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July 7, 1995

Briefings on How To Use the Federal Register
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THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

WHEN: July 27 at 9:00 am

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

RESERVATIONS: 202–523–4538

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 60, No. 130
Friday, July 7, 1995

DEPARTMENT OF ENERGY

Office of Fossil Energy

10 CFR Part 515

Transitional Facilities

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Final rule.

SUMMARY: As part of an on-going effort to review and streamline its regulations, the Department of Energy has determined that its regulations governing the classification of transitional facilities under the Powerplant and Industrial Fuel Use Act of 1978, as amended, are outdated and serve no useful purpose. Consequently, these obsolete, unnecessary regulations are removed from the Department's regulations in title 10 of the Code of Federal Regulations.

EFFECTIVE DATE: July 7, 1995.

FOR FURTHER INFORMATION CONTACT: Ellen Russell, Office of Fossil Energy, (202) 586–9624.

SUPPLEMENTARY INFORMATION:

I. Background

Today's action is one step in a Department of Energy effort to review and streamline its regulations. The streamlining effort, described in previously published notices of March 1 and November 14, 1994 (59 FR 9682; 59 FR 56421), was begun in response to Executive Order 12866, ''Regulatory Planning and Review,'' published October 4, 1993 (58 FR 51735). The importance of the Department's initiative was underscored on March 4, 1995, when the President issued a memorandum to the heads of all departments and agencies, calling for increased regulatory review and reinvention efforts under Executive Order 12866. One of the specific activities the President directed departments and agencies to undertake is the systematic review of agency regulations to determine which regulations have become outdated or are otherwise in need of modification.

In the November 14, 1994, notice of inquiry, the Department of Energy identified 13 regulations or regulatory areas that it had targeted for modification or elimination, and the notice invited public comment on the desirability of modifying or eliminating the targeted regulations. First on the list of 13 regulations or regulatory areas was elimination of 10 CFR part 515. Those regulations were promulgated in 1979 to implement provisions of the Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620 (42 U.S.C. 8301 et seq.). The Department's notice of inquiry elicited no comments on elimination of 10 CFR part 515.

II. Discussion

The Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 65–920 (FUA) was enacted as a means of restraining the use of domestic petroleum and natural gas resources and reducing the Nation's dependence on foreign energy supplies by increasing consumption of coal. Under FUA an electric powerplant or major fuel burning installation (MFBI) was classified as either ''new'' and subject to the prohibitions of Title II, or ''existing'' and subject to the prohibitions of Title III. ''New'' electric powerplants or MFBIs were prohibited by FUA from using natural gas or petroleum as a primary energy source unless granted an exemption from the prohibitions. ''Existing'' units were subject to less stringent prohibitions.

The transitional facility regulations at 10 CFR part 515 applied to the limited number of entities that had generating units not yet operational on April 20, 1977, (the date FUA was initiated) but for which construction or acquisition had begun prior to November 9, 1978, (the date of enactment of FUA). The purpose of these transitional facility regulations was to reduce the likelihood of adversely affecting a facility not operational on April 20, 1977, but for which the construction or acquisition could not be cancelled, rescheduled or modified without causing substantial financial penalty or significant operational detriment.

The classification period for transitional facilities has concluded. During the classification period applications were received from 112 powerplants and 127 MFBI facilities; 83% of these facilities were classified ''existing.'' There are no additional facilities that could file applications for existing facility status under 10 CFR part 515.

The Department has determined that 10 CFR part 515 serves no useful purpose and, therefore, this final rule repeals and removes those regulations from the Code of Federal Regulations.

III. Procedural Requirements

A. The Need for Public Comment

Removal of 10 CFR part 515 will have no effect on any transitional facility or any other facility within the Department's jurisdiction under FUA. All transitional facilities that were covered by the classification regulations in part 515 have been classified as either ''new'' or ''existing.'' Under the circumstances, inviting further public comment on this rulemaking action is ''unnecessary'' and ''contrary to the public interest,'' as those terms are used in 5 U.S.C. 553(a)(3)(B). In addition, no comments were received from the public regarding removal of 10 CFR part 515 when announced during earlier proceedings. Therefore, the Department has determined that good cause exists for not issuing a notice of proposed rulemaking with an invitation for public comment and for making this rule effective upon publication in the **Federal Register**.

B. Review Under Executive Order 12866 and the Paperwork Reduction Act

Today's regulatory action has been determined not to be a ''significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735). In addition, this rule does not contain information collection requirements that require approval under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.) Accordingly, today's action was not subject to review by the Office of Information and Regulatory Affairs with the Office of Management and Budget.

C. Review Under the National Environmental Policy Act

The Department has determined that this rulemaking is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental

Policy Act of 1969 (42 U.S.C. 4321 et seq.) and, therefore, neither an environmental assessment nor an environmental impact statement is needed. Pursuant to Department of Energy regulations established for its compliance with the National Environmental Policy Act, the Department has determined that today's regulatory action is a ruling with respect to the rescission of an existing regulation of the type that is categorically excluded from further review under paragraph A4 of appendix A, subpart D, 10 CFR part 1021.

List of Subjects in 10 CFR Part 515

Administrative practice and procedure, Business and industry, Electric power plants, Energy conservation, Natural gas, Petroleum, and Reporting and recordkeeping requirements.

Issued in Washington, D.C., on June 30, 1995.

Patricia Fry Godley,

Assistant Secretary for Fossil Energy.

For the reasons set forth in the preamble, under the authority of 42 U.S.C. 7101, chapter II, subchapter E, title 10 of the Code of Federal Regulations is amended by removing part 515.

[FR Doc. 95–16725 Filed 7–6–95; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–186–AD; Amendment 39–9296; AD 95–14–04]

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain British Aerospace Model BAC 1–11 200 and 400 airplanes, that currently requires incorporation of certain structural modifications. That AD was prompted by reports of fatigue cracking and corrosion in transport category airplanes that are approaching or have exceeded their economic design goal. The actions specified by that AD are intended to prevent reduced structural integrity of the airplane. This amendment requires incorporation of additional structural modifications.

DATES: Effective August 7, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 7, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace, Airbus Limited, P.O. Box 77, Bristol BS99 7AR, England. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: 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: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 90–23–09, amendment 39–6795 (55 FR 46502, November 5, 1990), which is applicable to certain British Aerospace Model BAC 1–11 200 and 400 airplanes, was published in the **Federal Register** on April 27, 1995 (60 FR 20661). The action proposed to require incorporation of additional structural modifications.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 31 airplanes of U.S. registry will be affected by this AD, that it will take approximately 387 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $10,315 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,039,585, or $33,535 per airplane.

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6795 (55 FR 46502, November 5, 1990), and by adding a new airworthiness directive (AD), amendment 39–9296, to read as follows:

95–14–04 British Aerospace Airbus Limited (Formerly British Aerospace Commercial Aircraft Limited, British Aerospace Aircraft Group): Amendment 39–9296. Docket 94–NM–186–AD. Supersedes AD 90–23–09, Amendment 39–6795.

Applicability: Model BAC 1–11 200 and 400 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 (c) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the airplane, accomplish the following:

(a) Prior to reaching the ''Not Exceed Time'' interval specified in Table 1 of British Aerospace Alert Service Bulletin 5–A–PM5995, Issue 3, dated March 19, 1993; or within 15 months after the effective date of this AD; whichever occurs later: Install the structural modification listed in each Item in Table 1 of the alert service bulletin, except for Items 6, 11, 13, and 14. The modifications shall be done in accordance with the appropriate service bulletin specified for each Item in Table 1, listed under ''Service Bulletin No.''

Note 2: Items 6, 11, 13, and 14 in Table 1 of British Aerospace Alert Service Bulletin 5–A–PM5995, Issue 3, are not included in the requirements of this AD since those items are addressed by separate rulemaking actions.

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

AD No.	Amendment No.	Federal Register citation	Date of publication
67–30–02	39–0507	32 FR 15421	November 4, 1967.
87–21–06	39–5744	52 FR 38396	October 16, 1987.
82–01–02 R1	39–4824	49 FR 9412	March 13, 1984.
83–20–02	39–4735	48 FR 44462	September 29, 1983.
88–11–09	39–5891	53 FR 17918	May 19, 1988.
72–06–01	39–1406	37 FR 4900	March 7, 1972.
71–25–02	39–1349	36 FR 22363	November 25, 1971.

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

(e) The installation shall be done in accordance with British Aerospace Alert Service Bulletin 5–A–PM5995, Issue 3, dated March 19, 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, Airbus Limited, P.O. Box 77, Bristol BS99 7AR, England. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on August 7, 1995.

Issued in Renton, Washington, on June 23, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–15995 Filed 7–6–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–161–AD; Amendment 39–9295; AD 95–14–03]

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all British Aerospace Model BAC 1–11–200 and –400 series airplanes, that requires repetitive radiographic inspections to detect corrosion of the center torque shaft of the wing spoiler, and replacement, if necessary. This amendment is prompted by a report of the wing spoiler failing to retract fully after deployment, which caused the wing to drop significantly. Subsequent investigation revealed that the torque shaft assembly of the wing spoiler had failed due to severe corrosion. The actions specified by this AD are intended to prevent such failures, which can result in an adverse effect on controllability of the airplane.

DATES: Effective August 7, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 7, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace, Airbus Limited, P.O. Box 77, Bristol BS99 7AR, England. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: 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: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all British Aerospace Model BAC 1–11–200 and –400 series airplanes was published in the **Federal Register** on April 26, 1995 (60 FR 20461). That action proposed to require repetitive radiographic inspections to detect corrosion of the center torque shaft of the wing spoiler, and replacement of the torque shaft assembly, if necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 31 airplanes of U.S. registry will be affected by this AD, that it will take approximately 40 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost

impact of the AD on U.S. operators is estimated to be $74,400, or $2,400 per airplane.

Should an operator be required to accomplish the replacement of the torque shaft assembly, it will take approximately 40 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately $2,950 per airplane. Based on these figures, the total cost impact of any necessary replacement action is estimated to be $5,350 per airplane.

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

95–14–03 British Aerospace Airbus Limited (Formerly British Aerospace Commercial Aircraft Limited, British Aerospace Aircraft Group): Amendment 39–9295. Docket 94–NM–161–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) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the center torque shaft of the spoiler on the left and right wing, accomplish the following:

(a) Perform a radiographic inspection to detect internal corrosion of the center torque shaft on the left and right wing spoilers, in accordance with the Accomplishment Instructions of British Aerospace BAC 1–11 Alert Service Bulletin 27–A–PM6007, Issue 1, dated April 10, 1992, at the time specified in paragraph (a)(1) or (a)(2) of this AD, as applicable. If the date of installation of a center torque shaft cannot be determined, the radiographic inspection of that shaft must be accomplished within 9 months after the effective date of this AD.

(1) For the center torque shaft on the left wing spoiler: Inspect within 10 years after the date of installation of that center torque shaft, or within 9 months after the effective date of this AD, whichever occurs later.

(2) For the center torque shaft on the right wing spoiler: Inspect within 10 years after the date of installation of that center torque shaft, or within 9 months after the effective date of this AD, whichever occurs later.

(b) If no internal corrosion is detected, repeat the radiographic inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 4 years.

(c) If any internal surface corrosion is detected, prior to further flight, replace that shaft assembly with either a used serviceable assembly or a new assembly, in accordance with British Aerospace Alert Service Bulletin 27–A–PM6007, Issue 1, dated April 10, 1992. Perform the radiographic inspection in accordance with that service bulletin at the applicable time specified in paragraph (c)(1) or (c)(2) of this AD.

(1) If a new shaft assembly is installed: Perform the inspection within 10 years after installation. Thereafter, repeat the inspection at intervals not to exceed 4 years.

(2) If a used serviceable shaft is installed: Prior to installation, perform an initial radiographic inspection of that shaft in accordance with the service bulletin. Thereafter, repeat the inspection at intervals not to exceed 4 years.

(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.

(f) The inspections and replacement shall be done in accordance with British Aerospace Alert Service Bulletin 27–A–PM6007, Issue 1, dated April 10, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from British Aerospace, Airbus Limited, P.O. Box 77, Bristol BS99 7AR, England. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on August 7, 1995.

Issued in Renton, Washington, on June 23, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–15994 Filed 7–6–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 92–CE–21–AD; Amendment 39–9293; AD 95–14–01]

Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG–100 Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Glaser-Dirks Flugzeugbau GmbH (Glaser-Dirks) Model DG–100 sailplanes equipped with the main L4 fitting of the all flying tailplane. This action requires inspecting (one-time) the tailplane main fitting to ensure the part is accurately welded, and modifying the tailplane main fitting if not accurately welded. A report of tailplane main fitting failure on one of the affected sailplanes, where the welding did not completely cover the entire wall thickness of the fitting, prompted this action. The actions specified by this AD are intended to prevent loss of control of the sailplane because of tailplane main fitting failure.

DATES: Effective August 24, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 24, 1995.

ADDRESSES: Service information that applies to this AD may be obtained from Glaser-Dirks Flugzeugbau GmbH, lm Schollengarten 19–20, 7520 Buchsal 4, Germany. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Glaser-Dirks Model DG–100 sailplanes equipped with the main L4 fitting of the all flying tailplane was published in the **Federal Register** on January 18, 1995 (60 FR 3587). The action proposed to require inspecting (one-time) the tailplane main fitting to ensure the part is accurately welded, and modifying the tailplane main fitting if not accurately welded. Accomplishment of the proposed actions would be accomplished in accordance with Enclosure to Technical Note 301/15, which is a supplement to Glaser-Dirks Technical Note 301/15, dated July 7, 1989.

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

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

The FAA estimates that 16 sailplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per sailplane to accomplish the required action, and that the average labor rate is approximately $60 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $960. This figure is based on the assumption that no affected owner/operator has accomplished the proposed one-time inspection. The FAA anticipates that several owners/operators have already accomplished this inspection, thus reducing the cost impact upon the public imposed by this AD.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

95–14–01 Glaser-Dirks Flugzeugbau GmbH: Amendment 39–9293; Docket No. 92–CE–21–AD.

Applicability: Model DG–100 sailplanes (all serial numbers) that are equipped with the main L4 fitting of the all flying tailplane, certificated in any category.

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

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent loss of control of the sailplane caused by failure of the tailplane main fitting, accomplish the following:

(a) Inspect the tailplane main fitting to ensure that the welding covers the entire wall thickness of the fitting in accordance with the instructions in paragraph 3 of the Enclosure to Technical Note (TN) 301/15, which is a supplement to Glaser-Dirks TN 301/15, dated July 7, 1989.

(b) If the welding does not cover the entire wall thickness of the fitting, prior to further flight, modify the tailplane main fitting in accordance with instructions in paragraph 4 of the Enclosure to TN 301/15, which is a supplement to Glaser-Dirks TN 301/15, dated July 7, 1989.

Note 2: The service information specifies inspection and possible modification for the Model DG–100 Elan sailplanes, as well as the Model DG–100 sailplanes. Even though the Model DG–100 Elan sailplanes are not certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29),

the actions in this AD are recommended for any of these sailplanes certificated otherwise, i.e., experimental category.

(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 sailplanes to a location where the requirements of this AD can be accomplished.

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) The inspection required by this AD shall be done in accordance with the Enclosure to Technical Note 301/15, which is a supplement to Glaser-Dirks Technical Note 301/15, dated July 7, 1989. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Glaser-Dirks Flugzeugbau GmbH, lm Schollengarten 19–20, 7520 Buchsal 4, Germany. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment (39–9293) becomes effective on August 24, 1995.

Issued in Kansas City, Missouri, on June 22, 1995.

Gerald W. Pierce,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–15928 Filed 7–6–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–178–AD; Amendment 39–9291; AD 95–13–11]

Airworthiness Directives; McDonnell Douglas Model DC–10–10 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–10–10 airplanes, that requires repetitive inspections to detect cracking of the upper caps in the front spar of the left and right wing, and repair, if necessary. This amendment is prompted by reports of fatigue cracking in the upper cap of the front spar of the wing in the forward flange area. The actions specified by this AD are intended to prevent progression of fatigue cracking, which could cause reduced structural integrity of the wing front spar and damage to adjacent structures.

DATES: Effective August 7, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 7, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Cecil, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5322; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–10–10 airplanes was published in the **Federal Register** on January 12, 1995 (60 FR 2909). That action proposed to require repetitive eddy current test high frequency (ETHF) surface inspections to detect fatigue cracking, and repair of the upper cap in the front spar of the wing if any cracking is found. That action also proposed to require additional repetitive inspections after any repair of the upper cap. Additionally, that proposed action stipulated that, if the preventive modification is installed on an airplane on which no cracks were found during the initial inspection, the repetitive inspections of that airplane may be terminated.

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

One commenter supports the proposed rule.

One commenter supports the proposed rule, but requests that the FAA require McDonnell Douglas to have repair parts (i.e., angles, straps, fillers, doublers, and fasteners) available prior to the issuance of the final rule. The FAA does not concur. The manufacturer has advised that an ample number of parts, which may be necessary for ''on condition'' actions, will be available. Since those parts are required only ''on condition'' of findings of cracking, the FAA does not anticipate that any operator will encounter a parts availability problem. However, under the provisions of paragraph (e) of the final rule, the FAA may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

Another commenter supports the rule, but requests that the compliance time for the eddy current inspection between stations Xos 667 and Xos 789 to detect cracking, as stated in paragraph (a) of the proposed rule, be expanded to add ''or two years after the effective date of the AD, whichever occurs later.'' The commenter does not state the reason for requesting this revision of the compliance time. The FAA does not concur. In developing an appropriate compliance time for this action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the normal maintenance schedules for timely accomplishment of the actions required by the final rule for all affected airplanes to continue to operate without compromising safety. The subject cracking in the upper cap of the front spar of the left and right wing between stations Xos 667 and Xos 789 has been identified as being caused by fatigue. Since fatigue stresses are related to the landing process, the FAA normally considers that intervals for fatigue inspections should be based on the number of landings (or flight cycles) that would ensure that cracking is detected before it can reach a critical length. However, under the provisions of paragraph (e) of the final rule, the FAA may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

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

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 rule to clarify this long-standing requirement.

There are approximately 126 Model DC–10–10 airplanes of the affected design in the worldwide fleet. The FAA estimates that 77 airplanes of U.S. registry will be affected by this AD, that it will take approximately 14 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $64,680, or $840 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 requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

95–13–11 McDonnell Douglas: Amendment 39–9291. Docket 94–NM–178–AD.

Applicability: Model DC–10–10 airplanes, as listed in McDonnell Douglas DC–10 Service Bulletin 57–129, dated August 12, 1994; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the wing front spar and damage to adjacent structures due to fatigue cracking in the upper cap of the front spar of the wing, accomplish the following:

(a) Prior to the accumulation of 10,000 total landings, or within 1,800 landings after the effective date of this AD, whichever occurs later, perform an initial eddy current test high frequency (ETHF) surface inspection to detect cracks in the upper cap of the front spar of the left and right wing between stations Xos 667.678 and Xos 789.645, inclusive, in accordance with McDonnell Douglas DC–10 Service Bulletin 57–129, dated August 12, 1994. Repeat this inspection thereafter at the intervals specified in paragraph (b) or (c) of this AD, as applicable.

(b) For airplanes on which no crack is found: Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 10,000 landings, or accomplish the crack preventative modification in accordance with McDonnell Douglas DC–10 Service Bulletin 57–129, dated August 12, 1994. Accomplishment of that preventative modification constitutes terminating action for the requirements of this paragraph.

(c) For airplanes on which any crack is found that is identified as ''Condition II'' in McDonnell Douglas DC–10 Service Bulletin 57–129, dated August 12, 1994: Accomplish paragraphs (c)(1) and (c)(2) of this AD in accordance with that service bulletin.

(1) Prior to further flight, perform the permanent repair for cracks in accordance with the service bulletin; and

(2) Within 12,500 landings after the installation of the permanent repair specified in paragraph (c)(1) of this AD, perform an ETHF surface inspection for cracks, in accordance with the service bulletin. Repeat this inspection thereafter at intervals not to exceed 7,000 landings.

(d) For airplanes on which any crack is found that is identified as ''Condition III'' in McDonnell Douglas DC–10 Service Bulletin 57–129, dated August 12, 1994: Prior to further flight, repair the cracking in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

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

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

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

(g) The inspections, modification, and permanent repair shall be done in accordance with McDonnell Douglas DC–10 Service Bulletin 57–129, dated August 12, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los

Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on August 7, 1995.

Issued in Renton, Washington, on June 22, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–15850 Filed 7–6–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–167–AD; Amendment 39–9297; AD 95–14–05]

Airworthiness Directives; Mitsubishi Model YS–11 and –11A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Mitsubishi Model YS–11 and –11A series airplanes, that requires the implementation of a corrosion prevention and control program. This amendment is prompted by incidents involving corrosion and fatigue cracking in transport category airplanes that are approaching or have exceeded their economic design goal; these incidents have jeopardized the airworthiness of the affected airplanes. The actions specified by this AD are intended to prevent degradation of the structural capabilities of the affected airplanes due to problems associated with corrosion.

DATES: Effective August 7, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 7, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from Nihon Aeroplane Manufacturing, Toranomon Daiichi, Kotohire-Cho, Shiba, Minato-Ku, Tokyo, Japan. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Roberts, Aerospace Engineer, Airframe Branch, ANM–120L, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (310) 627–5228; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Mitsubishi Model YS–11 and –11A series airplanes was published in the **Federal Register** on April 19, 1995 (60 FR 19545). That action proposed to require the implementation of a corrosion prevention and control program.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 39 airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per basic task to accomplish the 30 basic tasks called out in MHI Publication No. YS–MR–301, ''YS–11 Corrosion Control Program,'' dated November 1, 1993; this represents a total average of 240 work hours (this figure includes not only inspection time, but access and closure time as well). The average labor rate is $60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators for the 4-year average inspection cycle is estimated to be $561,600, or $14,400 per airplane.

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

The FAA recognizes that the obligation to maintain aircraft in an airworthy condition is vital, but sometimes expensive. Because AD's require specific actions to address specific unsafe conditions, they appear to impose costs that would not otherwise be borne by operators. However, because of the general obligation of operators to maintain aircraft in an airworthy condition, this appearance is deceptive. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining safe aircraft, prudent operators would accomplish the required actions even if they were not required to do so by the AD.

A full cost-benefit analysis has not been accomplished for this AD. As a matter of law, in order to be airworthy, an aircraft must conform to its type design and be in a condition for safe operation. The type design is approved only after the FAA makes a determination that it complies with all applicable airworthiness requirements. In adopting and maintaining those requirements, the FAA has already made the determination that they establish a level of safety that is cost-beneficial. When the FAA, as in this AD, makes a finding of an unsafe condition, this means that the original cost-beneficial level of safety is no longer being achieved and that the required actions are necessary to restore that level of safety. Because this level of safety has already been determined to be cost-beneficial, a full cost-benefit analysis for this AD would be redundant and unnecessary.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

95–14–05 Mitsubishi Heavy Industries, Ltd: Amendment 39–9297. Docket 94–NM–167–AD.

Applicability: All Model YS–11 and –11A 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 (h) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

Note 2: This AD references MHI Publication No. YS–MR–301, ''YS–11 Corrosion Control Program,'' dated November 1, 1993 (hereafter referred to as ''the Document''), for basic tasks, definitions of corrosion levels, compliance times, and reporting requirements. In addition, this AD specifies inspection and reporting requirements beyond those included in the Document. Where there are differences between the AD and the Document, the AD prevails.

Note 3: As used throughout this AD, the term ''the FAA'' is defined differently for different operators, as follows: For those operators complying with paragraph (a) of this AD, ''the FAA'' is defined as ''the Manager of the Los Angeles Aircraft Certification Office (ACO).'' For those operators operating under Federal Aviation Regulation (FAR) Part 121 or 129, and complying with paragraph (b) of this AD, ''the FAA'' is defined as ''the cognizant Principal Maintenance Inspector (PMI).'' For those operators operating under FAR Part 91 or 125, and complying with paragraph (b) of this AD, ''the FAA'' is defined as ''the cognizant Maintenance Inspector at the appropriate FAA Flight Standards office.''

To preclude degradation of the structural capabilities of the airplane due to the problems associated with corrosion, accomplish the following:

(a) Except as provided in paragraph (b) of this AD, within a date two years after the effective date of this AD, complete each of the basic tasks specified in Section 4.3 of the Document in accordance with the procedures specified in the Document and the schedule specified in Figure 5 of the Document. Thereafter, repeat each basic task at a time interval not to exceed the repeat interval specified in Section 4 of the Document for that task.

Note 4: A ''basic task,'' as defined in Section 4 of the Document, includes inspections; procedures for a corrective action, including repairs, under identified circumstances; application of sealants or corrosion inhibitors; and other follow-on actions.

Note 5: Basic tasks completed in accordance with the Document before the effective date of this AD may be credited for compliance with the initial basic task requirements of this paragraph.

Note 6: Where non-destructive inspection (NDI) methods are employed, in accordance with Section 4 of the Document, the standards and procedures used must be acceptable to the Administrator in accordance with FAR Section 43.13.

(b) As an alternative to the requirements of paragraph (a) of this AD: Within one year after the effective date of this AD, revise the FAA-approved maintenance/inspection program to include the corrosion control program specified in the Document; or to include an equivalent program that is approved by the FAA.

(1) Any operator complying with paragraph (b) of this AD may use an alternative recordkeeping method to that otherwise required by FAR Section 91.417 or Section 121.380 for the actions required by this AD, provided it is approved by the FAA and is included in a revision to the FAA-approved maintenance/inspection program.

(2) Subsequent to the accomplishment of the initial basic task, any extensions of repeat intervals specified in the Document must be approved by the FAA.

(c) To accommodate unanticipated scheduling requirements, it is acceptable for a repeat interval to be increased by up to 10%, but not to exceed 6 months. The FAA must be informed, in writing, of any such extension within 30 days after such adjustment of the schedule.

(d) (1) If, as a result of any inspection conducted in accordance with paragraphs (a) or (b) of this AD, Level 3 corrosion is determined to exist in any airplane area, accomplish either paragraph (d)(1)(i) or (d)(1)(ii) within 7 days after such determination:

(i) Submit a report of that determination to the FAA and complete the basic task in the affected aircraft zones on all Model YS–11/–11A series airplanes in the operator's fleet; or

(ii) Submit to the FAA for approval one of the following:

(A) A proposed schedule for performing the basic tasks in the affected aircraft zones on the remaining Model YS–11/ –11A series airplanes in the operator's fleet, which is adequate to ensure that any other Level 3 corrosion is detected in a timely manner, along with substantiating data for that schedule; or

(B) Data substantiating that the Level 3 corrosion found is an isolated occurrence.

Note 7: Notwithstanding the provisions of Section 1.3 of the Document, which would permit corrosion that otherwise meets the definition of Level 3 corrosion (i.e., which is determined to be a potentially urgent airworthiness concern requiring expeditious action) to be treated as Level 1 if the operator finds that it ''can be attributed to an event not typical of the operator's usage of other airplanes in the same fleet,'' this paragraph requires that data substantiating any such finding be submitted to the FAA for approval.

(2) The FAA may impose schedules other than those proposed, upon finding that such changes are necessary to ensure that any other Level 3 corrosion is detected in a timely manner.

(3) Within the time schedule approved under paragraph (d)(1) or (d)(2) of this AD, accomplish the basic tasks in the affected aircraft zones of the remaining Model YS–11/–11A series airplanes in the operator's fleet.

(e) If, as a result of any inspection after the initial inspection conducted in accordance with paragraph (a) or (b) of this AD, it is determined that corrosion findings exceed Level 1 in any area, within 60 days after such determination, implement a means, approved by the FAA, to reduce future findings of corrosion in that area to Level 1 or better.

(f) Before any operator places into service any airplane subject to the requirements of this AD, a schedule for the accomplishment of basic tasks required by this AD must be established in accordance with paragraph (f)(1) or (f)(2) of this AD, as applicable:

(1) For airplanes previously maintained in accordance with this AD, the first basic task in each aircraft zone to be performed by the new operator must be accomplished in accordance with the previous operator's schedule or with the new operator's schedule, whichever would result in the earlier accomplishment date for that task. After each basic task has been performed once, each subsequent task must be performed in accordance with the new operator's schedule.

(2) For airplanes that have not been previously maintained in accordance with this AD, the first basic task for each aircraft zone to be performed by the new operator must be accomplished prior to further flight or in accordance with a schedule approved by the FAA.

(g) Reports of Level 2 and Level 3 corrosion must be submitted at least every three months to Mitsubishi Heavy Industries, Ltd., in accordance with Section 3 of the Document.

Note 8: Reporting of Level 2 and Level 3 corrosion found as a result of any opportunity inspections is highly desirable.

(h) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through

an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 9: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(i) 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.

(j) Reports of inspection results required by this AD have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(k) The actions shall be done in accordance with MHI Publication No. YS–MR–301, ''YS–11 Corrosion Control Program,'' dated November 1, 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Nihon Aeroplane Manufacturing, Toranomon Daiichi, Kotohire-Cho, Shiba, Minato-Ku, Tokyo, Japan. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(l) This amendment becomes effective on August 7, 1995.

Issued in Renton, Washington, on June 23, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–15996 Filed 7–6–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Airspace Docket No. 95–ASO–5]

Establishment of Class D and E Airspace; Marietta, GA, Amendment of Class D and E Airspace and Removal of Class E Airspace; Atlanta Dobbins AFB, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes Class D and E airspace at Marietta, GA, modifies Class D and E airspace at Atlanta Dobbins AFB, GA, and removes Class E airspace at Atlanta Dobbins AFB, GA. The Cobb County-McCollum Field Airport currently is included in the Atlanta Dobbins AFB, GA, Class D airspace area. A nonfederal control tower has been commissioned at the Cobb County-McCollum Field Airport, which has a LOC RWY 27 Standard Instrument Approach Procedure (SIAP) and a VOR/DME or GPS RWY 9 SIAP. Separate Class D airspace is required to accommodate these SIAPs and for instrument flight rules (IFR) operations at the Cobb County-McCollum Field Airport. Class E airspace designated as a surface area is also required, when the tower is closed and air traffic control service is provided by Atlanta Tower. As a result of this action the Atlanta Dobbins AFB, GA, Class D airspace area and the Class E Airspace area designated as a surface area would be reduced, and the Class E airspace area designated as an extension to the Class D surface area would be removed concurrent with the establishment of the Class D and E airspace areas at Marietta, GA, for the Cobb County-McCollum Field Airport. This amendment also changes the title of the Atlanta Dobbins AFB, GA, airspace designation and the name of the Dobbins AFB airport. The title of the airspace designation is changed from Atlanta Dobbins AFB, GA, to Marietta Dobbins ARB (NAS Atlanta), GA. The name of the airport is changed from Dobbins AFB to Dobbins ARB (NAS Atlanta).

EFFECTIVE DATE: 0901 UTC, September 14, 1995.

FOR FURTHER INFORMATION CONTACT: Stanley Zylowski, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5570.

SUPPLEMENTARY INFORMATION:

History

On March 16, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing Class D and E Airspace at Marietta GA, modifying Class D and E airspace at Atlanta Dobbins AFB, GA, and removing Class E airspace at Atlanta Dobbins AFB, GA (60 FR 14238). This action would provide adequate Class D and E airspace for IFR operations at the Cobb County-McCollum Field Airport and the Dobbins ARB (NAS Atlanta) Airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class D airspace designations, Class E airspace areas designated as a surface area for an airport, and Class E airspace areas designated as an extension to a Class D surface area are published in Paragraphs 5000, 6002 and 6004 respectively of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994. The 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) establishes Class D and E airspace at Marietta, GA, modifies Class D and E airspace at Atlanta Dobbins AFB, GA, and removes Class E airspace at Atlanta Dobbins AFB, GA, in order to accommodate current SIAPs and for IFR operations at the Cobb County-McCollum Field Airport and the Dobbins ARB (NAS Atlanta) Airport, as a result of the commissioning of a non-federal control tower at the Cobb County-McCollum Field Airport. This amendment also changes the title of the Atlanta Dobbins AFB, GA, airspace designation and the name of the Dobbins AFB airport. The title of the airspace designation is changed from Atlanta Dobbins AFB, GA, to Marietta Dobbins ARB (NAS Atlanta), GA. The name of the airport is changed from Dobbins AFB to Dobbins ARB (NAS Atlanta).

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D airspace.

* * * * *

ASO GA D Marietta, GA [New]

Cobb County-McCollum Field, GA
(lat. 34°00′47″ N, long. 84°35′55″ W)
Dobbins ARB (NAS Atlanta)
(lat. 33°54′55″ N, long. 84°30′59″ W)

That airspace extending upward from the surface to and including 3500 feet MSL within a 4-mile radius of Cobb County-McCollum Field, excluding that airspace southeast of a line connecting the 2 points of intersection with a 5.5-mile radius centered on Dobbins ARB (NAS Atlanta). This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASO GA D Marietta Dobbins ARB (NAS Atlanta), GA [Revised]

Dobbins ARB (NAS Atlanta), GA
(lat. 33°54′55″ N, long. 84°30′59″ W)
Cobb County-McCollum Field
(lat. 34°00′47″ N, long. 84°35′55″ W)
Fulton County Airport-Brown Field
(lat. 33°46′45″ N, long. 84°31′17″ W)

That airspace extending upward from the surface to and including 3600 feet MSL within a 5.5-mile radius of Dobbins ARB (NAS Atlanta), excluding that airspace northwest of a line connecting the 2 points of intersection with a 4-mile radius centered on Cobb County-McCollum Field, and also excluding that airspace south of a line connecting the 2 points of intersection with a 4-mile radius centered on Fulton County Airport-Brown Field. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

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

* * * * *

ASO GA E2 Marietta, GA [New]

Cobb County-McCollum Field, GA
(lat. 34°00′47″ N, long. 84°35′55″ W)
Dobbins ARB (NAS Atlanta)
(lat. 33°54′55″ N, long. 84°30′59″ W)

Within a 4-mile radius of Cobb County-McCollum Field, excluding that airspace southeast of a line connecting the 2 points of intersection with a 5.5-mile radius centered on Dobbins ARB (NAS Atlanta). This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASO GA E2 Marietta Dobbins ARB (NAS Atlanta), GA [Revised]

Dobbins ARB (NAS Atlanta), GA
(lat. 33°54′55″N, long. 84°30′59″W)
Cobb County-McCollum Field
(lat. 34°00′47″N, long. 84°35′55″W)
Fulton County Airport-Brown Field
(lat. 33°46′45″N, long. 84°31′17″W)

Within a 5.5-mile radius of Dobbins ARB (NAS Atlanta), excluding that airspace northwest of a line connecting the 2 points of intersection with a 4-mile radius centered on Cobb County-McCollum Field, and also excluding that airspace south of a line connecting the 2 points of intersection with a 4-mile radius centered on Fulton County Airport-Brown Field. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

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

* * * * *

ASO GA E4 Atlanta Dobbins AFB, GA [Removed]

* * * * *

Issued in College Park, Georgia, on June 26, 1995.

Stanley Zylowski,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 95–16743 Filed 7–6–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 93–ASW–35]

Establishment of Class E Airspace; Gonzales, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes the Class E airspace at Gonzales, LA. A Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) standard instrument approach procedure (SIAP) at Louisiana Regional Airport, Gonzales, LA, has made this action necessary. Controlled airspace extending upward from 700 feet above ground level (AGL) is needed for aircraft executing the SIAP. This action is intended to provide adequate Class E airspace to contain instrument flight rule (IFR) operations for aircraft executing the SIAP at Louisiana Regional Airport in Gonzales, LA.

EFFECTIVE DATE: 0901 UTC, September 14, 1995.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, System Management Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0530, telephone 817–222–5593.

SUPPLEMENTARY INFORMATION:

History

On December 1, 1993, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish the Class E airspace at Gonzales, LA, was published in the **Federal Register** (58 FR 63308). Class E airspace is necessary for aircraft executing the newly developed VOR/DME SIAP. The proposal was to establish the Class E airspace extending upward from 700 feet AGL for IFR operations in controlled airspace during portions of the terminal operation and while transitioning between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Therefore, the action is adopted as proposed except for editorial changes.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace designations for airspace areas extending upward from 700 feet or more AGL 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 will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes the Class E airspace located at Louisiana Regional Airport, Gonzales, LA, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the VOR/DME SIAP.

The FAA has determined that this regulation only involves an established body of technical regulations that need frequent and routine amendments to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will

only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of 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.

* * * * *

ASW LA E5 Gonzales, LA [New]

Louisiana Regional Airport, LA
(lat. 30°10′17″ N, long. 90°56′25″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Louisiana Regional Airport, LA.

* * * * *

Issued in Fort Worth, TX, on June 21, 1995.

Helen Fabian Parke,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 95–16744 Filed 7–6–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 95–ASO–8]

Amendment to Class E Airspace; Millington, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies the Class E airspace area at Millington, TN, to accommodate a VOR/DME RWY 18 Standard Instrument Approach Procedure (SIAP) for Charles W. Baker Airport. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for instrument flight rules (IFR) operations at the airport. The operating status of the Charles W. Baker Airport will change from VFR to include IFR operations concurrent with the publication of the SIAP. This amendment also changes the title of the airspace designation. The title of the airspace designation is changed from Memphis NAS/Millington Municipal, TN, to Millington, TN.

