$ or $V_{MCL-2}$. These additional speeds could be used as guidance in determining the recommended procedures and speeds for a one-engine-inoperative, or, in the case of an airplane with three or more engines, a two-engine-inoperative approach and landing.

The FAA proposed to revise § 25.125 to require the approach speed used for determining the landing distance to be equal to or greater than $V_{MCL}$, the minimum control speed for approach and landing with all-engines-operating. This provision would ensure that the speeds used for normal landing approaches with all-engines-operating would provide satisfactory controllability in the event of a sudden engine failure during, or just prior to, a go-around.

*Proposal 5.* The FAA proposed to revise the stall demonstration requirements of § 25.201 to clarify the airplane configurations and procedures used in flight tests to demonstrate stall speeds and stall handling characteristics. The list of acceptable flight characteristics used to define the occurrence of stall would also be revised. To be consistent with current practice, § 25.201(b)(1) would require that stall demonstrations also be conducted with deceleration devices (e.g., speed brakes) deployed. Additionally, the FAA proposed clarifying the intent of § 25.201(b) to cover normal, rather than failure, conditions by requiring that stalls need only be demonstrated for the approved configurations.

Section 25.201(c) would be revised to more accurately describe the procedures used for demonstrating stall handling characteristics. The cross-reference to § 25.103(b), currently contained in § 25.201(c)(1), would be moved to a new § 25.201(b)(4) for editorial clarity and harmony with the JAR–25 format. Reference to the pitch control reaching the aft stop, which would be interpreted as one of the indications that the airplane has stalled, would be moved from § 25.201(c)(1) to § 25.201(d)(3).

The list of acceptable flight characteristics that define the occurrence of a stall, used during the flight tests demonstrating compliance with the stall requirements, is provided in § 25.201(d). The FAA proposed to revise this list to conform with current practices. Section 25.201(d)(1)(ii) would be removed to clarify that a rolling motion, occurring by itself, is not considered an acceptable flight characteristics for defining the occurrence of a stall. The proposed § 25.201(d)(2) would replace the criteria of §§ 25.201(d)(1)(iii) and 25.201(d)(2) because only deterrent buffeting (i.e., a distinctive shaking of the airplane that is a strong and effective deterrent to further speed reduction) is considered to comply with those criteria. Finally, the proposed § 25.201(d)(3) would define as a stall a condition in which the airplane does not continue to pitch up after the pitch control has been pulled back as far as it will go and held there for a short period of time. Guidance material was proposed for AC 25–7 to define the length of time that the control stick must be held in this full aft position when using § 25.201(d)(3) to define a stall.

*Proposal 6.* Section 25.201 currently requires stalls to be demonstrated at airspeed deceleration rates (i.e., entry rates) not exceeding one knot per second. JAR 25.201 currently requires, in addition, that turning flight stalls must be demonstrated at accelerated rates of entry into the stall (i.e., dynamic stalls). According to the JAA, the intended procedure for demonstrating dynamic stalls begins with a 1 knot per second deceleration from the trim speed (similar to normal stalls). Then, approximately halfway between the trim speed and the stall warning speed, the flight test pilot applies the elevator control to achieve an increase in the rate of change of angle-of-attack. The final angle-of-attack rate and the control input to achieve it should be appropriate to the type of airplane and its particular control characteristics.

The AIA/AECMA petition detailed various difficulties with interpretation of the JAR–25 requirement, noted that

the requirement is not contained in the FAR, and proposed that dynamic stalls be removed from JAR–25. Some of the concerns with the JAR–25 dynamic stall requirement include: (1) A significant number of flight test demonstrations for compliance used inappropriate piloting techniques considering the capabilities of transport category airplanes; (2) the stated test procedures depend, to a large extent, on pilot interpretation, resulting in test demonstrations that could vary significantly for different test pilots; (3) the safety objective of the requirement is not well understood within the aviation community; and (4) the flight test procedures that are provided are inconsistent with the flight characteristics being evaluated. As a result, applicants are unable to ensure that their designs will comply with the JAR–25 dynamic stall requirement prior to the certification flight test.

In practice, FAA certification testing has typically included stall demonstrations at entry rates higher than 1 knot per second. For airplanes with certain special features, such as systems designed to prevent a stall or that are needed to provide an acceptable stall indication, higher entry rates are demonstrated to show that the system will continue to safely perform its intended function under such conditions. These higher entry rate stalls are different, however, from the JAR–25 dynamic stalls.

Rather than simply deleting the dynamic stall requirements from JAR–25, or adding this requirement to part 25, the ARAC recommended harmonizing the two standards by requiring turning flight stalls be demonstrated at steady airspeed deceleration rates up to 3 knots per second. The FAA agrees with this recommendation and proposed to add the requirement for a higher entry rate stall demonstration to part 25 as § 25.201(c)(2). The current § 25.201(c)(2) would be redesignated § 25.201(c)(3). The JAA would replace the JAR–25 dynamic stall requirement with the ARAC recommendation.

The proposed higher entry rate stall demonstration is a controlled and repeatable maneuver that meets the objective of evaluating stall characteristics over a range of entry conditions that might reasonably be encountered by transport category airplanes in operational service. Some degradation in characteristics would be accepted at the higher entry rates, as long as it does not present a major threat to recovery from the point at which the pilot has recognized the stall. Guidance material was proposed for AC 25–7 to point out that the specified deceleration rate, and associated rate of increase in angle of attack, should be established from the trim speed specified in § 25.103(b)(1) and maintained up to the point at which the airplane stalls.

The FAA proposed to revise § 25.203(c) to specify a bank angle that must not be exceeded during the recovery from the turning flight stall demonstrations. Currently, § 25.203(c) provides only a qualitative statement that a prompt recovery must be easily attainable using normal piloting skill. By specifying a maximum bank angle limit, the FAA proposed to augment this qualitative requirement with a quantitative one.

For deceleration rates up to 1 knot per second, the maximum bank angle would be approximately 60 degrees in the original direction of the turn, or 30 degrees in the opposite direction. These bank angle limits are currently contained in JAR–25 guidance material, and have been used informally during FAA certification programs as well. For deceleration rates higher than 1 knot per second, the FAA proposed to allow a greater maximum bank angle—approximately 90 degrees in the original direction of the turn, or 60 degrees in the opposite direction. These are the same acceptance criteria currently used by the JAA to evaluate dynamic stall demonstrations.

In addition to the amendments to part 25 adopted by this final rule, AC 25–7 is being revised to ensure that these harmonized standards will be interpreted and applied consistently. AC 25–7 provides guidelines that the FAA has found acceptable regarding flight testing transport category airplanes to demonstrate compliance with the applicable airworthiness requirements. The changes to AC 25–7 are described in a separate notice published elsewhere in this issue of the **Federal Register**. Copies of the affected pages will be available for distribution shortly after publication of this final rule.

**Discussion of the Comments**

Five commenters responded to the request for comments contained in NPRM 94–15. All five commenters support the proposals, with two of the commenters requesting that the FAA and JAA concurrently adopt the proposed amendments soon. One of the commenters supports the proposals as long as they apply only to future airplane certification programs, and not to existing fleets.

The FAA appreciates the widespread support for these proposals, which the FAA attributes to the use of the ARAC process. As a result of this support, the FAA is adopting the proposed rules with only a few minor clarifying changes. These changes, which do not affect the intended application of the requirements, were made to prevent any confusion that may have resulted from the proposed wording.

In § 25.125(a)(2), the FAA has added the words ''whichever is greater'' in reference to the two constraints on the stabilized approach speed used to determine the landing distance. This addition provides consistency with other sections of part 25 containing multiple constraints, and clarifies that the more critical of the two constraints must be satisfied.

In § 25.143(c), the FAA proposed to replace the term ''temporary'' with the term ''transient'' to refer to those control forces that the pilot is assumed to take immediate action to reduce or eliminate. Examples of such forces are those resulting from raising or lowering the flaps or landing gear, changing altitude or speed, or recovering from some type of failure. The intended requirement relates to the initial stabilized force resulting from these events, not to any force peaks that may occur instantaneously. The term ''transient,'' however, could too easily be misinterpreted to refer to an instantaneous peaking of the force level. Therefore, the FAA is replacing ''temporary'' with ''short term'' rather than ''transient'' in § 25.143(c). For consistent terminology, the FAA is also replacing the term ''prolonged'' in § 25.143(c) with ''long term.'' These changes are carried through to the other sections of the proposal in which the terms ''temporary'' and ''prolonged'' appear (§§ 25.143(d) and (e) and 25.145(b)). The accompanying advisory material that was proposed for AC 25–7 will also be revised accordingly.

Due to a comment on the revisions proposed for AC 25–7 associated with the proposed rule changes, the FAA finds it necessary to clarify the requirements for the position of the propeller on the engine suddenly made inoperative during the $V_{MCL}$ and $V_{MCL-2}$ determination of §§ 25.149(f) and 25.149(g). A windmilling propeller creates significantly more drag than a feathered propeller, and hence is the more critical position relative to maintaining control of the airplane after an engine failure. Since § 25.149(a) requires $V_{MCL}$ and $V_{MCL-2}$ to be determined using the most critical mode of powerplant failure with respect to controllability, the windmilling position must be assumed. Subsequent feathering of the propeller would be accomplished either by an automatic system that

senses the engine failure or by the pilot manually adjusting the cockpit controls.

The requirements proposed in NPRM 94–15 would allow the propeller to be in the feathered position if the propeller feathering is done automatically. Credit for pilot action to manually feather the propeller would be inappropriate during this high workload phase of flight. Because an autofeather system may not be designed to respond to an engine failure at low power settings, one commenter proposes adding a statement to the advisory material in AC 25–7 to state that the engine failure could be assumed to occur after the pilot sets go-around power. The commenter's proposal would ensure that automatic propeller feathering could be taken into account in determining $V_{MCL}$ and $V_{MCL-2}$, even if the automatic feathering would not occur for engine failures at low power settings.

The FAA does not concur with the commenter's proposal. As was noted in the NPRM 94–15 preamble discussion, $V_{MCL}$ and $V_{MCL-2}$ must be determined assuming the critical engine suddenly fails during, or just prior to, the go-around maneuver. A sudden engine failure during an approach for landing may be the reason for initiating the go-around. If the autofeather system does not feather the propeller in this situation, the minimum control speeds should not assume the propeller is feathered.

To clarify this point, §§ 25.149(f)(5) and 25.149(g)(5) have been revised to state that the engine failure must be assumed to occur from the power setting associated with maintaining a three degree approach path angle. The revised wording also clarifies that these provisions apply only to propeller airplanes. The word ''automatically,'' referring to the position achieved by the propeller, has been replaced with ''without pilot action.'' This revision further clarifies the intent of the requirement and is more appropriate terminology for applying these requirements to airplanes lacking an autofeather system.

The FAA is clarifying § 25.201(d)(1) by removing the reference to rolling motion. Section 25.201(d) defines and lists the airplane behavior that gives the pilot a clear indication that the airplane has stalled. The presence of rolling motion is immaterial to determining whether or not the airplane has stalled. The proposed wording had been intended to emphasize that a rolling motion by itself would be unacceptable as a stall indication, and that any rolling motion that did occur must be within the bounds allowed by §§ 25.203 (b) and (c); however, the FAA has decided that this explanatory material would be better placed in AC 25–7.

With the exceptions noted above, the FAA is revising parts 1 and 25 as proposed. These amendments apply only to airplanes for which an application for a new (or amended or supplemental, if applicable) type certificate is made after the date the amendment becomes effective.