EFFECTIVE DATE: 0901 UTC, September 14, 1995.

FOR FURTHER INFORMATION CONTACT: Stanley Zylowski, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5570.

SUPPLEMENTARY INFORMATION:

History

On March 27, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR Part 71) by modifying Class E airspace at Millington, TN (60 FR 15723). This action would provide adequate Class E airspace for IFR operations at Charles W. Baker Airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994. The Class E airspace designation 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 Class E airspace at Millington, TN, to accommodate a VOR/DME RWY 18 SIAP and for IFR operations at Charles W. Baker Airport. The operating status of the Charles W. Baker Airport will change from VFR to include IFR operations concurrent with publication of the SIAP. This amendment also changes the title of the airspace designation. The title of the airspace designation is changed from Memphis NAS/Millington Municipal, TN, to Millington, TN.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

Authority: 49 U.S.C. 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389, 48 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

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

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

* * * * *

ASO TN E5 Millington, TN [Revised]

Memphis NAS/Millington Municipal Airport, TN
(lat.35°21′20″ N, long. 89°52′10″ W)
Arlington, Municipal Airport
(lat 35°16′59″ N, long. 89′40′22″ W)
Charles W. Baker
(lat. 35°16′44″ N, long. 89°55′53″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Memphis NAS/Millington Municipal Airport, within a 7-mile radius of Arlington Municipal Airport and within a 6.3-mile radius of Charles W. Baker Airport; excluding that airspace within the Memphis, TN Class E airspace area.

* * * * *

Issued in College Park, Georgia, on June 22, 1995.

Stanley Zylowski,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 95–16745 Filed 7–6–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 92–ASW–34]

Revision of Class E Airspace; Hondo, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Class E airspace extending upward from 700 feet above ground level (AGL) at Hondo Municipal Airport, Hondo, TX. The development of a very high frequency omni-directional range (VOR) standard instrument approach procedure (SIAP) to Runway (RWY) 17 has made this action necessary. Controlled airspace extending upward from 700 feet above ground level (AGL) is needed for aircraft executing the SIAP. This action is intended to provide adequate Class E airspace to contain instrument flight rule (IFR) operations at Hondo Municipal Airport, Hondo, TX.

EFFECTIVE DATE: 0901 UTC, September 14, 1995.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, System Management Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0530, telephone 817–222–5593.

SUPPLEMENTARY INFORMATION:

History

On December 17, 1993, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Hondo, TX, was published in the **Federal Register** (58 FR 65948). That proposal was to revise the 700 feet AGL Class E airspace to provide adequate controlled airspace for aircraft executing a newly developed VOR SIAP to runway 17. The comment period for that Notice of Proposed Rulemaking (NPRM) ended February 19, 1994. The FAA discovered during the comment period that the legal description contained in the proposal did not include the airspace required to contain instrument operations for the Radio Beacon (RBN) SIAP at Hondo Municipal Airport. On December 5, 1994, a Supplemental Notice of Proposed Rulemaking (SNPRM) to revise the Class E airspace at Hondo, TX (59 FR 62362) based on the corrected legal description was issued with a comment period extending through January 20, 1995. The SNPRM proposal was to revise the controlled airspace extending upward from 700 feet AGL to contain IFR operations in controlled airspace at Hondo Municipal Airport, Hondo, TX.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Therefore, the rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace designations for airspace areas extending upward from 700 feet or more AGL or 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 will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) revises the Class E airspace located at Hondo Municipal Airport, Hondo, TX, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the SIAP.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of 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.

* * * * *

ASW TX E5 Hondo, TX [Revised]

Hondo Municipal Airport, TX
(lat. 29°21′35″ N, long. 99°10′36″ W)
Hondo RBN
(lat. 29°22′24″ N, long. 99°10′19″ W)
Hondo VOR
(lat. 29°21°16″ N, long. 99°10′33″ W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the Hondo Municipal Airport and within 8 miles west and 4 miles east of the 180° bearing from the Hondo RBN extending from the airport to 16 miles south of the RBN and within 2.3 miles each side of the 352° radial of the Hondo VOR extending from the 6.7-mile radius to 6.9 miles north of the airport.

* * * * *

Issued in Fort Worth, TX, on June 21, 1995.

Helen Fabian Parke,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 95–16746 Filed 7–6–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 94–ASW–17]

Establishment of Class E Airspace; La Grange, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes the Class E airspace extending upward from 700 feet above ground level (AGL) at Fayette Regional Air Center, La Grange, TX. The development of a Very High Frequency Omnidirectional Range (VOR)/Distance Measuring Equipment (DME) standard instrument approach procedure (SIAP) to Runway (RWY) 16–34 has made this action necessary. Controlled airspace extending upward from 700 feet AGL is needed for aircraft executing the SIAP. This action is

intended to provide adequate Class E airspace to contain instrument flight rule (IFR) operation for aircraft executing the SIAP to RWY 16–34 at Fayette Regional Air Center, La Grange, TX.

EFFECTIVE DATE: 0901 UTC, September 14, 1995.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, System Management Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0530, telephone 817–222–5593.

SUPPLEMENTARY INFORMATION:

History

On December 5, 1994, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish the Class E airspace at La Grange, TX, was published in the **Federal Register** (59 FR 62363). A new SIAP developed for RWY 16–34 at Fayette Regional Air Center, La Grange, TX, necessitates the establishment of the Class E airspace at this airport. The proposal was to revise the controlled airspace extending upward from 700 feet AGL for IFR operations in controlled airspace during portions of the terminal operation and while transitioning between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Therefore, the rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace designations for airspace areas extending upward from 700 feet or more AGL 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 will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes the Class E airspace located at Fayette Regional Air Center, La Grange, TX, to provide controlled airspace extending upward from 700 feet AGL for aircraft executing the SIAP.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of 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.

* * * * *

ASW TX E5 La Grange, TX [New]

Fayette Regional Air Center, TX
(lat. 29°54′31″N, long. 95°56′59″W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Fayette Regional Air Center.

* * * * *

Issued in Fort Worth, TX, on June 20, 1995.

Helen Fabian Parke,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 95–16747 Filed 7–6–95; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF JUSTICE

28 CFR Part 0

[AG Order No. 1975–95]

Personnel and Administrative Authorizations

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule delegates to the Administrator of the Drug Enforcement Administration the authority to administer the Federal Bureau of Investigation-Drug Enforcement Administration Senior Executive Service (FBI–DEA SES) with respect to personnel within the Drug Enforcement Administration. This action is being undertaken to promote administrative efficiency.

EFFECTIVE DATE: July 7, 1995.

FOR FURTHER INFORMATION CONTACT: Valerie M. Willis, Executive Resources Coordinator, Department of Justice, National Place Building, Suite 1155, 1331 Pennsylvania Avenue NW., Washington, D.C. 20530; (202) 514–6794.

SUPPLEMENTARY INFORMATION: In 1992, pursuant to 5 U.S.C. 3151, the Attorney General established a personnel system for senior personnel within the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA), to be known as the FBI–DEA Senior Executive Service (FBI–DEA SES). With respect to SES personnel within the FBI, the Director of the FBI was authorized to exercise the administrative authority statutorily conferred upon the Attorney General, 5 CFR 0.157(c); with respect to personnel within the DEA, that administrative authority was delegated to the Deputy Attorney General, 5 CFR 0.157(d). The Attorney General is revising 5 CFR 0.157 and related sections of 28 CFR part 0, subpart X to delegate to the Administrator of the DEA the authority to administer the FBI–DEA SES with respect to personnel within the DEA.

The Attorney General, in accordance with 5 U.S.C. 605(b), certifies that this rule will not have a significant impact on a substantial number of small business entities. This rule is not considered to be a ''significant regulatory action'' within the meaning of section 3(f) of E.O. 12866, nor does this rule have Federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612. This rule is a rule of agency organization, and therefore is exempt from the notice requirement of 5 U.S.C. 553(b), and is made effective upon issuance. This rule is not considered to have a significant impact on family formation, maintenance, and general well-being, in accordance with E.O. 12606.

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies); Government employees; Organization and functions (Government agencies); Whistleblowing.

Accordingly, part 0, subpart X of title 28 of the Code of Federal Regulations is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

1. The authority citation for part 0 is revised to read as follows:

Authority: 5 U.S.C. 301, 3151; 28 U.S.C. 509, 510, 515–519.

2. Section 0.137 of subpart X is revised to read as follows:

§ 0.137 Federal Bureau of Investigation and Drug Enforcement Administration.

Except as to persons in Senior Executive Service positions reporting directly to the Director of the Federal Bureau of Investigation or the Administrator or Deputy Administrator of the Drug Enforcement Administration, the Director of the Federal Bureau of Investigation and the Administrator of the Drug Enforcement Administration are authorized, as to their respective jurisdictions, to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employment, direction and general administration (including appointment, assignment, training, promotion, demotion, compensation, leave, awards, classification and separation) of personnel, including personnel in wage board positions. All personnel actions under this section shall be subject to post-audit and correction by the Assistant Attorney General for Administration.

3. Section 0.138 of Subpart X is revised to read as follows:

§ 0.138 Bureau of Prisons, Federal Prison Industries, Immigration and Naturalization Service, United States Marshals Service, Executive Office for U.S. Attorneys.

The Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the U.S. Marshals Service, and the Director of the Executive Office for U.S. Attorneys are, as to their respective jurisdictions, authorized to exercise the power and authority vested in the Attorney General by law to take final action in matters pertaining to the employment, direction, and general administration (including appointment, assignment, training, promotion, demotion, compensation, leave, awards, classification, and separation) of personnel in General Schedule grades GS–1 through GS–15 and in wage board positions, but excluding therefrom all attorney and U.S. Marshal positions. Such officials are, as to their respective jurisdictions, authorized to exercise the power and authority vested in the Attorney General by law to employ on a temporary basis experts or consultants or organizations thereof, including stenographic reporting services (5 U.S.C. 3109(b)). All personnel actions taken under this section shall be subject to post-audit and correction by the Assistant Attorney General for Administration.

4. Section 0.157 of subpart X is amended, by revising the heading and paragraphs (c) and (d) and by adding paragraph (e), to read as follows:

§ 0.157 Federal Bureau of Investigation—Drug Enforcement Administration Senior Executive Service.

* * * * *

(c) With respect to personnel within the FBI and the DEA who report directly to the Director of the FBI or to the Administrator or Deputy Administrator of the DEA, the Deputy Attorney General is authorized to exercise the authority conferred upon the Attorney General by 5 U.S.C. 3151 and shall ensure that the FBI–DEA SES is designed and administered in compliance with all statutory and regulatory requirements.

(d) With respect to personnel within the FBI and the DEA not covered by paragraph (c) of this section, and consistent with paragraph (b) of this section and § 0.137, the Director of the FBI and the Administrator of the DEA are authorized to exercise for their respective jurisdictions the authority conferred upon the Attorney General by 5 U.S.C. 3151 and shall ensure that the FBI–DEA SES is designed and administered in compliance with all statutory and regulatory requirements.

(e) The Attorney General retains the authority to recommend members of the FBI–DEA SES for Presidential rank awards.

Dated: June 30, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95–16704 Filed 7–6–95; 8:45 am]

BILLING CODE 4410–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[ND–001; FRL–5254–8]

Clean Air Act Final Interim Approval of Operating Permits Program; State of North Dakota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final interim approval.

SUMMARY: The EPA is promulgating final interim approval of the Operating Permits Program submitted by the State of North Dakota for the purpose of complying with Federal requirements for an approvable State Program to issue operating permits to all major stationary sources, and to certain other sources.

EFFECTIVE DATE: August 7, 1995.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the final interim approval are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 8, 999 18th Street, suite 500, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Laura Farris, 8ART–AP, U.S. Environmental Protection Agency, Region 8, 999 18th Street, suite 500, Denver, Colorado 80202, (303) 294–7539.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

Introduction

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

On April 28, 1995 EPA published a **Federal Register** notice proposing interim approval of the Operating Permits Program for the State of North Dakota. See 60 FR 20941. EPA received adverse comments on the proposed interim approval, which are addressed below, and is taking final action to promulgate interim approval of the North Dakota PROGRAM.

II. Final Action and Implications

A. Analysis of State Submission

The Governor of North Dakota submitted an administratively complete title V Operating Permit Program (PROGRAM) for the State of North Dakota on April 28, 1994. The North Dakota PROGRAM, including the operating permit regulations (Article 33–15, Section 33–15–14–06, of the North Dakota Administrative Code—Air Pollution Control Rules (NDAC)), substantially meets the requirements of 40 CFR 70.2 and 70.3 with respect to applicability; §§ 70.4, 70.5, and 70.6 with respect to permit content including operational flexibility; § 70.5 with respect to complete application forms and criteria which define insignificant activities; § 70.7 with respect to public participation and minor permit modifications; and § 70.11 with respect to requirements for enforcement authority.

EPA's comments noting deficiencies in the North Dakota PROGRAM were sent to the State in a letter dated December 22, 1994. The deficiencies were segregated into those that require corrective action prior to interim PROGRAM approval, and those that require corrective action prior to full PROGRAM approval. The State committed to address the PROGRAM deficiencies that require corrective action prior to interim PROGRAM approval in a letter dated January 5, 1995. The State submitted these corrective actions in letters dated February 22, March 20, and June 13, 1995. EPA has reviewed these corrective actions and has determined them to be adequate to allow for interim PROGRAM approval.

B. Response to Comments

The comments received on the April 28, 1995 **Federal Register** notice proposing interim approval of the North Dakota PROGRAM, and EPA's response to those comments, are as follows:

Comment #1: One commenter stated that they supported granting interim approval of the State's PROGRAM. However, the commenter also indicated a concern regarding EPA's requirement that the State lower proposed insignificant emission levels, listed in subsection 33–15–14–06.4.c of the NDAC, to ''more reasonable'' levels prior to full PROGRAM approval. The commenter stated that, because the State's insignificant exemption is based on the emission rate, rather than size or production rate, and the regulation requires listing all emission units claiming the exemption in the permit application, subsection 33–15–14–06.4.c of the NDAC merely grants the applicant relief from additional administrative burdens imposed on major sources. The commenter urges EPA to reconsider its position when evaluating the PROGRAM for full approval.

EPA Response: EPA does not consider this an adverse comment for granting interim approval of the State's PROGRAM. However, for full PROGRAM approval, EPA continues to believe that the insignificant emission levels that North Dakota set for the listed air contaminants (emission levels set at approximately 25% of the Prevention of Significant Deterioration (PSD) major modification significant levels) are too high to be considered reasonable levels for exempting those emission units from Title V operating permit requirements. A determination of what level of emissions is appropriate for these types of exemptions is best performed based on a consideration of the size of the emissions thresholds relative to the major source threshold applicable in various areas of North Dakota. Emissions of 25% of the PSD major modification significance levels are not clearly insignificant. Also, EPA is concerned that a source could have numerous emission units that emit less than the levels the State has set as insignificant and would subsequently be excluded from the majority of Title V permit requirements, even though the total emissions from all such insignificant emission units may be greater than the major modification significance levels or even greater than the major source threshold. Consequently, EPA continues to believe that the State must lower its insignificant emission levels for non-HAP units to a more reasonable level.

Comment #2: One commenter stated that the North Dakota PROGRAM jurisdiction should be consistent with existing treaties, court decisions, applicable statutes, and Indian and non-Indian historical activity which may have a bearing on jurisdiction. The commenter referenced specific U.S. Supreme Court cases and indicated belief that State-tribal jurisdictional questions should be decided in federal court and not by EPA ''whose expertise is environmental and not jurisdictional.''

EPA Response: Under Title V of the Act and the part 70 implementing regulations, it is incumbent upon EPA to determine whether a given State has the authority to implement a part 70 operating permits program for affected sources before granting approval of the State's PROGRAM. Specifically, the Act gives EPA regulatory authority ''to establish the minimum elements of a permit program to be administered by any air pollution control agency.'' See § 502(b) of the Act. The Act further provides that these minimum elements must include ''[a] requirement that the permitting authority have adequate authority to * * * issue permits and assure compliance by all sources required to have a permit under [Title V] with each applicable standard, regulation or requirement under [the Act].'' See section 502(b)(5) of the Act; 40 CFR 70.4(b)(3)(i).

Because EPA has the responsibility to ensure that a State has adequate authority over sources affected by its Title V program, EPA must make judgments about the scope of a State's legal authority, including its jurisdictional reach over affected sources. EPA also has the responsibility to address whether Tribes may administer Clean Air Act programs and, if not, to establish other means by which EPA will directly administer such programs. See sections 301(d) and 110(o) of the Act; 59 FR 43956 (August 25, 1994).

North Dakota has not specifically asserted jurisdiction over air pollution sources located within Indian Country in either its PROGRAM submittal or its comments on EPA's proposed interim approval. The Program Description that the State submitted to EPA as part of its PROGRAM specifically indicated that the State was not seeking approval to operate the PROGRAM on Indian Reservations. Thus, as EPA indicated in its notice of proposed interim approval, EPA is not presently deciding whether the State of North Dakota has jurisdiction over sources within Indian Country. Should North Dakota choose to seek PROGRAM approval over additional sources located in other areas, it may do so without prejudice. Any EPA decision regarding State or Tribal jurisdiction will necessarily be informed by relevant law, including the applicable provisions of the Act and implementing regulations, and other applicable Federal law.

C. Final Action

The EPA is promulgating interim approval of the Operating Permits Program submitted by the State of North Dakota on April 28, 1994. The State must complete the following corrective actions to receive full PROGRAM approval: (1) The State must revise sub-section 33–15–14–06.4.c of the NDAC to lower the insignificant emissions unit threshold for criteria pollutants to more reasonable levels. (2) In order to implement sub-section 33–15–14–06.5.a.(1)(c) of the NDAC, the State must adopt specific provisions which detail

how to determine that an alternative emission limit is equivalent to that in the SIP, and EPA must approve the provisions as part of the SIP. Until this can be accomplished, the State must delete the words ''or this article'' from the first line of sub-section 33–15–14–06.5.a.(1)(c) of the NDAC. (3) Sub-section 33–15–14–06.5.a.(11) of the NDAC must be revised to state that changes in emissions are allowed by this sub-section provided that they are not modifications under title I of the Act and the changes do not exceed the emissions allowed under the permit. (4) The State must revise sub-section 33–15–14–06.5.f.(1) of the NDAC to read ''* * * the department shall include in a title V permit to operate a provision stating *that compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance* * * *.'' (5) The State must delete ''or this article'' from sub-section 33–15–14–06.5.a.(8) of the NDAC, and ''this article'' from sub-sections 33–15–14–06.5.a.(10) and 33–15–14–06.6.e.(1)(a)[2] of the NDAC to clarify that, in order to implement these provisions, the State must have an economic incentives, marketable permits or generic emissions trading program approved in its SIP. (6) The Attorney General's opinion, that was part of the PROGRAM submittal, does not cite to relevant State laws or regulations or to State case law, and, instead of discussing the provisions of North Dakota laws, largely discusses Federal regulations. The opinion should discuss and reference North Dakota law which ensures that the provisions for judicial review in North Dakota Century Code (N.D.C.C.) Chapter 28–23–14 and 15 and in NDAC Article 33–22 are the exclusive means for obtaining judicial review of the terms and conditions of permits and that petitions for judicial review must be filed within the 90-day periods discussed in 40 CFR 70.4(b)(3)(xii). The State must augment the Attorney General's opinion, providing discussion of and citation to case law, statutes, and regulations which address the requirements of 40 CFR 70.4(b)(3)(xii), or, if such an opinion cannot be rendered, the State must change its statutes and/or regulations to ensure that the requirements of 40 CFR 70.4(b)(3)(xii) are met. (7) The State must augment the Attorney General's opinion, providing discussion of and citation to case law and/or specific statutory or regulatory provisions which provide for judicial review in cases of State inaction, consistent with the requirements of 40 CFR 70.4(b)(3)(xi), or, if such an opinion cannot be rendered, the State must change its statutes and/or regulations to ensure that the requirements of 40 CFR 70.4(b)(3)(xi) are met. (8) The Attorney General's opinion states that State law provides civil and criminal enforcement authority consistent with 40 CFR 70.11. EPA was unable to determine from the opinion whether North Dakota's PROGRAM is consistent in all respects with 40 CFR 70.11, and in particular with the requirement for maximum fines of not less than $10,000 per day per violation. The State must augment the opinion, providing citation to and discussion of case law indicating that the PROGRAM meets the penalty requirements contained in 40 CFR 70.11, or, if such an opinion cannot be rendered, the State must change its statutes and/or regulations to ensure that the requirements of 40 CFR 70.11 are met.

Evidence of these corrective actions for full PROGRAM approval must be submitted to EPA within 18 months of EPA's interim approval of the North Dakota PROGRAM.

Refer to the technical support document accompanying this rulemaking for a detailed explanation of these PROGRAM deficiencies and the required corrective actions.

The scope of North Dakota's PROGRAM that EPA is approving in this notice would apply to all part 70 sources (as defined in the PROGRAM) within the State, except the following: any sources of air pollution located in ''Indian Country,'' as defined in 18 U.S.C. 1151, including the Fort Berthold, Fort Totten, Standing Rock, Sisseton and Turtle Mountain Indian Reservations, or any other sources of air pollution over which an Indian Tribe has jurisdiction. *See, e.g.,* 59 FR 55813, 55815–55818 (Nov. 9, 1994). The term ''Indian Tribe'' is defined under the Act as ''any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.'' *See* section 302(r) of the CAA; *see also* 59 FR 43955, 43962 (Aug. 25, 1994); 58 FR 54364 (Oct. 21, 1993).

In proposing not to extend the scope of North Dakota's PROGRAM to sources located in ''Indian Country,'' EPA is not making a determination that the State either has adequate jurisdiction or lacks jurisdiction over such sources. Should the State of North Dakota choose to seek PROGRAM approval within ''Indian Country,'' it may do so without prejudice. Before EPA would approve the State's PROGRAM for any portion of ''Indian Country,'' EPA would have to be satisfied that the State has authority, either pursuant to explicit Congressional authorization or applicable principles of Federal Indian law, to enforce its laws against existing and potential pollution sources within any geographical area for which it seeks program approval, that such approval would constitute sound administrative practice, and that those sources are not subject to the jurisdiction of any Indian Tribe.

This interim PROGRAM approval, which may not be renewed, extends until August 7, 1997. During this interim approval period, the State of North Dakota is protected from sanctions, and EPA is not obligated to promulgate, administer and enforce a Federal operating permits program in the State of North Dakota. Permits issued under a program with interim approval have full standing with respect to part 70, and the one year time period for submittal of permit applications by subject sources begins upon the effective date of this interim approval, as does the three year time period for processing the initial permit applications.

If the State of North Dakota fails to submit a complete corrective PROGRAM for full approval by February 7, 1997, EPA will start an 18-month clock for mandatory sanctions. If the State of North Dakota then fails to submit a corrective PROGRAM that EPA finds complete before the expiration of that 18-month period, EPA will be required to apply one of the sanctions in section 179(b) of the Act, which will remain in effect until EPA determines that the State of North Dakota has corrected the deficiency by submitting a complete corrective PROGRAM. Moreover, if the Administrator finds a lack of good faith on the part of the State of North Dakota, both sanctions under section 179(b) will apply after the expiration of the 18-month period until the Administrator determines that the State of North Dakota has come into compliance. In any case, if, six months after application of the first sanction, the State of North Dakota still has not submitted a corrective PROGRAM that EPA has found complete, a second sanction will be required.

If EPA disapproves the State of North Dakota's complete corrective PROGRAM, EPA will be required to apply one of the section 179(b) sanctions on the date 18 months after the effective date of the disapproval, unless prior to that date the State of North Dakota has submitted a revised PROGRAM and EPA has determined

that it corrected the deficiencies that prompted the disapproval. Moreover, if the Administrator finds a lack of good faith on the part of the State of North Dakota, both sanctions under section 179(b) shall apply after the expiration of the 18-month period until the Administrator determines that the State of North Dakota has come into compliance. In all cases, if, six months after EPA applies the first sanction, the State of North Dakota has not submitted a revised PROGRAM that EPA has determined corrects the deficiencies, a second sanction is required.

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

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

EPA is also finalizing its approval of North Dakota's construction permitting program found in section 33–15–14–02 of the State's regulations under the authority of title V and part 70 solely for the purpose of implementing section 112(g) during the transition period, discussed in section II.A.4.b. of the notice proposing interim approval of the North Dakota PROGRAM, to meet the requirements of section 112(g). Since the approval would be for the single purpose of providing a mechanism to implement section 112(g) during the transition period, the approval would be without effect if EPA decides in the final section 112(g) rule that sources are not subject to the requirements of the rule until State regulations are adopted. Also, since the approval would be for the limited purpose of allowing the State sufficient time to adopt regulations, EPA is limiting the duration of the approval to 12 months following promulgation by EPA of its section 112(g) rule. North Dakota's construction permitting program allows permit requirements to be established for all air contaminants (which is defined in section 33–15–01–04 of the NDAC and includes all of the hazardous air pollutants (HAPs) listed in section 112(b) of the Act).

III. Administrative Requirements

A. Docket

Copies of the State's submittal and other information relied upon for the final interim approval, including public comments received and reviewed by EPA on the proposal, are maintained in a docket at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final interim approval. The docket is available for public inspection at the location listed under the **ADDRESSES** section of this document.

B. Executive Order 12866

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

C. Regulatory Flexibility Act

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

List of Subjects in 40 CFR Part 70

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

Dated: June 26, 1995.

Jack W. McGraw,

Acting Regional Administrator.

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

PART 70—[AMENDED]

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

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

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

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

* * * * *

North Dakota

(a) North Dakota State Department of Health and Consolidated Laboratories—Environmental Health Section: submitted on May 11, 1994; effective on August 7, 1995; interim approval expires August 7, 1997.

(b) [Reserved].

[FR Doc. 95–16755 Filed 7–6–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 92–217; RM–8069; RM–8139]

Radio Broadcasting Services; Camden, East Camden and Stamps, AR; Gibsland and Minden, LA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reallots Channel 237A from Camden to East Camden, Arkansas, and modifies the license of Gary D. Terrell for Station KCXY(FM) to specify operation on Channel 237C1, as requested, pursuant to the provisions of Section 1.420(g) and (i) of the Commission's Rules. *See* 57 FR 45601, October 2, 1992. The allotment of Channel 237C1 to East Camden will provide that community with its first local aural transmission service without depriving Camden of local aural transmission service. Additionally, as requested, to accommodate the East Camden proposal, Channel 282A is substituted for Channel 238A at Stamps, Arkansas, for which an application is pending; also, Channel 239A is substituted for Channel 237A at Minden, Louisiana, and the license of Cook Enterprises, Inc. for Station KASO-FM is modified accordingly. In response to a counterproposal filed on behalf of Bienville Parish Broadcasting (RM–8139), Channel 283A is allotted to Gibsland, Louisiana, as that community's first local aural transmission service. Coordinates used for Channel 237C1 at East Camden are 33–30–14 and 92–48–38; for Channel 282A at Stamps, 33–23–20 and 93–37–

38; for Channel 239A at Minden, Louisiana, 32–37–50 and 93–16–56; and for Channel 283A at Gibsland, Louisiana, 32–32–27 and 93–05–23. With this action, the proceeding is terminated.

DATES: Effective August 14, 1995. The window period for filing applications will open on August 14, 1995, and close on August 29, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the window application filing process for Channel 283A at Gibsland, Louisiana, should be addressed to the Audio Services Division, FM Branch, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 92–217, adopted June 20, 1995, and released June 29, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arkansas is amended by removing Channel 237A at Camden, and by adding East Camden, Channel 237C1; and by removing Channel 238A and adding Channel 282A at Stamps.

3. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Channel 237A and adding Channel 239A at Minden; and by adding Gibsland, Channel 283A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–16645 Filed 7–6–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 92–10; RM–7865]

Radio Broadcasting Services; Sanibel and San Carlos Park, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document reallots Channel 253A from Sanibel, Florida to San Carlos Park, Florida, and modifies the construction permit for Station WRWX(FM) to specify San Carlos Park, Florida, as its community of license, at the request of Ruth Communications Corporation. *See* 57 FR 03982, February 3, 1992. The allotment of Channel 253A to San Carlos Park, Florida, will provide that community with its first local FM aural transmission service, in accordance with Section 1.420(i) of the Commission's Rules. Channel 253A can be allotted to San Carlos Park in compliance with the Commission's minimum distance separation requirements with a site restriction 10.9 kilometers (6.8 miles) west. The coordinates are North Latitude 26–30–02 and West Longitude 81–54–16. With this action, this proceeding is terminated.

EFFECTIVE DATE: August 14, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 92–10, adopted June 21, 1995, and released June 29, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel 253A, Sanibel, and adding San Carlos Park, Channel 253A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–16648 Filed 7–6–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 95–33; RM–8597]

Radio Broadcasting Services; Fairbanks, AK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 245C3 to Fairbanks, Alaska, as that community's sixth local FM service, in response to a petition for rule making filed by Northern Television, Inc. *See* 60 FR 17048, April 4, 1995. Coordinates used for Channel 245C3 at Fairbanks are North Latitude 64–50–16 and West Longitude 147–42–59. Fairbanks is located within 320 kilometers (199 miles) of the United States-Canadian border and therefore, concurrence of the Canadian government to this proposal was obtained. With this action, the proceeding is terminated.

DATES: Effective August 14, 1995. The window period for filing applications will open on August 14, 1995, and close on September 14, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the window application filing process for Channel 245C3 at Fairbanks, Alaska, should be addressed to the Audio Services Division, FM Branch, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95–33, adopted June 20, 1995, and released June 29, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alaska, is amended by adding Channel 245C3 at Fairbanks.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–16649 Filed 7–6–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 93–47; RM–8188; RM–8243]

Radio Broadcasting Services; Latta, Marion, Camden and Blythewood, SC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Winfas of Belhaven, Inc., substitutes Channel 232C3 for Channel 232A at Marion, South Carolina, and reallots Channel 232C3 from Marion to Latta South Carolina, as the community's first local aural transmission service, and modifies Station WCMG(FM)'s license accordingly. In order to accommodate the allotment at Latta, we substitute Channel 274A for Channel 232A at Camden, South Carolina, and modify Station WPUB-FM's license accordingly (RM–8188). *See* 58 FR 16518, March 29, 1993. We also dismiss the mutually exclusive counterproposal of Joseph Adams Ranke to allot Channel 232A at Blythewood, South Carolina, as the community's first local FM transmission service (RM–8243). *See Supplementary Information, infra.*

EFFECTIVE DATE: August 14, 1995.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 93–47, adopted June 16, 1995, and released June 29, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Channel 232C3 can be allotted at Latta in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.7 kilometers (6.6 miles) northwest to avoid a short-spacing to unoccupied but applied for Channel 231A, Kingstree, South Carolina, and Station WZKB, Channel 232A, Wallace, North Carolina. The coordinates for Channel 232C3 at Latta are North Latitude 34–25–33 and West Longitude 79–29–57. In addition, Channel 274A can be allotted to Camden in compliance with the Commission's minimum distance separation requirements at Station WPUB-FM's licensed transmitter site. The coordinates for Channel 274A at Camden are North Latitude 34–13–31 and West Longitude 80–40–44. With this action, this proceeding is terminated.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Sections 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under South Carolina, is amended by removing Channel 232A at Marion; adding Latta, Channel 232C3; and by removing Channel 232A and adding Channel 274A at Camden.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–16642 Filed 7–6–95; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 630, 644, 645, 653, 669, and 678

[Docket No. 950628168–01; I.D. 051995A]

RIN 0648–XX23

Southeast Regional Director; Address Change

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

ACTION: Final rule; technical amendment.

SUMMARY: NMFS issues this technical amendment to correct an outdated definition of ''Regional Director'' in the regulations for the fisheries affected by this rule.

EFFECTIVE DATE: July 7, 1995.

FOR FURTHER INFORMATION CONTACT: Rodney C. Dalton, 813–570–5310.

SUPPLEMENTARY INFORMATION: The fisheries affected by this rule are managed under their respective fishery management plans and implementing regulations under the authority of the Magnuson Fishery Conservation and Management Act.

The regulations governing these fisheries contain an outdated definition of ''Regional Director.'' The NMFS Southeast Regional Office relocated on April 11, 1994; therefore, the address and phone number contained in the definition of ''Regional Director'' in the regulations for the fisheries referenced above are no longer correct. This final rule, technical amendment, corrects the outdated definitions.

Classification

This technical amendment is issued as a final rule under 50 CFR parts 630, 644, 645, 653, 669, and 678.

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

Because this rule only revises an outdated office address in the specified regulations, no useful purpose would be served by providing prior notice and opportunity for public comment. Accordingly, the Assistant Administrator for Fisheries, NOAA, under 5 U.S.C. 553(b)(B), for good cause finds that it is unnecessary to provide prior notice and comment on this rule. Since the rule is non-substantive, under 5 U.S.C. 553(d), it is not subject to a 30-day delay in effective date.

List of Subjects

50 CFR Part 630

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

50 CFR Parts 644, 645, 653, and 678

Fisheries, Fishing, Reporting and recordkeeping requirements.

50 CFR Part 669

Fisheries, Fishing, Puerto Rico, Reporting and recordkeeping requirements, Virgin Islands.

Dated: June 29, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

Accordingly, under the authorities of 16 U.S.C. 971 *et seq.* and 16 U.S.C. 1801 *et seq.*, 50 CFR parts 630, 644, 645, 653, 669, and 678 are amended as follows:

1. In § 630.2, the definition for *Regional Director* is amended by revising ''Duval Building, 9450 Koger Boulevard, St. Petersburg, FL 33702; telephone, 813–893–3141,'' to read ''9721 Executive Center Drive N., St. Petersburg, FL 33702; telephone 813–570–5301,''.

2. In § 644.2, the definition for *Regional Director* is amended by revising ''9450 Koger Boulevard, St. Petersburg, FL 33702, telephone 813–893–3141,'' to read ''9721 Executive Center Drive N., St. Petersburg, FL 33702; telephone 813–570–5301,''.

3. In § 645.2, the definition for *Regional Director* is amended by revising ''Duval Building, 9450 Koger Boulevard, St. Petersburg, FL 33702; telephone 813–893–3141,'' to read ''9721 Executive Center Drive N., St. Petersburg, FL 33702; telephone 813–570–5301,''.

4. In § 653.2, the definition for *Regional Director* is amended by revising ''Duval Building, 9450 Koger Boulevard, St. Petersburg, FL 33702 (telephone 813–893–3141),'' to read ''9721 Executive Center Drive N., St. Petersburg, FL 33702; telephone 813–570–5301,''.

5. In § 669.2, the definition for *Regional Director* is amended by revising ''Duval Building, 9450 Koger Boulevard, St. Petersburg, FL 33702; telephone 813–893–3141.'' to read ''9721 Executive Center Drive N., St. Petersburg, FL 33702; telephone 813–570–5301.''.

6. In § 678.2, the definition for *Regional Director* is amended by revising ''9450 Koger Boulevard, St. Petersburg, FL 33702, telephone 813–893–3141,'' to read ''9721 Executive Center Drive N., St. Petersburg, FL 33702; telephone 813–570–5301,''.

[FR Doc. 95–16769 Filed 7–6–95; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 60, No. 130
Friday, July 7, 1995

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 550

RIN 3206–AF89

Pay Administration (General); Severance Pay for Panama Canal Commission Employees

AGENCY: Office of Personnel Management.

ACTION: Proposed rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) proposes to amend its regulations to exclude certain categories of employees of the Panama Canal Commission from entitlement to severance pay. On December 31, 1999, the Republic of Panama will take over operation of the Panama Canal under the terms of the Panama Canal Treaty of 1977. The proposed changes would eliminate entitlement to severance pay for Panama Canal Commission employees who are offered reasonably comparable employment with a successor entity or who are hired more than 90 days after the publication of final regulations making these changes.

DATES: Comments must be received on or before September 5, 1995.

ADDRESSES: Send or deliver written comments to Donald J. Winstead, Assistant Director for Compensation Policy, Office of Personnel Management, Room 6H31, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Frank Derby, (202) 606–2858.

SUPPLEMENTARY INFORMATION: Federal employees employed by the Panama Canal Commission will be affected by the transfer of control over the Panama Canal from the United States to the Republic of Panama under the terms of the Panama Canal Treaty of October 1, 1977. These proposed regulatory changes, requested by the Panama Canal Commission, address this unique transfer of function as it pertains to severance pay entitlements for certain Federal employees.

Under the proposed regulations, severance pay under title 5, United States Code, would not be payable to those Panama Canal Commission employees who are offered ''reasonably comparable employment'' by one of the successor public or private entities that the government of the Republic of Panama vests with responsibility for performing functions previously performed by the Commission. In addition, severance pay would not be payable to employees who are appointed as Commission employees after the 90th day following publication of final regulations making these changes.

The severance pay statute (5 U.S.C. 5595) permits the Office of Personnel Management (OPM) to exclude by regulation any employees, officers, or agencies that are not otherwise excluded by law. For example, under OPM's regulations, involuntarily separated employees are not entitled to severance pay if they are given a ''reasonable offer'' of continued Federal employment by the employing agency or a successor agency (5 CFR 550.704(b)(2)). Similarly, the regulations now being processed would eliminate entitlement to severance pay when Panama Canal Commission employees are offered ''reasonably comparable employment'' by an entity assuming the functions formerly performed by the Panama Canal Commission. This would prevent a windfall to Commission employees who are able to continue their Canal-related employment.

The concept of ''reasonably comparable employment'' generally parallels the concept of ''reasonable offer'' found in OPM's current regulations. A ''reasonable offer'' is defined at 5 CFR 550.703 as one in which the position is—

(1) In the employee's agency, including an agency to which the employee is transferred with his or her function;

(2) Within the employee's commuting area;

(3) Of the same tenure and work schedule;

(4) Not lower than two grade or pay levels below the employee's current grade or pay level.

The positions that will be offered to Panama Canal Commission employees will be in the successor entities to which the Canal functions are being transferred under the terms of the treaty. The proposed regulations also provide that a ''reasonably comparable'' offer of employment to Panama Canal Commission employees must be (1) Within the employee's commuting area, (2) of the same tenure and work schedule, and (3) not more than 20 percent below the employee's Panama Canal Commission rate of basic pay. (The 20-percent maximum pay differential is based on the current ''reasonable offer'' provision regarding pay levels. Ten percent represents the approximate difference in pay levels between most General Schedule grades (e.g., GS–8, step 1, and GS–7, step 1). Thus, 20 percent would be the approximate difference in pay between a grade and the grade two grades lower (e.g., GS–9, step 1, compared to GS–7, step 1).) Therefore, the definition of ''reasonably comparable employment'' contains all of the elements of a ''reasonable offer'' in the current regulations.

Under the proposed regulations, a Panama Canal Commission employee is also excluded from entitlement to severance pay if he or she *accepts* reasonably comparable employment *within 30 days after* separation from Commission employment. If severance payments are made before an individual's entitlement to severance pay is invalidated by post-separation acceptance of reasonably comparable employment, those payments would be considered erroneous and subject to recovery as a debt due the United States Government. The 30-day rule ensures that employees who have only a short break in their Canal-related employment do not obtain an unwarranted windfall. We believe 30 days is sufficient to prevent abuse. At the same time, 30 days is a short enough period that the amount of erroneous payments should be minimal, keeping the administrative problems associated with recovery efforts to a minimum as well.

The restriction on severance pay entitlement for those individuals hired by the Panama Canal Commission after the 90th day following publication of final regulations making these changes is similar in concept to the restriction in § 550.704(b)(3) of the current regulations. That section denies eligibility for severance pay to

individuals who are appointed in an agency within 1 year before the date the agency is scheduled by law or Executive order to be terminated. A longer period of time is being established for the Panama Canal Commission employees to ensure that the Panama Canal Commission can determine its severance pay liabilities well in advance of the transfer of Canal operations.

Under the Panama Canal Treaty of 1977, the Canal operation must be transferred to the Republic of Panama free of any debt or encumbrances. Thus, severance pay liabilities must be estimated in advance and prefunded. This prefunding would require increasing Canal tolls paid by the world shipping community. Furthermore, we believe a special rule is justified for this unique situation. In this case, an organization or operation is not being ''terminated'' in the normal sense, but instead is being transferred to a foreign government under a treaty signed over 20 years before the transfer. (It should be noted that, prior to 1990, OPM regulations provided for a 5-year rule instead of the current 1-year rule in § 550.704(b)(3).)

The proposed regulations provide that those employees who resign before receiving notice of the successor entity's intention not to offer them reasonably comparable employment will be considered voluntarily separated and not entitled to severance pay. This is consistent with the current regulatory provision at § 550.706, which provides that an employee who resigns is considered voluntarily separated unless he or she has received definite notice of involuntary separation (5 CFR 550.706). In the case of Panama Canal Commission employees, there is no loss of continued employment unless the employee is not offered a job with one of the Canal successor entities. If an employee is officially notified that he or she will not be offered reasonably comparable employment and subsequently resigns, the resignation would be considered to be an involuntary separation under § 550.706.

Since the transfer of control of the Panama Canal is a unique situation, the special severance pay rules we are proposing are consolidated in a separate section at the end of subpart G § 550.714.

Regulatory Flexibility Act

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

List of Subjects in 5 CFR Part 550

Administrative practice and procedure, Claims, Government employees, Wages.

Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM proposes to amend part 550 of title 5, Code of Federal Regulations, as follows:

PART 550—PAY ADMINISTRATION (GENERAL)

Subpart G—Severance Pay

1. The authority citation for subpart G is revised to read as follows:

Authority: 5 U.S.C. 5595; E.O. 11257, November 13, 1965, 3 CFR 1964–1965 Comp., p357.

2. Section 550.714 is added to read as follows:

§ 550.714 Panama Canal Commission Employees.

(a) Notwithstanding any other provisions of this subpart, an employee separated from employment with the Panama Canal Commission as a result of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements shall not be entitled to severance pay if he or she—

(1) Receives a written offer of reasonably comparable employment when such offer is made before separation from Commission employment;

(2) Accepts reasonably comparable employment within 30 days after separation from Commission employment; or

(3) Was hired by the Commission on or after (date to be inserted is the date 90 days after publication of final regulations in the **Federal Register**).

(b) The term *reasonably comparable employment* means a position that meets all the following conditions—

(1) The position is with a public or private entity assuming functions previously performed by the Panama Canal Commission for or on behalf of the Republic of Panama;

(2) The rate of basic pay of the position is not more than 20 percent below the employee's rate of basic pay as a Panama Canal Commission employee;

(3) The position is within the employee's commuting area;

(4) The position carries no fixed time limitation as to length of appointment; and

(5) The work schedule (that is, part-time or full-time) of the position is the same as that of the position held by the employee at the Panama Canal Commission.

(c) A Panama Canal Commission employee who resigns prior to receiving an official written notice that he or she will not be offered reasonably comparable employment shall be considered to be voluntarily separated. Section 550.706(a) shall be applied, as appropriate, to any employee who resigns after receiving such notice.

(d) Except as otherwise provided by paragraphs (a) through (c) of this section, the provisions of this subpart remain applicable to Panama Canal Commission employees.

[FR Doc. 95–16546 Filed 7–6–95; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 82, 145, and 147

[Docket No. 94–091–1]

National Poultry Improvement Plan and Auxiliary Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the National Poultry Improvement Plan (the Plan) and its auxiliary provisions by providing new or modified administrative and testing procedures for Plan participants and participating flocks. The proposed changes were voted on and approved by the voting delegates at the Plan's 1992 and 1994 National Plan Conferences. These changes would keep the provisions of the Plan current with changes in the poultry industry, reduce paperwork requirements for some Plan participants, establish new program classifications, and allow the use of new sampling and laboratory procedures.

DATES: Consideration will be given only to comments received on or before September 5, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 94–091–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 94–091–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday,

except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew R. Rhorer, Senior Coordinator, Poultry Improvement Staff, National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1500 Klondike Road, Suite A–102, Conyer, GA 30207; (404) 922–3496.

SUPPLEMENTARY INFORMATION:

Background

The National Poultry Improvement Plan (referred to below as ''the Plan'') is a cooperative Federal-State-industry mechanism for controlling certain poultry diseases. The Plan consists of a variety of programs intended to prevent and control egg-transmitted, hatchery-disseminated poultry diseases. Participation in all Plan programs is voluntary, but flocks, hatcheries, and dealers must qualify as ''U.S. Pullorum-Typhoid Clean'' before participating in any other Plan program. Also, the regulations in 9 CFR part 82, subpart B, which provide for certain testing, restrictions on movement, and other restriction on certain chickens, eggs, and other articles due to the presence of *Salmonella enteritidis,* require that no hatching eggs or newly hatched chicks from egg-type chicken breeding flocks may be moved interstate unless they are classified ''U.S. Sanitation Monitored'' under the Plan or they meet the requirements of a State classification plan that the Administrator of the Animal and Plant Health Inspection Service (APHIS) has determined to be equivalent to the Plan, in accordance with 9 CFR 145.23(d).

The Plan identifies States, flocks, hatcheries, and dealers that meet certain disease control standards specified in the Plan's various programs. As a result, customers can buy poultry that has tested clean of certain diseases or that has been produced under disease-prevention conditions.

The regulations in 9 CFR parts 145 and 147 (referred to below as the regulations) contain the provisions of the Plan. APHIS amends these provisions from time to time to incorporate new scientific information and technologies within the Plan. In this document, we are proposing to amend the regulations to:

1. Require the ratio of male to female birds in representative samples taken from certain flocks for pullorum-typhoid testing to reflect the ratio of male to female birds in the flock from which the sample was taken;

2. Alter the number of birds serologically monitored for *Mycoplasma gallisepticum* and *M. synoviae* in egg-type and meat-type chicken breeding flocks;

3. Allow the use of a federally licensed enzyme-linked immunosorbent assay (ELISA) test for the serological screening of egg-type chickens in the ''U.S. S. Enteritidis Monitored'' program;

4. Allow the use of fishmeal as an animal protein source for meat-type breeding chickens and turkey breeding flocks;

5. Establish a new ''U.S. S. Enteritidis Clean'' classification for primary meat-type chicken breeding flocks;

6. Establish a new ''U.S. M. Synoviae Clean State'' classification for turkeys;

7. Provide alternative reporting methods for participating waterfowl, exhibition poultry, and game bird flocks;

8. Establish a maximum number of positive samples for *Mycoplasma gallisepticum* or *M. synoviae* that would be examined using the hemagglutination inhibition (HI) and/or serum plate dilution (SPD) tests;

9. Allow the use of a colony lift assay as a supplemental screening test to aid in the detection of group D salmonella suspect colonies on selective and non-selective agar culture plates;

10. Establish new procedures for collecting environmental samples and cloacal swabs from egg-type and meat-type chicken flocks and waterfowl, exhibition poultry, and game bird flocks for bacteriological examination;

11. Provide a laboratory protocol for the bacteriological examination of baby chicks from egg-type and meat-type chicken flocks and waterfowl, exhibition poultry, and game bird flocks; and

12. Modify the composition of the Plan's General Conference Committee.

These proposed amendments, with the exception of number 10, are consistent with the recommendations approved by the voting delegates to the National Plan Conference that was held from June 26 to 28, 1994. Proposed amendment number 10 was approved by the voting delegates to the National Plan Conference that was held from June 30 to July 2, 1992. Participants in the 1992 and 1994 National Plan Conferences represented flockowners, breeders, hatcherymen, and Official State Agencies from all cooperating States. The proposed amendments are discussed in greater detail below.

Amendment 1—Blood Testing

Blood testing is used to qualify flocks for official Plan classifications such as U.S. Pullorum-Typhoid Clean. Generally, the regulations require all the birds in a flock to be blood tested for the flock to achieve or maintain its status, but some Plan programs allow, under certain conditions, a representative sample of birds to be blood tested in lieu of the entire flock. Section 145.14 provides that such representative samples must include a minimum of 30 birds from each house, with at least one bird taken from each pen and unit in the house. We would amend § 145.14 to further require, for meat-type chicken and waterfowl, exhibition poultry, and game bird flocks, that the ratio of male to female birds in the representative sample reflect the ratio of male to female birds in the flock. Requiring a representative number of male and female birds to be included in the sample would ensure that the samples provide an accurate representation of the birds in any given meat-type chicken or waterfowl, exhibition poultry, or game bird flock when blood testing is required.

Amendment 2—Monitoring for Mycoplasma Gallisepticum and M. Synoviae

Sections 145.23(c) and 145.33(c) set forth the criteria for attaining and maintaining the ''U.S. M. Gallisepticum Clean'' classification in, respectively, egg-type and meat-type chicken breeding flocks. Similarly, §§ 145.23(e) and 145.33(e) set forth the criteria for attaining and maintaining the ''U.S. M. Synoviae Clean'' classification in egg-type and meat-type chicken breeding flocks.

To retain the *M. gallisepticum* or *M. synoviae* ''Clean'' classification, the regulations require that a sample of at least 150 birds from the flock be tested for the program disease at intervals of not more than 90 days. The regulations provide that a sample of fewer than 150 birds may be tested at any one time if the flockowner has received the approval of the Official State Agency and the concurrence of APHIS, as long as a total of 150 birds are tested within each 90-day period. Based on our experience with these programs, we believe that it is no longer necessary to require flockowners to receive the approval of the Official State Agency and the concurrence of APHIS before testing a sample of fewer than 150 birds. Therefore, we are proposing to amend paragraphs (c)(1)(i) and (e)(1)(i) in both § 145.23 and § 145.33 to remove the official approval and concurrence requirement; we would require only that the flockowner ensure that all pens are equally represented in each sample of fewer than 150 birds. The flockowner

would still have to test a total of 150 birds within each 90-day period.

In both the *M. gallisepticum* and *M. synoviae* ''Clean'' classifications, certain multiplier breeding flocks retain their classification through either periodic egg yolk testing or the testing of a 50-bird sample each 90 days. For flockowners who elect to test birds, the regulations provide that a sample of fewer than 50 birds may be tested at any one time if a minimum of 30 birds per flock or 15 birds per pen, whichever is greater, are tested each time and a total of at least 50 birds are tested within each 90-day period. We are proposing to amend paragraphs (c)(1)(ii) and (e)(1)(ii) in both § 145.23 and § 145.33 to increase the sample size to 75 birds per 90 days. We would allow a sample of fewer than 75 birds to be tested at any one time as long as all pens are equally represented and a total of 75 birds are tested by the end of the 90-day period. Increasing the sample size and replacing the per-flock and per-pen minimums with a requirement that all pens be equally represented would provide flockowners with more representative samples of birds that would better reflect the *M. gallisepticum* and *M. synoviae* status of the flock.

Amendment 3—Federally Licensed ELISA Test

The ''U.S. S. Enteritidis Monitored'' classification is intended to reduce the incidence of salmonella organisms in hatching eggs and chicks through an effective and practical sanitation program at the breeder farm and in the hatchery. The regulations in § 145.23(d) set forth the eligibility requirements for participation by egg-type chicken breeding flocks in the ''U.S. S. Enteritidis Monitored'' classification. Paragraph (d)(1)(vi) of § 145.23 provides that a federally licensed *Salmonella enteritidis* bacterin may be used to vaccinate birds in a multiplier breeding flock that has been bacteriologically examined for group D salmonella; however, a sample of 350 of the flock's birds must be banded for identification and remain unvaccinated. When the flock reaches at least 4 months of age, 300 of the banded, unvaccinated birds must be officially tested with a pullorum-typhoid antigen. We are proposing to amend the regulations to give flock owners the option of using a federally licensed ELISA test for the required testing of the 300 unvaccinated birds. Because of the relative speed and accuracy of ELISA tests, many breeders already use ELISA tests to monitor their flocks for a number of diseases. Allowing the use of a federally licensed ELISA test in the ''U.S. S. Enteritidis Monitored'' classification would give producers another effective disease surveillance tool and may result in fewer false positive and false negative test results.

Amendment 4—Fishmeal as an Animal Protein Source

The ''U.S. Sanitation Monitored'' classifications for meat-type chickens and turkeys are intended to help flockowners control or reduce the level of salmonella in their flocks. The regulations governing the classifications are located in § 145.33(d) for meat-type chickens and in § 145.43(f) for turkeys. For both meat-type chickens and turkeys, the regulations set forth the monitoring, testing, and management practices that must be conducted by participating flockowners.

The regulations state that feed fed to participating flocks must contain either no animal protein or only animal protein products produced under the Animal Protein Products Industry (APPI) Salmonella Education/Reduction Program. We are proposing to amend §§ 145.33(d) and 145.43(f) to allow the use of fishmeal as an additional protein source for meat-type chicken breeding flocks and turkey breeding flocks participating in the ''U.S. Sanitation Monitored'' classification. The fishmeal products would have to be in the form of pelletized feed, would have to be produced under the Fishmeal Inspection Program of the National Marine Fisheries Service (NMFS), and would have to meet the same minimum moisture content and heating criteria that apply to products produced under the APPI program. We believe that allowing the use of fishmeal in pelletized feed would provide flockowners with another option for feeding their flocks, while the proposed inspection, moisture, and heating criteria would ensure that the feed is safe and nutritionally sound.

Amendment 5—Salmonella Enteritidis Clean

As mentioned above, owners of meat-type chicken flocks may participate in the ''U.S. Sanitation Monitored'' classification for meat-type chickens, which is intended to help flockowners control or reduce the level of salmonella in their flocks. We are proposing to add a new classification for flockowners who, through the ''U.S. Sanitation Monitored'' classification, have eliminated salmonella in their flocks. The new classification, ''U.S. S. Enteritidis Clean,'' would be given to primary meat-type chicken breeding flocks in which all chickens have been shown to be free of *Salmonella enteritidis* and in which no *S. enteritidis* has been detected for at least the previous 12 months. This classification would be a means by which the owners of meat-type chicken breeding flocks could attain official acknowledgment that the chicks produced by their flocks are certified free of *S. enteritidis.*

To qualify for the classification, the Official State Agency would have to determine that a flock and the hatching eggs and chicks produced by the flock met certain requirements. The proposed requirements are modeled after those procedures already being used successfully in the ''U.S. S. Enteritidis Monitored'' classification for egg-type chickens.

The flock would have to either originate from a ''U.S. S. Enteritidis Clean'' flock or have been sampled for *S. enteritidis* by an authorized laboratory. The sampling would entail the bacteriological examination of meconium from the chicks and from a sample of chicks that died within 7 days after hatching. Cultures from group D positive samples would have to be serotyped.

All feed fed to the flock would have to contain either no animal protein or only animal protein products produced under the APPI or NMFS inspection programs mentioned above. The feed would have to meet the same minimum moisture content and heating criteria that are required for the ''U.S. S. Enteritidis Monitored'' and ''U.S. Sanitation Monitored'' classifications in order to destroy disease-producing organisms that could contaminate the feed and, as in the other classifications, animal protein supplements in mash feed could come only from crumbled pelletized feed. Additionally, the feed would have to be stored and transported in such a manner as to prevent possible contamination.

As with other Plan programs, flocks participating in this proposed program would have to be maintained in compliance with the flock sanitation procedures of § 147.21, the cleaning and disinfection procedures of § 147.24(a), and the procedures in § 147.26 for establishing isolation and maintaining sanitation and good management practices for the control of salmonella and mycoplasma infections.

As a means of monitoring the flock's environment for salmonella organisms, we would require that environmental samples be collected from the flock after the flock reaches 4 months of age. The environmental samples would have to be collected by an authorized agent using the procedures described in § 147.12 of the regulations. The authorized agent would continue to

collect samples every 30 days after the first sample had been collected. The samples would have to be examined bacteriologically for group D salmonella at an authorized laboratory, and cultures from group D positive samples would have to be serotyped.

As a means of monitoring the salmonella status of the birds in the flock, we would require that blood samples from 300 birds be officially tested with pullorum antigen when the flock is at least 4 months of age. All birds with positive or inconclusive reactions, up to a maximum of 25 birds, would have to be submitted to an authorized laboratory and examined for the presence of group D salmonella according to the procedures described in §§ 147.10 and 147.11 of the regulations. Cultures from group D positive samples would have to be serotyped to determine the antigenic identity of the organism involved. The 300 birds/25 reactors sampling pattern that would be required is the same sampling pattern that has been used effectively in other Plan programs that conduct testing for group D salmonella.

As a means of preventing the transmission of salmonella through hatching eggs, the established procedures that are used in other Plan classifications would be required in the proposed ''U.S. S. Enteritidis Clean'' classification. Specifically, we would require that hatching eggs be collected from the flock as quickly as possible, handled in accordance with the established sanitation procedures described in § 147.22 of the regulations, and sanitized or fumigated in accordance with § 147.25 of the regulations. The hatching eggs would have to be incubated in a hatchery that is in compliance with the recommendations in §§ 147.23 and 147.24(b) and that has been sanitized by fumigation or by a procedure approved by the Official State Agency.

If *Salmonella enteritidis* serotype Enteritidis (SE) was isolated from a specimen taken from a bird in the flock, the flock would not be eligible for the classification.

If SE was isolated from an environmental specimen, a random sample of 25 live birds from the flock would have to be bacteriologically examined for SE using the procedures described in § 147.11 of the regulations. If only one bird from that 25-bird sample was found positive for SE, the participant would be able to request that a second 25-bird sample be bacteriologically examined for SE; if no SE was recovered from any of the specimens in the second sample, the flock would be eligible for the classification.

If SE had been isolated from an environmental sample, we would also require 300 birds from the flock to be blood tested with a pullorum antigen every 30 days, with no positive samples found. This blood testing routine would be necessary to ensure that the SE found in the environment was not due to the presence of SE in the flock.

We are also proposing to require that, in order for a hatchery to sell products of the ''U.S. S. Enteritidis Clean'' classification, all products handled by the hatchery would have to meet the requirements of the classification. The proposed new section would end with a statement indicating that the ''U.S. S. Enteritidis Clean'' classification could be revoked by the Official State Agency if a participant failed to follow recommended corrective measures.

Amendment 6—Mycoplasma Synoviae Clean State, Turkeys

We are proposing to add a new § 145.44(d) to establish a new ''U.S. M. Synoviae Clean State'' classification for turkeys. This proposed new classification would be given to qualifying States in which all turkey flocks have been shown to be free of *Mycoplasma synoviae* and in which no *M. synoviae* has been detected in turkey flocks for at least the previous 12 months.

For a State to qualify for this proposed new classification, all turkey breeding flocks in production in the State would have to qualify as ''U.S. M. Synoviae Clean'' or its equivalent, and all turkey hatcheries within the State would have to handle only products that are classified as ''U.S. M. Synoviae Clean'' or its equivalent. Additionally, all shipments of products from turkey breeding flocks other than those classified as ''U.S. M. Synoviae Clean'' or its equivalent into the State would be prohibited.

All persons performing poultry disease diagnostic services within the State would be required to report to the Official State Agency within 48 hours the source of all turkey specimens that are identified as being infected with *M. synoviae*; such reports would have to be followed by an investigation by the Official State Agency to determine the origin of the infection. Any turkey breeding flock found to be infected with *M. synoviae* would have to be quarantined until marketed under supervision of the Official State Agency.

If a State no longer met any of the above conditions, or if repeated outbreaks of *M. synoviae* occurred in turkey breeding flocks, or if an infection spread from the premises on which it originated, APHIS would have grounds to revoke its determination that the State was entitled to the classification. Such action would not be taken until APHIS had conducted a thorough investigation and the Official State Agency had been given an opportunity for a hearing in accordance with the rules of practice adopted by the Administrator of the Service.

Amendment 7—Paperwork

Section 145.52, ''Participation,'' contains statements regarding compliance with the general and specific provisions of the Plan by participating flocks of waterfowl, exhibition poultry, and game birds. As a means of reducing the paperwork burden on certain Plan participants, we are proposing to add a provision that would allow waterfowl, exhibition poultry, and game bird breeding flock hatcheries to report poultry sales to importing States by using printouts of computerized monthly shipping and receiving reports in lieu of VS Form 9–3, ''Report of Sales of Hatching Eggs, Chicks, and Poults.'' To ensure that a particular flockowner's computerized shipping and receiving reports contained the comparable information to the VS Form 9–3, the use of printouts in lieu of the VS Form 9–3 would be subject to the approval of APHIS and the Official State Agencies in the importing and exporting States.

Amendment 8—Serum Plate Samples

Section 147.6 contains procedures for determining the status of flocks reacting to tests for *Mycoplasma gallisepticum*, *M. synoviae*, and *M. meleagridis*. Section 147.6(b) states that if a laboratory examination or a supplemental serological test for mycoplasma is positive, the flock from which the samples were taken will be considered suspicious and further testing must be conducted using the tube agglutination or the serum plate test. If the tube agglutination test or the serum plate test is positive, the samples must then be subjected to the HI or the SPD test.

When a large percentage of the samples from a flock are positive on the initial tube agglutination or serum plate test, the subsequent HI or SPD testing can be time-consuming and expensive. We are, therefore, proposing to amend § 147.6 to establish a maximum number of positive samples for *Mycoplasma gallisepticum*, *M. synoviae*, or both, that would have to be examined using the HI and/or SPD tests. Specifically, when the number of positive samples exceeds 50 percent of the total number of samples

taken from a flock, we would require that 10 percent of the positive samples or 25 of the positive samples (whichever is greater) be tested using the HI or SPD tests. We believe that testing at least 10 percent of all positive samples from a flock in lieu of testing all the positive samples would reduce the amount of time and money spent by flockowners on HI and SPD testing while ensuring that a sufficient number of samples are tested to accurately determine the *M. gallisepticum* or *M. synoviae* status of a flock.

When this particular proposal was voted upon at the 1994 Plan conference, the delegates of turkey industry elected to remove turkeys from consideration for this particular proposal. Therefore, the proposed amendment discussed above would apply only to egg-type and meat-type chicken flocks and waterfowl, exhibition poultry, and game bird flocks.

Amendment 9—Colony Lift Assay

Section 147.11 contains the recommended laboratory procedures for the bacteriological examination of salmonella reactors. Paragraph (a) of § 147.11 contains the procedures that are used for examining reactors from egg-type and meat-type chicken and waterfowl, exhibition poultry, and game bird flocks.

When using enrichment culture for examining salmonella reactors, as described in § 147.11(a)(2), it can be difficult to detect group D salmonella on a standard colony pick to triple sugar-iron and lysine-iron agar slants. Therefore, we are proposing to amend § 147.11(a) to allow the use of a colony lift assay as a supplemental screening test to aid in the detection of group D salmonella suspect colonies on selective and nonselective agar culture plates. This proposed change would also entail amending illustration 2 of § 147.11(a), which is a flow diagram that represents the process detailed in § 147.11(a)(2) through (6). The illustration would be amended to indicate that the use of a colony lift assay is allowed and that a participant using a colony lift assay should follow the instructions provided with the assay for confirming positive and negative samples. We believe that allowing the use of a supplemental colony lift assay would make available a valuable tool for detecting the presence of group D salmonella.

Amendment 10—Collecting Samples for Bacteriological Examination

Section 147.12 contains the procedures for collecting environmental samples and cloacal swabs for bacteriological examination under the Plan's ''U.S. S. Enteritidis Monitored'' and ''U.S. Sanitation Monitored'' classifications. We are proposing to amend § 147.12 by modifying those procedures as they apply to egg-type and meat-type chickens and waterfowl, exhibition poultry, and game birds. (During the 1992 Plan conference, representatives of the turkey industry elected to remove turkeys from consideration for this particular proposal. Because some of the techniques in the proposed new procedures would not apply to the collection of samples from turkeys, the existing provisions of § 147.12 would be retained for use with turkeys only.)

The proposed new procedures provide more detailed instructions for assembling drag swab sets, impregnating the drag swab sets with double-strength skim milk, sampling floor litter and nest boxes, and sealing, storing, and culturing the used drag swab sets. We believe that these proposed new procedures would help prevent the spread of salmonella in egg-type chicken, meat-type chicken, and waterfowl, exhibition poultry, and game bird flocks by decreasing the likelihood of false negatives on flock screening tests and reducing the amount of time required for laboratory diagnoses.

Amendment 11—Bacteriological Examination of Baby Chicks

We are proposing to add a new § 147.17, which would provide a laboratory protocol for the bacteriological examination of baby chicks. The proposed procedure would be recommended as a means of bacteriologically examining cull chicks from egg-type and meat-type chicken flocks and waterfowl, exhibition poultry, and game bird flocks for salmonella. The proposed new section would provide detailed instructions for preparing organ, yolk, and intestinal pools, transferring the pools to an enrichment broth, and culturing the pools to detect the presence of salmonella. By adding a protocol for the bacteriological examination of baby chicks, we would provide Plan participants with another means of screening egg-type and meat-type chicken flocks and waterfowl, exhibition poultry, and game bird flocks for salmonella.

Amendment 12—General Conference Committee

Section 147.43 of the regulations contains provisions regarding the composition, duties, and functions of the Plan's General Conference Committee (GCC). We are proposing to amend § 147.43(a) by removing provisions that make the Assistant Secretary of Agriculture for Marketing and Inspection Services a permanent member of the GCC and the elected member-at-large the vice chairperson of the committee. In place of those permanent assignments, the chairperson and vice chairperson of the GCC would be elected by the GCC from among its members. The only permanent seat on the GCC would be that of an APHIS representative who would serve as the committee's executive secretary and would provide the necessary staff support for the GCC.

Miscellaneous

We are also proposing to amend several other sections of the regulations to reflect the proposed changes discussed above or to reflect a change made in a previously published final rule.

We would add two new illustrative designs to § 145.10 to reflect the proposed addition of the ''U.S. S. Enteritidis Clean'' and ''U.S. M. Synoviae Clean State, Turkeys'' classifications discussed above. We would also amend two of the illustrative designs already in § 145.10—those for the ''U.S. Pullorum-Typhoid Clean State'' and ''U.S. Pullorum-Typhoid Clean State, Turkeys'' classifications—to remove outdated references to the Agricultural Research Service, which formerly administered the provisions of the Plan.

As mentioned above, the regulations in subpart B of 9 CFR part 82 require that no hatching eggs or newly hatched chicks from egg-type chicken breeding flocks may be moved interstate unless they are classified ''U.S. Sanitation Monitored'' under the Plan or they meet the requirements of an equivalent State classification plan. In a final rule published in the **Federal Register** on March 18, 1994 (59 FR 12795–12805, Docket No. 92–151–2), and effective April 18, 1994, the title of the ''U.S. Sanitation Monitored'' classification as it applies to egg-type chickens was changed to ''U.S. S. Enteritidis Monitored.'' Two references to that classification are made in part 82, one in the definition of *Certified Salmonella enteritidis serotype enteritidis Tested Free Flocks* in § 82.30 and the other in the text of § 82.34. Those references should have been amended as part of the March 1994 final rule to reflect the name change, but were overlooked.

Section 147.26 contains the procedures for establishing and maintaining sanitation and good management practices for the control of salmonella and mycoplasma infections. Paragraph (a) of that section contains a

list of Plan classifications in which participants are required to observe those practices; we would amend that list by adding references to the proposed new ''U.S. S. Enteritidis Clean'' and ''U.S. M. Synoviae Clean State, Turkeys'' classifications discussed above and the ''U.S. S. Enteritidis Monitored'' classification from the March 1994 final rule.

Finally, we would amend two footnotes in part 147 to reflect the new address of the National Poultry Improvement Plan staff.

Executive Order 12866 and Regulatory Flexibility Act

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

The proposed changes contained in this document are based on the recommendations of representatives of member States, hatcheries, dealers, flockowners, and breeders who took part in the Plan's 30th and 31st Biennial Conferences. The proposed changes would keep the provisions of the Plan current with changes in the poultry industry, reduce paperwork requirements for some Plan participants, establish new program classifications, and allow the use of new sampling and laboratory procedures.

The Plan serves as a ''seal of approval'' for egg and poultry producers in the sense that tests and procedures recommended by the Plan are considered optimal for the industry. Several of the recommendations in this proposed rule, such as the serological sampling of male meat-type birds for pullorum-typhoid and the use of fishmeal as a protein source, are already practiced by the industry. Other proposed changes, such as the addition of a laboratory protocol for the bacteriological examination of baby chicks, provide guidelines for practices that may not currently be in use but are recognized as being potentially beneficial for the industry. In all cases, the proposed changes have been generated by the industry itself with the goal of reducing disease risk and increasing product marketability.

Because participation in the Plan is voluntary, individuals are likely to remain in the program as long as the costs of implementing the program are lower than the added benefits they receive from the program.

The only proposed change in this document that could entail additional costs for some producers is the proposed creation of the ''U.S. S. Enteritidis Clean'' classification for primary meat-type chicken breeding flocks. However, we expect that any additional costs associated with the new classification would be slight in comparison to the expected increase in U.S. poultry exports, particularly to countries that require strict *Salmonella enteritidis* testing of poultry.

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

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule will be submitted for approval to the Office of Management and Budget. Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please send a copy of your comments to (1) Docket No. 94–091–1, Regulatory Analysis and Development, PPD, APHIS, 4700 River Road Unit 118, Suite 3C03, Riverdale, MD 20737–1238 and (2) Clearance Officer, OIRM, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250.

List of Subjects

9 CFR Part 82

Animal diseases, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Transportation.

9 CFR Parts 145 and 147

Animal diseases, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR parts 82, 145, and 147 as follows:

PART 82—EXOTIC NEWCASTLE DISEASE IN ALL BIRDS AND POULTRY: PSITTACOSIS AND ORNITHOSIS IN POULTRY: POULTRY DISEASE CAUSED BY SALMONELLA ENTERITIDIS SEROTYPE ENTERITIDIS

1. The authority citation for part 82 would continue to read as follows:

Authority: 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134a, 134b, and 134f; 7 CFR 2.17, 2.51, and 371.2(d).

§ 82.30 [Amended]

2. In § 82.30, in the definition of *certified Salmonella enteritidis serotype enteritidis tested free flocks*, the words ''Sanitation Monitored'' would be removed and the words ''S. Enteritidis Monitored'' added in their place.

§ 82.34 [Amended]

3. In § 82.34, the words ''Sanitation Monitored'' would be removed and the words ''S. Enteritidis Monitored'' added in their place.

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN

4. The authority citation for part 145 would continue to read as follows:

Authority: 7 U.S.C. 429; 7 CFR 2.17, 2.51, and 371.2(d).

5. In § 145.10, in paragraph (g), figure 8, and in paragraph (h), figure 9, the illustrative designs for ''U.S. Pullorum-Typhoid Clean State'' and ''U.S. Pullorum-Typhoid Clean State, Turkeys'' would be amended by removing the words ''AGRICULTURAL RESEARCH SERVICE'' in each design, and new paragraphs (m) and (n) would be added to read as set forth below.

§ 145.10 Terminology and classification; flocks, products, and States.

* * * * *

(m) *U.S. S. Enteritidis Clean.* (See § 145.33(h).)

BILLING CODE 3410–34–P

Figure 14

(n) *U.S. M. Synoviae Clean State, Turkeys.* (See § 145.44(d).)

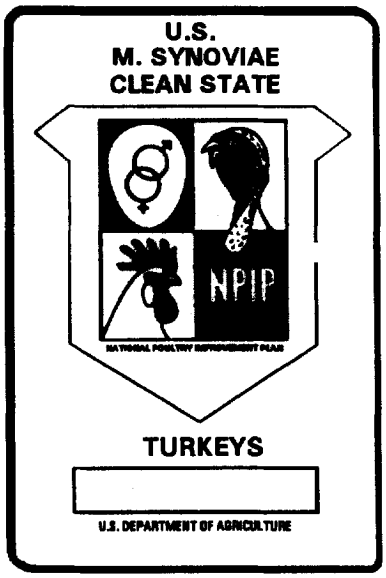

Figure 15

BILLING CODE 3410–10–C

6. In § 145.14, the introductory text would be amended by adding a new sentence immediately before the last sentence and by revising the last sentence to read as follows:

§ 145.14 Blood testing.

* * * The representative sample of birds from meat-type chicken, waterfowl, exhibition poultry, and game bird flocks must contain a representative percentage of males and females in the flock. In houses containing fewer than 30 birds, all birds in the house must be tested.

* * * * *

§ 145.23 [Amended]

7. Section 145.23 would be amended as follows:

a. Paragraph (c)(1)(i) would be amended by removing the words ''with the approval of the Official State Agency and the concurrence of the Service, provided that a minimum'' and adding the words ''provided that all pens are equally represented and a total'' in their place.

b. Paragraph (c)(1)(ii)(A) would be amended by removing the words '', with a minimum of 30 birds per pen, whichever is greater,'' and by adding the words '', *Provided*, that a sample of fewer than 75 birds may be tested at any one time if all pens are equally represented and a total of at least 75 birds is tested within each 90-day period'' immediately before the semicolon.

c. In paragraph (d)(1)(vii), the first sentence would be amended by adding the word ''either'' immediately after the word ''with'' and by adding the words ''or by a federally licensed Salmonella enteritidis enzyme-linked immunosorbent assay (ELISA) test'' immediately after the word ''antigen''.

d. Paragraph (e)(1)(i) would be amended by removing the words '', with the approval of the Official State Agency and the concurrence of the Service, provided that a minimum'' and adding the words ''if all pens are equally represented and a total'' in their place.

e. Paragraph (e)(1)(ii)(A) would be amended by removing the number ''50'' each time it appears and adding the

number ''75'' in its place, and by removing the words ''provided that a minimum of 30 birds per flock with a minimum of 15 birds per pen, whichever is greater, is tested each time'' and adding the words ''if all pens are equally represented'' in their place.