## Regulatory Evaluation Summary

### *Final Regulatory Evaluation, Final Regulatory Flexibility Determination, and Trade Impact Assessment*

Three principal requirements pertain to the economic impacts of changes to the Federal Aviation Regulations. First, Executive Order 12866 directs Federal agencies to promulgate new regulations or modify existing regulations only if the expected benefits to society outweigh the expected costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Finally, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this rule: (1) Will generate benefits exceeding costs; (2) is not ''significant'' as defined in the Executive Order and the Department of Transportation's (DOT) policies and procedures; (3) will not have a significant impact on a substantial number of small entities; and (4) will lessen restraints on international trade. These analyses, available in the docket, are summarized below.

### *Cost Benefit Analysis*

Three of the 48 provisions will require additional flight testing and engineering analysis, resulting in compliance costs of $18,500 per type-certification, or about $37 per airplane when amortized over a representative production run of 500 airplanes. The primary benefits of the rule are harmonization of flight test airworthiness standards with the European Joint Aviation Requirements and clarification of existing standards. The resulting increased uniformity of flight test standards will simplify airworthiness approvals and reduce over flight testing costs. While not readily quantifiable, these benefits will far exceed the incremental costs of the rule.

### *Regulatory Flexibility Determination*

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily or disproportionately burdened by Federal regulations. The RFA requires a Regulatory Flexibility Analysis if a rule will have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, prescribes standards for complying with RFA review requirements in FAA rulemaking actions. The Order defines ''small entities'' in terms of size thresholds, ''significant economic impact'' in terms of annualized cost thresholds, and ''substantial number'' as a number which is not less than eleven and which is more than one-third of the small entities subject to the proposed or final rule.

The rule will affect manufacturers of transport category airplanes produced under future new airplane type certifications. For manufacturers, Order 2100.14A specifies a size threshold for classification as a small entity as 75 or fewer employees. Since no part 25 airplane manufacturer has 75 or fewer employees, the rule will not have a significant economic impact on a substantial number of small airplane manufacturers.

### *Trade Impact Assessment*

This final rule will not constitute a barrier to international trade, including the export of American airplanes to foreign countries, and the import of foreign airplanes into the United States. Instead, the flight testing standards have been harmonized with those of foreign aviation authorities, thereby lessening restraints on trade.

## Federalism Implications

This final rule will not have substantial direct effects on the States, on the relationship between the national government and the State, 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 will not have sufficient federalism implications to warrant preparing a Federalism Assessment.

## Conclusion

Because the changes to standardize specific flight requirements of part 25 of the FAR are not expected to result in substantial economic cost, the FAA has determined that this regulation is not significant under Executive Order 12866. Because this is an issue that has not prompted a great deal of public concern, the FAA has determined that this action is not significant under DOT

Regulatory Policies and Procedures (44 FR 11034, February 25, 1979). In addition, since there are no small entities affected by this rulemaking, the FAA certifies, under the criteria of the Regulatory Flexibility Act, that this regulation will not have a significant economic impact, positive or negative, on a substantial number of small entities. A copy of the regulatory evaluation prepared for this regulation has been placed in the public docket. A copy may be obtained by contacting the person identified under the caption, **FOR FURTHER INFORMATION CONTACT.**

## List of Subjects

*14 CFR Part 1*

Air transportation.

*14 CFR Part 25*

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

## Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration (FAA) amends 14 CFR parts 1 and 25 of the Federal Aviation Regulations (FAR) as follows:

## PART 1—DEFINITIONS AND ABBREVIATIONS

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

**Authority:** 49 U.S.C. app. 1347, 1348, 1354(a), 1357(d)(2), 1372, 1421 through 1430, 1432, 1442, 1443, 1472, 1510, 1522, 1652(e), 1655(c), 1657(f), and 49 U.S.C. 106(g).

2. Section 1.1 is amended by adding a new definition to read as follows:

### § 1.1 General definitions.

* * * * *

*Go-around power or thrust setting* means the maximum allowable in-flight power or thrust setting identified in the performance data.

* * * * *

## PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

3. The authority citation for part 25 continues to read as follows:

**Authority:** 49 U.S.C. app. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425, 1428, 1429, 1430; 49 U.S.C. 106(g); and 49 CFR 1.47(a).

4. Section 25.119 is amended by revising paragraph (a) to read as follows:

### § 25.119 Landing climb: All-engines-operating.

* * * * *

(a) The engines at the power or thrust that is available eight seconds after initiation of movement of the power or thrust controls from the minimum flight idle to the go-around power or thrust setting; and

* * * * *

5. Section 25.121 is amended by revising paragraph (d)(1) to read as follows:

### § 25.121 Climb: One-engine-inoperative.

* * * * *

(d) * * *

(1) The critical engine inoperative, the remaining engines at the go-around power or thrust setting;

* * * * *

6. Section 25.125 is amended by revising paragraph (a)(2) to read as follows:

### § 25.125 Landing.

* * * * *

(a) * * *

(2) A stabilized approach, with a calibrated airspeed of not less than 1.3 $V_S$ or $V_{MCL}$, whichever is greater, must be maintained down to the 50 foot height.

* * * * *

7. Section 25.143 is amended by revising paragraphs (c), (d), and (e) and adding a new paragraph (f) to read as follows:

### § 25.143 General.

* * * * *

(c) The following table prescribes, for conventional wheel type controls, the maximum control forces permitted during the testing required by paragraphs (a) and (b) of this section:

| Force, in pounds, applied to the control wheel or rudder pedals | Pitch | Roll | Yaw |
|---|---|---|---|
| For short term application for pitch and roll control—two hands available for control | 75 | 50 | ..... |
| For short term application for pitch and roll control—one hand available for control ..... | 50 | 25 | ..... |
| For short term application for yaw control .... | ..... | ..... | 150 |
| For long term application ..... | 10 | 5 | 20 |

(d) Approved operating procedures or conventional operating practices must be followed when demonstrating compliance with the control force limitations for short term application that are prescribed in paragraph (c) of this section. The airplane must be in trim, or as near to being in trim as practical, in the immediately preceding steady flight condition. For the takeoff condition, the airplane must be trimmed according to the approved operating procedures.

(e) When demonstrating compliance with the control force limitations for long term application that are prescribed in paragraph (c) of this section, the airplane must be in trim, or as near to being in trim as practical.

(f) When maneuvering at a constant airspeed or Mach number (up to $V_{FC}$/$M_{FC}$), the stick forces and the gradient of the stick force versus maneuvering load factor must lie within satisfactory limits. The stick forces must not be so great as to make excessive demands on the pilot's strength when maneuvering the airplane, and must not be so low that the airplane can easily be overstressed inadvertently. Changes of gradient that occur with changes of load factor must not cause undue difficulty in maintaining control of the airplane, and local gradients must not be so low as to result in a danger of overcontrolling.

8. Section 25.145 is amended by revising paragraphs (b) introductory paragraph, (b)(3), (b)(4), and (c)(1) to read as follows:

### § 25.145 Longitudinal control.

* * * * *

(b) With the landing gear extended, no change in trim control, or exertion of more than 50 pounds control force (representative of the maximum short term force that can be applied readily by one hand) may be required for the following maneuvers:

* * * * *

(3) Repeat paragraph (b)(2), except at the go-around power or thrust setting.

(4) With power off, flaps retracted, and the airplane trimmed at 1.4 $V_{SI}$, rapidly set go-around power or thrust while maintaining the same airspeed.

* * * * *

(c) * * *

(1) Simultaneous movement of the power or thrust controls to the go-around power or thrust setting;

* * * * *

9. Section 25.149 is amended by revising paragraphs (f), (g) and (h) to read as follows:

### § 25.149 Minimum control speed.

* * * * *

(f) $V_{MCL}$, the minimum control speed during approach and landing with all engines operating, is the calibrated airspeed at which, when the critical engine is suddenly made inoperative, it

is possible to maintain control of the airplane with that engine still inoperative, and maintain straight flight with an angle of bank of not more than 5 degrees. $V_{MCL}$ must be established with—

(1) The airplane in the most critical configuration (or, at the option of the applicant, each configuration) for approach and landing with all engines operating;

(2) The most unfavorable center of gravity;

(3) The airplane trimmed for approach with all engines operating;

(4) The most favorable weight, or, at the option of the applicant, as a function of weight;

(5) For propeller airplanes, the propeller of the inoperative engine in the position it achieves without pilot action, assuming the engine fails while at the power or thrust necessary to maintain a three degree approach path angle; and

(6) Go-around power or thrust setting on the operating engine(s).

(g) For airplanes with three or more engines, $V_{MCL-2}$, the minimum control speed during approach and landing with one critical engine inoperative, is the calibrated airspeed at which, when a second critical engine is suddenly made inoperative, it is possible to maintain control of the airplane with both engines still inoperative, and maintain straight flight with an angle of bank of not more than 5 degrees. $V_{MCL-2}$ must be established with—

(1) The airplane in the most critical configuration (or, at the option of the applicant, each configuration) for approach and landing with one critical engine inoperative;

(2) The most unfavorable center of gravity;

(3) The airplane trimmed for approach with one critical engine inoperative;

(4) The most unfavorable weight, or, at the option of the applicant, as a function of weight;

(5) For propeller airplanes, the propeller of the more critical inoperative engine in the position it achieves without pilot action, assuming the engine fails while at the power or thrust necessary to maintain a three degree approach path angle, and the propeller of the other inoperative engine feathered;

(6) The power or thrust on the operating engine(s) necessary to maintain an approach path angle of three degrees when one critical engine is inoperative; and

(7) The power or thrust on the operating engine(s) rapidly changed, immediately after the second critical engine is made inoperative, from the power or thrust prescribed in paragraph (g)(6) of this section to—

(i) Minimum power or thrust; and

(ii) Go-around power or thrust setting.

(h) In demonstrations of $V_{MCL}$ and $V_{MCL-2}$—

(1) The rudder force may not exceed 150 pounds;

(2) The airplane may not exhibit hazardous flight characteristics or require exceptional piloting skill, alertness, or strength;

(3) Lateral control must be sufficient to roll the airplane, from an initial condition of steady flight, through an angle of 20 degrees in the direction necessary to initiate a turn away from the inoperative engine(s), in not more than 5 seconds; and

(4) For propeller airplanes, hazardous flight characteristics must not be exhibited due to any propeller position achieved when the engine fails or during any likely subsequent movements of the engine or propeller controls.

10. Section 25.201 is amended by revising paragraphs (b), (c), and (d) to read as follows:

**§ 25.201 Stall demonstration.**

* * * * *

(b) In each condition required by paragraph (a) of this section, it must be possible to meet the applicable requirements of § 25.203 with—

(1) Flaps, landing gear, and deceleration devices in any likely combination of positions approved for operation;

(2) Representative weights within the range for which certification is requested;

(3) The most adverse center of gravity for recovery; and

(4) The airplane trimmed for straight flight at the speed prescribed in § 25.103(b)(1).

(c) The following procedures must be used to show compliance with § 25.203;

(1) Starting at a speed sufficiently above the stalling speed to ensure that a steady rate of speed reduction can be established, apply the longitudinal control so that the speed reduction does not exceed one knot per second until the airplane is stalled.

(2) In addition, for turning flight stalls, apply the longitudinal control to achieve airspeed deceleration rates up to 3 knots per second.