8. Section 145.33 would be amended as follows:

a. Paragraph (c)(1)(i) would be amended by removing the words ''with the approval of the Official State Agency and the concurrence of the Service, provided that a minimum'' and adding the words ''provided that all pens are equally represented and a total'' in their place.

b. Paragraph (c)(1)(ii)(A) would be amended by removing the words '', with a minimum of 30 birds per pen, whichever is greater'' and by adding the words '', *Provided,* that a sample of fewer than 75 birds may be tested at any one time if all pens are equally represented and a total of at least 75 birds is tested within each 90-day period'' immediately before the semicolon.

c. In paragraph (d)(1)(iii), the first sentence would be amended by adding the words ''or the Fishmeal Inspection Program of the National Marine Fisheries Service'' immediately before the period.

d. Paragraph (d)(1)(iv) would be amended by adding the words ''or the Fishmeal Inspection Program of the National Marine Fisheries Service'' immediately before the semicolon.

e. Paragraph (e)(1)(i) would be amended by removing the words '', with the approval of the Official State Agency and the concurrence of the Service, provided that a minimum'' and adding the words ''if all pens are equally represented and a total'' in their place.

f. Paragraph (e)(1)(ii)(A) would be amended by removing the number ''50'' each time it appears and by adding the number ''75'' in its place, and by removing the words ''provided that a minimum of 30 birds per flock with a minimum of 15 birds per pen, whichever is greater, is tested each time'' and adding the words ''if all pens are equally represented'' in their place.

g. A new paragraph (h) would be added to read as set forth below.

§ 145.33 Terminology and classification; flocks and products.

* * * * *

(h) *U.S. S. Enteritidis Clean.* This classification is intended for primary meat-type breeders wishing to assure their customers that the chicks produced are certified free of *Salmonella enteritidis.*

(1) A flock and the hatching eggs and chicks produced from it shall be eligible for this classification if they meet the following requirements, as determined by the Official State Agency:

(i) The flock originated from a U.S. S. Enteritidis Clean flock, or meconium from the chicks and a sample of chicks that died within 7 days after hatching have been examined bacteriologically for *S. enteritidis* at an authorized laboratory and any group D salmonella samples have been serotyped.

(ii) All feed fed to the flock meets the following requirements:

(A) Pelletized feed contains either no animal protein or only animal protein products produced under the Animal Protein Products Industry (APPI) Salmonella Education/Reduction Program or the Fishmeal Inspection Program of the National Marine Fisheries Service. The protein products must have a minimum moisture content of 14.5 percent and must have been heated throughout to a minimum temperature of 190 °F, or to a minimum temperature of 165 °F for at least 20 minutes, or to a minimum temperature of 184 °F under 70 lbs. pressure during the manufacturing process;

(B) Mash feed contains either no animal protein or only animal protein product supplements manufactured in pellet form and crumbled; and

(C) All feed is stored and transported in such a manner as to prevent possible contamination.

(iii) The flock is maintained in compliance with §§ 147.21, 147.24(a), and 147.26 of this chapter.

(iv) Environmental samples, as described in § 147.12 of this chapter, are collected from the flock by an Authorized Agent when the flock reaches 4 months of age and every 30 days thereafter. The environmental samples shall be examined bacteriologically for group D salmonella at an authorized laboratory, and cultures from group D positive samples shall be serotyped.

(v) Blood samples from 300 birds are officially tested with pullorum antigen when the flock is at least 4 months of age. All birds with positive or inconclusive reactions, up to a maximum of 25 birds, shall be submitted to an authorized laboratory and examined for the presence of group D salmonella in accordance with §§ 147.10 and 147.11 of this chapter. Cultures from group D positive samples shall be serotyped.

(vi) Hatching eggs are collected as quickly as possible, are handled as described in § 147.22 of this chapter, and are sanitized or fumigated in accordance with § 147.25 of this chapter.

(vii) Hatching eggs produced by the flock are incubated in a hatchery that is in compliance with the recommendations in §§ 147.23 and 147.24(b) of this chapter, and the hatchery must have been sanitized either by a procedure approved by the Official State Agency or by fumigation conducted in accordance with § 147.25 of this chapter.

(2) A flock shall not be eligible for this classification if *Salmonella enteritidis* serotype Enteritidis (SE) is isolated from a specimen taken from a bird in the flock. If SE is isolated from an environmental sample collected from the flock in accordance with in paragraph (h)(1)(iv) of this section, a random sample of 25 live birds must be bacteriologically examined for SE as described in § 147.11 of this chapter. If only one bird from the 25-bird sample is found positive for SE, the participant may request bacteriological examination of a second 25-bird sample from the flock. If no SE is recovered from any of the specimens in the second sample, the flock will be eligible for the classification.

(3) If *Salmonella enteritidis* serotype Enteritidis (SE) has been isolated from an environmental sample collected from the flock in accordance with paragraph (h)(1)(iv) of this section, the flock may remain eligible for this classification if blood testing is conducted in accordance with paragraph (h)(1)(v) of this section each 30 days and no positive samples are found.

(4) In order for a hatchery to sell products of this classification, all products handled by the hatchery must meet the requirements of the classification.

(5) This classification may be revoked by the Official State Agency if the participant fails to follow recommended corrective measures.

(Approved by the Office of Management and Budget under control number 0579–0007)

§ 145.43 [Amended]

9. In § 145.43, paragraph (f)(3)(ii) would be amended by adding the words ''or the Fishmeal Inspection Program of the National Marine Fisheries Service'' immediately before the period.

10. In § 145.44, a new paragraph (d) would be added to read as follows:

§ 145.44 Terminology and classification; States.

* * * * *

(d) *U.S. M. Synoviae Clean State, Turkeys.* (1) A State will be declared a U.S. M. Synoviae Clean State, Turkeys,

when it has been determined by the Service that:

(i) No *Mycoplasma synoviae* is known to exist nor to have existed in turkey breeding flocks in production within the State during the preceding 12 months;

(ii) All turkey breeding flocks in production are tested and classified as U.S. M. Synoviae Clean or have met equivalent requirements for *M. synoviae* control under official supervision;

(iii) All turkey hatcheries within the State only handle products that are classified as U.S. M. Synoviae Clean or have met equivalent requirements for *M. synoviae* control under official supervision;

(iv) All shipments of products from turkey breeding flocks other than those classified as U.S. M. Synoviae Clean, or equivalent, into the State are prohibited;

(v) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all turkey specimens that have been identified as being infected with *M. synoviae;*

(vi) All reports of *M. synoviae* infection in turkeys are promptly followed by an investigation by the Official State Agency to determine the origin of the infection; and

(vii) All turkey breeding flocks found to be infected with *M. synoviae* are quarantined until marketed under supervision of the Official State Agency.

(2) The Service shall have grounds to revoke its determination that the State is entitled to this classification if any of the conditions described in paragraph (d)(1) of this section are discontinued; if repeated outbreaks of *M. synoviae* occur in turkey breeding flocks described in paragraph (d)(1)(ii) of this section; or if an infection spreads from the originating premises. The Service shall not take such an action until it has conducted a thorough investigation and the Official State Agency has been given an opportunity for a hearing in accordance with rules of practice adopted by the Administrator of the Service.

11. In § 145.52, a new paragraph (c) would be added to read as follows:

§ 145.52 Participation.

* * * * *

(c) Subject to the approval of the Service and the Official State Agencies in the importing and exporting States, participating flocks may report poultry sales to importing States by using printouts of computerized monthly shipping and receiving reports in lieu of VS Form 9–3, ''Report of Sales of Hatching Eggs, Chicks, and Poults.''

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

12. The authority citation for part 147 would continue to read as follows:

Authority: 7 U.S.C. 429; 7 CFR 2.17, 2.51, and 371.2(d).

§ 147.5 [Amended]

13. In § 147.5, footnote 4 would be amended by removing the words ''Animal and Plant Health Inspection Service, Veterinary Services, Operational Support, 4700 River Road Unit 33, Riverdale, Maryland 20737–1231'' and adding the words ''National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1500 Klondike Road, Suite A–102, Conyer, GA 30207'' in their place.

14. Section 147.6 would be amended as follows:

a. In § 147.6, paragraph (b)(2) would be amended by adding two new sentences at the end of the paragraph to read as set forth below.

b. In paragraph (b)(8), the words ''on the retest'' would be added immediately after the word ''positive''.

§ 147.6 Procedure for determining the status of flocks reacting to tests for Mycoplasma gallisepticum, Mycoplasma synoviae, and Mycoplasma meleagridis.

* * * * *

(b) * * *

(2) * * * *Provided,* that for egg-type and meat-type chicken and waterfowl, exhibition poultry, and game bird flocks, if more than 50 percent of the samples are positive for either *Mycoplasma gallisepticum,* M. *synoviae,* or both, the HI and/or the SPD test shall be conducted on 10 percent of the positive samples or 25 positive samples, whichever is greater. The results of the HI and/or SPD tests must be followed by the action prescribed in paragraphs (b)(3), (b)(4), and (b)(5) of this section.

* * * * *

15. Section 147.11 would be amended as follows:

a. Paragraph (a)(3) would be amended by adding a new sentence at the end of the paragraph to read as set forth below.

b. In paragraph (a)(4), the last sentence would be amended by adding the words ''and paragraph (a)(5) of this section'' immediately after the words ''illustration 2'', and by adding the words '', and a colony lift assay to aid in the detection of group D salmonella colonies'' immediately after the word ''XLT4''.

c. Paragraph (a)(5) would be revised as set forth below.

d. At the end of paragraph (a)(6), in illustration 2, in the leftmost box in the second row, the words ''Evaluation by rapid detection systems (antigen capture, gene probe, etc.)'' would be removed and the words ''Evaluate by rapid detection systems (antigen capture, gene probe, colony lift assay, etc.). Follow instructions for confirmation of positives and negatives.'' would be added in their place.

§ 147.11 Laboratory procedure recommended for the bacteriological examination of salmonella.

(a) * * *

(3) * * * As a supplemental procedure, a colony lift assay may also be used as a screening test to aid in the detection of group D salmonella suspect colonies on selective and nonselective agar culture plates, if desired.

* * * * *

(5) As a supplement to the standard colony pick to triple sugar-iron (TSI) and lysine-iron (LI) agar slants, a group D colony lift assay may be utilized to signal the presence of hard-to-detect group D salmonella colonies on agar culture plates. A system such as the Analytical Profile Index for Enterobacteriaceae (API) may also be utilized to aid cultural identifications.

* * * * *

§§ 147.12, 147.14, 147.15, and 147.16 [Amended]

16. In §§ 147.12, 147.14, 147.15, and 147.16, footnotes 11 through 21 and their references would be redesignated as footnotes 12 through 22.

17. Section 147.12 would be amended as follows:

a. Paragraphs (a) through (c) would be redesignated as follows:

Old section:

147.12(a), introductory text
147.12(a)(1)
147.12(a)(2)
147.12(b), introductory text
147.12(b)(1)
147.12(c), introductory text
147.12(c)(1)
147.12(c)(2)
147.12(c)(2)(i)
147.12(c)(2)(ii)

New section:

147.12(b)(1)
147.12(b)(1)(i)
147.12(b)(1)(ii)
147.12(b)(2)
147.12(b)(2)(i)
147.12(b)(3)
147.12(b)(3)(i)
147.12(b)(3)(ii)
147.12(b)(3)(ii)(A)
147.12(b)(3)(ii)(B)

b. A new paragraph (a) and an introductory paragraph (b) would be added to read as set forth below.

c. In newly redesignated paragraph (b)(1), the introductory text of the paragraph would be amended by removing the reference ''(a) (1) or (2)'' and replacing it with the reference ''(b)(1)(i) or (b)(1)(ii)''.

d. In newly redesignated paragraph (b)(2), the introductory text of the paragraph would be amended by removing the reference ''(a)(1)'' and replacing it with the reference ''(b)(2)(i)''.

e. In newly redesignated paragraph (b)(3)(ii), the text of newly redesignated footnote 12 would be amended by removing the words ''Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231'' and adding the words ''National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1500 Klondike Road, Suite A–102, Conyer, GA 30207'' in their place.

§ 147.12 Procedures for collecting environmental samples and cloacal swabs for bacteriological examination.

* * * * *

(a) *For egg- and meat-type chickens, waterfowl, exhibition poultry, and game birds.* All samples and swabs described in this paragraph shall be cultured in accordance with illustration 2 of § 147.11, including delayed secondary enrichment. All salmonellae recovered shall be serogrouped or serotyped.

(1) *Environmental samples.* Fecal material, litter, dust, or floor litter surface or nest box drag swab samples to be submitted for bacteriological examination shall be collected in accordance with the procedures described in paragraphs (a)(1), (a)(2), or (a)(3) of this section:

(i) *Procedure for sampling in broth.* Authorized laboratories will provide capped tubes 1 to 2 cm in diameter and 15 to 20 cm in length that are two-thirds full of a recently made, refrigerated, sterile enrichment broth (Hajna or Mueller-Kauffmann Tetrathionate Brilliant Green) for each sample. Sufficient tubes shall be taken to the premises to provide at least one tube per pen or one tube per 500 birds, whichever is greater. At least one sterile, cotton-tipped applicator will be needed for each tube. The dry applicator is first placed in or drawn through fresh manure (under roost, near water troughs, fecal droppings, or diarrhetic droppings). After this and each subsequent streaking, place the cotton-tipped applicator in the tube of broth and swirl the applicator to remove the collected material. Withdraw the applicator from the tube and use it to take additional specimens by streaking on or through areas where defecation, trampling of feces, or settling of dust is common; e.g., on or near waterers, feeders, nests, or rafters, etc. When the volume of material collected equals approximately 10 percent of the volume of the broth (usually 10–12 streakings), place the applicator in the tube and break the stick in half, leaving the lower or cotton-tipped half in the broth and retaining the upper half for future disposal. Replace the cap on the inoculated tube and continue the sampling procedure in other areas of the pen.

(ii) *Procedure for sampling in dry containers.* Place a sample of fecal material, litter, or dust in a sterile, sealable container. The sample shall consist of several specimens of material taken from a representative location in the pen or house. Collect at least 10 g (approximately a heaping tablespoonful) of material for each sample. Collect the specimens in each sample with a sterile tongue depressor or similar uncontaminated instrument. The samples shall vary in type and consistency. Half of the samples shall be comprised of material representing defecated matter from a large portion of the flock; i.e., trampled, caked material near waterers and feeders. The minimum number of samples to be taken shall be determined by the following: Five samples from pens or houses of up to 500 birds; Ten samples from pens or houses of 500 to 2,500 birds; Fifteen samples from pens or houses with more than 2,500 birds. The composite samples above may be pooled to not fewer than five samples at the laboratory as long as the volume of material collected equals approximately 10 percent of the volume of the broth.

(2) *Cloacal swabs.* Cloacal swabs for bacteriological examination shall be taken from each bird in the flock or from a minimum of 500 birds in accordance with the procedure described in paragraph (a)(2)(i) of this section.

(i) *Procedure for taking cloacal swabs.* The authorized laboratory will provide sterile capped tubes or other suitable containers and cotton-tipped applicators for use in taking the cloacal swabs. Insert the cotton-tipped applicator into the cloaca and rectum in such a manner as to ensure the collection of fecal material. Place the swab and adhering fecal material in the tube and break the stick in half, keeping the upper half of the stick for future disposal. The cloacal swabs may be combined in the sterile tubes in multiples of five or in combinations specified by the authorized laboratory.

(3) *Drag-swabs.* Utilization of drag swabs (DS) involves the exposure of gauze pads, a key component of a DS sampler, to the surface of random, flock-representative floor litter and nest box areas. The sampler pads shall be sterile and slightly moist to promote adherence of particulate material, and impregnated with double-strength skim milk [11] to protect salmonella viability during sample collection, batching, storage, and shipment. Floor litter surface DS sample results tend to reflect the salmonella carrier/shedder status of a flock. Nonetheless, other environmental samples as described in paragraphs (a)(1)(i), (a)(1)(ii), or (a)(3)(iv) of this section shall also be periodically collected.

(i) *Drag-swab sampler assembly.* Drag-swab (DS) samplers may be assembled using two 3- by-3-inch sterile gauze pads; size 20 wrapping twine; and paper clips, staples, or similar fasteners. Fold each gauze pad in half and attach one pad to a 2-foot-long (60 cm) piece of twine and the other to a 1-foot-long (30 cm) piece of twine. To attach a pad to the twine with a paper clip, bend the end wires of the paper clip slightly and push them through the fabric of the folded pad, thus securing the clips to the folded pads; then securely tie the twine to the free rounded end of the paper clip. To attach a pad to the twine with a staple, staple the twine to the pad near the center of the fold, applying the staple at a right angle to the twine and parallel to the fold. (A pre-tied knot in the free end of the twine will prevent the twine from slipping under the staple during use.) Once the pads and the twine have been attached, securely connect the free ends of both lengths of twine to a small loop tied at the end of a 5-foot-long piece of twine. The resulting assembly resembles the letter Y, with a long vertical stem and two diagonal branches of different lengths with a gauze pad securely attached to the end of each branch. Wrap the twine around each two-pad DS sampler to produce a small bundle. Autoclave the assembled DS sampler bundle and transfer it with sterile forceps or other aseptic method to a resealable sterile bag. Aseptically add 15 mL of double-strength skim milk to the bag and massage the milk into the gauze pads. Seal the bags and store at −20 °C.

(ii) *Procedures and applications for DS samplers.* DS samplers shall be

[11] Obtain procedure for preparing double strength skim milk from USDA–APHIS ''Recommended Sample Collection Methods for Environmental Samples,'' available from the National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1500 Klondike Road, Suite A–102, Conyer, GA 30207.

completely thawed prior to use. Complete pad/twine/fastener assemblies shall be used to sample floor litter surfaces; nest box surfaces may be sampled using 3- by-3-inch sterile gauze pads impregnated with double-strength skim milk as described in paragraph (a)(1) of this section. In either instance, the Plan participant collecting the samples shall wear a fresh pair of disposable sterile gloves for each flock or house sampled. Each sampler bag shall be marked with the type of sample (floor litter or nest box surface) and the identity of the house or flock from which the sample was taken.

(iii) *Floor litter sampling technique.* For flocks with fewer than 500 breeders, at least one DS set (two DS pads) shall be dragged across the floor litter surface for a minimum of 15 minutes. For flocks with 500 or more breeders, a minimum of two DS sets (four DS pads) shall be dragged across the floor litter surface for a minimum of 15 minutes per DS set. Upon completion of dragging, lower each DS pad by its attached twine into a separate, resealable sterile bag. Alternatively, each DS set of two pads may be lowered by its attached twine into the storage/transport bag from which the DS set was originally taken. Remove the twine from the pad or DS set by grasping the pad or DS set through the sides of the bag with one hand while pulling on the twine with the other hand until the connection is broken. Seal the bags and promptly refrigerate them to between 2 and 4 °C. Do not freeze. Discard the twine in an appropriate disposal bag.

(iv) *Nest box sampling technique.* The Plan participant shall collect nest-box samples by using two 3-by-3-inch sterile gauze pads premoistened with double-strength skim milk and wiping the pads over assorted locations in about 10 percent of the total nesting area. Upon completion, place each pad in a separate, resealable sterile bag. Seal the bags and promptly refrigerate them to between 2 and 4 °C. Do not freeze.

(v) *Culturing of litter surface and nest box samples.* When refrigerated to between 2 and 4 °C, pads impregnated with double-strength skim milk may be stored or batched for 5 to 7 days prior to culturing. Pads shipped singly or paired in a single bag shall not be pooled for culturing but shall be separately inoculated into 60 mL of selective enrichment broth.

(b) *For turkeys.* * * *

* * * * *

§ 147.14 [Amended]

18. In § 147.14, paragraph (a)(2)(ii) would be amended by removing the word ''and''; by adding the words '', and colony lift assays'' immediately after the word ''procedures''; and by adding the words ''and paragraph (a)(5)'' immediately after the words ''illustration 2''.

19. In part 147, Subpart B—Bacteriological Examination Procedure, a new § 147.17 would be added to read as follows:

§ 147.17 Laboratory procedure recommended for the bacteriological examination of cull chicks for salmonella.

The laboratory procedure described in this section is recommended for the bacteriological examination of cull chicks from egg-type and meat-type chicken flocks and waterfowl, exhibition poultry, and game bird flocks for salmonella.

(a) From 25 randomly selected 1- to 5-day-old chicks, prepare 5 organ pools, 5 yolk pools, and 5 intestinal tissue pools as follows:

(1) *Organ pool:* From each of five chicks, composite and mince 1- to 2-gram samples of heart, lung, liver, and spleen tissues and the proximal wall of the bursa of Fabricus.

(2) *Yolk pool:* From each of five chicks, composite and mince 1- to 2-gram samples of the unabsorbed yolk sac or, if the yolk sac is essentially absent, the entire yolk stalk remnant.

(3) *Intestinal pool:* From each of five chicks, composite and mince approximately 0.5 cm^2 sections of the crop wall and 5-mm-long sections of the duodenum, cecum, and ileocecal junction.

(b) Transfer each pool to tetrathionate selective enrichment broth (Hajna or Mueller-Kauffmann) at a ratio of 1 part tissue pool to 10 parts broth.

(c) Repeat the steps in paragraphs (a) and (b) of this section for each five-chick group until all 25 chicks have been examined, producing a total of 15 pools (5 organ, 5 yolk, and 5 intestinal).

(d) Culture the 15 tetrathionate pools as outlined for selective enrichment in illustration 2 of § 147.12. Incubate the organ and yolk pools for 24 hours at 37 °C and the intestinal pools at 41.5 °C. Plate as described in illustration 2 of § 147.12 and examine after both 24 and 48 hours of incubation. Confirm suspect colonies as described. Further culture all salmonella-negative tetrathionate broths by delayed secondary enrichment procedures described for environmental, organ, and intestinal samples in illustration 2 of § 147.12. A colony lift assay may also be utilized as a supplement to TSI and LI agar picks of suspect colonies.

§ 147.26 [Amended]

20. In § 147.26, in paragraph (a), the introductory text would be amended by removing the word ''and'' and by adding the words '', U.S. S. Enteritidis Monitored, and U.S. S. Enteritidis Clean'' immediately before the word ''classifications''.

21. In § 147.43, the introductory text of paragraph (a) would be amended by adding two new sentences before the first sentence to read as set forth below; by removing the words ''the Assistant Secretary of Agriculture for Marketing and Inspection Services, or his/her designee,''; and by removing the words ''and who shall be designated as vice chairperson,''.

§ 147.43 General Conference Committee.

(a) The Committee Chairperson and the Vice Chairperson shall be elected by the Committee from among its members. A representative of the Animal and Plant Health Inspection Service will serve as Executive Secretary and will provide the necessary staff support for the Committee. * * *

* * * * *

Done in Washington, DC, this 28th day of June 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–16677 Filed 7–6–95; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 34

[Docket No. 95–16]

RIN 1557–AB48

Real Estate Lending and Appraisals

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) proposes to revise its rules governing real estate lending. This proposal is another component of the OCC's Regulation Review Program to update and streamline OCC regulations and to reduce unnecessary regulatory costs and other burdens. The proposal would modernize and clarify the real estate lending rules, reduce unnecessary regulatory burdens, and, consistent with statutory requirements, impose regulatory requirements only where needed to address safety and soundness concerns or accomplish other statutory responsibilities of the OCC.

DATES: Comments must be received by September 5, 1995.

ADDRESSES: Comments should be directed to: Office of the Comptroller of the Currency, Communications Division, 250 E Street SW., Washington, DC 20219, Attention: Docket No. 95–16. Comments will be available for public inspection and photocopying at the same location.

FOR FURTHER INFORMATION CONTACT: Mark Tenhundfeld, Senior Attorney, Legislative and Regulatory Activities, (202) 874–5090; Laura Goldman, Attorney, Bank Activities and Structure, (202) 874–5300; Thomas Watson, National Bank Examiner, Credit and Management Policy, (202) 874–5170; Frank R. Carbone, National Bank Examiner, Credit and Management Policy, (202) 874–5170; or Roland G. Ullrich, National Bank Examiner, Consumer and Fiduciary Compliance, (202) 874–4866.

SUPPLEMENTARY INFORMATION:

Background

Summary of Regulation Review Program

The OCC proposes to revise 12 CFR part 34 as another component of its Regulation Review Program (Program). The goal of the Program is to review all of the OCC's rules and to eliminate provisions that do not contribute significantly to maintaining the safety and soundness of national banks or to accomplishing the OCC's other statutory responsibilities. Another goal of the Program is to clarify regulations so that they more effectively convey the standards the OCC seeks to apply.

The OCC intends for this proposal to reduce regulatory costs and other burdens on national banks by eliminating regulatory requirements that are neither essential to maintaining the safety and soundness of national banks nor needed to accomplish the OCC's statutory responsibilities. The proposal also would simplify and clarify the OCC's real estate lending regulations.

Discussion

Part 34 consists of the following five subparts: Subpart A—General; Subpart B—Adjustable-Rate Mortgages (ARMs); Subpart C—Appraisals; Subpart D—Real Estate Lending Standards; and Subpart E—Other Real Estate Owned (OREO). The OCC proposes to amend subparts A, B, and E. The OCC is not proposing to amend subpart C or D at this time because they recently were adopted on an interagency basis and the OCC wishes to gather additional information on their effectiveness before deciding whether to recommend an interagency effort to revise those subparts. Nevertheless, commenters are welcome to include comments on subparts C and D in addition to their comments on this proposal.

Section 303 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4803) requires the OCC to conduct a review of, among other things, the standards adopted by the OCC for real estate lending by national banks. These standards are set forth in subpart D of part 34. Pursuant to section 303, the OCC is to ''consider the impact that such standards have on the availability of credit for small business, residential, and agricultural purposes, and on low- and moderate-income communities.'' *Id.* The OCC welcomes comments on the impact that the standards, including the Guidelines for Real Estate Lending set forth at appendix A to subpart D, are having on the availability of the types of credit and communities noted previously.

Most of the proposed changes in subparts A, B, and E clarify and simplify the current rule. The proposal removes provisions that merely repeat statutes or that are otherwise redundant, and reorders or renumbers certain other provisions to improve clarity. The proposal also adds a new provision to summarize the OCC's general approach to questions of Federal preemption of State laws governing real estate. (That provision does *not* expand the scope of State law preemption beyond what appears in the current rule.) Finally, the proposal amends the provisions governing disposition of leases that are treated as OREO to suspend the running of the divestiture period under certain circumstances.

The following discussion identifies and explains material proposed changes to part 34. The OCC invites general comments on all aspects of the proposed regulation as well as specific comments on the proposed changes. The OCC also welcomes any additional comments relevant to this proposal.

A derivation table comparing the sections of proposed part 34 to those of current part 34 follows this section of the preamble.

Subpart A—General

Purpose and Scope (Section 34.1)

A national bank may make real estate loans under the authority provided in 12 U.S.C. 371 and 12 U.S.C. 24(Seventh). Part 34 currently identifies (in § 34.3) loans that are not considered ''real estate loans'' for purposes of 12 U.S.C. 371 but which national banks nevertheless may make pursuant to 12 U.S.C. 24(Seventh). The proposal removes the list in § 34.3 because it is unnecessary (*see* discussion of ''Loans not constituting real estate loans,'' *infra*). The proposal also eliminates cross-references in § 34.1 to that list. However, since current paragraphs (f) and (g) of § 34.3 contain an exception to the regulation's scope, the proposal incorporates the substance of those provisions into the proposed ''Scope'' section of the revised regulation.

The proposal also relocates the text that currently appears in § 34.1(a), authorizing national banks to engage in real estate-related transactions, to proposed § 34.3. This conforms the order of subpart A of part 34 to that of other OCC rules. Finally, the proposal sets forth a statement of the purpose of part 34.

Definitions (Proposed Section 34.2)

The proposal places definitions used in subpart A in one location. The definition of ''due-on-sale clause'' is moved from current § 34.4 to proposed § 34.2 without any change to the definition's substance. The proposal adds definitions of ''State'' and ''State law limitations'' to avoid restating of the full scope of preemption in every section that refers to preemption. These definitions effect no substantive changes.

General Rule (Proposed Section 34.3)

Current § 34.1(a) sets forth the general rule authorizing national banks to engage in real estate lending and related transactions. The proposal relocates this general rule to a new section to conform the order of subpart A of part 34 to that followed in other OCC regulations.

Loans Not Constituting Real Estate Loans (Current § 34.3—Removed)

Current § 34.3 lists several types of loans that are not considered real estate loans for purposes of part 34, but are permissible for national banks under 12 U.S.C. 24(Seventh). The current provision is confusing and unnecessary. Therefore, the proposal removes § 34.3 in its entirety.

After 12 U.S.C. 371 was amended in 1982, the OCC added the list in question to part 34 (48 FR 40701 (September 9, 1983)) to insure that any restrictions resulting from further amendment of 12 U.S.C. 371 would not apply to the types of loans identified as permissible pursuant to 12 U.S.C. 24(Seventh). If Congress amends 12 U.S.C. 371 again, the OCC will consider whether it is necessary to amend part 34 to identify types of loans that are deemed by the OCC not to be real estate loans for purposes of that section.

Applicability of Law (Proposed § 34.4)

The current rule states specific areas where Federal law preempts State law governing real estate lending by national banks. The proposal retains this statement of preemption in order to provide continued guidance about specific areas where Federal law preempts State law. However, the proposal removes the unnecessary reminder, found at current § 34.2(b), that national banks must comply with applicable laws.

Proposed § 34.4(b) adds a general statement of the OCC's position with respect to preemption to clarify that the list of areas where State law is preempted, carried over from the current rule, is not exhaustive. The proposed rule clarifies that the OCC will apply traditional principles of Federal preemption when determining whether a State law affecting real estate lending is preempted. Under these principles, State laws apply to national banks unless the State law expressly or impliedly conflicts with Federal law, the State law stands as an obstacle to the accomplishment of the full purposes and objectives of the Federal law, or Federal law is so comprehensive as to evidence a Congressional intent to occupy a given field.[1]

Due-On-Sale Clauses (Proposed Section 34.5)

Current § 34.4 authorizes a national bank to make or acquire a loan secured by a lien on real property that includes a due-on-sale clause, and preempts State law to the contrary. The rule also states that due-on-sale clauses in transfers described in 12 U.S.C. 1701j-3(d) are not enforceable.

The OCC proposes to modify this section to improve clarity and to remove unnecessary restatements of statutory provisions. The proposed descriptions of the terms ''real property'' and ''lender'' remove provisions that merely restate the statute. However, the proposal intends no change in the substance of those descriptions.

Subpart B—ARMs

The proposal renumbers current sections in subpart B, beginning with proposed § 34.20, in order to permit future additions to subpart A with minimum disruption.

Definitions (proposed Section 34.20)

Current § 34.5 contains definitions of ''adjustable-rate mortgage loan'' (ARM loan) and ''consumer credit.'' Proposed § 34.20 amends the definition of ''ARM loan'' by deleting the provisions, found in current § 34.5(a)(2), that exempt fixed-rate extensions of credit that are payable either on demand or without any interim amortization. Earlier OCC definitions of ''ARM loan'' included certain fixed-rate loan transactions, unless a lender gave the disclosures required to exempt the transaction from the regulation's coverage. (*See, e.g.,* 48 FR 9506 (March 7, 1983).) The OCC amended its rule in 1988 (53 FR 7885 (March 11, 1988)) to remove those disclosure requirements, and clarified that the fixed-rate extensions in question would not be considered to be ARM loans. While the express exemptions were helpful when the disclosure requirement was removed in 1988, such exemptions no longer are necessary.

The OCC seeks comment on whether it remains necessary or appropriate to exempt from the definition of ''ARM loan'' fixed-rate loans that are payable at the end of a term that, when added to all terms for which the bank has promised to refinance the loan, is shorter than the term of the amortization schedule. This exemption is similar, but not identical, to the treatment of variable-rate transactions in Regulation Z (Reg. Z, 12 CFR part 226) of the Board of Governors of the Federal Reserve System (the Federal Reserve). For instance, a loan that a bank has guaranteed to renew for a total period that is shorter than the life of the mortgage is not an ARM loan under part 34. (*See* 12 CFR 34.5(a)(2)(ii).) It is, however, a variable-rate transaction under Reg. Z. (*See* Commentary to § 226.17(c)(1), Comment 11, first bullet.) This distinction requires lenders to understand and apply two different standards, depending on the purpose being served.

The practical effect of this distinction is that national banks making balloon notes that are renewable for a total period shorter than the amortization schedule do not have to use an independent index in adjusting the interest rate on such loans. The distinction also raises the issue of whether banks find it unnecessarily burdensome to comply with the different rules.

Whatever burden that is created by the current difference could be eliminated by deleting all current exemptions from the OCC's definition of ARM loan and clarifying that a balloon note that a bank guarantees to renew will be treated as an ARM loan if the bank may adjust the interest rate upon renewal. This would result, however, in more loans being considered to be ARM loans, thereby increasing the number of loans for which a bank would have to use an index beyond the bank's control.

The OCC seeks comment on (1) whether the current difference between part 34 and Reg. Z poses an unnecessary burden, and (2) whether banks favor amending part 34 to eliminate the difference, notwithstanding that such approach would result in more loans being subject to the requirement that a bank use an index beyond its control.

In addition to the changes noted, the proposal makes stylistic changes to the definition of ''ARM loan.'' The proposal also deletes the definition of ''consumer credit,'' because other changes make the definition unnecessary (*see* discussion of ''Rate changes (current § 34.8)'' and ''Disclosure (current § 34.10)''). In order to consolidate all definitions used in subpart B, the proposal relocates to proposed § 34.20 the definitions of ''affiliate'' and ''subsidiary'' currently found in § 34.6(b). Finally, the proposal uses the term ''renewal'' instead of ''refinance'' as that term is used in current § 34.5(a)(2) in order to avoid creating the impression that the OCC rule applies to refinancings as that term is narrowly defined in Reg. Z.

General Rule (Proposed Section 34.21)

Current § 34.6 provides that national banks and their subsidiaries may make, sell, purchase, participate, or otherwise deal in ARM loans, notwithstanding any State law to the contrary. National banks may purchase or participate in ARM loans that were not made in accordance with the OCC's regulations, except that loans purchased from an affiliate or subsidiary must comply with part 34. The proposal makes only minor changes to simplify the general rule.

Index (Proposed Section 34.22)

Current § 34.7 requires ARM loans that are subject to 12 CFR 226.19(b) to specify an index to which changes in the interest rate shall be linked. The

[1] The Supreme Court's most recent discussion of the principles of Federal preemption may be found in *Gade* v. *National Solid Wastes Management Ass'n,* 120 L. Ed. 2d 73 (1992), in which the Court stated:

As both the majority and dissent acknowledge, we have identified three circumstances in which a federal statute pre-empts state law: First, Congress can adopt express language defining the existence and scope of pre-emption. Second, state law is pre-empted where Congress creates a scheme of federal regulation so pervasive as to leave no room for supplementary state regulation. And third, ''state law is pre-empted to the extent that it actually conflicts with federal law.'' This third form of pre-emption, so-called actual conflict pre-emption, occurs either ''where it is impossible for a private party to comply with both state and federal requirements . . . or where state law 'stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.' '' 120 L. Ed. 2d at 91 (Kennedy, J., concurring; citations omitted). The plurality and dissenting opinions in *Gade* contain essentially the same formulation. *See id.* at 84 and 95, respectively.

index is to be readily available to, and verifiable by, the borrower. It also must be beyond the control of the lending bank. Proposed § 34.22 makes no changes to the substance of current § 34.7.

Rate changes (Current Section 34.8)

Current § 34.8 sets forth the limitation found in section 1204 of the Competitive Equality Banking Act of 1987 (CEBA), Pub. L. 100–86, 100 Stat. 552 (12 U.S.C. 3806(a)), which requires a consumer credit ARM loan to include a limitation on the maximum rate of interest that may apply during the term of the loan. The proposal removes § 34.8 because it is an unnecessary restatement of the statute. Moreover, CEBA vests rulemaking authority with the Federal Reserve, which has implemented section 1204 of CEBA at 12 CFR 226.30.

Prepayment Fees (Proposed Section 34.23)

Current § 34.9 provides that national banks may impose fees for prepayments of ARM loans, notwithstanding any State law to the contrary. The proposal makes no substantive change to this section.

Disclosure (Current Section 34.10)

This section requires a national bank that offers consumer ARM loans to provide the disclosures required by the Truth-in-Lending Act (15 U.S.C. 1601, et seq.), as implemented by the Federal Reserve in Reg. Z.

Earlier versions of the OCC rule regarding disclosure requirements made this statement appropriate at one time. Previously, the OCC's rule required specific ARM loan disclosures that were similar to that now required by Reg. Z. *See, e.g.,* 48 FR 9506 (March 7, 1983); 46 FR 18943 (March 27, 1981). In 1987, the OCC proposed to amend its rule to eliminate those disclosure requirements since they were redundant in light of Reg. Z, but also proposed to include a reminder to national banks that documents evidencing ARM loans, as that term was defined in the proposal, still were to contain the Reg. Z disclosures. 52 FR 36958 (October 2, 1987). Ultimately, this proposal was adopted (53 FR 7885 (March 11, 1988)), thereby eliminating overlap between the two regulations.

The proposed rule that was promulgated in 1987 defined ''ARM loan'' in a way that made it appropriate to clarify that only ARM loans to consumers needed to comply with the disclosure requirements set forth in Reg. Z. The 1987 proposal defined ''ARM loan'' as applying to an ''extension of consumer credit,'' which raised questions concerning the permissibility under part 34 of making ARM loans to businesses. To address this concern, the final rule adopted in 1988 used the definition of ''ARM loan'' that appears in the current regulation and clarified in § 34.10 that the disclosures required under Reg. Z must be provided only to consumers in ARM loan transactions.

The OCC believes that the reminder to comply with Reg. Z disclosures when making a consumer ARM loan was appropriate when the OCC-imposed disclosure requirements were removed, but now is unnecessary. Accordingly, the proposal removes this section in its entirety. The proposal also removes the term ''consumer credit,'' since it was used only in § 34.10.

Nonfederally Chartered Commercial Banks (Proposed Section 34.24)

Section 807(b) of the Garn-St Germain Act (Pub. L. 97–320, 96 Stat. 1545 (12 U.S.C. 3801 note)) requires the OCC to identify those provisions of its ARM regulation that are inappropriate for nonfederally chartered banks. In implementing section 807(b), the OCC determined that all of the provisions of subpart B were appropriate, and so stated in current § 34.11. Proposed § 34.25 retains this statement in order to comply with the statute, and removes certain unnecessary citations to statutory authority.

Transition Rule (Proposed Section 34.25)

Current § 34.12 provides that national banks were authorized to make or administer loans during a ''window period'' beginning on the date the current rule was adopted (March 11, 1988) and ending October 1, 1988, if the loans complied with the OCC rules in effect before the March 11, 1988 amendment. Following October 1, 1988, all ARM loans have been required to comply with part 34, as revised.

The proposed changes remove what are now unnecessary references to the window period. The proposal retains the remainder of this section to assist the reader who wishes to determine if a given loan complied with applicable laws in effect when the loan was made. Commenters are requested to address whether retention of this provision is still useful.

Subpart C—Appraisals

The OCC is not proposing any changes to the rules governing the use of appraisals.

Subpart D—Real Estate Lending Standards

The OCC is not proposing any changes to the real estate lending standards.

Subpart E—OREO

Definitions (Section 34.81)

Current § 34.81 contains the definitions used in subpart E. The proposal makes two changes to these definitions in addition to stylistic edits. First, proposed § 34.81 defines OREO to include only ''debts previously contracted'' (DPC) real estate and former banking premises. The proposal removes the term ''covered transactions real estate'' from the definition of OREO, thereby rendering the definition of covered transactions real estate unnecessary. Second, the proposal removes the term ''transaction value'' and corresponding definition. These proposed changes are addressed in order, below.

The current rule defines covered transactions real estate as DPC property or former banking premises that a national bank is in the process of selling in accordance with current § 34.83(a)(6) (*i.e.,* receiving at least 10 percent of the property's sales price through cash, principal and interest payments, and/or private mortgage insurance). However, there is no special rule for the divestiture or disposition of covered transactions real estate. The regulation treats such real estate as OREO, and imposes the same requirements as are imposed on other forms of OREO. Accordingly, there is no reason to identify covered transaction real estate as a special class of OREO property.

This proposed change to the definition of OREO is not intended to change the ability of national banks to dispose of OREO through the means specified in current § 34.83(a)(6). Rather, it is intended simply to remove a term that is unnecessary and potentially confusing.

The proposal also removes the term ''transaction value'' because it, too, is unnecessary and potentially confusing. Current subpart E of part 34 defines transaction value as ''the recorded investment amount,'' a term that also is defined. However, subpart C defines ''transaction value'' differently, creating potential confusion. Since ''transaction value'' is used only once in part 34 (in current § 34.84(a)(1)(ii)) outside of the current definition section in subpart E, and since the entire substance of that term's definition is ''the recorded investment amount,'' the OCC proposes to replace ''transaction value'' with

''recorded investment amount'' in § 34.85(a)(1)(ii).

Holding Period (Section 34.82)

Current § 34.82 restates those provisions of the statute that govern how long a national bank may hold OREO. It also identifies when the holding period begins, and clarifies that a statutory redemption period imposed by State law will delay the beginning of when the holding period runs.

Proposed § 34.82 is similar to current § 34.82. The proposed rule clarifies, in § 34.82(b)(2), that the holding period begins on the date that a national bank abandons former banking premises without relocating to another site (such as might happen when a branch is closed). The proposed rule also makes changes to improve clarity and to remove provisions that are redundant in light of 12 U.S.C. 29. The proposal relocates the requirement that a national bank dispose of OREO when prudent judgment dictates from § 34.83 (which addresses the *method* of disposition) to § 34.82 (which addresses *timing* of disposition). Finally, proposed § 34.82 retains a statement regarding a bank's obligation to dispose of OREO. This statement clarifies that OREO, as defined in the regulation, is subject to the divestiture provisions. Without such a statement, questions might remain concerning whether the five-year holding period (and any extension thereof) would be available for the disposition of certain types of properties (such as former banking premises that become OREO).

Disposition of Real Estate (Section 34.83)

Currently, § 34.83(a)(5) permits disposition of leases only through assignment or a ''coterminous sublease'' (*i.e.*, a lease with the same duration as the remainder of the master lease). Many national banks hold long-term leases and are unable either to assign them or to find a coterminous sublessee, notwithstanding the bank's best efforts to do so. As industry consolidation and technological advances further reduce the need for branch office space, this problem likely will become more severe.

A bank has the option of entering into non-coterminous subleases in order to minimize financial losses stemming from a long-term lease. However, the OCC currently does not recognize the entering into a non-coterminous sublease as a ''disposition'' of the OREO for purposes of part 34, thus resulting in a bank being cited for a violation of law even though the bank is attempting in good faith to comply. To address this problem, proposed § 34.83(a)(3) permits the divestiture period to be suspended for the duration of a non-coterminous sublease.

The following example illustrates how this change would work. Assume that a national bank holds a 30-year lease and, after one year from the date the lease becomes OREO, the bank finds a sublessee willing to sublease the property for ten years. At the end of that 10-year sublease, the bank, under the proposed rule, would have four years remaining in the initial 5-year divestiture period within which to assign the lease or find a sublessee. If the bank enters into another non-coterminous sublease, then, at the expiration of that sublease, the bank would have the unused portion of the divestiture period in which to dispose of the property or enter into another sublease.

The OCC believes that this proposal is consistent with 12 U.S.C. 29. The statute precludes the ''possession of any real estate under mortgage, or the title and possession of any real estate purchased to secure any debts due to it,'' for a period exceeding five years (or ten years, if the initial period is extended by the OCC). This mandatory divestiture provision is silent with respect to leases. The OCC previously concluded that it is appropriate, for safety and soundness reasons, to treat leases as OREO and require their disposition within the same divestiture period as applies to other types of OREO property. Experience has shown, however, that implementation of 12 U.S.C. 29 can produce an unnecessarily harsh result when the property in question is a long-term lease. The OCC has reexamined its current position and has determined that when property is leased pursuant to a bona fide lease, the element of ''possession'' that is key to the limitations of 12 U.S.C. 29 may not be present. Therefore, the OCC believes that when a bank leases premises pursuant to a bona fide lease, 12 U.S.C. 29 provides a basis to take a more flexible approach to leaseholds that become OREO.

This option would be available, however, only if the bank in question acts in good faith in acquiring the lease. The OCC remains concerned about banks speculating in real estate, and, therefore, would retain the discretion under the proposed rule to require a bank to take immediate steps to divest a lease if the OCC determines that the bank is engaged in speculation. Thus, for instance, if a bank originates several long-term leases ostensibly for future bank use but soon thereafter converts the leases to OREO and subleases them to non-coterminous sublessees, the OCC would have the right under the proposed rule to deem the divestiture period not to have been suspended. In such a situation, the bank also risks being cited for acquiring real estate in violation of 12 U.S.C. 29.

The OCC seeks comment on the appropriateness of permitting the suspension of the divestiture period in the manner described above.

The proposal makes numerous stylistic changes to § 34.83 that simplify the current regulation and eliminate unnecessary repetition. The proposal modifies § 34.83(b) to clarify that disposition efforts must be ongoing throughout the disposition period. Finally, as previously noted, the proposal relocates the provision in current § 34.83 (requiring disposition when prudent judgment dictates) to proposed § 34.82.

Future Bank Expansion (Proposed Section 34.84)

Proposed § 34.84 creates a new section for the OCC's rule on future bank expansion that currently appears as part of § 34.83. The OCC intends for this new section to make the future bank expansion rule easier to locate.

Appraisal Requirements (Proposed Section 34.85)

Current § 34.84 provides that a national bank should obtain either an appraisal or evaluation, as appropriate under 12 CFR part 34, subpart C, when real estate is transferred to OREO or when OREO is sold. The current rule provides an exception to this requirement if a national bank already has a valid appraisal or evaluation for the property in question. Banks are to monitor the value of each parcel of OREO in a manner consistent with prudent banking practice.

The proposal makes no substantive change to this section. As noted above in the discussion of the definition section of subpart E, the proposal removes the term ''transaction value'' and uses ''recorded investment amount'' in lieu thereof.

Additional Expenditures and Notification (Proposed Section 34.86)

The current rule, which is set out in § 34.85, specifies that national banks are to notify the OCC at least 30 days prior to implementing a development or improvement plan for OREO when the estimated cost of the plan exceeds a specified threshold. The rule makes exceptions to this notice requirement for re-fitting existing buildings and for normal repairs. The rule also specifies that national banks may make ''prudent advances'' to complete a project

involving OREO if the advances are reasonably calculated to reduce any shortfall between the parcel's market value and the bank's recorded investment amount, and if they are not made for the purpose of speculating in real estate. The remaining provisions of § 34.86 clarify the procedures to be followed under this subsection.

The proposal moves the exceptions to the notice requirements to proposed § 34.85(b)(1). No change in the substance of the procedures is proposed, however. The proposal rewords current § 34.85(b)(3) (proposed new § 34.86(b)(3)) to simplify the procedures for informing banks of the OCC's decision regarding proposed additional expenditures.

The OCC also seeks comment on whether the current standard regarding completion of OREO development or improvement projects provides sufficient guidance, or whether a different standard would be appropriate for additional expenditures made in connection with OREO development or improvement.

Accounting Treatment (Proposed Section 34.87)

The current rule specifies that OREO reporting should conform to instructions in the Consolidated Report of Condition and Income. The proposal retains this provision.

Application (Current Section 34.88)

Current § 34.88 provides that subpart E is applicable to all OREO held by a national bank, including OREO in existence since September 17, 1993. The proposal removes this provision since it is unnecessary and potentially confusing.

The following table directs readers to the provision(s) of the current regulation, if any, upon which the proposed provision is based, and identifies generally the action taken.

DERIVATION TABLE

Revised section	Original section	Comments
34.1(a)		Added.
34.1(b)	34.1(b)	Modified.
34.2(a)	34.4(a)	Modified.
34.2(b)		Added.
34.2(c)		Added.
34.3	34.1(a)	Modified.
34.4(a)	34.2(a)	Modified.
34.4(b)		Added.
	34.2(b)	Removed.
	34.3	Removed.
34.5	34.4(a)	Modified.
34.5	34.4(b)	Modified.
34.20(a)	34.5(a)	Modified.
34.20(b)	34.6(b)	No change.
34.20(c)	34.6(b)	No change.
34.21(a)	34.6(a)	Modified.
34.21(b)	34.6(b)	Modified.
34.22	34.7	Modified.
	34.8	Removed.
34.23	34.9	Modified.
	34.10	Removed.
34.24	34.11	Modified.
34.25	34.12	Modified.
34.81(a)		Added.
	34.81(b)	Removed.
34.81(b)	34.81(c)	No change.
34.81(c)	34.81(d)	No change.
34.81(d)	34.81(e)	No change.
34.81(e)	34.81(a)	Modified.
34.81(f)	34.81(f)	No change.
	34.81(g)	Removed.
34.82(a)	34.82(a)	Modified.
34.82(b)	34.82(b)	Modified.
34.82(c)	34.82(c)	Modified.
34.82(a)	34.83(a)	Modified.
34.83(a)(1)(i)	34.83(a)(1)	Modified.
34.83(a)(1)(ii)	34.83(a)(2)	Modified.
34.83(a)(1)(iii)	34.83(a)(3)	Modified.
34.83(a)(2)	34.83(a)(4)	Modified.
34.83(a)(3)	34.83(a)(5)	Modified.
34.83(a)(4)	34.83(a)(6)	Modified.
34.83(b)	34.83(b)	Modified.
34.84	34.83(c)	No change.
34.85(a)	34.84(a)	Modified.
34.85(b)	34.84(b)	Modified.
34.85(c)	34.84(c)	Modified.
34.86(a)(1)	34.85(a)(2)(i)	No change.
34.86(a)(2)	34.85(a)(2)(ii)	No change.
34.86(a)(3)		Added.
34.86(b)	34.85(b)	Modified.
34.86(b)(1)	34.85(a)(1)	Modified.

DERIVATION TABLE—Continued

Revised section	Original section	Comments
34.87	34.86	No change.
	34.87	Removed.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. This regulation will reduce the regulatory burden on national banks, regardless of size, by simplifying and clarifying current regulatory requirements.

Executive Order 12866

The OCC has determined that this proposal is not a significant regulatory action under Executive Order 12866.

Unfunded Mandates Act of 1995

Section 202 of the Unfunded Mandates Act of 1995 (Unfunded Mandates Act) requires that an agency prepare a budgetary impact statement before promulgating a Notice of Proposed Rulemaking (NPRM) likely to result in a rule that includes a Federal mandate that may result in the annual expenditure of $100 million or more in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act requires an agency to identify and consider a reasonable number of alternatives before promulgating an NPRM. The OCC has determined that the rule will not result in expenditures by State, local, and tribal governments, or by the private sector, of more than $100 million in any one year. Accordingly, the OCC has not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered. As discussed in the preamble, the rule will reduce unnecessary burdens on national banks seeking to engage in real estate lending.

List of Subjects in 12 CFR Part 34

Mortgages, National banks, Reporting and recordkeeping requirements.

Authority and Issuance

For the reasons set out in the preamble, the OCC proposes to amend part 34 of chapter I of title 12 of the Code of Federal Regulations as set forth below:

PART 34—REAL ESTATE LENDING AND APPRAISALS

1. The authority citation for part 34 is revised to read as follows:

Authority: 12 U.S.C. 1 *et seq.*, 29, 93a, 371, 1701j-3, 1828(o), and 3331 *et seq.*

2. Part 34 is amended by revising subparts A, B, and E to read as follows:

Subpart A—General

Sec.
34.1 Purpose and scope.
34.2 Definitions.
34.3 General rule.
34.4 Applicability of State law.
34.5 Due-on-sale clauses.

Subpart B—Adjustable-Rate Mortgages

34.20 Definitions.
34.21 General rule.
34.22 Index.
34.23 Prepayment fees.
34.24 Nonfederally chartered commercial banks.
34.25 Transition rule.

Subpart C—Appraisals

* * * * *

Subpart D—Real Estate Lending Standards

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Subpart E—Other Real Estate Owned

34.81 Definitions.
34.82 Holding period.
34.83 Disposition of real estate.
34.84 Future bank expansion.
34.85 Appraisal requirements.
34.86 Additional expenditures and notification.
34.87 Accounting treatment.

Subpart A—General

§ 34.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to set forth standards for real estate-related lending and associated activities by national banks.

(b) *Scope.* For the purposes of 12 U.S.C. 371 and subparts A and B of this part, loans secured by liens on interests in real estate include loans made upon the security of condominiums, leaseholds, cooperatives, forest tracts, land sales contracts, and construction project loans. Construction project loans are not subject to subparts A and B, however, if they have a maturity not exceeding 60 months and are made to finance the construction of either:

(1) A building where there is a valid and binding agreement entered into by a financially responsible lender or other party to advance the full amount of the bank's loan upon completion of the building; or

(2) A residential or farm building.

§ 34.2 Definitions.

(a) *Due-on-sale clause* means any clause that gives the lender or any assignee or transferee of the lender the power to declare the entire debt payable if all or part of the legal or equitable title or an equivalent contractual interest in the property securing the loan is transferred to another person, whether by deed, contract, or otherwise.

(b) *State* means any State of the United States of America, the District of Columbia, Puerto Rico, the Virgin Islands, the Northern Mariana Islands, American Samoa, and Guam.

(c) *State law limitations* means any State statute, regulation, ruling, or order of any State agency, or judicial decision regarding a State statute, regulation, ruling, or order.

§ 34.3 General rule.

A national bank may make, arrange, purchase, or sell loans or extensions of credit, or interests therein, that are secured by liens on, or interests in, real estate, subject to terms, conditions, and limitations prescribed by the Comptroller of the Currency by order, rule, or regulation.

§ 34.4 Applicability of State law.

(a) *Specific preemption.* National banks may make real estate loans under 12 U.S.C. 371 and § 34.3 without regard to State law limitations as to:

(1) The amount of a loan in relation to the appraised value of the real estate;

(2) The schedule for the repayment of principal and interest;

(3) The term to maturity of the loan;

(4) The aggregate amount of funds that may be loaned upon the security of real estate; and

(5) The covenants and restrictions that must be contained in a lease to qualify the leasehold as acceptable security for a real estate loan.

(b) *General standards.* The OCC will apply recognized principles of Federal preemption in considering whether State laws apply to other real estate lending activities of national banks.

§ 34.5 Due-on-sale clauses.

A national bank may make or acquire a loan or interest therein, secured by a

lien on real property, that includes a due-on-sale clause. Except as set forth in 12 U.S.C. 1701j–3(d) (which contains a list of transactions in which due-on-sale clauses may not be enforced), due-on-sale clauses in loans, whenever originated, shall be valid and enforceable for transfers of the secured property occurring after December 8, 1983, notwithstanding any State law limitations to the contrary. For the purposes of this section, the term real property includes residential dwellings such as condominium units, cooperative housing units, and residential manufactured homes, and the term lender means a government agency or person, including a corporation, partnership, trust, or association, making a real property loan, or any assignee or transferee, in whole or in part, of that person or agency.

Subpart B—Adjustable-Rate Mortgages

§ 34.20 Definitions.

(a) *Adjustable-rate mortgage (ARM) loan* means an extension of credit made to finance or refinance the purchase of, and secured by a lien on, a one-to-four family dwelling, including a condominium unit, cooperative housing unit, or residential manufactured home, where the lender, pursuant to an agreement with the borrower, may adjust the rate of interest from time to time. This term does not apply to fixed-rate extensions of credit that are payable at the end of a term that, when added to any terms for which the bank has promised to renew the loan, is shorter than the term of the amortization schedule.

(b) *Affiliate* has the same meaning as in 12 U.S.C. 371c.

(c) *Subsidiary* has the same meaning as in 12 U.S.C. 371c.

§ 34.21 General rule.

(a) *Authorization.* National banks and their subsidiaries may make, sell, purchase, participate in, or otherwise deal in ARM loans and interests therein without regard to any State law limitations on those activities.

(b) *Purchase of loans not in compliance.* National banks may purchase or participate in ARM loans that were not made in accordance with this part, except that loans purchased, in whole or in part, from an affiliate or subsidiary must comply with this part.

§ 34.22 Index.

If a national bank makes an ARM loan to which 12 CFR 226.19(b) applies (*i.e.*, the annual percentage rate of a loan may increase after consummation, the term exceeds one year, and the consumer's principal dwelling secures the indebtedness), the loan documents must specify an index to which changes in the interest rate charged will be linked. This index must be readily available to, and verifiable by, the borrower and beyond the control of the bank. A national bank may use as an index any measure of market rates of interest that meets these requirements. The index may be either single values of the chosen measure or a moving average of the chosen measure calculated over a specified period.

§ 34.23 Prepayment fees.

A national bank offering or purchasing ARM loans may impose fees for prepayments notwithstanding any State law prohibitions of, or limitations on, those fees. For the purpose of this part, prepayments do not include:

(a) Payments that exceed the required payment amount to avoid or reduce negative amortization; or

(b) Principal payments, in excess of those necessary to retire the outstanding debt over the remaining loan term at the then-current interest rate, that are made in accordance with rules governing the determination of monthly payments contained in the loan documents.

§ 34.24 Nonfederally chartered commercial banks.

Pursuant to 12 U.S.C. 3803(a), nonfederally chartered commercial banks may make ARM loans in accordance with the provisions of this subpart.

§ 34.25 Transition rule.

If, on October 1, 1988, a national bank had made a loan or binding commitment to lend under an ARM loan program that complied with the requirements of 12 CFR part 29 in effect prior to October 1, 1988 (See 12 CFR Parts 1 to 199, revised as of January 1, 1988) but would have violated any of the provisions of this subpart, the national bank may continue to administer the loan or binding commitment to lend in accordance with that loan program. All ARM loans or binding commitments to make ARM loans that a national bank entered into after October 1, 1988, must comply with all provisions of this subpart.

Subpart C—Appraisals

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Subpart D—Real Estate Lending Standards

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Subpart E—Other Real Estate Owned

§ 34.81 Definitions.

(a) *Capital* means:

(1) A bank's Tier 1 and Tier 2 capital included in the bank's risk-based capital under the OCC's Minimum Capital Ratios in appendix A of 12 CFR part 3; plus

(2) The balance of a bank's allowance for loan and lease losses not included in the bank's Tier 2 capital, for purposes of the calculation of risk-based capital under 12 CFR part 3.

(b) *Debts previously contracted (DPC) real estate* means real estate (including capitalized and operating leases) acquired by a national bank through any means in full or partial satisfaction of a debt previously contracted.

(c) *Former banking premises* means real estate (including capitalized and operating leases) for which banking use no longer is contemplated. This includes real estate originally acquired for future expansion that no longer will be used for expansion or other banking purposes.

(d) *Market value* means the value determined in accordance with subpart C of this part.

(e) *Other real estate owned (OREO)* means:

(1) DPC real estate; and

(2) Former banking premises.

(f) *Recorded investment amount* means:

(1) For loans, the recorded loan balance, as determined by generally accepted accounting principles; and

(2) For former banking premises, the net book value.

§ 34.82 Holding period.

(a) *Holding period for OREO.* A national bank shall dispose of OREO at any time that prudent judgment dictates, but not later than the end of the holding period (or an extension thereof) permitted by 12 U.S.C. 29.

(b) *Commencement of holding period.* The holding period begins on the date that:

(1) Ownership of the property is originally transferred to a national bank;

(2) A bank completes relocation from former banking premises to new banking premises or ceases to use the former banking premises without relocating; or

(3) A bank decides not to use real estate acquired for future bank expansion.

(c) *Effect of statutory redemption period.* For DPC real estate that is subject to a redemption period imposed under state law, the holding period begins at the expiration of that redemption period.

§ 34.83 Disposition of real estate.

(a) *Disposition.* A national bank may comply with its obligation to dispose of real estate under 12 U.S.C. 29 in the following ways:

(1) With respect to OREO in general:

(i) By entering into a transaction that is a sale under generally accepted accounting principles;

(ii) By entering into a transaction that involves a loan guaranteed or insured by the United States government or by an agency of the United States government or a loan eligible for purchase by a Federally-sponsored instrumentality that purchases loans; or

(iii) By selling the property pursuant to a land contract or a contract for deed;

(2) With respect to DPC real estate, by retaining the property for its own use as bank premises or by transferring it to a subsidiary or affiliate for use in the business of the subsidiary or affiliate;

(3) With respect to a capitalized or operating lease, by obtaining an assignment or a coterminous sublease. If a national bank enters into a sublease that is not coterminous, the period during which the master lease must be divested will be suspended for the duration of the sublease, and will begin running again upon termination of the sublease. Should the OCC determine that a bank has entered into a lease for the purpose of real estate speculation in violation of 12 U.S.C. 29 and this part, the OCC will take appropriate measures to address the violation, including requiring the bank to take immediate steps to divest the lease; and

(4) With respect to a transaction that does not qualify as a disposition under paragraphs (a) (1) through (3) of this section, by receiving or accumulating from the purchaser an amount in cash, principal and interest payments, and private mortgage insurance totalling at least 10 percent of the sales price, as measured in accordance with generally accepted accounting principles.

(b) *Disposition efforts and documentation.* The national bank shall make diligent and ongoing efforts to dispose of each parcel of OREO, and shall maintain documentation adequate to reflect those efforts.

§ 34.84 Future bank expansion.

A national bank normally should use real estate acquired for future bank expansion within five years. After holding such real estate for one year, the bank shall state, by resolution of the board of directors or an appropriately authorized bank official or subcommittee of the board, definite plans for its use. The resolution or other official action must be available for inspection by national bank examiners.

§ 34.85 Appraisal requirements.

(a) *In general.* (1) Upon transfer to OREO, the national bank shall substantiate the parcel's market value by obtaining either:

(i) An appraisal in accordance with subpart C of this part; or

(ii) An appropriate evaluation when the recorded investment amount is equal to or less than the threshold amount in subpart C of this part.

(2) The national bank shall develop a prudent real estate collateral evaluation policy that allows the bank to monitor the value of each parcel of OREO in a manner consistent with prudent banking practice.

(b) *Exception.* If a national bank obtained, in accordance with subpart C of this part, a valid appraisal or an appropriate evaluation in connection with a real estate loan, then the bank need not obtain another appraisal or evaluation when it acquires ownership of the property. However, the bank shall continue to follow the prudent real estate collateral evaluation policy required in paragraph (a)(2) of this section.

(c) *Sales of OREO.* A national bank need not obtain a new appraisal or evaluation when selling OREO if the sale is consummated based on a valid appraisal or an appropriate evaluation.

§ 34.86 Additional expenditures and notification.

(a) *Additional expenditures on OREO.* For OREO that is a development or improvement project, a national bank may make advances to complete the project if the advances:

(1) Are reasonably calculated to reduce any shortfall between the parcel's market value and the bank's recorded investment amount;

(2) Are not made for the purpose of speculation in real estate; and

(3) Are consistent with safe and sound banking practices.

(b) *Notification procedures.* (1) A national bank shall notify the appropriate supervisory office at least 30 days before implementing a development or improvement plan for OREO when the sum of the plan's estimated cost, the bank's current recorded investment amount, and any unpaid prior liens on the property exceeds 10 percent of the bank's capital. A national bank need notify the OCC under this paragraph only once. A national bank need not notify the OCC that the bank intends to re-fit an existing building for new tenants or to make normal repairs and incur maintenance costs to protect the value of the collateral.

(2) The required notification must demonstrate that the additional expenditure is consistent with the conditions and limitations in paragraph (a) of this section.

(3) Unless informed otherwise, the bank may implement the proposed plan on the thirty-first day (or sooner, if notified by the OCC) following receipt by the OCC of the bank's notification, subject to any conditions imposed by the OCC.

§ 34.87 Accounting treatment.

OREO, and sales of OREO, are to be accounted for in accordance with the Instructions for the preparation of the Consolidated Reports of Condition and Income.

Dated: June 9, 1995.

Eugene A. Ludwig,

Comptroller of the Currency.

[FR Doc. 95–16476 Filed 7–6–95; 8:45 am]

BILLING CODE 4810–33–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[RI7–1–5812; A–1–FRL–5226–3]

Approval and Promulgation of Air Quality Implementation Plans; Rhode Island Non-CTG RACT

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Revisions to the State Implementation Plan (SIP) for the State of Rhode Island were received by the Environmental Protection Agency (EPA) on January 25, 1993 and November 1, 1994. The intended effect of the revisions was to change two regulations, both of which require the implementation of reasonably available control technology (RACT) for certain sources of volatile organic compounds (VOCs), as required by the Clean Air Act, as amended in 1990 (the Act). The EPA has evaluated these modifications to Rhode Island's regulations and by this notice is proposing to approve one of the revised regulations into the SIP. EPA is also proposing a limited approval/limited disapproval of one of the revised regulations. This action is being taken under Section 110(k)(3) of the Act.

DATES: Comments must be received on or before August 7, 1995. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments may be mailed to Susan Studlien, Acting Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203–2211. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA and the Division of Air Resources, 291 Promenade Street, Providence, RI.

FOR FURTHER INFORMATION CONTACT: Anne Arnold, (617) 565–3166.

SUPPLEMENTARY INFORMATION: On January 25, 1993, the Rhode Island DEM submitted a revision to its SIP. The revision consists of changes made pursuant to the requirements of Section 182(b)(2) of the Act to the following Rhode Island Air Pollution Control Regulations: Air Pollution Control Regulation Number 15, ''Control of Organic Solvent Emissions,'' and Air Pollution Control Regulation Number 21, ''Control of Volatile Organic Compound Emissions from Printing Operations.'' On November 1, 1994, the Rhode Island DEM submitted a second revision to Air Pollution Control Regulation Number 15.

I. Background

Under the pre-amended Clean Air Act (i.e., the Clean Air Act before the enactment of the amendments of November 15, 1990), ozone nonattainment areas were required to adopt RACT rules for sources of VOC emissions. EPA issued three sets of control technique guideline (CTG) documents, establishing a ''presumptive norm'' for RACT for various categories of VOC sources. The three sets of CTGs were: (1) Group I—issued before January 1978 (15 CTGs); (2) Group II—issued in 1978 (9 CTGs); and (3) Group III—issued in the early 1980's (5 CTGs). Those sources not covered by a CTG were called non-CTG sources. EPA determined that the area's SIP-approved attainment date established which RACT rules the area needed to adopt and implement. Under Section 172(a)(1), ozone nonattainment areas were generally required to attain the ozone standard by December 31, 1982. Those areas that submitted an attainment demonstration projecting attainment by that date were required to adopt RACT for sources covered by the Group I and II CTGs. Those areas that sought an extension of the attainment date under Section 172(a)(2) to as late as December 31, 1987 were required to adopt RACT for all CTG sources and for all major (i.e., 100 ton per year or more of VOC emissions) non-CTG sources.

Under the pre-amended Clean Air Act, the entire State of Rhode Island was designated as nonattainment for ozone and did not seek an extension of the attainment date under Section 172(a)(2). Therefore, the State was only required to adopt RACT for sources covered by the Group I and II CTGs. In lieu of adopting some of the Group II CTG regulations, however, Rhode Island adopted and submitted a regulation covering all unregulated major (i.e., 100 ton per year or more of VOC emissions) non-CTG sources. However, the State of Rhode Island did not attain the ozone standard by the approved attainment date. On May 25, 1988, EPA notified the Governor of Rhode Island that portions of the SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). Rhode Island adopted corrections to the State rules on December 10, 1989 which were approved into the State SIP on September 30, 1991. On November 15, 1990, amendments to the Clean Air Act were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In Section 182(a)(2)(A) of the amended Act, Congress adopted the requirement that pre-enactment ozone nonattainment areas that retained their designation of nonattainment and were classified as marginal or above fix their deficient RACT rules for ozone by May 15, 1991. All of Rhode Island was classified as serious nonattainment for ozone. 56 FR 56694 (Nov. 6, 1991). The SIP revisions approved on September 30, 1991 made Rhode Island's RACT rules consistent with existing CTGs and no revisions were required to meet the fix-up requirements.

Section 182(b)(2) of the amended Act requires States to adopt RACT rules for all areas designated nonattainment for ozone and classified as moderate or above. There are three parts to the Section 182(b)(2) RACT requirement: (1) RACT for sources covered by an existing CTG—i.e., a CTG issued prior to the enactment of the 1990 amendments to the Act; (2) RACT for sources covered by a post-enactment CTG; and (3) all major sources not covered by a CTG, i.e., non-CTG sources. This RACT requirement applies to nonattainment areas that were previously exempt from certain RACT requirements to ''catch up'' to those nonattainment areas that became subject to such requirements during an earlier period. In addition, it requires newly designated ozone nonattainment areas to adopt RACT rules consistent with those for previously designated nonattainment areas.

On October 30, 1992, Rhode Island adopted regulations to meet the RACT ''catch-up'' requirement which were approved into the State SIP on October 18, 1994 (59 FR 52427). However, under Section 182 of the Act, the major source definition for serious nonattainment areas was lowered to include sources that have a potential to emit 50 tons or greater of VOCs per year. Therefore, the State also needed to lower the applicability cutoff of its graphic arts and non-CTG regulations (Regulations 21 and 15, respectively) to include newly classified major sources in these categories. On January 15, 1993, Rhode Island submitted revisions to Regulations 15 and 21 to EPA as a SIP revision and on November 21, 1994, Rhode Island submitted a second revision to Regulation 15 to EPA as a SIP revision.

In addition, under Section 182 of the Act, Rhode Island is also required to implement RACT for all VOC sources covered by a post-enactment CTG. A CTG for two source categories, SOCMI (synthetic organic chemical manufacturing industry) Distillation and SOCMI Reactors, was issued on November 15, 1993. On April 5, 1995, Rhode Island submitted a negative declaration for these two source categories.

The amendments to Regulations 15 and 21 will reduce VOC emissions. VOCs contribute to the production of ground level ozone and smog. These rules were adopted as part of an effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone. The following is EPA's evaluation and proposed action for the changes to Rhode Island's Air Pollution Control Regulations Number 15 and 21 and for the negative declarations submitted by the State.

II. EPA Evaluation and Proposed Action

Rhode Island submitted a negative declaration for the SOCMI Distillation and SOCMI Reactor source categories. Through the negative declaration, the State of Rhode Island is asserting that there are no sources within the State would be subject to a rule for these source categories. EPA is proposing to approve this negative declaration as meeting the Section 182(b)(2) RACT requirements for these two source categories. However, if evidence is submitted during the comment period that there are existing sources within the State of Rhode Island that, for purposes of meeting the RACT

requirements, would be subject to a rule for these categories, if developed, EPA would be unable to take final approval action on the negative declarations.

Rhode Island also submitted revisions to its Regulation 21 (graphic arts rule) and its Regulation 15 (RACT for major non-CTG sources). In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the Act and EPA regulations, as found in Section 110 and Part D of the Act and 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). EPA's interpretation of these requirements, which forms the basis for today's action, appears in various EPA policy guidance documents. The specific guidance relied on for this action is referenced within the technical support document and this notice. For the purpose of assisting State and local agencies in developing RACT rules, EPA prepared a series of CTG documents. The CTGs are based on the underlying requirements of the Act and specify presumptive norms for RACT for specific source categories. EPA has not yet developed CTGs to cover all sources of VOC emissions. Further interpretations of EPA policy are found in, but not limited to, the following: 1) the proposed Post-1987 ozone and carbon monoxide policy, 52 FR 45044 (November 24, 1987); 2) the document entitled, ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice,'' otherwise known as the ''Blue Book'' (notice of availability was published in the **Federal Register** on May 25, 1988); 3) the ''Model Volatile Organic Compound Rules for Reasonably Available Control Technology,'' (Model VOC RACT Rules) issued as a staff working draft in June of 1992; and 4) in the existing CTGs. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

The significant changes to Rhode Island's VOC regulations that were included in the January 25, 1993 and November 1, 1994 submittals are briefly summarized below.

Section 15.1

Rhode Island amended the definition of ''Volatile organic compound'' to be consistent with EPA's definition published in the February 3, 1992 **Federal Register**. Although Rhode Island's definition of VOC contains the additional language ''Classification of methylene chloride as an exempt compound does not relieve the facility of the requirements of Regulation 22 (Air Toxics)'' which is not included in EPA's definition of VOC, this language was not submitted as part of the SIP revision.

Section 15.2

This section has been amended to include the new applicability requirements for sources with potential VOC emissions of 50 tons per year or more, while keeping the compliance deadlines for sources which were subject under previous versions of this regulation. Section 15.2.3 lists equipment or pollution emitting activities that are not subject to RACT, including activities that are regulated by Air Pollution Control Regulations 11, 18, 19, 21, 22.6, 25 and 26, or which have been determined to be BACT or LAER in a permit issued by the Division after November 15, 1990 pursuant to Air Pollution Control Regulation No. 9; application of pesticides; and blending of distillate or residual fuel oils.

Section 15.2.3 of the January 23, 1993 submittal also exempted emissions from tenter frames and from coatings used to meet U.S. military performance specifications which cannot be reformulated. This is inconsistent with EPA guidance because it may have resulted in the exemption of major sources, and was therefore not approvable. Rhode Island's November 1, 1994 submittal removed these exemptions. This section is therefore approvable.

Section 15.3

Rhode Island removed requirements from Regulation 15, previously found in 15.3, which had defined requirements for miscellaneous facilities emitting less than 100 tons per year. Under this section, sources which emitted more than 40 pounds/day/unit or 100 pounds/day/facility of VOC containing ''highly photochemically reactive solvent'' as previously defined in the regulation were required to reduce emissions to a level of 85% control or RACT. Rhode Island has deleted these requirements from the regulation. Section 193, the General Savings Clause, of the Clean Air Act states that no control requirement adopted prior to the enactment of the Clean Air Act Amendments of 1990 may be modified after enactment unless the modification insures equivalent or greater emission reductions. Although the above mentioned requirements were deleted from Regulation 15, Rhode Island's regulations will cover approximately the same sources, because the applicability thresholds in several regulations have been lowered. For example, Regulations 15 and 21 now cover sources with the potential to emit 50 TPY year. Also, Regulation 19, which covers most existing surface coating categories in the State, previously had an applicability threshold of potential emissions of 100 tons per year, now has an applicability threshold of 15 lbs/day. Thus, EPA has determined that Rhode Island's regulatory amendments insure equivalent or greater emissions reductions consistent with Section 193 of the Clean Air Act.