(3) As soon as the airplane is stalled, recover by normal recovery techniques.

(d) The airplane is considered stalled when the behavior of the airplane gives the pilot a clear and distinctive indication of an acceptable nature that the airplane is stalled. Acceptable indications of a stall, occurring either individually or in combination, are—

(1) A nose-down pitch that cannot be readily arrested;

(2) Buffeting, of a magnitude and severity that is a strong and effective deterrent to further speed reduction; or

(3) The pitch control reaches the aft stop and no further increase in pitch attitude occurs when the control is held full aft for a short time before recovery is initiated.

11. Section 25.203 is amended by revising paragraph (c) to read as follows:

**§ 25.203 Stall characteristics.**

* * * * *

(c) For turning flight stalls, the action of the airplane after the stall may not be so violent or extreme as to make it difficult, with normal piloting skill, to effect a prompt recovery and to regain control of the airplane. The maximum bank angle that occurs during the recovery may not exceed—

(1) Approximately 60 degrees in the original direction of the turn, or 30 degrees in the opposite direction, for deceleration rates up to 1 knot per second; and

(2) Approximately 90 degrees in the original direction of the turn, or 60 degrees in the opposite direction, for deceleration rates in excess of 1 knot per second.

12. Section 25.253 is amended by revising paragraph (b) to read as follows:

**§ 25.253 High-speed characteristics.**

* * * * *

(b) *Maximum speed for stability characteristics,* $V_{FC}/M_{FC}$. $V_{FC}/M_{FC}$ is the maximum speed at which the requirements of §§ 25.143(f), 25.147(e), 25.175(b)(1), 25.177, and 25.181 must be met with flaps and landing gear retracted. It may not be less than a speed midway between $V_{MO}/M_{MO}$ and $V_{DF}/M_{DF}$, except that for altitudes where Mach number is the limiting factor, $M_{FC}$ need not exceed the Mach number at which effective speed warning occurs.

Issued in Washington, D.C. on June 2, 1995.

**David R. Hinson,**

*Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Advisory Circular 25–7, Flight Test Guide for Certification of Transport Category Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of changes to advisory circular.

**SUMMARY:** This notice describes the changes to Advisory Circular (AC) 25–7, ''Flight Test Guide for Certification of Transport Category Airplanes,'' that accompany Amendment 25–84, published elsewhere in this issue of the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Donald K. Stimson, Flight Test and Systems Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, FAA, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone (206) 227–1129; facsimile (206) 227–1320.

**SUPPLEMENTARY INFORMATION:**

### Discussion

On May 22, 1990, the Aerospace Industries Association of America, Inc. (AIA) and the Association Europeenne des Constructeurs de Materiel Aerospatial (AECMA) jointly petitioned the FAA and the European Joint Aviation Authorities (JAA) to harmonize certain airworthiness requirements that apply to transport category airplanes. In their petition, a summary of which was published in the July 17, 1990, edition of the **Federal Register** (55 FR 137), AIA and AECMA also recommended changes to Advisory Circular (AC) 25–7, ''Flight Test Guide for Certification of Transport Category Airplanes,'' to ensure that the harmonized standards would be interpreted and applied consistently.

Part 25 of the Federal Aviation Regulations (FAR) prescribes the United States airworthiness standards for transport category airplanes. Advisory Circular (AC) 25–7 provides guidelines that the FAA has found acceptable for flight testing transport category airplanes to demonstrate compliance with those airworthiness standards. Revisions to part 25, in response to the AIA/AECMA petition, were proposed by the FAA in Notice of Proposed Rulemaking (NPRM) 94–15, which was published in the **Federal Register** on April 22, 1994 (59 FR 19296). The proposed revisions to AC 25–7 were published in the same issue of the **Federal Register** as NPRM 94–15 (59 FR 19303).

Amendment 25–84, which resulted from publication of Notice 94–15, is published elsewhere in this issue of the **Federal Register**. The changes to AC 25–7 that accompany Amendment 25–84 are detailed below. Copies of the affected pages will be available for distribution shortly after publication of this notice.

### Revisions to AC 25–7 to Accompany Amendment 25–84

*1. Replace Paragraph 16.a With the Following*

a. Section 25.119(a) states that the engines are to be set at the power or thrust that is available eight seconds after initiating movement of the power or thrust controls from the minimum flight idle position to the go-around power or thrust setting. The procedures given are for the determination of this maximum thrust for showing compliance with the climb requirements of § 25.119.

*2. Replace Paragraph 16.b.(3) With the Following*

(3) *For the critical air bleed configuration,* stabilize the airplane in level flight with symmetric power on all engines, landing gear down, flaps in the landing position, at a speed of 1.3 $V_{S0}$, simulating the estimated minimum climb limiting landing weights at an altitude sufficiently above the selected test altitude so that the time to descend to the test altitude with the throttles closed equals the appropriate engine r.p.m. stabilization time determined in paragraph (2). Retard the throttles to the flight idle position and descend at 1.3 $V_S$ to approximately the test altitude; when the appropriate time has elapsed, rapidly advance the power or thrust controls to the go-around power or thrust setting. The power or thrust controls may first be advanced to the forward stop and then retarded to the go-around power or thrust setting. At the applicant's option, additional less critical bleed configurations may be tested.

*3. Add the Following Sections to Paragraph 20.a*

(1) The maximum forces given in the table in § 25.143(c) for pitch and roll control for short-term application are applicable to maneuvers in which the control force is only needed for a short period. Where the maneuver is such that the pilot will need to use one hand to operate other controls (such as during the landing flare or a go-around, or during changes of configuration or power resulting in a change of control force that must be trimmed out) the single-handed maximum control forces will be applicable. In other cases (such as takeoff rotation, or maneuvering during en route flight), the two-handed maximum forces will apply.

(2) Short-term and long-term forces should be interpreted as follows:

(i) Short-term forces are the initial stabilized control forces that result from maintaining the intended flight path following configuration changes and normal transactions from one flight condition to another, or from regaining control following a failure. It is assumed that the pilot will take immediate action to reduce or eliminate such forces by re-trimming or changing configuration or flight conditions, and consequently short-term forces are not considered to exist for any significant duration. They do not include transient force peaks that may occur during the configuration change, change of flight conditions, or recovery of control following a failure.

(ii) Long-term forces are those control forces that result from normal or failure conditions that cannot readily be trimmed out or eliminated.

*4. Add the Following Sections to Paragraph 20*

d. *Acceptable Means of Compliance.* An acceptable means of compliance with the requirement that stick forces may not be excessive when maneuvering the airplane is to demonstrate that, in a turn for 0.5g incremental normal acceleration (0.3g above 20,000 feet) at speeds up to $V_{FC}$/$M_{FC}$, the average stick force gradient does not exceed 120 lbs/g.

e. *Interpretive Material.* (1) The objective of § 25.143(f) is to ensure that the limit strength of any critical component on the airplane would not be exceeded in maneuvering flight. In much of the structure, the load sustained in maneuvering flight can be assumed to be directly proportional of the load factor applied. However, this may not be the case for some parts of the structure, e.g., the tail and rear fuselage. Nevertheless, it is accepted that the airplane load factor will be a sufficient guide to the possibility of exceeding limit strength on any critical component if a structural investigation is undertaken whenever the design positive limit maneuvering load factor is closely approached. If flight testing indicates that the design positive limit maneuvering load factor could be exceeded in steady maneuvering flight with a 50-pound stick force, the airplane structure should be evaluated for the anticipated load at a 50-pound stick force. The airplane will be considered to have been overstressed if limit strength has been exceeded in any critical

component. For the purposes of this evaluation, limit strength is defined as the larger of either the limit design loads envelope increased by the available margins of safety, or the ultimate static test strength divided by 1.5.

(2) Minimum Stick Force to Reach Limit Strength. (i) A stick force of at least 50 pounds to reach limit strength in steady maneuvers or wind-up turns in considered acceptable to demonstrate adequate minimum force at limit strength in the absence of deterrent buffeting. If heavy buffeting occurs before the limit strength condition is reached, a somewhat lower stick force at limit strength may be acceptable. The acceptability of a stick force of less than 50 pounds at the limit strength condition will depend upon the intensity of he buffet, the adequacy of the warning margin (i.e., the load factor increment between the heavy buffet and the limit strength condition), and the stick force characteristics. In determining the limit strength condition for each critical component, the contribution of buffet loads to the overall maneuvering loads should be taken into account.

(ii) This minimum stick force applies in the en route configuration with the airplane trimmed for straight flight, at all speeds above the minimum speed at which the limit strength condition can be achieved without stalling. No minimum stick force is specified for other configurations, but the requirements of § 25.143(f) are applicable in these conditions.

(3) Stick Force Characteristics. (i) At all points within the buffet onset boundary determined in accordance with § 25.251(e), but not including speeds above $V_{FC}/M_{FC}$, the stick force should increase progressively with increasing load factor. Any reduction in stick force gradient with change of load factor should not be so large or abrupt as to impair significantly the ability of the pilot to maintain control over the load factor and pitch attitude of the airplane.

(ii) Beyond the buffet onset boundary, hazardous stick force characteristics should not be encountered within the permitted maneuvering envelope as limited by paragraph 20.e.(3)(iii). It should be possible, by use of the primary longitudinal control alone, to pitch the airplane rapidly nose down so as to regain the initial trimmed conditions. The stick force characteristics demonstrated should comply with the following:

(A) For normal acceleration increments of up to 0.3g beyond buffet onset, where these can be achieved, local reversal of the stick force gradient may be acceptable, provided that any tendency to pitch up is mild and easily controllable.

(B) For normal acceleration increments of more than 0.3g beyond buffet onset, where these can be achieved, more marked reversals of the stick force gradient may be acceptable. It should be possible for any tendency to pitch up to be contained within the allowable maneuvering limits without applying push forces to the control column and without making a large and rapid forward movement of the control column.

(iii) In flight tests to satisfy paragraphs 20.e.(3) (i) and (ii), the load factor should be increased until either:

(A) The level of buffet becomes sufficient to provide a strong and effective deterrent to further increase of load factor; or

(B) Further increase the load factor requires a stick force in excess of 150 pounds (or in excess of 100 pounds when beyond the buffet onset boundary) or is impossible because of the limitations of the control system; or

(C) The positive limit maneuvering load factor established in compliance with § 25.337(b) is achieved.

(4) Negative Load Factors. It is not intended that a detailed flight test assessment of the maneuvering characteristics under negative load factors should necessarily be made throughout the specified range of conditions. An assessment of the characteristics in the normal flight envelope involving normal accelerations from 1g to zero g will normally be sufficient. Stick forces should also be assessed during other required flight testing involving negative load factors. Where these assessments reveal stick force gradients that are unusually low, or that are subject to significant variation, a more detailed assessment, in the most critical of the specified conditions, will be required. This may be based on calculations provided these are supported by adequate flight test or wind tunnel data.

*5. Replace Paragraph 21.a.(e) With the Following*

(3) *Section 25.145(c)* contains requirements associated primarily with attempting a go-around maneuver from the landing configuration. Retraction of the high-lift devices from the landing configuration should not result in a loss of altitude if the power or thrust controls are moved to the go-around setting at the same time that flap/slat retraction is begun. The design features involved with this requirement are the rate of flap/slat retraction, the presence of any flap gates, and the go-around power or thrust setting.

(i) Flap gates, which prevent the pilot from moving the flap selector through the gated position without a separate and distinct movement of the selector, allow compliance with these requirements to be demonstrated in segments. High lift device retraction must be demonstrated beginning from the maximum landing position to the first gated position, between gated positions, and from the last gated position to the fully retracted position.

(ii) The go-around power or thrust setting should be the same as is used to comply with the approach and landing climb performance requirements of §§ 25.121(d) and 25.119, and the controllability requirements of §§ 25.145(b)(3), 25.145(b)(4), 25.145(b)(5), 25.149(f), and 25.149(g). The controllability requirements may limit the go-around power or thrust setting.

*6. Replace Paragraph 21.c.(3)(i)(E) With the Following*

(E) Engine power at flight idle and the go-around power or thrust setting.

*7. Replace Paragraph 21.c.(4)(ii) With the Following*

(ii) The airplane should be trimmed at a speed of 1.4 $V_S$. Quickly set go-around power or thrust while maintaining the speed of 1.4 $V_S$. The longitudinal control force should not exceed 50 lbs. throughout the maneuver without changing the trim control.

*8. Replace Paragraph 21.c.(6)(ii) With the Following*

(ii) Test procedure: With the airplane stable in level flight at a speed of 1.1 $V_S$ for propeller driven airplanes, or 1.2 $V_S$ for turbojet powered airplanes, retract the flaps to the full up position, or the next gated position, while simultaneously setting go-around power. Use the same power or thrust as is used to comply with the performance requirement of § 25.121(d), as limited by the applicable controllability requirements. It must be possible, without requiring exceptional piloting skill, to prevent losing altitude during the maneuver. Trimming is permissible at any time during the maneuver. If gates are provided, conduct this test beginning from the maximum landing flap position to the first gate, from gate to gate, and from the last gate to the fully retracted position. (The gate design requirements are specified within the rule.) Keep the landing gear extended throughout the test.

*9. Revise the First Sentence of Paragraph 23.a by Replacing ''Landing Approach ($V_{MCL}$)'' by ''Approach and Landing $V_{MCL}$ and $V_{MCL-2}$).'' Revise the Second Sentence in the Same Paragraph by Replacing ''$V_{MCL}$'' with ''$V_{MCL}$ and $V_{MCL-2}$''*

*10. Replace Paragraph 23.b.(2)(iii) With the Following*

(iii) During determination of $V_{MCG}$, engine failure recognition should be provided by:

(A) The pilot feeling a distinct change in the directional tracking characteristics of the airplane, or

(B) The pilot seeing a directional divergence of the airplane with respect to the view outside the airplane.

*11. Replace Paragraph 23.b.(3) With the Following*

(3) Minimum Control Speed During Approach and Landing ($V_{MCL}$)—§ 25.149(f).

(i) This section is intended to ensure that the airplane is safely controllable following an engine failure during an all-engines-operating approach and landing. From a controllability standpoint, the most critical case usually consists of an engine failing after the power or thrust has been increased to perform a go-around from an all-engines-operating approach. Section 25.149(f) requires the minimum control speed to be determined that allows a pilot of average skill and strength to retain control of the airplane after the critical engine becomes inoperative and to maintain straight flight with less than five degrees of bank angle. Section 25.149(h) requires that sufficient lateral control be available at $V_{MCL}$ to roll the airplane through an angle of 20 degrees, in the direction necessary to initiate a turn away from the inoperative engine, in not more than five seconds when starting from a steady flight condition.

(ii) Conduct this test using the most critical of the all-engines-operating approach and landing configurations, or at the option of the applicant, each of the all-engines-operating approach and landing configurations. The procedures given in paragraph 23.b.(1)(ii) for $V_{MCA}$ may be used to determine $V_{MCL}$, except that flap and trim settings should be appropriate to the approach and landing configurations, the power or thrust on the operating engine(s) should be set to the go-around power or thrust setting, and compliance with all $V_{MCL}$ requirements of §§ 25.149 (f) and (h) must be demonstrated.

*12. Add the Following New Sections to Paragraph 23.b.(3)*

(iii) For propeller driven airplanes, the propeller must be in the position it achieves without pilot action following engine failure, assuming the engine fails while at the power or thrust necessary to maintain a three degree approach path angle.

(iv) At the option of the applicant, a one-engine-inoperative landing minimum control speed, $V_{MCL(1\ out)}$, may be determined in the conditions appropriate to an approach and landing with one engine having failed before the start of the approach. In this case, only those configurations recommended for use during an approach and landing with one engine inoperative need be considered. The propeller of the inoperative engine, if applicable, may be feathered throughout. The resulting value of $V_{MCL(1\ out)}$ may be used in determining the recommended procedures and speeds for a one-engine-inoperative approach and landing.

*13. Replace and Re-Designate Paragraphs 23.b.(4), 23.b.4(ii), and 23.b.4(ii)(A) With the Following*

(4) Minimum Control Speed With One Engine Inoperative During Approach and Landing ($V_{MCL-2}$)—§ 25.149(g).

(iii) Conduct this test using the most critical approved one-engine-inoperative approach or landing configuration (usually the minimum flap deflection), or at the option of the applicant, each of the approved one-engine-inoperative approach and landing configurations. The following demonstrations are required to determine $V_{MCL-2}$:

(A) With the power or thrust on the operating engines set to maintain a minus 3 degree glideslope with one critical engine inoperative, the second critical engine is made inoperative and the remaining operating engine(s) are advanced to the go-around power or thrust setting. The $V_{MCL-2}$ speed is established by the procedures presented in paragraph 23.b.(1)(ii) for $V_{MCA}$, except that flap and trim setting should be appropriate to the approach and landing configurations, the power or thrust on the operating engine(s) should be set to the go-around power or thrust setting, and compliance with all $V_{MCL-2}$ requirements of §§ 25.149(g) and (h) must be demonstrated.

*14. Add the Following New Section to Paragraph 23.b.(4)*

(ii) For propeller driven airplanes, the propeller of the engine inoperative at the beginning of the approach may be in the feathered position. The propeller of the more critical engine must be in the position it automatically assumes following engine failure.

(iii)(C) Starting from a steady straight flight condition, demonstrate that sufficient lateral control is available at $V_{MCL-2}$ to roll the airplane through an angle of 20 degrees in the direction necessary to initiate a turn away from the inoperative engines in not more than five seconds. This maneuver may be flown in a bank-to-bank roll through a wings level attitude.

(iv) At the option of the applicant, a two-engines-inoperative landing minimum control speed, $V_{MCL-2(2\ out)}$, may be determined in the conditions appropriate to an approach and landing with two engines having failed before the start of the approach. In this case, only those configurations recommended for use during an approach and landing with two engines inoperative need be considered. The propellers of the inoperative engines, if applicable, may be feathered throughout. The values of $V_{MCL-2}$ or $V_{MCL-2(2\ out)}$ should be used as guidance in determining the recommended procedures and speeds for a two-engines-inoperative approach and landing.

*15. Add the Following New Section to Paragraph 23.b*

(5) *Autofeather Effects.* Where an autofeather or other drag limiting system is installed and will be operative at approach power settings, its operation may be assumed in determining the propeller position achieved when the engine fails. Where automatic feathering is not available, the effects of subsequent movements of the engine and propeller controls should be considered, including fully closing the power lever of the failed engine in conjunction with maintaining the go-around power setting on the operating engine(s).

*16. Replace Paragraph 29.b.(3)(i) With the Following*

(i) The pitch control reaches the aft stop is held full aft for two seconds, or until the pitch attitude stops increasing, whichever occurs later. In the case of turning flight stalls, recovery may be initiated once the pitch control reaches the aft stop when accompanied by a rolling motion that is not immediately controllable (provided the rolling motion complies with § 25.203 (c)).

*17. Replace Paragraph 29.b.(3)(ii) With the Following*

(ii) An uncommanded, distinctive and easily recognizable nose down pitch that cannot be readily arrested. This nose down pitch may be accompanied

by a rolling motion that is not immediately controllable, provided that the rolling motion complies with § 25.203(b) or (c) as appropriate.

*18. Remove Paragraph 29.b.(3)(iii) (and Redesignate Paragraph 29.b.(3) (iv) and (v) as 29.b.(3) (iii) and (iv), Respectively*

(iii) A roll that cannot be readily arrested with normal use of lateral/directional control.

*19. Replace Paragraph 29.d.(3)(i) With the Following*

(i) The airplane should be trimmed for hands-off flight at a speed 20 percent to 40 percent above the stall speed, with the appropriate power setting and configuration. Then, using only the primary longitudinal control, establish and maintain a deceleration (entry rate) consistent with that specified in §§ 25.201(c)(1) or 25.201(c)(2), as appropriate, until the airplane is stalled. Both power and pilot selectable trim should remain constant throughout the stall and recovery (angle of attack has decreased to the point of no stall warning).

*20. Replace Paragraph 29.d.(3)(iii) With the Following*

(iii) In addition, for turning flight stalls, apply the longitudinal control to achieve airspeed deceleration rates up to 3 knots per second. The intent of evaluating higher deceleration rates is to demonstrate safe characteristics at higher rates of increase of angle of attack than are obtained from the 1 knot per second stalls. The specified airspeed deceleration rate, and associated angle of attack rate, should be maintained up to the point at which the airplane stalls.

*21. Replace Paragraph 29.d.(3)(iv) With the Following*

(iv) For those airplanes where stall is defined by full nose-up longitudinal control for both forward and aft c.g., the time at full aft stick during characteristics testing should be not less than that used for all speed determination. For turning flight stalls, however, recovery may be initiated once the pitch control reaches the aft stop when accompanied by a rolling motion that is not immediately controllable (provided the rolling motion complies with § 25.203(c)).

*22. Add the Following New Section to Paragraph 29.d.(3)*

(vi) In level wing stalls the bank angle may exceed 20 degrees occasionally, provided that lateral control is effective during recovery.

Issued in Renton, Washington, on March 9, 1995.

**Ronald T. Wojnar,**

*Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.*

[FR Doc. 95–14172 Filed 6–8–95; 8:45 am]

BILLING CODE 4910–13–M

federal register

Friday
June 9, 1995

# Part VII

# Department of Education

## 21st Century Community Learning Centers; Notice Inviting Applications for New Awards for Fiscal Year 1995; Notices

## DEPARTMENT OF EDUCATION

**[CFDA No. 84.287]**

### 21st Century Community Learning Centers; Notice Inviting Applications for New Awards for Fiscal Year 1995

*Purpose of Program:* To award grants to rural and inner-city public elementary or secondary schools, or consortia of such schools, to enable such schools to plan, implement, or to expand projects that benefit the educational, health, social service, cultural, and recreational needs of a rural or inner-city community.

*Eligible Applicants:* Rural and inner-city public elementary or secondary schools, or consortia of such schools. In accordance with the absolute priority published elsewhere in this part of this issue of the **Federal Register**, eligible applicants are limited to schools located in an Empowerment Zone or a Supplemental Empowerment Zone.

*Deadline for Transmittal of Applications:* July 25, 1995.

*Deadline for Intergovernmental Review:* September 23, 1995.

*Applications Available:* June 12, 1995.

*Estimated Available Funds:* $700,000.

*Estimated Range of Awards:* $75,000–$150,000.

*Estimated Average Size of Awards:* $100,000.

*Estimated Number of Awards:* 7.

**Note:** The Department is not bound by any estimates in this notice.

*Budget Period:* 12 months.

*Project Period:* Up to 36 months.

*Applicable Regulations:* The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86.