Section 15.3 now defines RACT for major sources. Section 15.3 essentially establishes three RACT options. The first option allows sources submitting a RACT plan by July 28, 1993, to define RACT specifically for that facility, subject to the approval of the State and EPA. This would require a case-by-case SIP revision. Sources not submitting a plan by July 28, 1993 may demonstrate compliance by installing controls which reduce inlet emissions by at least 95% and which are designed to capture and control emissions to obtain an overall reduction efficiency of 85% of uncontrolled VOC emissions. Alternately, the source may demonstrate compliance through reducing daily VOC use and emissions so that actual emissions do not exceed 20% of the daily VOC emissions during 1990, calculated on either a mass of VOC per mass of solids applied basis in the case of surface coating sources, or a mass of VOC per unit production basis. These two methods would not require a case-by-case revision to Rhode Island's SIP to make RACT federally enforceable.

Section 15.3.5

Section 15.3.5 has been amended to allow carbon adsorbers a 7-day rolling average compliance time. Previously, sources were required to comply with a 24-hour averaging time, or the length of the adsorption cycle, whichever is less. A section has been added that states specifically how compliance with a 7-day rolling average shall be determined, and allows the source to apply for a longer averaging time. This is consistent with EPA's model rule, Section XX.3083(a)(2)(iii)(A), which allows compliance to be determined based on a 7-day rolling average. The model rule allows a source to petition for a longer averaging time, not to exceed 30 days, using Appendix A. In addition to the 7-day rolling average, Rhode Island does allow a longer averaging time at the Director's discretion, and requires that the longer averaging time be consistent with EPA guidance, and is not to exceed a 30 day rolling average.

Sections 15.3.7–15.3.10

The main issue associated with this action concerns the generic nature of Sections 15.3.7–15.3.9. Section 182(b)(2) of the Clean Air Act requires that a SIP revision be submitted by November 15, 1992 including ''provisions to require the implementation of reasonably available control technology ....'' In addition, the necessary SIP revision is required to ''provide for the implementation of the required measures as expeditiously as practicable but no later than May 31, 1995.'' For major non-CTG sources of VOCs not regulated under the Act prior to the 1990 Amendments, the addition of 15.3.7–15.3.10 sets forth both presumptive RACT norms and processes by which RACT can be established for those sources that cannot meet the presumptive norms. However, Section 182(b)(2) of the Clean Air Act requires that a SIP revision be submitted by November 15, 1992 including ''provisions to require the implementation of reasonably available control technology ...'' In addition, the necessary SIP revision is required to ''provide for the implementation of the required measures as expeditiously as practicable but no later than May 31, 1995.''

Since Section 15.3.10 defines presumptive norms for RACT, and is consistent with EPA's Model VOC RACT Rules for ''Other Facilities that Emit Volatile Organic Compounds,'' that portion of the regulation meets the requirements of Section 182. However, since the option for meeting RACT defined in Sections 15.3.7 through 15.3.9 describes a process by which RACT can be defined but does not specifically define RACT for each source to which such option applies, that portion of the rule is not approvable at this time. Therefore, EPA is proposing a limited approval/limited disapproval of Regulation 15. To receive full approval, Rhode Island will need to define explicitly, and have approved by EPA, RACT for all of those sources which do not choose to conform to the presumptive RACT options outlined in the regulation. Alternatively, if it is determined that none of the affected sources will rely on Sections 15.3.7 through 15.3.9 to implement RACT, Regulation 15 can be fully approved upon Rhode Island making such a demonstration.[1]

[1] According to information provided verbally by Rhode Island DEM staff on June 13, 1995, the State will be submitting single source SIP revisions for the following sources: Hoechst Celanese; CCL Custom Manufacturing, Inc.; and Cranston Print Works.

Section 21.2

Sections 21.2.1 and 21.2.4 change the applicability of the regulation from potential to emit 100 tons per year to potential to emit 50 tons per year. This change was made to address, in part, the requirement that Rhode Island impose RACT requirements on all major sources. EPA had made the determination that RACT, as originally defined for graphic arts sources greater than 100 TPY, is appropriate for sources down to 50 tons per year. Section 21.2.2 exempts emissions from equipment used for research, so long as emissions from all such equipment at the facility do not exceed 450 pounds in any month. This exemption is consistent with the model rule. (See XX.3001(c) of the model rule, which allows equipment at a facility to be exempted if the equipment is used exclusively for chemical or physical analysis or determination of product quality and commercial acceptance if the total actual emissions do not exceed 450 lbs/month.)

Section 21.3.2

Section 21.3.2 has been amended to allow carbon adsorbers a 7-day rolling average compliance time. This change is similar to the change made to Section 15.3.5, and is consistent with EPA's model rule.

Proposed Action

EPA has evaluated Rhode Island's submittal for consistency with the Act, EPA regulations, and EPA policy. EPA is proposing to approve Rhode Island's negative declaration for the SOCMI Reactors and SOCMI Distillation source categories as meeting the requirements of Section 182(b)(2) of the Act for these source categories. In addition, EPA has determined that the changes made to Regulation 21 of Rhode Island's Air Pollution Control Regulations meet the requirements of Section 182(b)(2) of the Act. Therefore, EPA is proposing approval under Section 110(k)(3) of Regulation 21.

However, EPA has determined that Sections 15.3.7, 15.3.8, and 15.3.9 of Regulation 15, do not meet all of the Act's requirements for the reasons described above. EPA believes that approval of Regulation 15 will strengthen the SIP but because of the above-mentioned deficiencies, the rule does not meet the requirements of Section 182(b)(2) of the CAA. In light of such deficiencies, EPA cannot grant full approval of this rule under Section 110(k)(3) and Part D. However, EPA may grant a limited approval of the submitted rule under Section 110(k)(3) and EPA's authority pursuant to Section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited because EPA's action also includes a limited disapproval, due to the fact that this rule does not meet the requirement of Section 182(b)(2) because of the deficiencies noted above. Thus, in order to strengthen the SIP, EPA is proposing a limited approval of Rhode Island's Regulation 15 under Section 110(k)(3) and 301(a) of the CAA. As stated, EPA is also proposing a limited disapproval of Regulation 15 under Sections 110(k)(3) and 301(a) of the Act because the rule contains deficiencies that have not been corrected as the Act requires.

Under Section 179(a)(2), if the Administrator disapproves a submission under Section 110(k) for an area designated nonattainment based on the submission's failure to meet one or more of the elements required by the Act, the Administrator must apply one of the sanctions set forth in Section 179(b) unless the deficiency has been corrected within 18 months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: highway funding and offsets. The 18-month period referred to in Section 179(a) will begin on the effective date established in the final limited disapproval. If the deficiency is not corrected within 6 months of the imposition of the first sanction, the second sanction will apply. This sanctions process is set forth at 59 FR 39832 (Aug. 4, 1994), to be codified at 40 CFR 52.31. Moreover, the final disapproval triggers the federal implementation plan (FIP) requirement under Section 110(c).

EPA is not taking action on Section 15.2.2., the last sentence of Section 15.1.2, the last sentence of Section 21.1.7., and Section 21.2.3, as these were not submitted by the State as part of the January 25, 1993 or November 1, 1994 submittals.

EPA's evaluation of all the submitted regulations is detailed in memoranda, dated 11/2/94 and 1/9/95 entitled ''Technical Support Document for Rhode Island's Revised Regulations for Non-CTG RACT'' and ''Technical Support Document for Rhode Island's Revised Regulations for Non-CTG RACT—Addendum.'' Copies of these documents are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this action.

Nothing in this action should be construed as permitting or allowing or

establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Section 182(b)(2) of the Clean Air Act. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being proposed for approval by this action would impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this proposed action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. A future notice will inform the general public of these tables. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

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

SIP approvals under Section 110 and subchapter I, Part D of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410 (a)(2).

Also, EPA's limited disapproval of the state request under Section 110 and subchapter I, Part D of the CAA does not affect any existing requirements applicable to small entities. Any pre-existing federal requirements remain in place after this disapproval. Federal limited disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's limited disapproval of the submittal does not impose any new requirements. Therefore, EPA certifies that this limited disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements not does it impose any new requirements.

List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. 7401–7671q.

Dated: June 26, 1995.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 95–16756 Filed 7–6–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 180

[PP 4E4404/P618; FRL–4962–1]

RIN 2070–AC18

Glyphosate; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish pesticide tolerances for residues of glyphosate in or on the raw agricultural commodities peppermint and spearmint. The Interregional Research Project No. 4 (IR-4) requested in a petition submitted to EPA pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA) this proposed regulation to establish maximum permissible levels for residues of the pesticide in or on the commodities.

DATES: Comments, identified by the document control number [PP 4E4404/P618], must be received on or before August 7, 1995.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information.'' CBI should not be submitted through e-mail. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PP 4E4404/P618]. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington,

DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA 22202, (703)-308-8783; e-mail: jamerson.hoyt@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition (PP) 4E4404 to EPA on behalf of the Agricultural Experiment Station of Washington. This petition requests that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), amend 40 CFR 180.364(d) by establishing tolerances for residues of glyphosate (*N*-(phosphonomethyl)glycine) resulting from the application of the isopropylamine salt of glyphosate, in or on the raw agricultural commodities peppermint and spearmint at 200 parts per million (ppm).

The scientific data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the proposed tolerances include:

1. Several acute toxicology studies placing technical-grade glyphosate in Toxicity Category III (acute oral and dermal).

2. A 1-year chronic feeding study in dogs fed glyphosate in gelatin capsules containing 0, 20, 100, or 500 milligrams (mg)/kilogram (kg)/day with a no-observed-effect level (NOEL) established at 500 mg/kg/day. There were no toxic effects observed under the conditions of the study.

3. A 26-month chronic feeding carcinogenicity study in rats fed diets containing 0, 30, 100, or 300 ppm glyphosate (equivalent to 0/0, 3/3, 10/11, 31/34 mg/kg/day for males/females) with a NOEL for systemic toxicity established at 300 ppm. There were no treatment related systemic effects observed under the conditions of the study. The following findings were observed, however, in the high-dose groups when compared to the concurrent controls: (1) increased incidence of thyroid C-cell carcinomas in females; and (2) increased incidence of interstitial cell (Leydig cell) testicular tumors in males. EPA concluded that these neoplasms were not treatment related, and glyphosate was not considered to be carcinogenic in this study because the incidence of thyroid carcinomas was not statistically significant and the incidence of testicular tumors was within the historical incidence. This study is not considered an acceptable carcinogenic study since the feeding levels were not high enough to assess the carcinogenicity of glyphosate.

4. A 2-year chronic feeding/carcinogenicity study in rats fed diets containing 0, 2,000, 8,000, or 20,000 ppm (equivalent to 0/0, 89/113, 362/457, or 940/1,183 mg/kg/day for males/females) with a NOEL established at 8,000 ppm. Treatment-related systemic effects, which were only observed in the high-dose group, included decreased body weight gains in females, increased incidence of cataracts and lens abnormalities, decreased urinary pH, increased absolute liver weight, and increased liver/brain weight ratio in males. The study also showed slightly increased incidence of (1) pancreatic islet cell adenomas in the low-dose and high-dose males; (2) hepatocellular (liver) adenomas in the low-dose and high-dose males; and (3) thyroid C-cells adenomas in the mid-dose and high-dose male and females. EPA concluded that these adenomas were not treatment related, and glyphosate was not considered to be carcinogenic in this study.

5. A carcinogenicity study in mice fed diets containing 0, 150, 750, or 4,500 mg/kg/day for 18 months with a systemic NOEL established at 750 mg/kg/day. The following findings were observed in the high-dose group: (1) decreased body weight gain in males and females; (2) increased incidence of hepatocellular hypertrophy, hepatocellular necrosis and interstitial nephritis in males; (3) increased incidence of proximal tubule epithelial basophilia and hypertrophy in females; and (4) slightly increased incidence of renal tubular adenomas in males. EPA concluded that the occurrence of the renal tubular adenomas in male mice was spontaneous rather than compound induced because the incidence of these in males was not statistically significant when compared with the concurrent controls. Glyphosate was not considered to be carcinogenic in this study.

6. A developmental toxicity study in rats given gavage doses of 0, 300, 1,000, or 3,500 mg/kg/day of glyphosate during days 6 through 19 of gestation with a NOEL for developmental toxicity established at 1,000 mg/kg/day. There was an increase in the number of litters and fetuses with unossified sternebrae and a decrease in the fetal body weight at the 3,500-mg/kg/day dose.

7. A developmental toxicity study in rabbits given gavage doses of 0, 75, 175, or 350 mg/kg/day of glyphosate during days 6 through 27 of gestation. Developmental toxicity was not observed at any dose tested. The NOEL for developmental toxicity was established at 175 mg/kg/day. Due to high maternal mortality (10 of 16 females rabbits died) at the 350-mg/kg/day dose level, too few liters were available to adequately assess developmental toxicity at the high dose.

8. A three-generation reproductive study in rats fed diets containing 0, 3, 10, or 30 mg/kg/day with a systemic and reproductive NOEL of 30 mg/kg/day and a developmental NOEL of 10 mg/kg/day. The only effect observed was an increased incidence of focal tubular dilation of the kidney (both unilateral and bilateral combined) in the high-dose male F3b pups.

9. A two-generation reproductive study in rats fed diets containing 0, 100, 500, or 1,500 mg/kg/day of glyphosate with systemic and developmental NOEL's of 500 mg/kg/day and a reproductive NOEL of 1,500 mg/kg/day. Treatment-related effects, which were observed only in the high-dose group, include soft stools in the F0 and F1 males and females, decreased food consumption and body weight gain of the F0 and F1 males and females; and decreased body weight gain of the F1a, F2a, and F2b male and female pups during the second and third week of lactation.

10. A battery of mutagenicity studies including: gene mutation assay (Ames Test and assay in mammalian cells), negative; structural chromosomal aberration assay (cytogenic in vivo), negative; and other genotoxicity assays (rec-assay using *Bacillus subtilis* and reverse mutation assay using *Escherichia coli*), negative.

11. Metabolism studies in rats show that glyphosate is excreted in the urine and feces as the parent compound. Aminomethylphosphonic acid was the only metabolite excreted. Less than 1.0 percent of the absorbed dose remained in the tissues and organs, primarily in the bone tissue.

The dietary risk assessment for glyphosate indicates that there is minimal risk from established tolerances and the proposed tolerances for peppermint and spearmint. A cancer risk assessment is not appropriate for glyphosate since the pesticide is assigned to ''Group E'' (no evidence of carcinogenicity) of EPA's cancer classification system. Dietary risk assessments for the pesticide were conducted using the Reference Dose (RfD) to assess chronic exposure.

The RfD is calculated at 2 mg/kg/ of body weight/day based on a NOEL of 175 mg/kg/day from the rabbit developmental toxicity study and an uncertainty factor of 100. The theoretical maximum residue

contribution (TMRC) from existing tolerances and the proposed tolerances utilizes l percent of the RfD for the general population, or 3 percent of the RfD for non-nursing infants less than 1 year old (the subgroup population most highly exposed).

The nature of the residue is adequately understood in plants and animals. An adequate analytical method utilizing highpressure liquid chromatography, is available for enforcement purposes. An analytical method for enforcing this tolerance has been published in the Pesticide Analytical Manual (PAM), Vol. II. No secondary residues in meat, milk, poultry, or eggs are expected since peppermint and spearmint are not considered livestock feed commodities.

There are currently no actions pending against the continued registration of this chemical. EPA concludes that all uses of currently registered products containing the isopropylamine and sodium salts of glyphosate, when used in accordance with the labeling specified in the Reregistration Eligibility Document (RED), issued September 1993, will not pose unreasonable risks of adverse effects to humans or the environment and are eligible for reregistration.

Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR 180.364 would protect the public health. Therefore, it is proposed that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

A record has been established for this rulemaking under docket number [PP 4E4404/P618] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

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

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: June 23, 1995.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

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

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

2. In § 180.364, paragraph (d) is amended by adding and alphabetically inserting the entries for peppermint and spearmint, to read as follows:

§ 180.364 Glyphosate; tolerances for residues.

* * * * *

(d) * * *

Commodity	Parts per million
* * * * *	
Peppermint	200
Spearmint	200
* * * * *	

[FR Doc. 95–16753 Filed 7–6–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 439

[FRL–5227–2]

RIN 2060–AC49

Pharmaceutical Manufacturing Industry; Comment Period Extension and Public Hearing

AGENCY: Environmental Protection Agency.

ACTION: Notice of comment period extension and public hearing.

SUMMARY: The Environmental Protection Agency (EPA) is announcing extension of the comment period for the proposed regulations, and a formal public hearing regarding proposed pretreatment standards that will apply to the pharmaceutical manufacturing industry. The proposed pretreatment standards and effluent limitations guidelines were published in the **Federal Register** on May 2, 1995 (60 FR 21592). EPA is sponsoring this public hearing to

receive formal comments on the proposed pretreatment standards, pursuant to CWA section 307(b), and to further discuss the proposed rule with interested parties.

DATES: The new date for submission of written comments on the proposed regulations is August 30, 1995. The date for the public hearing is Thursday, July 13, 1995, 9:00 a.m. to 5:00 p.m.

ADDRESSES: Written comments should be submitted to Mr. Ed Terry at U.S. Environmental Protection Agency—by mail at U.S. EPA, Engineering and Analysis Division (Mail Code 4303), Office of Science and Technology, 401 M Street SW., Washington, DC 20460.

The public hearing will be held at the U. S. Geological Survey (USGS) National Center Auditorium which is located near Washington Dulles Airport at 12201 Sunrise Valley Drive, Reston, Virginia, telephone number (703) 648–4460.

FOR FURTHER INFORMATION CONTACT: Mr. Ed Terry at U.S. Environmental Protection Agency—by mail at U.S. EPA, Engineering and Analysis Division (Mail Code 4303), Office of Science and Technology, 401 M Street SW., Washington, DC 20460; by telephone at (202) 260–7128.

SUPPLEMENTARY INFORMATION: If you want to make a presentation at the public hearing, please call Mr. Terry at the number listed above no later than 3:00 pm on July 11, 1995. Please provide Mr. Terry with the name of the speaker, affiliation, and the approximate amount of time requested for your remarks. EPA is suggesting that speakers limit their remarks to 10 minutes. The extended comment period for the proposed rulemaking now ends on August 30, 1995. All written comments submitted in accordance with the instructions in the Notice of Proposed Rulemaking will be incorporated into the Record and considered before promulgation of the final rule. It is not necessary to appear at the public hearing for comments to be considered.

Dated: June 30, 1995.

Robert Perciasepe,

Assistant Administrator, Office of Water.

[FR Doc. 95–16821 Filed 7–6–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 91–281; DA 95–1453]

Calling Number Identification Service—Caller ID

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Common Carrier Bureau (Domestic Facilities Division) of the Federal Communication Commission released an order extending the time in which to file comments and replies in response to the Commission's Third Notice of Proposed Rulemaking (60 FR 28775 6/2/95). The Commission received a request by Ad Hoc Telecommunication Users Committee to extend the comment and reply period from June 30, 1995 and July 28, 1995 to July 31, 1995 and August 30, 1995, respectively. The Commission granted the request for an extension of time for filing comments and replies.

DATES: Comments must be filed on or before July 31, 1995, and replies must be filed on or before August 30, 1995.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Marian Gordon, Domestic Facilities Division, Common Carrier Bureau, (202) 634–4215.

SUPPLEMENTARY INFORMATION: Rules and Policies Regarding Calling Number Identification— Caller ID; Order

[CC Docket No. 91–281; DA 95–1453]

Adopted: June 28, 1995

Released: June 29, 1995

By the Deputy Chief, Domestic Facilities Division, Common Carrier Bureau:

1. On May 4, 1995, the Commission adopted a Third Notice of Proposed Rulemaking, FCC 95–187, released May 5, 1995, seeking comment on proposals that Private Branch Exchange Systems (PBXs) and private payphones capable of delivering calling party number to the public switched telephone network also be capable of: (1) Delivering a privacy indicator when the user of a telephone served by the PBX dials *67, and (2) unblocking the transmission of their calling party number when the user dials *82.

2. The Commission has received a request by Ad Hoc Telecommunications Users Committee (Ad Hoc) to extend the comment and reply period in this proceeding from June 30, 1995 and July 28, 1995 to July 31, 1995 and August 30, 1995, respectively. In support of its request, Ad Hoc states that the questions addressed by the Notice raise technical and financial issues that require substantial time and resources to analyze and that an extension of time would result in a more useful and accurate record. Tele-Communications Association supports Ad Hoc's request asserting the need to engage in consultations with its PBX vendors to determine the feasibility and potential costs of the Commission's proposal will be time consuming.

3. As set forth in § 1.46 of the Commission's Rules, 47 CFR 1.46, it is Commission policy that extensions of time not be routinely granted. We find, however, that petitioners have shown good cause for the requested extension. The public safety issues raised in this proceeding are obvious and significant: if private payphones and PBXs do not enable callers to indicate their privacy requests to switches in the public network, risks are created to calling parties. The technical complexity, as well as the privacy implications which must be considered in addressing the Notice's proposal, require that we ensure an adequate opportunity to develop a complete record. We agree that the public interest would be served by granting an extension of time in which to file comments and replies to the Notice. Accordingly, we will grant the requested relief.

4. Accordingly, it is ordered that the Request for Extension of Time filed by Ad Hoc is granted.

5. It is therefore ordered that the date for filing comments and replies to the Notice of Proposed Rule Making in this proceeding is extended to July 31, 1995 and August 30, 1995, respectively.

6. This action is taken pursuant to authority found in Sections 4(i) and 5(c) of the Communications Act of 1934, as amended 47 U.S.C. 154(i) and 155(c), and authority delegated thereunder pursuant to §§ 0.91, 0.204 (a)–(b) and 0.291 of the Commission's Rules, 47 CFR 0.91, 0.204 (a)–(b) and 0.291.

7. For further information concerning this proceeding, contact Marian Gordon, Domestic Facilities Division, Common Carrier Bureau, (202) 634–4215.

List of Subject in 47 CFR Part 64

Communications common carriers, Telephone.

Federal Communications Commission.

John S. Morabito,

Deputy Chief, Domestic Facilities Division, Common Carrier Bureau.

[FR Doc. 95–16665 Filed 7–6–95; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 95–92; FCC 95–254]

Broadcast Services; Network/Affiliate Programming Rules

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: The Notice of Proposed Rule Making initiates a reevaluation of five of the Commission's rules governing the relationship between broadcast networks and their affiliates with respect to programming. The five rules are the right to reject rule, the time option rule, the exclusive affiliation rule, the dual network rule and the network territorial exclusivity rule. The Commission raises issues about these rules as part of its continuing reevaluation of all its network/affiliate rules in light of changes in the telecommunications marketplace.

DATES: Comments are due by August 28, 1995, and reply comments are due by September 27, 1995.

ADDRESSES: Federal Communication Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jane Hinckley Halprin ((202) 776–1653) or Robert Kieschnick ((202) 739–0764), Policy and Rules Division, Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's notice of proposed rule making (nprm) in MM Docket No. 95–92, FCC 95–254, adopted and released June 15, 1995.

The complete text of the nprm is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's duplicating contractor, International Transcription Service, 2100 M Street NW., Suite 140, Washington, D.C. 20037, (202) 857–3800.

SYNOPSIS OF NOTICE OF PROPOSED RULE MAKING

I. Introduction

1. The Commission initiates this proceeding to continue its reexamination of the rules governing the relationship between broadcast television networks and their affiliates. The five rules at issue are briefly defined as follows. The right to reject rule provides that affiliation arrangements between a broadcast network and a broadcast licensee generally must permit the licensee to reject programming provided by the network. The time option rule prohibits arrangements whereby a network reserves an option to use specified amounts of an affiliate's broadcast time. The exclusive affiliation rule prohibits arrangements that forbid an affiliate from broadcasting the programming of another network. The dual network rule generally prevents a single entity from owning more than one broadcast television network. The network territorial exclusivity rule proscribes arrangements whereby a network affiliate may prevent other stations in its community from broadcasting programming the affiliate rejects, and arrangements that inhibit the ability of stations outside of the affiliate's community to broadcast network programming.

2. These rules were all initially adopted in 1946. At that time, television was in its infancy and radio was the broadcast medium of mass national appeal. The broadcasting industry has undergone tremendous change in the intervening decades, particularly in recent years with the emergence of cable television and other alternative program distributors as vigorous competitors to broadcast television for viewers and advertisers. Further, the importance of protections for affiliates *vis-a-vis* their networks appears diminished by the availability of an ever-growing supply of alternative programming.

II. Goals of the Network/Affiliate Rules

3. The overarching theme of the Commission's analysis is whether the rules continue to serve the purposes for which they were developed, which were themselves rooted in the Commission's primary goals of promoting competition and diversity in the communications industry. In general, each of the five rules under review here was based on either or both of the following specific goals: (1) To remove barriers that would inhibit the development of new networks; and (2) To ensure that licensees retain sufficient control over their stations to fulfill their obligation to operate in the public interest. The Commission questions whether the network rules remain necessary to achieve these goals or, conversely, whether the rules increase the costs of networking without producing any real benefits.

III. Changes in the Market for Affiliation

4. All of the rules at issue in this proceeding were promulgated when terrestrial broadcasting was the only video connection to a consumer. This fact no longer holds true as there are several possible ways to reach a consumer, such as cable TV, direct broadcast satellite service and wireless cable. Such alternative pipelines offer multiple channels of video programming. Consequently, rules regulating the broadcast television network/affiliate relations to promote the flow of programs from producers to viewers may no longer be necessary because of the video programming alternatives available to consumers.

5. Nonetheless, cable and other multichannel video programming distributors may not reach enough viewers that they sufficiently address diversity and competition concerns with respect to the video marketplace. The Commission solicits evidence regarding the extent to which those television households that do not subscribe to cable do subscribe to other multichannel providers. The Commission also asks for information regarding the broadcast networks' share of the viewing audience *vis-a-vis* other programming providers. Further, even if a substantial portion of households subscribe to video services other than over-the-air broadcasting, those non-broadcast video programming providers might not provide the kinds of services that would satisfy our traditional public interest objectives. To that end, the Commission asks commenters to address whether multichannel video programming distributors provide sufficient local news and other programming responsive to community needs to satisfy the Commission's longstanding goal that the public receive these types of programming.

A. Network/Affiliate Bargaining

6. The relative bargaining positions of broadcast television networks and their affiliates will be determined in part by the specific conditions of each local market served by broadcast television stations. One likely determinant of a broadcast network's bargaining power over an independently owned affiliate is the number of alternative outlets with which the network could choose to affiliate in the same market. If the four largest broadcast networks are considered as currently competing with one another for affiliates and it is assumed for the sake of argument that these networks have preferences for affiliating with VHF stations, then the networks would appear to have a commanding position in bargaining with broadcast television stations in those markets where the number of VHF stations exceeds the number of networks (4% of the DMA markets serving 17% of television households). If one considers UHF and VHF stations to be equally desirable, there are 103 markets with more than four commercial

television stations, including both VHF and UHF (49% of all DMA markets and 84% of all television households). Based on the analysis discussed above, the four major television networks may be in a better bargaining position than broadcast stations in such markets. This is not to say, however, that such a bargaining advantage constitutes undue market power and would have a sufficient effect on programming available to the public to justify governmental intervention. We ask commenters to address whether preferences for VHF stations continue to exert a strong influence on this bargaining. We also ask commenters to address the extent to which new entrants to network programming are affecting the competition between networks for affiliates and should be included in our analysis.

7. For affiliates, a critical issue is the availability of alternatives for obtaining profitable programming. In contrast to the time when the network/affiliate rules were first applied to the broadcast television industry, there is now an array of new network and new non-network sources of programming. We ask for comment and analysis of what effects, if any, alternative programming sources, especially non-network sources, have had and will have on network/affiliate relations.

8. The network/affiliate relationship could also be affected by the trend toward group ownership in television broadcasting, particularly if the Commission were to relax its national ownership limits for commercial broadcast television group ownership. In addition, technological advances, such as the possibility of a station multiplexing digital signals and thereby broadcasting more than one channel of programming, could influence the relationships between broadcast networks and their affiliates. The Commission asks commenters to address how changes in ownership patterns and technology are likely to affect network/affiliate bargaining.

B. Effects of Network/Affiliate Bargaining on Other Parties

9. Existing networks may have an incentive to block entry by new networks in order to maintain their existing market positions. One way they might do so is to pay their affiliates sufficient compensation to accept long-term contracts that include contractual terms that limit entry. The Commission therefore solicits comment on the effect of the length of the affiliation contract on the effectiveness of contractual devices in blocking entry by new networks. It also asks whether it might be appropriate to limit the length of affiliation contracts to mitigate these problems.

IV. Analysis of Specific Rules

A. The Right to Reject Rule

10. Section 73.658(e) of the Commission's Rules, 47 C.F.R. 73.658(e), prohibits a broadcast station from entering into a contract with a network that does not permit the station to (1) reject network programs that the station ''reasonably believes to be unsatisfactory or unsuitable or contrary to the public interest,'' or (2) substitute a program that the station believes to be of greater local or national importance.

11. The Notice proposes to retain the right to reject rule based on the view that the rule is inextricably linked to a licensee's obligation to retain control over its station and to program in the public interest. Noting that the rule is unclear, the Notice proposes to clarify that the rule does not give stations the right to reject programming based solely on financial considerations. The Notice suggests that this represents the most appropriate balance between the competing public interest and economic efficiency concerns inherent in the right to reject rule. The Notice seeks comment on this proposal.

B. The Time Option Rule

12. Section 73.658(d) of the Commission's Rules, 47 C.F.R. 73.658(d), prohibits arrangements between a station and a network whereby the network retains an ''option'' on certain hours of the station's time, which it may or may not decide to exercise. If the network chooses not to act on its option, the station is able to air other programming during the optioned time.

13. The Notice proposes to modify the rule by eliminating the outright prohibition on time optioning but requiring that networks give affiliates a particular amount of advance notice if they are going to use an optioned time slot. The Notice points out that time optioning may be valuable to a new network; a new network may want to book a time slot with enough stations so that it can raise funding to develop a programming concept, but may want to retain the ability to opt out of those time slots if the program does not work out as expected. Nonetheless, because unrestricted time optioning may interfere with an affiliate's long-range planning, the Notice proposes to adopt a notification requirement and asks commenters to propose an appropriate notification period. In the alternative, the Notice asks whether the rule should be repealed and notification issues left to the parties.

C. The Exclusive Affiliation Rule

14. Section 73.658(a) of the Commission's Rules, 47 C.F.R. 73.658(a), prohibits arrangements between a station and a network that prevent the station from broadcasting the programming of another network. The prohibition was based on the Commission's concern that permitting stations to become exclusive affiliates of existing networks could foreclose the development of new networks. The Notice points out that there are now many more stations available to take the programming of new networks, and that exclusive affiliation may be valuable to networks and affiliates. The Notice proposes to eliminate the rule, at least in large markets. The Notice also questions, however, whether lifting the restriction in small markets might inhibit the development of new television networks in those markets. The Notice seeks comment on these issues and, if the rule is retained for small markets, on the manner in which large/small markets should be defined.

D. Dual Network Rule

15. Section 73.658(g) of the Commission's Rules, 47 C.F.R. 73.658(g), provides that a station may not enter into an agreement with a network that operates more than one broadcast TV network, except if the networks are not operated simultaneously or if there is no substantial overlap in the territories served by each network. The rule was adopted based on the Commission's concern that dual networking might impede the development of new networks and might confer undue market power on one entity.

16. The Notice observes that the increase in the number of stations since the rule was adopted has provided greater opportunity for new networks to develop, and notes that dual networking could provide networks with economies of scale and scope. The Notice also expresses concern, however, that permitting merger of the existing major networks could lead to excessive concentration of market power. The Notice seeks comment on these issues. It also seeks comments on the effects of technological advances that will facilitate digitization of the broadcast industry, and how the use of multiple channels by broadcasters would implicate the dual network rule.

E. Network Territorial Exclusivity Rule

17. Section 73.658(b) of the Commission's Rules, 47 C.F.R.

73.658(b), prohibits a station from entering into an agreement with a network that prevents (1) another station located in the same community of license from broadcasting those network programs not taken by the network affiliate; and (2) another station located in a different community of license from broadcasting any of the network's programs. The rule provides that it is permissible for a network affiliate to have the ''first call'' within its community on programming offered by the network. Similar rules for radio are included in § 73.132 of the Commission's Rules, 47 C.F.R. 73.132.

18. The Notice proposes to eliminate the first prong of the rule but to retain and possibly modify the second prong. Elimination of the first prong could be valuable to networks and affiliates and would appear to have few, if any, negative effects. With respect to the second prong, however, elimination would appear to have no efficiency benefits and could deprive an entire local population of a network's programming. The Commission seeks comment on these proposals. While the Commission proposes to retain prong two, it asks commenters to address the relative costs and benefits of expanding the permissible area for territorial exclusivity from a station's community of license to its DMA, Grade B contour, or some other measure.

V. Cumulative Effects

19. The Commission asks commenters to address the cumulative effects of the rule changes proposed in the Notice. The Commission notes that changes to the right to reject rule, the time option rule and the exclusive affiliation rule must be carefully coordinated, because these rules have a common focus and are closely interrelated in that they all regulate the restraints a network may impose on its affiliates' program choices. For example, the Commission notes that in proposing to retain the right to reject rule it proposes to preserve the most explicit protection of an affiliate's control over program choice. In seeking comment on the cumulative effects of the proposals, then, one of the primary questions is whether modification of the time option rule and elimination of the exclusive affiliation rule would undercut the explicit protections left by the right to reject rule.

20. The Commission also questions whether its proposals for the first three rules would have any significant cumulative effects on the dynamics of the network/affiliate relationship. By comparing the current programming practices of network owned stations and those of independently owned affiliates, the Commission may be able to discern whether the safeguards now embodied by the right to reject, time option and exclusive affiliation rules have produced a measurable degree of programming autonomy on the part of the independently owned affiliates. The Notice asks commenters to submit studies setting forth such a comparison. Once the Commission has information on the type and degree of autonomous affiliate behavior, it will be in a better position to assess the relative value of each of these rules, how they act in concert and whether its proposals as a whole would yield results that would best serve the public interest.

21. The fourth rule, which restricts dual networking, can operate in concert with the exclusive affiliation rule to prevent market foreclosure by established networks to new networks. Consequently, the Notice seeks comment on the joint effects of changing these two rules on entry by new networks.

22. The Commission welcomes any additional comment regarding the cumulative effect of its proposals on consumer welfare generally, and on the historical foci of the rules at issue here—*i.e.*, the development of new broadcast networks and licensee control over station operations. With respect to consumer welfare, the Commission notes that there has been some discussion in the academic literature that identifies a correlation between the types of restraints on exclusivity and their cumulative effects on consumer welfare. For example, one publication asserts that, in certain settings, the ability to enter into exclusive dealing arrangements with multiple parties in the same market, coupled with the opportunity to reach territorial exclusivity agreements, may reduce consumer welfare. See T. Gabrielsen and L. Sorgard, Vertical Restraints and Interbrand Competition (Center for Economic Studies, University of Munich, Working Paper No. 77). The Notice asks commenters to address these theories, as applied to the broadcasting industry.

VI. Administrative Matters

23. *Ex parte Rules—Non-Restricted Proceeding.* This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as provided in the Commission's Rules. See 47 C.F.R. 1.1202, 1.1203, 1.1206.

24. *Comment Information.* Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's Rules, interested parties may file comments on or before August 28, 1995, and reply comments on or before September 27, 1995. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

VII. Initial Regulatory Flexibility Analysis

25. *Reason for the Action:* This proceeding was initiated to review and update the Commission's rules regarding network/affiliate relationships with respect to programming.

26. *Objective of this Action:* The actions proposed in the *Notice* are intended to eliminate or modify the network/affiliate rules regarding programming to enable broadcast television networks and affiliates to better serve the public by enabling them to adjust to the changing communications marketplace.

27. *Legal Basis:* Authority for the actions proposed in this Notice may be found in Sections 4 and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154, 303.

28. *Reporting, Recordkeeping and Other Compliance Requirements Inherent in the Proposed Rule:* None.

29. *Federal Rules Which Overlap, Duplicate or Conflict with the Proposed Rule:* None.

30. *Description, Potential Impact and Number of Small Entities Involved:* Approximately 1,500 existing television broadcasters of all sizes may be affected by the proposals contained in this Notice.

31. *Any Significant Alternatives Minimizing the Impact on Small Entities and Consistent with the Stated Objectives:* The proposals contained in this Notice are meant to simplify and ease the regulatory burden currently placed on broadcast television stations of all sizes.

32. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared the foregoing Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *notice*, but they must have a separate and distinct heading designating them as responses to the Regulatory Flexibility Analysis. The Secretary shall send a copy of this notice of proposed rule making, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act (Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. Section 601 *et seq.* (1981)).