*Priorities:* Eligible applicants are limited for this competition by the Absolute Priority published elsewhere in this part of this issue of the **Federal Register**. Applicants must also address the following absolute priority.

*Absolute Priority:* Under 34 CFR 75.105(c)(3) and 20 U.S.C. 8244(b), the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet the following absolute priority and the priority found elsewhere in this part of this issue of the **Federal Register**.

*Absolute Priority: Projects that offer a broad selection of services that address the needs of the community.*

Grants awarded may be used to plan, implement, or expand community learning centers which must include not less than four of the following activities:

(1) Literacy education programs.

(2) Senior citizen programs.

(3) Children's day care services.

(4) Integrated education, health, social service, recreational, or cultural programs.

(5) Summer and weekend school programs in conjunction with recreation programs.

(6) Nutrition and health programs.

(7) Expanded library service hours to serve community needs.

(8) Telecommunications and technology education programs for individuals of all ages.

(9) Parenting skills education programs.

(10) Support and training for child day care providers.

(11) Employment counseling, training, and placement.

(12) Services for individuals who leave school before graduating from secondary school, regardless of the age of such individual.

(13) Services for individuals with disabilities.

#### Application Requirements

Each application must include—

(a) A comprehensive local plan that enables the school or consortium to serve as a center for the delivery of education and human resources for members of a community;

(b) An evaluation of the needs, available resources, and goals and objectives for the proposed project in order to determine which activities will be undertaken to address such needs; and

(c) A description of the proposed project, including—

(1) A description of the mechanism that will be used to disseminate information in a manner that is understandable and accessible to the community;

(2) Identification of Federal, State, and local programs to be merged or coordinated so that public resources may be maximized;

(3) A description of the collaborative efforts to be undertaken by community-based organizations, related public agencies, businesses, or other appropriate organizations;

(4) A description of how the school or consortium will serve as a delivery center for existing and new services, especially for interactive telecommunication used for education and professional training; and

(5) An assurance that the school or consortium will establish a facility utilization policy that specifically states—

(I) The rules and regulations applicable to building and equipment use; and (II) supervision guidelines.

#### Definition

20 U.S.C. 8246 defines the term ''community learning center'' as an entity within a public elementary or secondary school building that—

(a) Provides educational, recreational, health, and social service programs for residents of all ages within a local community; and

(b) Is operated by a local educational agency in conjunction with local governmental agencies, businesses, vocational education programs, institutions of higher education, community colleges, and cultural, recreational, and other community and human service entities.

*Selection Criteria:* In evaluating applications for grants under this competition, the Secretary uses the selection criteria in 34 CFR 75.210(b). Under 34 CFR 75.210(c), the Secretary is authorized to distribute an additional 15 points among the criteria to bring the total to a maximum of 100 points. For this competition, the Secretary distributes the additional points as follows:

*Plan of Operation* (34 CFR 75.210(b)(3)). Five additional points are added to this criterion for a possible total of 20 points.

*Evaluation Plan* (34 CFR 75.210(b)(6)). Ten additional points are added to this competition for a possible total of 15 points.

*For Applications or Information Contact:* Seresa Simpson, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 522, Washington, DC 20208–5524. Telephone (202) 219–1935.

*For Users of TDD or FIRS:* 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.

*For Electronic Access to Information:* Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins and Press Releases). However the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

**Program Authority:** 20 U.S.C. 8241–8246.

Dated: June 6, 1995.

**Sharon P. Robinson,**

*Assistant Secretary for Educational Research and Improvement.*

[FR Doc. 95–14222 Filed 6–8–95; 8:45 am]

BILLING CODE 4000–01–P

## 21st Century Community Learning Centers

**AGENCY:** Department of Education.

**ACTION:** Notice of Final Priority for FY 1995.

**SUMMARY:** The Secretary announces a priority for Fiscal Year 1995 under the 21st Century Community Learning Centers Program. The Secretary takes this action to focus Federal financial assistance in areas of the country identified as areas of pervasive poverty, unemployment and general distress. The priority restricts the funds available under the 21st Century Program to applicants that are located in Empowerment Zones or Supplemental Empowerment Zones.

**EFFECTIVE DATE:** This priority takes effect July 10, 1995.

**FOR FURTHER INFORMATION CONTACT:** Seresa Simpson, U.S. Department of Education, 555 New Jersey Avenue, NW, Room 522, Washington, DC 20208–5524. Telephone (202) 219–1935. 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:** This notice contains one final priority under the 21st Century Community Learning Centers Program. The purpose of this program is to award grants to rural and inner-city public elementary or secondary schools, or consortia of such schools, to enable them to plan, implement, or to expand projects that benefit the educational, health, social service, cultural, and recreational needs of a rural or inner-city community.

### Background on Empowerment Zone Initiative

The Empowerment Zone initiative is a critical element of the Administration's community revitalization strategy. The program is the first step in rebuilding communities in America's poverty-stricken inner cities and rural heartlands. It is designed to empower people and communities by inspiring Americans to work together to create jobs and opportunity.

The Departments of Agriculture and Housing and Urban Development have designated 6 urban and 3 rural empowerment zones and two supplemental urban empowerment zones. These urban zones are located within the following cities: Atlanta, Georgia; Baltimore, Maryland; Chicago, Illinois; Cleveland, Ohio; Detroit, Michigan; Los Angeles, California; New York, New York; and Philadelphia, Pennsylvania/Camden, New Jersey. The rural zones are located in the following states and counties: Kentucky (Clinton, Jackson and Wayne Counties); Mississippi (Bolivar, Holmes, Humphreys, and LeFlore Counties); and Texas (Cameron, Hidalgo, Starr and Willacy Counties).

The Empowerment Zones and Supplemental Empowerment Zones were designated based on locally-developed strategic plans that comprehensively address how the community will link economic development with education and training, as well as how community development, public safety, human services, and environmental initiatives will together support sustainable communities. Designated areas will receive Federal grant funds and substantial tax benefits and will have access to other Federal programs. (For additional information on the Empowerment Zones program contact HUD at 1–800–998–9999.)

The Department of Education is supporting the Empowerment Zone initiative in a variety of ways. It is encouraging zones to use funds they already receive from Department of Education programs (including Chapter 1 of Title I of the Elementary and Secondary Education Act, the Drug-Free Schools and Communities Act, the Adult Education Act, and the Carl D. Perkins Vocational and Applied Technology Education Act) to support the comprehensive vision of their strategic plans. In addition, the Department of Education is giving preferences to zones in a number of discretionary grant programs that are well suited for inclusion in a comprehensive approach to economic and community development.

The Empowerment Zone initiative and the 21st Century Community Learning Centers Program share some common features. Both programs are concerned with helping communities that have areas with high poverty rates address educational, health, social service, cultural, and recreational needs. Communities that have been designated as Empowerment Zones or Supplemental Empowerment Zones have demonstrated a capacity for the type of cooperative planning that is required to implement a 21st Century Community Learning Center. The Secretary believes that the limited resources available under the 21st Century Program will have the greatest impact if the funds are directed to communities that have the greatest need and have already established comprehensive community development plans. Therefore, the Secretary establishes the following absolute priority to focus Federal funds on 21st Century projects that will address the needs of Empowerment Zones or Supplemental Empowerment Zones.

*Absolute Priority:* Under 34 CFR 75.105(c)(3), the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet the following absolute priority:

Projects that offer a broad selection of services that address the needs of the community. Grants may be used to plan, implement, or expand community learning centers and projects must be carried out by a school or consortia of schools located in an Empowerment Zone or Supplemental Empowerment Zone.

Applicants must ensure that the proposed program relates to the strategic plan and will be an integral part of the Empowerment Zone program.

### Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Department of Education to offer interested parties the opportunity to comment on proposed regulations. However, in order to make timely grant awards in Fiscal Year (FY) 1995, the Assistant Secretary, in accordance with section 437(d)(1) of the General Education Provisions Act, has decided to issue these final priorities which will apply only to the FY 1995 grant competition.

### Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

**Program Authority:** 20 U.S.C. 8241–8246.

(Catalog of Federal Domestic Assistance Number 84.287, 21st Century Community Learning Centers Program)

Dated: June 6, 1995.

**Sharon P. Robinson,**

*Assistant Secretary for Educational Research and Improvement.*

[FR Doc. 95–14223 Filed 6–8–95; 8:45 am]

BILLING CODE 4000–01–P

federal register

Friday
June 9, 1995

# Part VIII

# Department of Agriculture

## Cooperative State Research, Education, and Extension Service

## Agricultural Telecommunications Program; Notice

## DEPARTMENT OF AGRICULTURE

### Cooperative State Research, Education, and Extension Service

### Agricultural Telecommunications Program

**AGENCY:** Cooperative State Research, Education, and Extension Service, Department of Agriculture.

**ACTION:** Notice.

**SUBJECT:** Agricultural Telecommunications Program; Fiscal Year 1995; Request for Proposals; Application Guidelines.

**FOR FURTHER INFORMATION CONTACT:** Dr. Barbara A. White, 202–720–3029 for program information, or Margaret Bell, Cooperative Funds Division, Cooperative State Research, Education, and Extension Service, USDA, 202–401–4314, for fiscal or budget information.

### Program Description

*(a) Purpose*

Proposals are requested for the purpose of awarding competitive grants for fiscal year 1995 under the Agricultural Telecommunications Program. Grants will be awarded to eligible institutions to assist in development and utilization of an agricultural communications network to facilitate and to strengthen agricultural extension, resident education and research, and domestic and international marketing of United States commodities and products through a partnership between eligible institutions and the U.S. Department of Agriculture (USDA). The network will employ satellite and other telecommunications technology to disseminate and to share academic instruction, cooperative extension programming, agricultural research, and marketing information. The authority for this program is contained in section 1673 of the Food, Agriculture, Conservation, and Trade Act of 1990, Pub. L. 101–624. The program is administered by the Cooperative State Research, Education, and Extension Service (CSREES) of USDA.

*(b) Available Funding*

For fiscal year 1995, $1.221 million is available for the program. Grants under this program may provide funds for no more than 50 percent (50%) of the cost of a propose project, unless otherwise determined by the Secretary. For the purpose of determining the non-Federal share of such costs, consideration will be given to contributions in cash and in-kind, fairly evaluated, including, but not limited to premises, equipment and services.

*(c) Eligibility*

Proposals are invited from accredited institutions of higher education. Applicants must demonstrate that they participate in a network that distributes programs consistent with the following objectives: (1) Make optimal use of available resources for agricultural extension, resident education, and research by sharing resources between participating institutions; (2) improve the competitive position of United States agriculture in international markets by disseminating information to producers, processors, and researchers; (3) train students for careers in agriculture and food industries; (4) facilitate interaction among leading agricultural scientists; (5) enhance the ability of United States agriculture to respond to environmental and food safety concerns; and; (6) identify new uses for farm commodities and to increase the demand for United States agricultural products in both domestic and foreign markets.

In addition to the above, an applicant must qualify as a responsible applicant in order to be eligible for a grant under the program. To qualify as responsible, an applicant must meet the following standards:

(1) Adequate financial resources for performance, the necessary experience, organizational and technical qualifications, and facilities, or a firm commitment, arrangement, or ability to obtain the same (including any to be obtained through sub-agreement(s)/contract(s));

(2) Ability to comply with the proposed or required completion schedule for the project;

(3) Adequate financial management system and audit procedures that provide efficient and effective accountability and control of all funds, property, and other assets;

(4) Satisfactory record of integrity, judgment, and performance, including, in particular, any prior performance under grants and contracts from the Federal Government; and

(5) Otherwise be qualified and eligible to receive Federal assistance under the applicable laws and regulations.