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–16640 Filed 7–6–95; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 95–101, RM–8646]

Radio Broadcasting Services; Viola, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Fulton County Broadcasters, requesting the allotment of FM Channel 232C3 to Viola, Arkansas, as that community's first local aural transmission service. Coordinates used for this proposal are 36–19–00 and 91–57–00.

DATES: Comments must be filed on or before August 21, 1995, and reply comments on or before September 5, 1995.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: William J. Pennington, III, Esq., 5519 Rockingham Road-East, Greensboro, NC 27407.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 95–101, adopted June 14, 1995, and released June 29, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–16644 Filed 7–6–95; 8:45 am]

BILLING CODE 6712–01–F

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47 CFR Part 73

[MM Docket No. 95–96, RM–8645]

Radio Broadcasting Services; Lakeview, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Dale Hendrix, requesting the allotment of FM Channel 228C3 to Lakeview, Arkansas, as that community's first local aural transmission service. Coordinates used for this proposal are 36–25–27 and 92–34–25.

DATES: Comments must be filed on or before August 21, 1995, and reply comments on or before September 5, 1995.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: William J. Pennington, III, Esq., 5519 Rockingham Road-East, Greensboro, NC 27407.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 95–96, adopted June 12, 1995, and released June 29, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–16647 Filed 7–6–95; 8:45 am]

BILLING CODE 6712–01–F

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47 CFR Part 73

[MM Docket No. 95–97, RM–8651]

Television Broadcasting Services; Tazewell, TN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by James F. Stair, II, proposing the allotment of UHF TV Channel 48 to Tazewell, Tennessee. Channel 48 can be allotted to Tazewell

consistent with the minimum distance separation requirements of Sections 73.610 and 73.698 of the Commission's Rules with a plus offset and a site restriction of 1.9 kilometers (1.2 miles) west. The coordinates for Channel 48+ are 36–27–32 and 83–35–07. The proposed allotment at Tazewell is not affected by the temporary freeze on new television allotments in certain metropolitan areas. It is also proposed to change the offsets designation for Channel 48 at Greenwood, South Carolina, and Channel 48 at Columbus, Georgia.

DATES: Comments must be filed on or before August 21, 1995, and reply comments on or before September 5, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James F. Stair, II, 2424 Bainbridge Way, Powell, Tennessee 37849 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 95–97, adopted June 13, 1995, and released June 29, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–16643 Filed 7–6–95; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Denial of Petition for Rulemaking; Federal Motor Vehicle Safety Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies a petition from Mr. Charles Smyth for rulemaking to require the use of Daytime Running Lights (DRLs) on all vehicles in America. The agency does not have the authority to require retrofitting of vehicles in use, and the issue of mandatory DRLs on new motor vehicles has been considered by the agency on numerous occasions and is still under consideration. Federal Motor Vehicle Safety Standard No. 108; ''Lamps, Reflective Devices and Associated Equipment,'' was amended in 1993 to permit new vehicles to be equipped with DRLs and to assure that if used, they cause no safety problems. Canada mandated DRLs on all new passenger cars, multipurpose vehicles, buses and trucks manufactured for sale after December 1, 1989. General Motors (GM), SAAB, Volvo, and Volkswagen have begun to market DRL equipped vehicles in the United States (U.S.). NHTSA is monitoring Canadian U.S. crash data to evaluate the benefit of DRL use in the U.S. Should the safety experience demonstrate that DRLs are cost-effective safety devices, NHTSA would consider mandating them.

FOR FURTHER INFORMATION CONTACT: Mr. Jere Medlin, Office of Rulemaking, NHTSA, 400 Seventh Street SW., Washington, DC 20590. Mr. Medlin's telephone numbers are: (202) 366–5276; FAX (202) 366–4329.

SUPPLEMENTARY INFORMATION: By a letter dated February 17, 1995, Mr. Charles Smyth petitioned the agency to require the use of DRLs on all cars in America. Mr. Smyth stated that SAAB cars have had DRLs since 1968 and that Sweden made them mandatory in 1977. He also stated that Volvo had made DRLs standard on its 1995 cars. Mr. Smyth stated that Transport Canada had just completed a study that showed an 8.3% reduction of two-vehicle, opposing-direction, daytime collisions by comparing the crash experience of vehicle model years before and after the DRL legislation (mandate) in Canada. Mr. Smyth claims other studies have shown reductions in crashes among vehicles where DRLs have been used and that the growing support for DRLs is overwhelming. However, Mr. Smyth did not provide any analysis of the potential benefits of DRLs in U.S. driving situations in his petition nor did he consider the cost to the public of such a decision.

NHTSA has investigated the use of ''lamps on'' to improve highway safety. The use of DRLs, headlamps or other lamps on the front of the vehicle during the daytime makes vehicles more visible. NHTSA has tested DRLs, in white and amber colors, with intensities ranging from as bright as turn signal lamps to brighter than lower beam headlamps. These lamps operate automatically with the ignition switch, with no other lamps being illuminated. NHTSA has carefully analyzed DRL studies from around the world for the effectiveness of automotive DRLs in reducing crashes. The agency has not yet found any studies that have shown conclusively that DRLs would be effective in reducing the number of crashes in the U.S.

A 1990 study by the Netherlands TNO Institute for Perception titled ''Daytime Running Lights: A Review of Theoritical Issues and Evaluation Studies'' concluded that there is no unequivocal evidence of an effect of DRL on accident rates. Most of these former DRL studies had statistical or methodological shortcomings such that their value to NHTSA in evaluating DRL use in the U.S. was limited. Michael Perel reviewed previous DRL studies in ''Evaluation of the Conspicuity of Daytime Running Lights,'' *Auto & Traffic Safety,* Summer 1991, Vol. 1 No. 1, National Highway Traffic Safety Administration Document No. DOT–HS–807–755. Perel found that flaws such as collecting data only during twilight-viewing conditions, too few subjects for statistical validity, unintended bias introduced by failure to randomize DRL application between study groups, comparing non-comparable groups, and subjective measurement/observer bias influences, existed in these studies. Perel noted that the Netherlands postponed a planned regulation of DRLs because of criticism of past studies. Additionally, Perel stated that whether flawed or not, many

of the studies were limited because of their low relevance to the U.S. regarding the driving environment, including ambient light level differences, greater proportions of pedestrian and cyclist crashes in the study countries, and effects voluntary usage.

NHTSA has received the Transport Canada DRL report and the agency is still analyzing it. It provides a positive look at a narrow range of crashes that are susceptible to the DRL solution. More information is expected from Canada which will provide a view of DRL effect on all types of crashes. When recieved, it may provide a valuable resource for determining the value of DRLs in the U.S.

Because NHTSA has not yet been able to show a national safety benefit from the use of DRLs, a regulation mandating the installation and activation of any type of daytime lamp is not appropriate at this time. The agency does know, however, that DRLs improve a vehicle's frontal conspicuity in low to moderate ambient daylight illumination typical of more northern latitudes than those of the U.S. In 1990, GM petitioned the agency to change the lighting safety standards to explicitly permit but not mandate DRLs. As a result of GM's petition, Standard No. 108 was changed to permit certain kinds of DRLs which do not exhibit disbeneficial performance such as turn signal masking or glare in mirrors. GM has decided to provide DRLs on the 1995 Geo Metro, Chevrolet S10 pickup and the Corsica and Beretta intended for the U.S. market and plans to increase model coverage over the next few years. VW's Jetta III, Golf III and GTI car lines also have DRLs as standard equipment. SAAB and Volvo have DRLs available, but installation and use are optional depending on the models. The agency hopes to be able to monitor the safety experience of those vehicles with full model year DRLs installations to determine whether the mandatory installation and activation of DRLs in the U.S. would be cost beneficial to the public.

In evaluating whether to mandate DRLs, the agency must consider both potential benefits and costs. The costs of mandatory installation and activation of DRLs would be decreased fuel economy and increased vehicle purchase cost from the added wiring and switching devices. Additionally, depending on the manner in which the DRLs are implemented, headlamp burnout could increase. The benefits could include a decrease in the number of crashes, with accompanying reductions in casualties and crash repair costs. While the agency continues its analysis of this issue, it is inappropriate to commence a rulemaking proceeding. Should the analysis indicate significant safety benefits at a reasonable cost, the agency could initiate rulemaking at that time.

In accordance with 49 CFR part 552, this completes the agency's technical review of the petition. The agency has concluded that there is no reasonable possibility that the amendment requested by the petitioner would be issued at the conclusion of the rulemaking proceeding undertaken at this time. Accordingly, it denies Mr. Smyth's petition.

Authority: 49 U.S.C. 30103, 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: June 30, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–16687 Filed 7–6–95; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Public Hearing on Proposed Endangered Status for Three Aquatic Invertebrates in Comal and Hays Counties, Texas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearing.

SUMMARY: The U.S. Fish and Wildlife Service gives notice that a public hearing will be held on the proposed determination of endangered status for three aquatic invertebrates: Peck's cave amphipod (*Stygobromus pecki*), Comal Springs riffle beetle (*Heterelmis comalensis*), and Comal Springs dryopid beetle (*Stygoparnus comalensis*). These species are known only from springs in Comal County and Hays County, Texas, and, in the case of the amphipod and dryopid beetle, the associated aquifer. All interested parties are invited to submit comments on this proposal.

DATES: The public hearing will be held from 6 p.m. to 9 p.m. on July 24, 1995, in New Braunfels, Texas. The comment period on this proposal closes on August 4, 1995. Comments must be postmarked by the closing date to be considered in the final decision on this proposal.

ADDRESSES: The public hearing will be held on July 24, 1995 from 6 p.m. to 9 p.m. at the New Braunfels Civic Center, 380 South Seguin Street, New Braunfels, Texas. Written comments and materials should be sent directly to the Supervisor, U.S. Fish and Wildlife Service, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ruth Stanford, Ecologist, U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, at the above address, telephone: (512) 490–0057.

SUPPLEMENTARY INFORMATION:

Background

The Peck's cave amphipod, Comal Springs riffle beetle, and Comal Springs dryopid beetle are restricted in distribution to spring sites in Comal and Hays counties, Texas, and, in the case of the latter two species, the associated aquifer. Peck's cave amphipod is known from Comal Springs and Hueco Springs, both in Comal County. The Comal Springs riffle beetle is known from Comal Springs and San Marcos Springs (Hays County). The Comal Springs dryopid beetle is known from Comal Springs and Fern Bank Springs (Hays County). The water flowing out of each of these spring orifices comes from the Edwards Aquifer (Balcones Fault Zone—San Antonio Region), which extends from Hays County on the east to Kinney County on the west. Comal Springs are located in Landa Park, which is owned and operated by the City of New Braunfels, and on private property adjacent to Landa Park. Hueco Springs and Fern Bank Springs are located on private property. San Marcos Springs is located on the property of Aquarena Springs, owned by Southwest Texas State University. The primary threat to the habitat of these aquatic invertebrates is a decrease in water quantity and quality as a result of water withdrawal and other activities by humans throughout the San Antonio segment of the Edwards Aquifer.

A proposal of endangered status for these invertebrates was published in the **Federal Register** (60 FR 29537) on June 5, 1995. Section 4(b)(5)(E) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. On June 23, 1995, a request for a public hearing on this proposal was received from Mr. David Langford, Executive Vice President of the Texas Wildlife Association, San Antonio, Texas.

Anyone wishing to make an oral statement for the record is encouraged to provide a copy of his or her statement at the start of the hearing. In the event that there is a large attendance, the time allotted for oral statements may have to be limited. There is, however, no limit to the length of written comments or materials presented at the hearing or mailed to the Service. Oral and written comments receive equal consideration.

The comment period on the proposed rule closes on August 4, 1995. Written comments must be postmarked by August 4, 1995, and sent to the Service office in the **ADDRESSES** section.

Author: The primary author of this notice is Ruth A. Stanford, Austin Ecological Service Field Office, at the above address.

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1361–1407; U.S.C. 1531–1543; 16 U.S.C. 4201–4245; Pub. L. 99–625, Stat. 3500; unless otherwise noted).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and record-keeping requirements, Transportation.

Dated: June 29, 1995.

Joseph P. Mazzoni,

Acting Regional Director.

[FR Doc. 95–16775 Filed 7–6–95; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register

Vol. 60, No. 130

Friday, July 7, 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

Cooperative State Research, Education, and Extension Service

Small Business Innovation Research Grants Program for Fiscal Year 1996; Solicitation of Applications; Correction

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

ACTION: Correction.

SUMMARY: In notice document 95–13002, page 28026, in the issue of Friday, May 26, 1995, make the following correction:

On page 28026 in the second column, the closing date for submission of proposals was previously listed as September 1, 1995. The date should be changed to read September 14, 1995.

Dated: June 30, 1995.

Willaim D. Carlson,

Acting Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 95–16678 Filed 7–6–95; 8:45 am]

BILLING CODE 3410–22–M

Grain Inspection, Packers and Stockyards Administration

Amendment to Certification of Central Filing System—Idaho

The Statewide central filing system of Idaho has been previously certified, pursuant to Section 1324 of the Food Security Act of 1985, on the basis of information submitted by the Idaho Secretary of State, for farm products produced in that State (52 FR 49056, December 29, 1987).

The certification is hereby amended on the basis of information submitted by Pete T. Cenarrusa, Secretary of State, for additional farm products produced in that State as follows:

seed potatoes
row crops for seed

This is issued pursuant to authority delegated by the Secretary of Agriculture.

Authority: Sec. 1324(c)(2), Pub. L. 99–198, 99 Stat. 1535, 7 U.S.C. 1631(c)(2); 7 CFR 2.18(e)(3), 2.56(a)(3), 55 FR 22795.

Dated: June 30, 1995.

Calvin W. Watkins,

Deputy Administrator, Packers and Stockyards Programs.

[FR Doc. 95–16679 Filed 7–6–95; 8:45 am]

BILLING CODE 3410–KD–P

Forest Service

Southwest Oregon Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Southwest Oregon PIEC Advisory Committee will meet on July 20, 1995 at the Holiday Inn Express in Roseburg, Oregon. The meeting will begin at 9:00 a.m. and continue until 5:00 p.m. Agenda items to be covered include: (1) Proposed policy for formation of subcommittees and working groups; (2) Briefing on standards and guides of the President's Forest Plan and needs for change; (3) Briefing on monitoring efforts that are currently in place within the Province Federal Agencies; (4) Briefing on fuel and insect and disease hazards within the Province; (5) Public forum. All Province Advisory Committee meetings are open to the public, interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Chuck Anderson, Province Advisory Committee staff, USDA, Rogue River National Forest, P.O. Box 520, Medford, Oregon 97501, 503–858–2322.

Dated: June 29, 1995.

James T. Gladen,

Forest Supervisor.

[FR Doc. 95–16721 Filed 7–6–95; 8:45 am]

BILLING CODE 3410–11–M

Natural Resources Conservation Service

Sandy Creek Watershed, North Carolina

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of deauthorization of Federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Natural Resources Conservation Service Guidelines (7 CFR 622), the Natural Resources Conservation Service gives notice of the deauthorization of Federal funding for the Sandy Creek Watershed project, Cumberland County, North Carolina effective on June 8, 1995.

FOR FURTHER INFORMATION CONTACT: Richard A. Gallo, State Conservationist, Natural Resources Conservation Service, 4405 Bland Road, Suite 205, Raleigh, NC 27609, telephone: 919/790–2888.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: June 29, 1995.

Richard A. Gallo,

State Conservationist.

[FR Doc. 95–16698 Filed 7–6–95; 8:45 am]

BILLING CODE 3410–16–M

Rural Utilities Service

Lincoln-Pipestone Rural Water System; Announcement of Public Scoping Meetings for Environmental Impact Statement

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of meetings.

SUMMARY: The Rural Utilities Service (RUS), USDA will hold two public scoping meetings in support of the Environmental Impact Statement (EIS) being conducted for the Lincoln-Pipestone Rural Water System (LPRWS) in southwestern Minnesota. The RUS published a Notice of Intent to prepare an Environmental Impact Statement in the Thursday, June 8, 1995, **Federal Register**, 60 FR 30265–66. In that notice it was announced that the dates and locations of the meetings would be published once final arrangements had been made. This information has also been published in a number of weekly and daily newspapers in the areas affected by this action.

DATES: July 18 and 19, 1995, 7–10 p.m.

ADDRESSES: The two meetings will be held on July 18, 1995 in Canby, MN and

July 19, 1995 in Brookings, SD. The Canby meeting will be held at the Canby High School, 307 1st Street West, Canby, Minnesota and the Brookings meeting will be held at the Brookings Holiday Inn Convention Center, 2500 East 6th Street, Brookings, South Dakota.

FOR FURTHER INFORMATION CONTACT: John J. Melbo, USDA, Rural Economic and Community Development Services, 410 AgriBank Building, 375 Jackson Street, St. Paul, MN, 55101–1853, telephone (612) 290–3842 or Mark S. Plank, USDA, Rural Economic and Community Development Services, Rural Utilities Service, Program Support Staff, AG Box 0761, Room 6309, Washington, DC 20250–0761, telephone (202) 720–1640.

Dated: June 30, 1995.

Adam Golodner,

Acting Administrator, Rural Utilities Service.

[FR Doc. 95–16680 Filed 7–6–95; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Dean John A. Knauss Marine Policy Fellowship; Open for Applications

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Dean John A. Knauss Marine Policy Fellowship; Open for Applications.

SUMMARY: In 1979, the National Sea Grant College Program Office (NSGCPO), in fulfilling its broad educational responsibilities, initiated a program to provide educational experience in the policies and processes of the Legislative and Executive Branches of the Federal Government to graduate students in marine related fields. The Fellowship program accepts applications once a year during the month of September. All applicants must submit an application to one of the state Sea Grant College Programs in their area.

FOR FURTHER INFORMATION CONTACT: Dr. Shirley J. Fiske, Director, National Sea Grant Federal Fellows Program, National Sea Grant College Program, 1315 East-West Highway, Silver Spring, Maryland 20910, telephone (301) 713–2431 extension 148 or call your nearest Sea Grant program:

University of Alaska—(907) 474–7086
University of California—(619) 534–4440
University of Connecticut—(203) 445–3457
University of Delaware—(302) 831–2841
University of Florida—(904) 392–5870
University of Georgia—(706) 542–6009
University of Hawaii—(808) 956–7031
University of Illinois—(217) 333–1824
Louisiana State University—(504) 388–6710
University of Maine—(207) 581–1436
University of Maryland—(301) 405–6371
Massachusetts Institute of Technology—(617) 253–7131
University of Michigan—(313) 763–1437
University of Minnesota—(218) 726–8106
Mississippi-Alabama Sea Grant Consortium—(601) 875–9341
University of New Hampshire—(603) 862–3505
New Jersey Marine Science Consortium—(908) 872–1300
State University of New York—(516) 632–6905
University of North Carolina—(919) 515–2454
The Ohio State University—(614) 292–8949
Oregon State University—(503) 737–3396
University of Puerto Rico—(809) 832–3585
Purdue University—(317) 494–3593
University of Rhode Island—(401) 792–6800
South Carolina Sea Grant Consortium—(803) 727–2089
University of Southern California—(213) 740–1961
Texas A&M University—(409) 845–3854
Virginia Graduate Marine Science Consortium—(804) 924–5965
University of Washington—(206) 543–6600
University of Wisconsin—(608) 262–0905
Woods Hole Oceanographic Institute—(508) 457–2000 ext. 2665

SUPPLEMENTARY INFORMATION: Dean John A. Knauss, Marine Policy Fellowship, National Sea Grant College Federal Fellows Program.

Purpose of the Fellowship Program

In 1979, the National Sea Grant College Program (NSGCPO), in fulfilling its broad educational responsibilities, initiated a program to provide educational experience in the policies and processes of the Legislative and Executive Branches of the Federal Government to graduate students in marine related fields. The U.S. Congress recognized the value of this program and in 1987, Pub. L. 100–220 stipulated that the Sea Grant Federal Fellows Program was to be a formal part of the National Sea Grant College Program Act. The recipients are designated Dean John A. Knauss Marine Policy Fellows.

Announcement

Fellows program announcements are sent annually to all participating Sea Grant institutions and campuses by the state Sea Grant Director upon receipt of notice from the National Sea Grant College Program Office (NSGCPO). A brochure describing the program is also available from the NSGCPO for distribution by both that office and the state Sea Grant programs.

Eligibility

Any student who, on September 30th of the year of application, is in a master's, doctoral or professional program in a marine related field from any accredited institution of higher education may apply to the NSGCPO through any state Sea Grant program.

Deadlines

Students must submit applications to the state Sea Grant Director, who will be the applicant's sponsor, by the date set by the Directors in their individual program announcement (usually early to mid-September). Applications are to be submitted to the NSGCPO by the sponsoring state Sea Grant Director, no later than close of business on September 30th of any given year.

The competitive selection process and subsequent notification will be completed by October 31st of any given year.

Stipend and Expenses

For 1996 a Fellow will receive a stipend amount of $30,000.

Application

An application will include:

Personal and academic resume or curriculum vitae.

Personal education and career goal statement which emphasizes expectations from the experience in the way of career development. (not to exceed 2 pages)

No more than two letters of recommendation with at least one being from the student's major professor.

A letter of endorsement from the sponsoring state Sea Grant Director.

Copy of undergraduate and graduate student transcripts. Thesis papers are not desired.

It is our intent that all applicants be evaluated only on their ability, therefore letters of endorsements from members of Congress, friends, relatives or others will not be considered.

Placement preference in the Executive or Legislative Branches of the Government may be stated, and will be honored to the extent possible.

Selection Criteria

The selection criteria will include:

Strength of Academic Performance.

Communications Skills (both written and verbal).

Diversity of Academic Background.

Work Experience.

Support of Major Professor.

Support of Sea Grant Director.

Ability to Work with People.

Selection

Selection of finalists will be made by a panel chaired by the Director of

Federal Fellowships of the NSGCPO and include representation from (1) the Council of Sea Grant Directors, (2) the Office of the Assistant Administrator for Oceanic and Atmospheric Research, and (3) the current and possibly last past group of Fellows. The individuals representative of these groups will be chosen on a year by year basis according to availability, timing, and other exigencies. Selection of finalists by the panel will be done according to the criteria outlined above. After selection, the panel will group applicants into the two categories, legislative and executive, based upon the applicant's stated preference and/or judgment of the panel based upon material submitted. The number of fellows assigned to the Congress will be limited to 10.

Dated: June 29, 1995.

Ned A. Ostenso,

Assistant Administrator, Office of Oceanic and Atmospheric Research.

[FR Doc. 95–16764 Filed 7–6–95; 8:45 am]

BILLING CODE 3510–12–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the People's Republic of China

June 30, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs reducing limits.

EFFECTIVE DATE: July 10, 1995.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6703. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for Categories 314 and 645/646 are being reduced for carryforward used during the previous agreement period.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 59 FR 65531, published on December 20, 1994). Also see 59 FR 65760, published on December 21, 1994.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Memorandum of Understanding dated January 17, 1994, but are designed to assist only in the implementation of certain of its provisions.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 30, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 16, 1994, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textile products, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1995 and extends through December 31, 1995.

Effective on July 10, 1995, you are directed to amend further the directive dated December 16, 1994 to reduce the limits for the following categories, as provided under the terms of the Memorandum of Understanding dated January 17, 1994 between the Governments of the United States and the People's Republic of China:

Category	Adjusted twelve-month limit [1]
Sublevels in Group I:	
314	45,027,013 square meters.
645/646	796,033 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1994.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95–16685 Filed 7–6–95; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Oman

June 30, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing limits.

EFFECTIVE DATE: July 10, 1995.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being increased for carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 59 FR 65531, published on December 20, 1994). Also see 59 FR 65018, published on December 16, 1994.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement and the Memorandum of Understanding dated June 21, 1994, but are designed to assist only in the implementation of certain of their provisions.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 30, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 12, 1994, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable

fiber textile products, produced or manufactured in Oman and exported during the twelve-month period which began on January 1, 1995 and extends through December 31, 1995.

Effective on July 10, 1995, you are directed to amend the directive dated December 12, 1994 to increase the limits for the following categories, as provided under the terms of the current bilateral agreement and the Memorandum of Understanding dated June 21, 1994 between the Governments of the United States and the Sultanate of Oman:

Category	Adjusted twelve-month limit [1]
334/634	166,500 dozen.
335/635	235,320 dozen.
338/339	488,289 dozen.
340/640	235,320 dozen.
341/641	176,490 dozen.
347/348	841,269 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1994.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95–16686 Filed 7–6–95; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the procurement list.

SUMMARY: This action adds to the Procurement List a commodity and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: August 7, 1995.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On July 29, 1994 and April 28, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (59 FR 38585 and 60 FR 20971) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodity and service, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the commodity and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and service to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodity and service.

3. The action will result in authorizing small entities to furnish the commodity and service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and service proposed for addition to the Procurement List. Accordingly, the following commodity and service are hereby added to the Procurement List:

Commodity

Index Sheet Set, Looseleaf Binder
7530–00–160–8477
(Remaining Government Requirement)

Service

Janitorial/Custodial,
U.S. Tax Court,
400 Second Street, NW.,
Washington, DC

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. 95–16767 Filed 7–6–95; 8:45 am]

BILLING CODE 6820–33–P

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: August 7, 1995.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a) (2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and 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 commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and 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 commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Mop, Sponge and Refill
7920–01–383–7799
7920–01–383–7927
NPA: The Lighthouse for the Blind, Inc., Seattle, Washington

Services

Administrative Services, Department of Veterans Affairs Medical Center, San Francisco, California,
NPA: Project HIRED, Inc., Sunnyvale, California
Customer Service Representatives, General Services Administration, Customer Supply and Industrial Products Center, Springfield, Virginia
(Remaining 60% of the Government's requirement)
NPA: Virginia Industries for the Blind, Richmond, Virginia

Beverly L. Milkman,

Executive Director.

[FR Doc. 95–16768 Filed 7–6–95; 8:45 am]

BILLING CODE 6820–33–P

COMPETITIVENESS POLICY COUNCIL

Meeting

ACTION: Notice of forthcoming meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the Competitiveness Policy Council announces a forthcoming meeting.

DATES: July 27; 2:30 p.m. to 6 p.m.

ADDRESSES: Third Floor, 1726 M Street, NW., Suite 300, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Howard Rosen, Executive Director, Competitiveness Policy Council, Suite 300, 1726 M Street, NW., Washington, DC 20036, (202) 632–1307.

SUPPLEMENTARY INFORMATION: The Competitiveness Policy Council (CPC) was established by the Competitiveness Policy Council Act, as contained in the Trade and Competitiveness Act of 1988, Public Law 100–418, sections 5201–5210, as amended by the Customs and Trade Act of 1990, Public Law 101–382, section 133. The CPC is composed of 12 members and is to advise the President and Congress on matters concerning competitiveness of the U.S. economy. The Council's chairman, Dr. C. Fred Bergsten, will chair the meeting.

The meeting will be open to the public subject to the seating capacity of the room. Visitors will be requested to sign a visitor's register.

TYPE OF MEETING: Open.

AGENDA: The Council will discuss its annual report and consider additional business as suggested by its members.

Dated: July 3, 1995.

C. Fred Bergsten,

Chairman, Competitiveness Policy Council.

[FR Doc. 95–16766 Filed 7–6–95; 8:45 am]

BILLING CODE 4739–54–M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 95–C0012]

ABC School Supply, Inc., a Corporation; Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional Acceptance of a Settlement Agreement under the Consumer Product Safety Act.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20(e). Published below is a provisionally-accepted Settlement Agreement with ABC School Supply, Inc., a corporation.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by July 24, 1995.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to Comment 95–C0012, Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Earl A. Gershenow, Trial Attorney, Office of Compliance, Consumer Product Safety Commission, Washington, DC 20207; telephone 301–504–0626.

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.

Dated: June 30, 1995.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

In the Matter of ABC School Supply, Inc., a corporation.

Settlement Agreement and Order

1. ABC School Supply, Inc. (hereinafter, ''ABC School Supply''), a corporation, enters into this Settlement Agreement (hereinafter, ''Agreement'') with the staff of the Consumer Product Safety Commission, and agrees to the entry of the Order described herein. The purpose of the Agreement and Order is to settle the staff's allegations that ABC School Supply knowingly caused the introduction into interstate commerce of certain banned hazardous toys, in violation of section 4(a) of the Federal Hazardous Substances Act, 15 U.S.C. 1263(a), and section 19(a)(2) of the Consumer Product Safety Act, U.S.C. 2068(a)(2).

I. Jurisdiction

2. The Commission has jurisdiction over ABC School Supply and the subject matter of this Settlement Agreement pursuant to section 3(a)(1) of the Consumer Product Safety Act (hereinafter, ''CPSA''), 15 U.S.C. 2051(a)(1), section 30(a) of the CPSA, 15 U.S.C. 2079(a); section 20(a)(1) of the CPSA, 15 U.S.C. 2069(a)(1); and sections 2(f)(1)(D), 4(a), and 5(c) of the Federal Hazardous Substances Act (hereinafter, ''FHSA''), 15 U.S.C. 1261(f)(1)(D), 1263(a), and 1264(c).

II. The Parties

3. The ''staff'' is the staff of the Consumer Product Safety Commission, an independent regulatory commission of the United States established pursuant to section 4 of the CPSA, 15 U.S.C. 2053.

4. ABC School Supply is a corporation organized and existing under the laws of the State of Georgia, since 1952, with its principal corporate offices located at 3312 Berkley Lake Road, Duluth, Georgia 30136. ABC School Supply is an importer and, principally, a mail order distributor of various products, including toys, for sale to schools, churches, kindergartens, and day care enters.

III. Allegations of the State

A. Toys

5. On ten occasions between March 5, 1991, and January 7, 1993, ABC School Supply, Inc. caused the introduction into interstate commerce of 18 kinds of toys consisting of approximately 16,108 units intended for use by children under 3 years of age. These toys are identified and described below:

CPSC samples No.	Product No.	Statute	Description	Ship date(*) Entry date	Quantity
M–830–0925	1901	FHSA	Shovel-Plastic	03/05/91	3888

CPSC samples No.	Product No.	Statute	Description	Ship date(*) Entry date	Quantity
M–830–0926	1940	FHSA	Sand Mill	03/05/91	1200
M–830–0927	1945	FHSA	Water Wheel II	03/05/91	624
M–830–0928	1959	FHSA	Sand-Wheel II	03/05/91	1200
M–830–0942	105–910	FHSA	Delux Alphabet Puzzle with Knobs.	11/29/90	1200
P–830–6102	105–281	FHSA	Uncle Bee The Eagle School Pull Toy.	10/23/91	144
P–830–6205	T–804	FHSA	Baby Car	12/06/91	288
P–830–6327	1940	FHSA	Sand Mill	06/04/92	1632
P–830–6328	1945	FHSA	Water Wheel II	06/04/92	1248
P–830–6329	1959	FHSA	Sand Wheel II	06/04/92	1200
P–830–6330	8102	FHSA	Dump Car	06/04/92	336
P–830–6331	8104	FHSA	Tow Truck	06/04/92	336
P–830–6332	8106	FHSA	Police Car	03/04/92	336
P–830–6333	8107	FHSA	Fire Engine	06/04/92	336
P–830–6334	8105	FHSA	Royal Minimobile Ambulance.	06/04/92	14
P–830–6335	8101	FHSA	Royal Minimobile Sports Car.	06/04/92	336
P–830–6857	67832	FHSA	Li'l Playmates Farm Play Set.	08/31/92	532
R–830–6002	1947	FHSA	Baby Dump Truck	11/30/92(*)	432
R–830–6003	1965	FHSA	Bulldozer	01/07/93(*)	432
R–830–6006	1959	FHSA	Sand Wheel II	01/07/93(*)	300
R–830–6500	KK501WR	FHSA	Little Knob Breakfast Puzzle.	10/01/92	48
R–830–6514	5861	FHSA	Little Driver Toy Steering Wheel and Dash Board.	10/14/92(*)	46

6. The toys identified in paragraph 5 above are subject to, but failed to comply with, the Commission's Small Parts Regulation, 16 CFR Part 1501, in that when tested under the ''use and abuse'' test methods specified in 16 CFR 1500.51 and 1500.52, (a) one or more parts of each tested toy separated and (b) one or more of the separated parts from each of the tested toys fit completely within the small parts test cylinder, as set forth in 16 CFR 1501.4.

7. Because the separated parts fit completely within the test cylinder as described in paragraph 6 above, each of the toys identified in paragraph 5 above presents a ''mechanical hazard'' within the meaning of section 2(s) of the FHSA, 15 U.S.C. 1261(s) (choking, aspiration and/or ingestion of small parts).

8. Each of the toys identified in paragraph 5 above is a ''hazardous substance'' pursuant to section 2(f)(1)(D) of the FHSA, 15 U.S.C. 1261(f)(1)(D).

9. Each of the toys identified in paragraph 5 above is a ''banned hazardous substance'' pursuant to (a) section 2(q)(1)(A) of the FHSA, 15 U.S.C. 1261(q)(1)(A) (any toy or other article intended for use by children which bears or contains a hazardous substance); and (b) 16 CFR 1500.18(a)(9).

10. ABC School Supply knowingly caused the introduction into interstate commerce of the aforesaid banned hazardous toys, in violation of section 4(a) of the FHSA, 15 U.S.C. 1263(a), for which a civil penalty may be imposed pursuant to section 5(c) of the FHSA, 15 U.S.C. 1264(c).

B. Lead-Containing Toys

11. On three occasions between January 3, 1992, and August 24, 1992, ABC School Supply caused the introduction into interstate commerce of 6 kinds of lead-containing toys consisting of approximately 4,173 units intended for use by children under 3 years of age. These toys are identified and described below:

CPSC sample No.	Product No.	Statute	Description	Ship Date(*) Entry date	Quantity
P–830–6122	025–261	CPSC	Mini Traffic Sign Set	02/07/92	1200
P–830–6123	429–806	CPSC	Color Stacking Disks	02/07/92	385
P–830–6220	109–441	CPSC	Fruit Play Set	01/03/92	288
P–830–6221	109–442	CPSC	Vegetable Play Set	01/03/92	600
P–830–6222	109–437	CPSC	Desc. Geometrical Pegboard.	01/03/92	1200
P–830–6340	002–455	CPSC	Numerical Blocks	08/24/92(*)	500

12. The lead-containing toys identified in paragraph 11 above were subject to, but failed to comply with the Commission's Ban on Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint, 16 CFR Part 1303, promulgated pursuant to sections 8 and 9 of the CPSA, 15 U.S.C. 2057 and 2058, in that each of those toys contained lead in excess of 0.06 percent.

13. ABC School Supply knowingly caused the introduction into interstate commerce of the banned hazardous toys identified in paragraph 11 above, in violation of section 19(a)(2) of the CPSA, 15 U.S.C. 2068(a)(2), for which a

civil penalty may be imposed pursuant to section 20(a)(1) of the CPSA, 15 U.S.C. 2069(a)(1).

IV. Response of ABC School Supply, Inc.

14. ABC School Supply denies the allegations of the staff set forth in paragraphs 5 through 13 above that it has knowingly caused the introduction into interstate commerce of banned hazardous toys in violation of the FHSA, or that it has knowingly caused the introduction into commerce of banned hazardous toys in violation of the CPSA, as alleged by the staff.

V. Agreement of the Parties

15. The Consumer Product Safety Commission has jurisdiction over ABC School Supply and the subject matter of this Settlement Agreement and Order under the following acts: Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.*, and the Federal Hazardous Substances Act, 15 U.S.C. 1261 *et seq.*

16. Upon final acceptance by the Commission of this Settlement Agreement and Order, the Commission shall issue the attached Order incorporated herein by this reference.

17. The Commission does not make any determination that ABC School Supply knowingly violated the FHSA or the CPSA. The Commission and ABC School Supply agree that this Agreement is entered into for the purposes of settlement only.

18. Upon final acceptance of this Settlement Agreement by the Commission and issuance of the Final Order, ABC School Supply knowingly, voluntarily and completely waives any rights it may have in this matter (1) to an administrative or judicial hearing, (2) to judicial review or other challenge or contest of the validity of the Commission's actions, (3) to a determination by the Commission as to whether ABC School Supply failed to comply with the FHSA and the CPSA as aforesaid, and (4) to a statement of findings of fact and conclusions of law.

19. For purposes of section 6(b) of the CPSA, 15 U.S.C. 2055(b), this matter shall be treated as if a complaint had issued; and, the Commission may publicize the terms of the Settlement Agreement and Order.

20. Upon provisional acceptance of this Settlement Agreement and Order by the Commission, this Settlement Agreement and Order shall be placed on the public record and shall be published in the **Federal Register** in accordance with the procedures set forth in 16 CFR 1118.20(e)–(h). If the Commission does not receive any written request not to accept the Settlement Agreement and Order within 15 days, the Settlement Agreement and Order will be deemed finally accepted on the 16th day after the date it is published in the **Federal Register**.

21. The parties further agree that the Commission shall issue the attached Order incorporated herein by reference; and that a violation of the Order shall subject ABC School Supply to appropriate legal action.

22. Agreements, understandings, representations, or interpretations made outside of this Settlement Agreement and Order may not be used to vary or to contradict its terms.