*(d) Definitions*

For the purpose of awarding funding under this program, the following definitions are applicable:

(1) ''Administrative costs'' means the total of direct and indirect costs as defined in 7 CFR part 3015, USDA Uniform Federal Assistance Regulations, related to the operation of a project under this program;

(2) ''Administrator'' means the Administrator of CSREES and any other officer or employee of the Department to whom the authority to issue or modify grant instruments has been delegated.

(3) ''Agricultural telecommunications'' means those activities established to encourage development and utilization of an agricultural communications network employing satellite and other telecommunications technologies to disseminate and to share academic instruction, cooperation extension programming, agricultural research, and marketing information;

(4) ''Awarding official'' means the Administrator, CSREES, or any other officer or employee of the Department to whom the authority to issue or modify Agricultural Telecommunications grant instruments on behalf of the Department has been delegated.

(5) ''Communications network'' refers to television or cable television origination or distribution equipment, signal conversion equipment (including both modulators and demodulators), computer hardware and software, programs or terminals, or related devices, used to process and exchange data through a telecommunications system in which signals are generated, modified or prepared for transmission, or received, via telecommunications terminal equipment or via telecommunications transmission;

(6) ''Delivery'' means the transmission and reception of programs by facilities that transmit, receive, or carry data between telecommunications terminal equipment at each end of a telecommunications circuit or path;

(7) ''Facilities'' includes microwave antennae, fiberoptic cables and repeaters, coaxial cables, communications satellite ground station complexes, copper cable electronic equipment associated with telecommunications transmission;

(8) ''Grant'' means the assistance award by the Administrator to a grantee to develop agricultural telecommunications programs utilizing an agricultural telecommunications network;

(9) ''Grantee'' means the entity designated in the grant award document as the responsible legal entity to whom a grant is awarded;

(10) ''Peer Review Panel'' means a group of appropriate employees of the Federal Government qualified to give advice on the merit of grant applications submitted under this program;

(11) ''Project'' means the particular activity within the scope of the program

as identified herein that is supported by a grant under this program;

(12) ''Project Director'' means the individual who is responsible for technical direction of the project, as designated by the grantee in the award proposal and approved by the Administrator, CSREES, USDA;

(13) ''Project Period'' means the total time approved by the Administrator for conducting the proposed project as outlined in the approved Federal assistance proposal or the approved portions thereof.

**Proposal Preparation**

*(a) Proposal Cover Page*

(1) Title of Proposal

The title of the proposal must be brief (80-charactermaximum) yet represent the major thrust of the project.

(2) Other Information

Include the following information on the proposal cover page:

(a) Name, address, telephone, fax number, and e-mail address of applicant and project director.

(b) Signatures and date. The cover page must contain the original signatures of the Project Director and the Authorized Organizational Representative who possesses the necessary authority to commit the applicant's time and other relevant resources.

(c) Project Summary. Each proposal must contain a 200-word abstract containing a brief description of the project. The abstract should describe the situation, targeted audience, purpose of project, program goal, methodology, and expected outcomes of the project.

(d) Application Category. Each proposal must state the category under which funds are requested.

**Application Categories**

Applicants may submit proposals in any of the following program areas as specified in the authorization: (a) Program Delivery, (b) Innovative Program Development/Production, and (c) Capacity Building.

*(a) Program Delivery*

Applicants may submit a proposal in the Program Delivery Category requesting funding to operate an agricultural communications network, employing satellite and other telecommunications technology, to deliver Cooperative Extension programming, academic instruction, agricultural research and marketing information through partnership(s) between eligible institutions and the Department of Agriculture. The project goal(s) and objective(s) must be clearly stated in the proposal.

**Proposal Narrative**

The narrative portion of the proposal is limited to 20 pages in length. No other material will be considered. The narrative should contain the following sections:

*(1) Project Need*

Each proposal must contain a clear and concise statement identifying the background and situation leading to the project need, goal(s), and supporting objectives.

*(2) Audience Description*

Describe targeted audience(s) for whom the project will be designed including pertinent history identified in need, demographics, and expected impact on audience.

*(3) Partnerships and Collaboration*

Describe partnerships and collaborations fostered through this project including expected impact and benefit to those involved such as learner, institution, agency, state, and nation.

*(4) Staffing Pattern and Procedure*

Describe the staff needed for project administration, instructional design/curriculum development, production, evaluation, and marketing/promotion. Narrative should demonstrate that the staffing and implementation procedure will result in an integrated approach involving content specialists, instructional designers, and quality production resources, and that the individual staff members proposed are qualified to perform these roles. Provide an outline (management plan) demonstrating integration.

*(5) Project Sustainability*

Projects should not depend on continued funding from this program. Each proposal should include convincing evidence of the project's ability to continue and grow after receiving the funding.

*(6) Budget*

A budget and a detailed narrative in support of the budget is required. Show all funding sources and itemize costs by the following line items: salary costs, fringe benefits costs, equipment, materials and supplies, travel, publication/printing/duplication costs, computer costs, and all other costs. While some funds are available for the acquisition and installation of telecommunications transmission facilities, applicants are cautioned that no more than 10 percent of the funds available may be awarded for that purpose.

Funds may be requested under any of the line items listed above provided that the item or service for which support is requested is identified as necessary for successful conduct of the project, is allowable under the authorizing legislation and the applicable Federal cost principles, and is not prohibited under any applicable Federal statute. Salaries of project personnel who will be working on the project may be requested, but must be in proportion to the effort they will devote to the project.

In addition to the initial required information under Project Description (Project Need; Audience Description: Partnerships and Collaboration; Staffing Pattern and Procedure; Sustainability and Budget), the proposal must define a structure for the technical design and development of the delivery system, including:

*(7) Alternative Distance Learning Technologies*

Development and employment of alternative distance learning technologies including, but not limited to, internet, multimedia, audio/visual, and other telecommunications technologies.

*(8) Learner and Program Support*

Each proposal should include evidence of learner support including, but not limited to, facilitation of access, accommodation for diversity in special needs and learning styles, and recognition of need for alternative modes of program design and delivery. There should be a plan for learner and program support.

*(9) Innovation*

Innovative application of distance delivery including, but not limited to, approaches in reaching audience; methods of connectivity and/or interaction; use of existing resources; and innovations in the teaching-learning transaction.

*(10) Infrastructure*

Framework representing both the technological and human infrastructure including, but not limited to, technical troubleshooting, scheduling and operation.

*(11) Marketing*

Marketing plan including, but not limited to, rationale for promotional effort; logistical considerations; convincing tie to needs assessment.

*(12) Cost/Benefit*

The proposal must include a cost-benefit analysis of the proposed project, including comparison to other delivery methods, relative benefit to learner, and staffing costs versus benefits.

*(b) Innovative Program Development/Production*

Applicants submitting an application in the Innovative Program Development/Production Category must demonstrate a creative approach to distance education programming. Examples might include: Pilot projects demonstrating innovative combinations of satellite/video, computer networking, audio conferencing, and/or wrap-around plans and materials; inclusion of limited resource audiences; match of audience needs/characteristics to delivery system; and design of evaluation protocol for measuring teaching-learning transaction.

An integrated approach to instructional design should be evident including subject-matter content, educational methodology and compatible production and delivery techniques.

**Project Narrative**

The narrative portion of the proposal must not exceed 20 pages in length. No additional material will be considered. The narrative should contain the following sections:

*(1) Project Need*

Each proposal must contain a clear and concise statement identifying the background and situation leading to the project need, goal(s), and supporting objectives.

*(2) Audience Description*

Describe targeted audience(s) for whom the project will be designed including pertinent history identified in need, demographics, and expected impact on audience.

*(3) Partnerships and Collaboration*

Describe partnerships and collaborations fostered through this project including expected impact and benefit to those involved such as learner, institution, agency, state, and nation.

*(4) Staffing Pattern and Procedure*

Describe the staff needs for project administration, instructional design/curriculum development, production, evaluation, and marketing/promotion. Narrative should demonstrate that the staffing and implementation procedure will result in an integrated approach involving content specialists, instructional designers, and quality production resources, and that the individual staff members proposed are qualified to perform these roles. Provide an outline (management plan) demonstrating integration.

*(5) Project Sustainability*

Projects should not depend on continued funding from this program. Each proposal should include convincing evidence of the project's ability to continue and grow after receiving the funding.

*(6) Budget*

A budget and a detailed narrative in support of the budget is required. Show all funding sources and itemize costs by the following line items: salary costs, firing benefits costs, equipment, materials and supplies, travel, publication/printing/duplication costs, computer costs, and all other costs. While some funds are available for the acquisition and installation of telecommunications transmission facilities, applicants are cautioned that no more than 10 percent of the funds available may be awarded for that purpose.

Funds may be requested under any of the line items listed above provided that the item or service for which support is requested is identified as necessary for successful conduct of the project, is allowable under the authorizing legislation and the applicable Federal statute. Salaries of project personnel who will be working on the project may be requested, but must be in proportion to the effort they will devote to the project.

*(7) Specific Learning Objectives*

Learning objectives should be stated in terms of behavioral changes expected to occur in the audience(s) based on participation in the program, not in terms of what the program will deliver.

*(8) Instructional Methodology/Strategies*

Explain the instructional/educational method or strategy to be implemented including appropriateness for audience and learning environment. Explanation should demonstrate knowledge of how people learn and/or interact in a mediated environment.

*(9) Content/Curriculum*

Each proposal should include detailed outline of curriculum to be included in the program, including, but not limited to, overview of content, learner activities, mechanism for evaluating learning outcome.

*(10) Production Techniques*

Provide detailed explanation of production techniques used in producing and delivery of program. It should be clear from the narrative how subject-matter content, instructional method/strategy, and production will be integrated.

*(11) On-site Activities*

Innovative design for implementation of on-site or personal learning environment (i.e., creative design and implementation plan for support materials and enrichment activities for on-site and personal learning environments).

*(12) Interactivity*

Describe the expected level of interactivity necessary based on principles underlying teaching-learning transaction, sound instructional design, and mode of delivery used.

*(13) Program Evaluation*

Describe both formative and summative design for evaluating success in meeting learning objective(s) listed under Project Need. In addition, describe strategy for evaluating overall effectiveness of program in terms of teaching and learning, behavior change/problem-solving, immediate application, meeting learner need, and potential for replication.

*(14) Marketing Plan*

Describe the marketing plan including rationale for promotional effort, logistical considerations, and evidence that plan will reach intended audience.

*(c) Capacity Building*

Proposals in this category should target a specific need in the area of distance education. The need may be at the university, regional or national level. The proposal must include:

(1) detailed plan for assessing capability; and

(2) existing plan for targeting need based on completed assessment.

**Project Narrative**

Project narratives should be no more than 20 pages in length. No additional materials will be considered. The narrative portion of the proposal should contain the following sections:

*(1) Project Need*

Each proposal must contain a clear and concise statement identifying the background and situation leading to the project need, goal(s), and supporting objectives.

*(2) Audience Description*

Describe targeted audience(s) for whom the project will be designed including pertinent history identified in need, demographics, and expected impact on audience.

*(3) Partnerships and Collaboration*

Describe partnerships and collaborations fostered through this project including expected impact and benefit to those involved such as learner, institution, agency, state, and nation.

*(4) Staffing Pattern and Procedure*

Describe the staff needed for project administration, instructional design/curriculum development, production, evaluation, and marketing/promotion. Narrative should demonstrate that the staffing and implementation procedure will result in an integrated approach involving content specialists, instructional designers, and quality production resources, and that the individual staff members proposed are qualified to perform these roles. Provide an outline (management plan) demonstrating integration.

*(5) Project Sustainability*

Projects should not depend on continued funding from this program. Each proposal should include convincing evidence of the project's ability to continue and grow after receiving the funding.

*(6) Budget*

A budget and a detailed narrative in support of the budget is required. Show all funding sources and itemize costs by the following line items: Salary costs, fringe benefits costs, equipment, materials and supplies, travel, publication/printing/duplication costs, computer costs, and all other costs. While some funds are available for the acquisition and installation of telecommunications transmission facilities, applicants are cautioned that no more than 10 percent of the funds available may be awarded for that purpose.

Funds may be requested under any of the line items listed above provided that the item or service for which support is requested is identified as necessary for successful conduct of the project, is allowable under the authorizing legislation and the applicable Federal cost principles, and is not prohibited under any applicable Federal statute. Salaries of project personnel who will be working in the project may be requested, but must be in proportion to the effort they will devote to the project.

*(7) Capability Assessment*

Include a detailed assessment of capability or fully developed plan for assessing capability. Areas of consideration include, but are not limited to, faculty development; support resources; production/technical capability; delivery capability; building learner capacity.

*(8) Project Objectives*

Project objectives should be stated in terms of what the program will deliver and should be measurable.

*(9) Evaluation*

Describe both formative and summative design for evaluating success in meeting project objective(s). In addition, describe strategy for evaluating overall effectiveness of program in terms of teaching and learning, behavior change/problem-solving, immediate application, meeting learner need, and potential for replication.

*(10) Dissemination*

Describe the plan for sharing results with institution, organization or agency, and plan for integration in outreach mission of institution, organization, or agency.

*(11) Institutional Commitment*

Discuss the institution's commitment to the project. For example, substantiate that the institution attributes a high priority to the project; discuss how the project will contribute to the achievement of the institution's long-term (five-to-ten-year) goals; explain how the project will help satisfy the institution's high priority objectives; or show how this project is linked to and supported by the institution's strategic plan.

**Proposal Review**

All proposals received will be acknowledged. Prior to technical examination, a preliminary review will be made for responsiveness to this solicitation. Proposals that do not fall within the solicitation guidelines will be eliminated from competition. All accepted proposals will be reviewed by a peer review panel comprised of full-time Federal employees and will be evaluated against criteria included in the announcement.

**Evaluation Criteria**

The maximum score a proposal can receive is 200 points. The peer review panel will be selected and organized to provide maximum expertise and objective judgment in the evaluation of proposals. In the event the number of proposals accepted outnumber dollars available, proposals will be ranked and support levels will be recommended by the panel(s) within the limitation of total funding available in fiscal year 1995.

*(a) Program Delivery*

Evaluation Criterion and Weight

(1) Project Need—10 points.

Does the proposal contain a clear and concise statement identifying the background and situation leading to the project need, goal(s), and supporting objectives?

(2) Audience Description—10 points.

Is the targeted audience(s) for whom the project will be designed adequately described, including pertinent history identified in need, demographics, and expected impact on audience?

(3) Partnerships and Collaboration—10 points.

Are the partnerships and collaborations fostered through this project including expected impact and benefit to those involved such as learner, institution, agency, state, and nation adequately described?

(4) Staffing Pattern and Procedures—10 points.

Is the staff needed for project administration, instructional design/curriculum development, production, evaluation, and marketing/promotion adequately described? Does the narrative demonstrate that the staffing and implementation procedure will result in an integrated approach involving content specialists, instructional designers, and quality production resources, and that the individuals are qualified to perform these roles. Is there an outline (management plan) demonstrating integration?

(5) Project Sustainability—30 points.

Does the proposal include convincing evidence of the project's ability to continue and grow after receiving the funding?

(6) Budget—10 points.

Is there a budget and a detailed narrative in support of the budget included in the proposal? Are the following funding sources and itemized costs shown by the following line items: Salary costs, fringe benefits costs, equipment, materials and supplies, travel, publication/printing/duplication costs, computer costs, and all other costs. Is less than 10 percent of the funds requested for equipment?

Are all items or services for which support is requested identified as necessary for successful conduct of the project, is allowable under the authorizing legislation and the

applicable Federal cost principles, and is not prohibited under any applicable Federal statute? Are salaries of project personnel who will be working on the project in proportion to the effort they will devote to the project?

(7) Alternative Distance Learning Technologies—20 points.

Is there a plan for development and employment of alternative distance learning technologies including, but not limited to, internet, multimedia, audio/visual, and other telecommunications technologies?

(8) Learner and Program Support—20 points.

Is there provision of learner and program support?

(9) Innovation—20 points.

Is there a plan for innovation application of distance delivery including, but not limited to, approaches in reaching audience; methods of connectivity and/or interaction; use of existing resources; and innovations in the teaching-learning transaction?

(10) Infrastructure— 20 points.

Is a framework present representing both the technological and human infrastructure including, but not limited to, technical trouble-shooting, scheduling and operation?

(11) Marketing—20 points.

Is there a marketing plan which includes a rationale for promotional effort, logistical considerations, and convincing tie to needs assessment?

(12) Cost-Benefit—20 points.

Is there a cost-benefit analysis of the proposed project, including comparison to other delivery methods, relative benefit to learner, and staffing costs versus benefits?

*(b) Innovative Program Development/Production*

Evaluation Criterion and Weight

(1) Project Need—10 points.

Each proposal must contain a clear and concise statement identifying the background and situation leading to the project need, goal(s), and supporting objectives.

(2) Audience Description—10 points.

Is the targeted audience(s) for whom the project will be designed adequately described, including pertinent history identified in need, demographics, and expected impact on audience?

(3) Partnerships and Collaboration—10 points.

Are the partnerships and collaborations fostered through this project including expected impact and benefit to those involved such as learner, institution, agency, state, and nation adequately described?

(4) Staffing Pattern and Procedure—10 points.

Is the staff needed for project administration, instructional design/curriculum development, production, evaluation, and marketing/promotion adequately described? Does the narrative demonstrate that the staffing and implementation procedure will result in an integrated approach involving content specialists, instructional designers, and quality production resources, and that the individuals are qualified to perform these roles. Is there an outline (management plan) demonstrating integration?

(5) Project Sustainability—20 points.

Does the proposal include convincing evidence of the project's ability to continue and grow after receiving the funding?

(6) Budget—10 points.

Is there a budget and a detailed narrative in support of the budget included in the proposal? Are the following funding sources and itemized costs shown by the following line items: Salary costs, fringe benefits costs, equipment, materials and supplies, travel, publication/printing/duplication costs, computer costs, and all other costs. Is less than 10 percent of the funds requested for equipment?

Are all items or services for which support is requested identified as necessary for successful conduct of the project, is allowable under the authorizing legislation and the applicable Federal cost principles, and is not prohibited under any applicable Federal statute? Are salaries of project personnel who will be working on the project in proportion to the effort they will devote to the project?

(7) Specific Learning Objectives—20 points.

Are learning objectives stated in terms of behavioral changes expected to occur in the audience(s) based on participation in the program?

(8) Instructional Methodology/Strategies—30 Points.

Is the instructional/educational method or strategy to be implemented fully explained, including appropriateness for audience and learning environment. Does the explanation demonstrate knowledge of how people learn and/or interact in a mediated environment?

(9) Content/Curriculum—10 points.

Is a detailed outline of subject-matter content/curriculum included in the proposal?

(10) Production Techniques—10 points.

Is a detailed explanation of how the production techniques used in producing and delivery of program included. Is it clear how subject-matter content, instructional method/strategy, and production will be integrated?

(11) On-Site Activities—20 points.

Is there an innovative design for implementation of on-site or personal learning environment, including creative design and implementation plan for support materials and enrichment activities for on-site and personal learning environment?

(12) Interactivity—10 points.

Is there a full description of the expected level of interactivity necessary based on principles underlying teaching-learning transaction, sound instructional design, and mode of delivery used?

(13) Program Evaluation—20 points.

Are both formative and summative design for evaluating success in meeting learning objective(s) listed? Is there convincing evidence that the described strategy for evaluating overall effectiveness of program measure teaching and learning, behavior change/problem-solving, immediate application, meeting learner need, and potential for replication?

(14) Marketing Plan—10 points.

Does the marketing plan include a rationale for promotional effort, logistical considerations, and convincing tie to needs assessment?

*(c) Capacity Building*

Evaluation Criterion and Weight

(1) Project Need—10 points.

Each proposal must contain a clear and concise statement identifying the background and situation leading to the project need, goal(s), and supporting objectives.

(2) Audience Description—10 points.

Is the targeted audience(s) for whom the project will be designed adequately described, including pertinent history identified in need, demographics, and expected impact on audience?

(3) Partnerships and Collaboration—10 points.

Are the partnerships and collaborations fostered through this project including expected impact and benefit to those involved such as learner, institution, agency, state, and nation adequately described?

(4) Staffing Pattern and Procedure—10 points.

Is the staff needed for project administration, instructional design/curriculum development, production, evaluation, and marketing/promotion adequately described? Does the narrative demonstrate that the staffing and implementation procedure will result in an integrated approach

involving content specialists, instructional designers, and quality production resources, and that the individuals are qualified to perform these roles. Is there an outline (management plan) demonstrating integration?

(5) Project Sustainability—20 points.

Does the proposal include convincing evidence of the project's ability to continue and grow after receiving the funding?

(6) Budget—10 points.

Is there a budget and a detailed narrative in support of the budget included in the proposal? Are the following funding sources and itemized costs shown by the following line items: Salary costs, fringe benefits costs, equipment, materials and supplies, travel, publication/printing/duplication costs, computer costs, and all other costs? Is less than 10 percent of the funds requested for equipment?

Are all items or services for which support is requested identified as necessary for successful conduct of the project, allowable under the authorizing legislation and the applicable Federal cost principles, and not prohibited under any applicable Federal statute? Are salaries of project personnel who will be working on the project in proportion to the effort they will devote to the project?

(7) Capability Assessment—40 points.

Is there a detailed assessment of capability or a fully developed plan for assessing capability? Does it include the following areas of consideration: Faculty development, support resources, production/technical capability, delivery capability, and building learner capacity?

(8) Project Objectives—20 points.

Are program objectives stated in terms of what the program will deliver? Are the outcomes measurable and tied to the evaluation strategy?

(9) Evaluation—20 points.

Does the evaluation include both formative and summative design for evaluating success in meeting project objective(s)? Is there a description of the strategy for evaluating overall effectiveness of program in terms of teaching and learning, behavior change/problem-solving, immediate application, meeting learner need, and potential for replication? Are the individuals skilled in evaluation strategies and procedures?

(10) Dissemination—20 points.

Is there a detailed plan for sharing results with the institution, organization or agency?

(11) Institutional Commitment—30 points.

Is there evidence to substantiate that the institution attributes high-priority to the project; that the project is linked to the achievement of the institution's long-term goals; that is will help satisfy the institution's high-priority objectives; or that the project is supported by the institution's strategic plans? Is there a plan for integration into the outreach mission of the institution, organization, or agency.

**Proposal Disposition**

When the peer review panel has completed its deliberations, the USDA program coordinator, based on the recommendations of the peer review panel, will recommend to the Awarding Official that the project be (a) approved for support from currently available funds or (b) declined due to insufficient funds or unfavorable review.

USDA reserves the right to negotiate with the Project Director and/or the submitting entity regarding project revisions (e.g., reductions in scope of work), funding level, or period of support prior to recommending any project for funding.

A proposal may be withdrawn at any time before a final funding decision is made. One copy of each proposal that is not selected for funding (including those that are withdrawn) will be retained by USDA for one year and remaining copies will be destroyed.

**Proposal Submission**

*(1) What to Submit*

An original and two copies of the proposal must be submitted. Each copy of each proposal must be stapled securely in the upper left hand corner (Do Not Bind). All copies of the proposal must be submitted in one package.

*(2) Where and When to Submit*

Proposals submitted through regular mail must be received by close of business July 28, 1995, and sent to:

By Surface Mail (U.S. Postal Service)

Cooperative State Research, Education, and Extension Service, USDA, Cooperative Funds Division, Ag Box 0995, Washington, DC 20250–0995

By Overnight Mail or Courier

Cooperative State Research, Education, and Extension Service, USDA, Cooperative Funds Division, 2nd Floor Mezzanine, Cotton Annex, 300–12th Street, SW, Washington, DC 20250–0995, (202) 401–4314

Hard copy proposals must be received by close of business July 28, 1995.

Include the following information on the proposal cover page:

(a) Name, address, telephone, fax number, and e-mail address of applicant and project director.

(b) Signatures and date. The cover page must contain the original signatures of the Project Director and the Authorized Organizational Representative who possesses the necessary authority to commit the applicant's time and other relevant resources.

(c) Project Summary. Each proposal must contain a 200 word abstract containing a brief description of the project. The abstract should describe the situation, targeted audience, purpose of project, program goal, methodology, and expected outcomes of the project.

Proposals may also be submitted electronically via the Internet in addition to the required hard copy version to the address listed. To obtain a copy of the electronic application submission information, send an electronic mail message to: ALMANAC@esusda.gov. In the body of the message, type the following one-line-only message: Send atf-guidelines. To submit a copy of your proposal electronically, send an ascii text version to: Atf-proposal@esusda.gov. Additionally, when submitting electronically, applicants are still required to submit three hard copies of the Proposal Cover Page which contains original signatures and date (i.e., three cover pages with original signatures and date must be submitted even though electronic submission is used). Electronically submitted proposals and the hard copy Proposal Cover Pages must be received by close of business July 28, 1995.

**SUPPLEMENTARY INFORMATION:**

**(a) Federal Assistance Awards**

Within the limits of funds available for such purposes, the awarding official shall make awards to those responsible, eligible applicants whose proposals are judged most meritorious under the evaluation criteria and procedures set forth in these application guidelines.

The date specified by the awarding official as the beginning of the project period shall not be later than September 30, 1994.

All funds awarded under the Program shall be expended solely for the purpose for which the funds are awarded in accordance with the approved application and budget, the terms and conditions of any resulting award, the applicable Federal cost principles, and the USDA Uniform Federal Assistance Regulations (7 CFR part 3015).

**(b) Obligation of the Federal Government**

Neither the approval of any application nor the award of any Federal assistance commits or obligates the United States in any way to provide further support of a project or any portion thereof.

**(c) Applicable Federal Statutes and Regulations That Apply**

Federal statutes and regulations that apply to Federal assistance proposals considered for review or grants awarded under the Program include, but are not limited to, the following:

7 CFR part 1.1—USDA Implementation of the Freedom of Information Act;

7 CFR part 1b—USDA Implementation of the National Environmental Policy Act;

7 CFR part 3—USDA Implementation of OMB Circular A–129 regarding debt collection;

7 CFR part 15, Subpart A—USDA Implementation of Title VI of the Civil Rights Act of 1964;

7 CFR part 3015—USDA Uniform Federal Assistance Regulations, implementing OMB directives (i.e., Circular Nos. A–110, A–21, and A–122) and incorporating provisions of 31 U.S.C. 6301–6308 (formerly, the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95–224), as well as general policy requirements applicable to recipients of Departmental financial assistance;

7 CFR part 3016—USDA Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments;

7 CFR part 3017—USDA Implementation of Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants);

7 CFR part 3018—USDA Implementation of New Restrictions on Lobbying. Imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans;

7 CFR part 3051—Audits of Institutions of Higher Education and Other Nonprofit Institutions, implementing OMB Circular A–133, regarding audits of institutions of higher education and other nonprofit institutions;

29 U.S.C. 794, Section 504—Rehabilitation Act of 1973, and 7 CFR part 15B (USDA implementation of the statute), prohibiting discrimination based upon physical or mental handicap in Federally assisted programs; and,

35 U.S.C. 200, et seq. Bayh-Dole Act controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally assisted programs (implementing regulations are contained in 37 CFR part 401).

**Leodrey Williams,**

*Acting Associate Administrator, Cooperative State Research, Education, and Extension Service.*

[FR Doc. 95–14197 Filed 6–8–95; 8:45 am]

BILLING CODE 3410–09–M

federal register

Friday
June 9, 1995

# Part IX

# The President

**Executive Order 12962—Recreational Fisheries**

**Memorandum of June 6, 1995—Delegation of Certain Presidential Authorities Under the African Conflict Resolution Act of 1994**

Federal Register
Vol. 60, No. 111
Friday, June 9, 1995

# Presidential Documents

**Title 3—**

## The President

**Executive Order 12962 of June 7, 1995**

## Recreational Fisheries

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in furtherance of the purposes of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-d, and e-j), the Fish and Wildlife Coordination Act (16 U.S.C. 661–666c), the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), and the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801–1882), and other pertinent statutes, and in order to conserve, restore, and enhance aquatic systems to provide for increased recreational fishing opportunities nationwide, it is ordered as follows:

**Section 1.** *Federal Agency Duties.* Federal agencies shall, to the extent permitted by law and where practicable, and in cooperation with States and Tribes, improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities by: (a) developing and encouraging partnerships between governments and the private sector to advance aquatic resource conservation and enhance recreational fishing opportunities;

(b) identifying recreational fishing opportunities that are limited by water quality and habitat degradation and promoting restoration to support viable, healthy, and, where feasible, self-sustaining recreational fisheries;

(c) fostering sound aquatic conservation and restoration endeavors to benefit recreational fisheries;

(d) providing access to and promoting awareness of opportunities for public participation and enjoyment of U.S. recreational fishery resources;

(e) supporting outreach programs designed to stimulate angler participation in the conservation and restoration of aquatic systems;

(f) implementing laws under their purview in a manner that will conserve, restore, and enhance aquatic systems that support recreational fisheries;

(g) establishing cost-share programs, under existing authorities, that match or exceed Federal funds with nonfederal contributions;

(h) evaluating the effects of Federally funded, permitted, or authorized actions on aquatic systems and recreational fisheries and document those effects relative to the purpose of this order; and

(i) assisting private landowners to conserve and enhance aquatic resources on their lands.

**Sec. 2.** *National Recreational Fisheries Coordination Council.* A National Recreational Fisheries Coordination Council (''Coordination Council'') is hereby established. The Coordination Council shall consist of seven members, one member designated by each of the following Secretaries—Interior, Commerce, Agriculture, Energy, Transportation, and Defense—and one by the Administrator of the Environmental Protection Agency. The Coordination Council shall: (a) ensure that the social and economic values of healthy aquatic systems that support recreational fisheries are considered by Federal agencies in the course of their actions;

(b) reduce duplicative and cost-inefficient programs among Federal agencies involved in conserving or managing recreational fisheries;

(c) share the latest resource information and management technologies to assist in the conservation and management of recreational fisheries;

(d) assess the implementation of the Conservation Plan required under section 3 of this order; and

(e) develop a biennial report of accomplishments of the Conservation Plan.

The representatives designated by the Secretaries of Commerce and the Interior shall cochair the Coordination Council.

**Sec. 3.** *Recreational Fishery Resources Conservation Plan.* (a) Within 12 months of the date of this order, the Coordination Council, in cooperation with Federal agencies, States, and Tribes, and after consulting with the Federally chartered Sport Fishing and Boating Partnership Council, shall develop a comprehensive Recreational Fishery Resources Conservation Plan (''Conservation Plan'').

(b) The Conservation Plan will set forth a 5-year agenda for Federal agencies identified by the Coordination Council. In so doing, the Conservation Plan will establish, to the extent permitted by law and where practicable; (1) measurable objectives to conserve and restore aquatic systems that support viable and healthy recreational fishery resources, (2) actions to be taken by the identified Federal agencies, (3) a method of ensuring the accountability of such Federal agencies, and (4) a comprehensive mechanism to evaluate achievements. The Conservation Plan will, to the extent practicable, be integrated with existing plans and programs, reduce duplication, and will include recommended actions for cooperation with States, Tribes, conservation groups, and the recreational fisheries community.

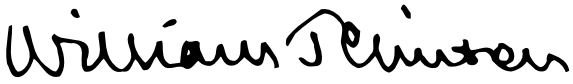
**Sec. 4.** *Joint Policy for Administering the Endangered Species Act of 1973.* All Federal agencies will aggressively work to identify and minimize conflicts between recreational fisheries and their respective responsibilities under the Endangered Species Act of 1973 (''ESA'') (16 U.S.C. 1531 *et seq.*). Within 6 months of the date of this order, the Fish and Wildlife Service and the National Marine Fisheries Service will promote compatibility and reduce conflicts between the administration of the ESA and recreational fisheries by developing a joint agency policy that will; (1) ensure consistency in the administration of the ESA between and within the two agencies, (2) promote collaboration with other Federal, State, and Tribal fisheries managers, and (3) improve and increase efforts to inform nonfederal entities of the requirements of the ESA.

**Sec. 5.** *Sport Fishing and Boating Partnership Council.* To assist in the implementation of this order, the Secretary of the Interior shall expand the role of the Sport Fishing and Boating Partnership Council to: (a) monitor specific Federal activities affecting aquatic systems and the recreational fisheries they support;

(b) review and evaluate the relation of Federal policies and activities to the status and conditions of recreational fishery resources; and

(c) prepare an annual report of its activities, findings, and recommendations for submission to the Coordination Council.

**Sec. 6.** *Judicial Review.* This order is intended only to improve the internal management of the executive branch and it is not intended to create any right, benefit or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, or any other person.



THE WHITE HOUSE,
*June 7, 1995.*

[FR Doc. 95–14407
Filed 6–8–95; 10:50 am]
Billing code 3195–01–P

# Presidential Documents

**Memorandum of June 6, 1995**

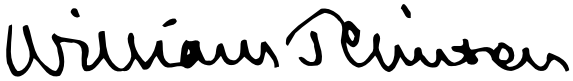
## Delegation of Certain Presidential Authorities Under the African Conflict Resolution Act of 1994

**Memorandum for the Administrator of the Agency for International Development**

By virtue of 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 the authorities vested in the President under sections 8 and 9 of the African Conflict Resolution Act (Public Law 103–381, 108 Stat. 3516) to the Administrator of the Agency for International Development.

The functions delegated by this memorandum may be redelegated within the Agency for International Development, as appropriate.

The Administrator of the Agency for International Development is authorized and directed to publish this memorandum in the **Federal Register**.



THE WHITE HOUSE,
*Washington, June 6, 1995.*

[FR Doc. 95–14387
Filed 6–7–95; 4:15 pm]
Billing code 6116–01–P

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