23. The provisions of the Settlement Agreement and Order shall apply to ABC School Supply, Inc. and each of its successors and assigns.

Order

In the Matter of ABC SCHOOL SUPPLY, INC., a corporation.

Upon consideration of the Settlement Agreement entered into between respondent ABC School Supply, Inc., a corporation, and the staff of the Consumer Product Safety Commission; and the Commission having jurisdiction over the subject matter and ABC School Supply, Inc.; and it appearing that the Settlement Agreement and Order is in the public interest, it is

Ordered, that the Settlement Agreement and Order be and hereby is accepted, as indicated below; and it is

Further Ordered, that upon final acceptance of the Settlement Agreement and Order, ABC School Supply, Inc. shall pay to the Commission a civil penalty in the amount of Forty-Five Thousand and 00/100 Dollars ($45,000.00) in three payments: Twenty-Five Thousand and 00/100 Dollars $25,000.00) within twenty (20) days after service on ABC School Supply, Inc. of the Final Order accepting the Settlement Agreement, Ten Thousand and 00/100 Dollars ($10,000.00) within one year from the date of this first payment, and Ten Thousand Dollars and 00/100 ($10,000.00) within two years from the date of the first payment. Payment of the full amount of the civil penalty shall settle fully the staff's allegations set forth in paragraphs 5 through 13 of the Settlement Agreement and Order that ABC School Supply, Inc. violated the FHSA. Upon failure by ABC School Supply to make payment or upon the making of a late payment by ABC School Supply (a) the entire amount of the civil penalty shall be due and payable, and (b) interest on the outstanding balance shall accrue and be paid at the federal legal rate of interest under the provisions of 28 U.S.C. 1961(a) and (b).

Provisionally accepted and Provisional Order issued on the 30th day of June, 1995.

By Order of the Commission.

Sayde E. Dunn,

Secretary, Consumer Product Safety Commission.

Finally accepted and Final Order issued on the _____ day of _____, 1995.

By order of the Commission.

Sayde E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 95–16634 Filed 7–6–95; 8:45 am]

BILLING CODE 6355–01–M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Availability of Funds for Evaluation Training and Technical Assistance

AGENCY: Corporation for National and Community Service.

ACTION: Notice of availability of funds.

SUMMARY: The Corporation for National Service (the Corporation) announces the availability of up to $1.5 million for an evaluation training and technical assistance (T/TA) program. A single award will be made. The successful applicant will be responsible for providing evaluation training and technical assistance to AmeriCorps*National and AmeriCorps*State and Learn & Serve America: Higher Education programs. This program is subject to the availability of funds.

DATES: Application materials will be available beginning on Friday, July 7, 1995. Deadline for submission of applications is 3:00 P.M. Eastern Standard Time on Friday, August 11, 1995.

ADDRESSES: Applications must be submitted to: Corporation for National Service, 1201 New York Avenue NW, Ninth Floor, Washington, D.C. 20525, Attention: Patricia L. Holliday. Applications may not be submitted by facsimile. This notice may be requested in an alternative format for the visually impaired.

FOR FURTHER INFORMATION CONTACT: To obtain applications, contact the Corporation in writing via facsimile at (202) 565–2786. For further information, contact Patricia L. Holliday, Grants and Contracts Officer, at (202) 606–5000, ext. 187.

SUPPLEMENTARY INFORMATION:

Background

The Corporation is a federal government corporation that engages

Americans of all ages and backgrounds in community-based service. This service addresses the nation's education, public safety, human, and environmental needs to achieve direct and demonstrable results. In doing so, the Corporation fosters civic responsibility, strengthens the ties that bind us together as a people, and provides educational opportunity for those who make a substantial commitment to service.

Pursuant to the National and Community Service Act of 1990, as amended, the Corporation ''shall provide . . . for the continuing evaluation'' of its programs. 42 U.S.C. Sec. 12639. Through a cooperative agreement, the Corporation will make one award to provide evaluation training and technical assistance to AmeriCorps*National and & *State and Learn & Serve America: Higher Education programs. The Corporation anticipates that in program year 1995–96, there will be up to 450 AmeriCorps grant programs serving through over 1100 operating sites. The Corporation also anticipates that in program year 1995–96 there will be up to 116 Learn & Serve America: Higher Education grantees. Some of the grantees will make subgrants, so there may be approximately 250 local programs (local programs are generally located at the college/university level).

Period of Support

The cooperative agreement period will be approximately 18 months, with implementation beginning approximately in late September 1995, with the possibility of renewal.

Eligible Applicants

Applicants must be a non-profit organization, an educational institution, or a for-profit organization.

Program Elements

The required work will include, but will not be limited to:

1. Helping programs create outcome-oriented community service and participant development objectives;
2. Helping programs create and use systems for keeping track of numbers of service recipients (e.g., number of people tutored) and numbers or volumes of services (e.g., number of hours of tutoring, miles of trail cleared, etc.);
3. Helping programs develop and employ strategies for assessing the impact of their services (e.g., improved reading skills, increased civic responsibility);
4. Helping programs collect and use stakeholder feedback;
5. Helping programs analyze and make use of their evaluation efforts;
6. Helping State Commissions and national non-profit ''parent-organization'' develop evaluations and evaluation infrastructure.

Corporation Involvement

Substantial involvement is expected between the Corporation and the successful applicant when carrying out the program. The applicant must keep relevant Corporation staff informed of its activities; work with Corporation staff during development, delivery and assessment of training; and attend meetings and conferences at the Corporation's request.

Overview of Application Requirements

Application requirements will be set forth in detail in the application materials. Each applicant must submit one original and three copies of its application package. The requirements will include a completed application form, a narrative section, an implementation timeline, a staffing plan, a description of how instrumentation and methodology will be catalogued, a self-assessment plan, budget information, certifications and assurances pertaining to recipients of federal funding.

Application Review

Initially all applications will be reviewed to confirm that the applicant is an eligible recipient and to ensure that the application complies with the application instructions and contains all the information required. The Corporation will assess applications based on the criteria listed below (in descending order of importance):

(1) Quality

(2) Organizational Capacity

(3) Coordination Plans

(4) Evaluation Design and Documentation Plans

(5) Knowledge and Understanding of AmeriCorps Local Evaluation Requirements

(6) Proposed Costs

Dated: July 3, 1995.

Terry Russell,

General Counsel, Corporation for National Service.

[FR Doc. 95–16770 Filed 7–6–95; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Logistics Modernization

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Science Board Task Force on Logistics Modernization will meet in open session on July 26, 1995 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition & Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense.

Persons interested in further information should call LTC Kerry M. Brown at (703) 697–7980.

Dated: June 30, 1995.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–16652 Filed 7–6–95; 8:45 am]

BILLING CODE 5000–04–M

Performance Review Board; Office of the Inspector General, Department of Defense

ACTION: Notice.

Derek J. Vander Schaaf—Deputy Inspector General, OIG, DOD
Russell A. Rau—Director, Financial Management Directorate, Office of the Assistant Inspector General for Auditing, OIG, DOD
David A. Brinkman——Assistant Inspector General for Analysis and Followup, OIG, DOD
Donald E. Davis—Assistant Inspector General for Audit Policy and Oversight, OIG, DOD
David K. Steensma—Deputy Assistant Inspector General for Auditing, OIG, DOD
Robert J. Lieberman—Assistant Inspector General for Auditing, OIG, DOD
Nicholas T. Lutsch—Assistant Inspector General of Administration and Information Management, OIG, DOD
Donald Mancuso—Assistant Inspector General for Investigations, OIG, DOD
Donald E. Reed—Director, Acquisition Management Directorate, Office of the Assistant Inspector General for Auditing, OIG, DOD
William G. Dupree—Deputy Assistant Inspector General for Investigations, OIG, DOD
Stephen A. Whitlock—Director, Inspections Directorate, Office of the

Assistant Inspector General for Inspections, OIG, DOD
Frank Broome—Deputy Assistant Inspector General for Administration and Information Management
Paul J. Granetto—Director, Contract Management Directorate, Office of the Assistant Inspector General for Auditing, OIG, DOD
Michael B. Suessmann—Assistant Inspector General for Departmental Inquiries
Shelton R. Young—Director, Logistics and Support Directorate, Office of the Assistant Inspector General for Auditing, OIG, DOD
John F. Keenan—Director, Investigative Operations, Office of the Assistant Inspector General for Investigations, OIG, DOD
Joel Leson—Assistant Inspector General for Criminal Policy and Oversight, OIG, DOD
Michael G. Huston—Director, Audit Planning and Technical Support Directorate, Office of the Assistant Inspector General for Auditing OIG, DOD
John C. Speedy III—Deputy Assistant Inspector General for Program Evaluation, Office of the Assistant Inspector General for Inspections, OIG, DOD
John C. Layton—Inspector General, Department of Energy
Patricia Dalton—Deputy Inspector General, Department of Labor
James A. Renick—Senior Deputy Inspector General, Federal Deposit Insurance Corp.
Harold W. Geisel—Deputy Inspector General, Department of State

Dated: June 30, 1995.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–16651 Filed 7–6–95; 8:45 am]

BILLING CODE 5000–04–M

Department of the Army

Intent To Prepare a Draft Environmental Impact Statement for Wetland Restoration Along Portions of the Pearl River and Holmes Bayou, Mississippi and Louisiana

AGENCY: U.S. Army Corps of Engineers, Vicksburg District, DOD.

ACTION: Notice of intent.

SUMMARY: The proposed action would improve low flows within the Pearl River and Holmes Bayou to sustain and restore adjacent wetlands. Project authority is Section 307(d) of the Water Resources Development Act of 1990. The study area includes portions of Pearl River County, Mississippi, and St. Tammany Parish, Louisiana.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Young (telephone (601) 631–5960), U.S. Army Engineer District, Vicksburg, ATTN: CELMK–PD–Q, 2101 North Frontage Road, Vicksburg, Mississippi 39180–5191.

SUPPLEMENTARY INFORMATION: 1. Proposed Action: During Low-flow conditions, Wilson Slough captures most of the flow from the Peal River. Currently, a 3-mile segment of the Pearl River ecosystem in the vicinity of Walkiah Bluff is severely impacted by low-flow conditions. Wetlands associated with approximately 22 miles of the Pearl River and Holmes Bayou below Wilson Slough would be adversely impacted if Wilson Slough captures the remaining flow. The proposed action would improve low flows within the Pearl River and Holmes Bayou to sustain and restore this wetland ecosystem.

2. Alternatives: An array of alternatives, including no-action and structural measures, will be formulated and evaluated.

3. a. A scoping meeting will be held in July 1995. A public notice will be published to inform the general public of the location, time, and date of the scoping meeting. All affected Federal, state, and local agencies and interested private organizations and groups will be invited to participate

b. The Environmental Protection Agency; U.S. Fish and Wildlife Service; Mississippi Department of Wildlife, Fisheries and Parks; Mississippi Department of Environmental Quality; Louisiana Department of Wildlife and Fisheries; and Louisiana Department of Environmental Quality will be invited to participate as cooperating agencies

4. A Draft Environmental Impact Statement will be available for review by the general public in June 1996.

Gregory D. Showalter,

Army Federal Register, Liaison Officer.

[FR Doc. 95–16699 Filed 7–6–95; 8:45 am]

BILLING CODE 3710–PU–M

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 the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before August 7, 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, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, SW., Room 5624, Regional Office Building 3, Washington, DC 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 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public 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 of the Information Resources Group, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: June 30, 1995.

Gloria Parker,

Director, Information Resources Group.

Office of Postsecondary Education

Type of Review: Extension.
Title: Physician's Certification of Borrower's Total and Permanent Disability.
Frequency: One Time.

Affected Public: Individual or households.
Reporting Burden:
Responses: 2652.
Burden Hours: 1,326.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: The ED Form 1172 is submitted by medical authorities on behalf of borrowers who have a Family Federal Education Loan. The form is submitted when the borrower has a desire to have the balance of the loan cancelled due to total and permanent disability.

Office of Educational Research and Improvement

Type of Review: New.
Title: Early Childhood Longitudinal Study Pilot Tests and Field Test Clearance.
Frequency: One Time.
Affected Public: Individual or households; Business or other for-profit; Not for profit institutions; Farms; Federal Government; State, Local or Tribal Government.
Reporting Burden:
Responses: 6145.
Burden Hours: 5,937.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: NCES requests a 3-year generic clearance from OMB to conduct developmental and design activities that will culminate in instruments that measure cognitive outcomes as well as the factors that affect learning outcomes in young children. Kindergarten and Head Start enrollee cohorts are involved.

Office of Chief Financial Officer

Type of Review: New.
Title: Evaluation of State Set-Asides for Gateways and SLRC's.
Frequency: One time.
Affected Public: State, Local or Tribal Government.
Reporting Burden:
Responses: 225.
Burden Hours: 354.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This study will conduct mail surveys in the 50 states to collect information on implementation of State Literacy Resource Centers and locally operated Gateway Grant programs. The Department will use the information to make decisions regarding assistance needed to ensure the quality and successful outcomes of program-sponsored activities and services.

[FR Doc. 95–16667 Filed 7–6–95; 8:45 am]
BILLING CODE 4000–01–M

21st Century Community Learning Centers

AGENCY: Department of Education.

ACTION: Notice inviting applications for new awards and notice of final priority for fiscal year (FY) 1995—Correction.

On June 9, 1995, the Assistant Secretary for Educational Research and Improvement published in the **Federal Register** a notice inviting applications for new awards (60 FR 30756) and a notice of final priority (60 FR 30757) for FY 1995 for the 21st Century Community Learning Centers Program. On June 16, 1995 (60 FR 31706), the Assistant Secretary published a notice amending these notices.

The purpose of this notice is to withdraw the notice of final priority and to extend the closing date for applications for new awards from July 25, 1995, to August 7, 1995. This action is taken to broaden eligibility to all rural and inner city public elementary and secondary schools or consortia of schools.

FOR FURTHER INFORMATION CONTACT: Seresa Simpson, U.S. Department of Education, 555 New Jersey Avenue, N.W., 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.

Program Authority: 20 U.S.C. 8241–8246.

(Catalog of Federal Domestic Assistance Number 84.287, 21st Century Community Learning Centers Program.)

Dated: July 3, 1995.

Sharon P. Robinson,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 95–16760 Filed 7–6–95; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Voluntary Reporting of Greenhouse Gases; New Form EIA–1605

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of new Form EIA–1605, ''Voluntary Reporting of Greenhouse Gases,'' and its short version, Form EIA–1605EZ.

SUMMARY: The Energy Information Administration (EIA) developed these greenhouse gas forms pursuant to section 1605(b) of the Energy Policy Act of 1992 (Public Law 102–486, 42 U.S.C. 13385) to reflect the guidelines set forth in Voluntary Reporting of Greenhouse Gases under Section 1605(b) of the Energy Policy Act of 1992: General Guidelines and Supporting Documents (DOE/PO–0028). These forms are designed to collect voluntarily reported data on greenhouse gas emissions, achieved reductions of these emissions, and increased carbon fixation. Further, the forms support the Climate Change Action Plan by collecting information on commitments to reduce greenhouse gas emissions and to sequester carbon in future years, including the progress made toward meeting those commitments. The Office of Management and Budget approved these forms on May 26, 1995 (OMB No. 1905–0194).

You may wish to participate in the program to: (1) establish a public record of your emissions and reductions for any year from 1987 onwards; (2) demonstrate progress toward meeting commitments made under voluntary programs to reduce emissions of greenhouse gases; (3) inform the public about greenhouse gas emissions and reduction strategies; and (4) contribute to educational exchanges on the most effective ways to reduce emissions of greenhouse gases. In addition to publishing an annual review of the reports submitted, EIA will establish a publicly-available database of the information reported that will serve as a clearinghouse of information and case studies.

FOR FURTHER INFORMATION CONTACT: Forms are available in paper or diskette format. Interested parties can request copies of the forms and instructions or additional information by calling 1–800–803–5182 or e-mailing internet address: infoghg@eia.doe.gov. Written requests can also be directed to Mr. Arthur Rypinski, U.S. Department of Energy, Energy Information Administration, EI–81, Voluntary Greenhouse Gases Reporting Program, 1000 Independence Ave. SW, Washington, DC 20585.

Statutory Authority: Paperwork Reduction Act of 1995 (Pub. L. No. 104–13) which amended Chapter 35 of Title 44 United States Code [See 44 U.S.C. 3501 and 3504].

Issued at Washington, DC July 3, 1995.

Yvonne M. Bishop,

Director, Office of Statistical Standards, Energy Information Administration.

[FR Doc. 95–16726 Filed 7–6–95; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. EC95–13–000, et al.]

Virginia Electric and Power Company, et al.; Electric Rate and Corporate Regulation Filings

June 30, 1995.

Take notice that the following filings have been made with the Commission:

1. Virginia Electric and Power Company

[Docket No. EC95–13–000]

Take notice that on June 19, 1995, Virginia Electric and Power Company (Applicant) filed an application pursuant to § 203 of the Federal Power Act with the Federal Energy Regulatory Commission for authorization to enter into a Bill of Sale with the Rappahannock Electric Cooperative (REC) by which Applicant will sell and REC will purchase various electrical facilities located within Culpeper County, Virginia. The purchase price is $423,213.

Applicant is incorporated under the laws of the State of Virginia with its principal business office at Richmond, Virginia and is qualified to transact business in the states of Virginia and North Carolina. Applicant is engaged, among other things, in the business of generation, distribution and sale of electric energy in substantial portions of the states of Virginia and northeastern North Carolina.

Applicant represents that the proposed sale of these facilities will facilitate the efficiency and economy of operation and service to the public by allowing REC to utilize the facilities, now owned by the Applicant, to provide electric service to REC's customers.

Comment date: July 14, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. Cenergy, Inc.

[Docket No. ER94–1402–002]

Take notice that on June 19, 1995, Cenergy, Inc. (Cenergy) tendered for filing a letter informing the Commission that Northern States Power Company, Cenergy's parent company, and Wisconsin Energy Corporation announced that they have signed a definitive merger agreement.

Comment date: July 14, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. Wilson Power & Gas Smart, Inc.

[Docket No. ER95–751–001]

Take notice that on June 9, 1995, Wilson Power & Gas Smart, Inc. tendered for filing a Notice of Succession in the above-referenced docket.

Comment date: July 14, 1995, in accordance with Standard Paragraph E at the end of this notice.

4. Louisville Gas and Electric Company

[Docket No. ER95–1020–000]

Take notice that on June 22, 1995, Louisville Gas and Electric Company tendered for filing an amendment in the above-referenced docket.

5. Orange and Rockland Utilities, Inc.

[Docket No. ER95–1027–000]

Take notice that on June 20, 1995, Orange and Rockland Utilities, Inc. (O&R) tendered for filing an Amendment to its agreement with Long Island Lighting Company (LILCO) to provide for the sale by O&R of energy and capacity subject to cost based ceiling rates. The ceiling rate for energy is 100 percent of the Seller's Incremental Cost (SIC) plus up to 10 percent of the SIC (where such 10 percent is limited to 1 mill per Kwhr when the SIC in the hour reflects a purchased power recourse). The ceiling rate for capacity sold by O&R is $14.79 per megawatt hour.

O&R states that a copy of this filing has been served by mail upon LILCO.

Comment date: July 14, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. Central Power & Light Company

[Docket No. ER95–1141–000]

Take notice that on June 2, 1995, Central Power & Light Company tendered for filing an amendment to its May 31, 1995, filing in the above-referenced docket.

Comment date: July 14, 1995, in accordance with Standard Paragraph E at the end of this notice.

7. Jersey Central Power and Light Company, Metropolitan Edison Company, and Pennsylvania Electric Company

[Docket No. ER95–1144–000]

Take notice that on June 9, 1995, GPU Service Corporation (GPU), on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (jointly referred to as the ''GPU Operating Companies''), filed an executed Service Agreement between GPU and Citizens Lehman Power Sales, dated May 25, 1995. This Service Agreement specifies that Citizens Lehman Power Sales has agreed to the rates, terms and conditions of the GPU Operating Companies' Operating Capacity and/or Energy Sales Tariff (''Sales Tariff'') designated as FERC Electric Tariff, Original Volume No. 1. The Sales Tariff was accepted by the Commission by letter order issued on February 10, 1995 in Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company, Docket No. ER95–276–000 and allows GPU and Citizens Lehman Power Sales to enter into separately scheduled transactions under which the GPU Operating Companies will make available for sale, surplus operating capacity and/or energy at negotiated rates that are no higher than the GPU Operating Companies' cost of service.

GPU requests a waiver of the Commission's notice requirements for good cause shown and an effective date of May 25, 1995, for the Service Agreement.

GPU has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: July 14, 1995, in accordance with Standard Paragraph E at the end of this notice.

8. PacifiCorp

[Docket No. ER95–1145–000]

Take notice that on June 20, 1995, PacifiCorp tendered for filing a Certificate of Concurrence in support of Puget Sound Power & Light Company's Concurrence in support of Puget Sound Power & Light Company's (Puget) filing of the 1995–96 Operating Procedures under the Pacific Northwest Coordination Agreement in this Docket.

Copies of this filing were supplied to Puget, Portland General Electric Company, The Washington Water Power Company, Montana Power Company, the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: July 14, 1995, in accordance with Standard Paragraph E at the end of this notice.

9. United Illuminating Company

[Docket No. ER95–1154–000]

Take notice that on June 1, 1995, The United Illuminating Company (UI) notified FERC that no purchase Agreements were executed under TU's Wholesale Sales Tariff original Volume No. 2.

Comment date: July 14, 1995, in accordance with Standard Paragraph E at the end of this notice.

10. Louisville Gas and Electric Company

[Docket No. ER95–1191–000]

Take notice that on June 22, 1995, Louisville Gas and Electric Company tendered for filing an amendment in the above-referenced docket.

Comment date: July 14, 1995, in accordance with Standard Paragraph E at the end of this notice.

11. Gulf Power Company

[Docket No. ER95–1241–000]

Take notice that on June 20, 1995, Gulf Power Company tendered for filing two Transmission Service Delivery Point Agreements dated October 1, 1989 and May 30, 1986 (the Agreements), pursuant to its Agreement for Transmission Service to Distribution Cooperative Members of Alabama Electric Cooperative, both reflecting the addition of delivery points to Choctawhatchee Electric Cooperative. The Agreements have been in effect since the above-referenced dates, but had not been filed with the Commission. Gulf Power Company has tendered the Agreements for filing for administrative and record-keeping purposes only.

Comment date: July 14, 1995, in accordance with Standard Paragraph E at the end of this notice.

12. Delmarva Power & Light Company

[Docket No. ER95–1242–000]

Take notice that on June 20, 1995, Delmarva Power & Light Company (Delmarva), tendered for filing as an initial rate under Section 205 of the Federal Power Act and Part 35 of the Regulations issued thereunder, an Agreement between Delmarva and LG&E Power Marketing (LPM) dated June 16, 1995.

Delmarva states that the Agreement set forth the terms and conditions for the sale or purchase of short-term energy which it expects to be available from time to time and which will be economically advantageous to both Delmarva and LPM. Delmarva requests that the Commission waive its standard notice period and allow this Agreement to become effective on June 23, 1995.

Delmarva states that a copy of this filing has been sent to LPM and will be furnished to the Delaware Public Service Commission, the Maryland Public Service Commission, and the Virginia State Corporation Commission.

Comment date: July 14, 1995, in accordance with Standard Paragraph E at the end of this notice.

13. Pennsylvania Power & Light Company

[Docket No. ER95–1243–000]

Take notice that on June 20, 1995, Pennsylvania Power & Light Company (PP&L), tendered for filing as an initial rate filings two Service Agreements dated June 8 and 15, 1995, with Citizens Lehman Power Sales (Citizens) and Engelhard Power Marketing, Inc. (Engelhard), respectively. PP&L states that sales under the Service Agreements filed in this docket will be made under its proposed Short-Term Capacity and/or Energy Sales FERC Electric Rate Schedule, Volume No. 1, currently pending before the Commission in Docket No. ER95–782–000. PP&L has requested that the Commission waive the 60-day notice period and permit these Service Agreements to become effective June 21, 1995, subject to refund.

PP&L states that copies of the filing were served on Citizens, Engelhard, and the Pennsylvania Public Utility Commission.

Comment date: July 14, 1995, in accordance with Standard Paragraph E at the end of this notice.

14. Virginia Electric and Power Company

[Docket No. ER95–1245–000]

Take notice that on June 21, 1995, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreement between New York State Electric & Gas Corporation and Virginia Power, dated June 15, 1995 under the Power Sales Tariff to Eligible Purchasers dated May 27, 1994. Under the tendered Service Agreement, Virginia Power agrees to provide services to New York State Electric & Gas Corporation under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of Service Schedule B included in the Power Sales Tariff.

Copies of the filing were served upon the Virginia State Corporation Commission and the North Carolina Utilities Commission.

15. Virginia Electric and Power Company

[Docket No. ER95–1246–000]

Take notice that on June 21, 1995, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreement between Northeast Utilities Service Company and Virginia Power, dated June 15, 1995 under the Power Sales Tariff to Eligible Purchasers dated May 27, 1994. Under the tendered Service Agreement Virginia Power agrees to provide services to Northeast Utilities Service Company under the rates, terms, and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of Service Schedule B included in the Power Sales Tariff.

Copies of the filing were served upon the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: July 14, 1995, in accordance with Standard Paragraph E at the end of this notice.

16. Northwestern Public Service Company

[Docket No. ES95–33–002]

Take notice that on June 28, 1995, Northwestern Public Service Company (Northwestern) filed an amendment to its application in Docket Nos. ES95–33–000 and ES95–33–001, under § 204 of the Federal Power Act. By letter order dated June 19, 1995 (71 FERC ¶ 62,204), Northwestern was authorized:

(A) To issue the following securities provided that the aggregate issuance amount did not exceed $300 million:

(i) Not more than 2 million shares of Common Stock, par value $3.50;

(ii) Not more than $75 million of shares of Cumulative Preferred Stock;

(iii) Not more than $125 million of New Mortgage Bonds, notes, debentures, subordinated debentures (including securities in connection with a Monthly Income Preferred Securities financing), guarantees or other evidences of indebtedness; and

(iv) Not more than $75 million of short-term debt securities; and

(B) to issue not more than $175 million of bridge financing notes, debentures, guarantees or other evidences of indebtedness, until the permanent financing in (A) is in place.

Northwestern requests that the authorization be amended to authorize:

(1) The issuance of not more than an additional 1 million share of Northwestern's Common Stock, par value $3.50 per share;

(2) The issuance of not more than 200,000 shares of Northwestern's Preference Stock;

(3) The issuance of not more than an additional $47.5 million of Northwestern's New Mortgage Bonds (which Northwestern indicates that it will exchange for existing First Mortgage Bonds, which will be retired); and

(4) The exemption of the issuance of all the above securities from the Commission's competitive bidding and negotiated placement requirements.

Comment date: July 19, 1995, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–16710 Filed 7–6–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. ER95–1149–000]

Cincinnati Gas & Electric Company; Notice of Filing

July 3, 1995.

Take notice that on May 31, 1995, Cincinnati Gas & Electric Company tendered for filing its Annual Informational Filing in the above-referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 285.211 and 18 CFR 385.214). All such motions or protests should be filed on or before July 11, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–16708 Filed 7–6–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP93–187–000, et al.]

Equitrants, Inc.; Notice of Informal Settlement Conference

July 3, 1995.

Take notice that an informal conference will be convened in this proceeding on Tuesday, July 11, 1995, at 10:00 a.m., for the purpose of exploring the possible settlement of the above-referenced docket. The conference will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street, N.E. Washington, D.C. 20426.

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 intervener status pursuant to the Commission's Regulations (18 CFR 385.214).

For additional information, please contact Hollis J. Alpert at (202) 208–0783 or Arnold H. Meltz at (202) 208–2161.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–16709 Filed 7–6–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–358–000]

Texas Gas Transmission Corp., Notice of Proposed Changes in FERC Gas Tariff

June 30, 1995.

Take notice that on June 28, 1995, Texas Gas Transmission Corporation (Texas Gas) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the following revised tariff sheets, with a proposed effective date of July 10, 1995:

Second Revised Sheet No. 197
Second Revised Sheet No. 198
Second Revised Sheet No. 200
Second Revised Sheet No. 201

Texas Gas states that the referenced tariff sheets have been revised to reflect changes to Sections 25.4 and 25.5 of its General Terms and Conditions regarding capacity releases as enacted by the Commission's ''Order on Rehearing'' in Docket No. RM95–5–001 (Order No. 577–A).

Texas Gas states that copies of the revised tariff sheets are being mailed to Texas Gas's affected customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before July 10, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–16663 Filed 7–6–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER95–764–000, et al.]

Illinois Power Company, et al.; Electric Rate and Corporate Regulation Filings

June 29, 1995.

Take notice that the following filings have been made with the Commission:

1. Illinois Power Company

[Docket No. ER95–764–000]

Take notice that on June 9, 1995, Illinois Power Company tendered for filing an amendment in the above-referenced docket.

Comment date: July 13, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. Municipal Electric Utilities Association of New York State v. Power Authority of the State of New York,

[Docket No. EL95–57–000]

Take notice that on June 19, 1995, Municipal Electric Utilities Association of New York State (MEUA) tendered for filing a complaint alleging that the Power Authority of the State of New York (PASNY) is violating the provisions of the Niagara Redevelopment Act (NRA) and the conditions of the license for the Niagara Project that require PASNY to make at least 50% of the power from the project available to public bodies and nonprofit cooperatives, and the terms of PASNY's contracts with the members of MEUA, by disposing of preference power directly to an industrial customer.

Comment date: July 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. Entergy Services, Inc.

[Docket No. ER95–1212–000]

Take notice that on June 14, 1995, Entergy Services, Inc. (ESI), acting as agent for Arkansas Power & Light

Company (AP&L), Gulf States Utilities Company (GSU), Louisiana Power & Light Company (LP&L), Mississippi Power & Light Company (MP&L), New Orleans Public Service Inc. (NOPSI) (collectively the Entergy Operating Companies) tendered for filing an Interchange Agreement between Alabama Municipal Electric Authority and the Entergy Operating Companies, pursuant to which the Parties propose to provide each other with various mutual support services, including Emergency Service, Economy Energy, Replacement Energy and Limited Firm Capacity and Energy. Entergy Services requests an effective date of no later than August 12, 1995.

Comment date: July 13, 1995, in accordance with Standard Paragraph E at the end of this notice.

4. Northern States Power Company (Minnesota Company)

[Docket No. ER95–1232–000]

Take notice that on June 16, 1995, Northern States Power Company (Minnesota)(NSP) tendered for filing a Construction Agreement for the Switch at the LeMay Lake Tap between NSP and Cooperative Power Association (CPA). This agreement provides for NSP to move the Turner 3-way 69 Kv vertical switch at the LeMay Lake Tap forty-five feet north for CPA.

NSP requests that the Commission accept the agreement effective June 19, 1995, and requests waiver of the Commission's notice requirements in order for the revisions to be accepted for filing on the date requested.

Comment date: July 13, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. Virginia Electric and Power Company

[Docket No. ER95–1233–000]

Take notice that on June 16, 1995, Virginia Electric and Power Company (the Company), tendered for filing agreements and other documents implementing the rate schedules with Old Dominion Electric Cooperative, Central Virginia Electric Cooperative and North Carolina Eastern Municipal Power Agency. It is the intent of the Company that those agreements and other documents be accepted for filing within the Prior Notice and Filing Requirements Under Part II of the Federal Power Act.

Copies of the filing were served upon Old Dominion Electric Cooperative, Central Virginia Electric Cooperative, North Carolina Eastern Municipal Power Agency, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: July 13, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. Puget Sound Power & Light Company

[Docket No. ER95–1235–000]

Take notice that on June 19, 1995, Puget Sound Power & Light Company (Puget), tendered for filing on behalf of itself and The Washington Water Power Company (WWP), as a change in rate schedule, an Amended and Restated Exchange Agreement between Puget and WWP. A copy of the filing was served upon WWP.

Puget states that this Exchange Agreement replaces an existing exchange agreement between Puget and WWP and relates to their exchange of capacity and energy in connection with the Mid-Columbia hydroelectric and Centralia thermal generating projects.

Comment date: July 13, 1995, in accordance with Standard Paragraph E at the end of this notice.

7. Pacific Gas and Electric Company

[Docket No. ER95–1236–000]

Take notice that on June 19, 1995, Pacific Gas and Electric Company (PG&E), tendered for filing two agreements respectively entitled ''Special Facilities Agreement for Pacific Gas and Electric's Airport Substation Facilities for Service to the City and County of San Francisco's Station BA'' and ''Special Facilities Agreement for PG&E's Millbrae Substation Facilities for Service to the CCSF's Station M'' (Agreements) between PG&E and City and County of San Francisco (City). PG&E also tendered for filing a letter agreement between PG&E and City that corrects a rate cap in the Agreements.

The purpose of the Agreements is to facilitate payment of PG&E's costs of designing, constructing, procuring, testing, placing in operation, owning, operating and maintaining certain reinforcements to these two PG&E substations required for wheeling of City's electric power as requested by City for load increases at City's San Francisco International Airport. Under the Agreements for the Airport Substation and the Millbrae Substation Facilities, PG&E proposes to charge City a monthly rate equal to the Cost of Ownership Rate for distribution-level, customer-financed facilities filed with the California Public Utilities Commission (CPUC). The Cost of Ownership Rate is expressed as a monthly percentage of the installed costs of the Special Facilities.

PG&E has requested permission to use automatic rate adjustments whenever the CPUC authorizes a new Electric Rule 2 Cost of Ownership Rate but cap the rate at 0.61% per month.

PG&E has requested certain waivers. Copies of this filing have been served upon City and the CPUC.

Comment date: July 13, 1995, in accordance with Standard Paragraph E at the end of this notice.

8. Central Hudson Gas and Electric Corporation

[Docket No. ER95–1237–000]

Take notice that on June 19, 1995, Central Hudson Gas and Electric Corporation (Central Hudson), tendered for filing an amendment to its Agreement between Central Hudson and New York Power Authority (NYPA) providing for the transmission of NYPA hydropower and related energy to Orange & Rockland Utilities Inc. for transmission to New Jersey Board of Public Utilities' agents in New Jersey, Rate Schedule FERC No. 69.

By this amendment, the parties revise Article V by replacing the words ''until June 30, 1995'' with ''unless terminated by either party on 90 days notice, through provision of written notice to the other party by first class mail.''

Central Hudson requests that this Amendment be permitted to become effective July 1, 1995, as agreed by the parties.

Central Hudson states that a copy of its filing was served on New York Power Authority and the New York State Public Service Commission.

Comment date: July 13, 1995, in accordance with Standard Paragraph E at the end of this notice.

9. Wisconsin Power and Light Company

[Docket No. ER95–1238–000]

Take notice that on June 19, 1995, Wisconsin Power and Light Company (WP&L), tendered for filing a signed Service Agreement under WP&L's Bulk Power Tariff between itself and Blue Earth Light and Water Department. WP&L respectfully requests a waiver of the Commission's notice requirements, and an effective date of June 7, 1995.

Comment date: July 13, 1995, in accordance with Standard Paragraph E at the end of this notice.

10. Illinois Power Company

[Docket No. ER95–1239–000]

Take notice that on June 19, 1995, Illinois Power Company (Illinois), tendered for filing Umbrella Service Agreements in accordance with the terms of the IP Firm and Non-Firm Point-to-Point Transmission Service Tariffs.

A copy of the filing has been served on the Illinois Commerce Commission.

Comment date: July 13, 1995, in accordance with Standard Paragraph E at the end of this notice.

11. PacifiCorp

[Docket No. ER95–1240–000]

Take notice that on June 20, 1995, PacifiCorp, tendered for filing in accordance with 18 CFR Part 35 of the Commission's Rules and Regulations, a copy of its proposed FERC Electric Tariff, Original Volume No. 9 (Network Integration Transmission Service Tariff) and its proposed FERC Electric Tariff, Original Volume No. 10 (''Point-to-Point Transmission Service Tariff'').

PacifiCorp requests that an effective date of August 7, 1995 be assigned to the Tariff.

Copies of this filing were supplied to the Public Utility Commission of Oregon and the Washington Utilities and Transportation Commission.

Comment date: July 13, 1995, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–16656 Filed 7–6–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. RP90–95–010]

Colorado Interstate Gas Company; Notice of Compliance Filing

June 30, 1995.

Take notice that on June 28, 1995, Colorado Interstate Gas Company (CIG), tendered for filing a semiannual compliance filing consisting of work papers detailing accrued interest payments made by CIG to its affected customers related to the unused portion of transportation credits in the instant docket.

CIG states that copies of the filing were served upon all of the parties to this proceeding and affected state commissions and affected parties.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before July 10, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestant parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–16657 Filed 7–6–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–261–001]

Great Lakes Gas Transmission Limited Partnership; Notice of Proposed Changes in FERC Gas Tariff

June 30, 1995.

Take notice that on June 28, 1995, Great Lakes Gas Transmission Limited Partnership (Great Lakes), tendered for filing the following revised tariff sheets to its FERC Gas Tariff, proposed to be effective May 4, 1995 and August 1, 1995:

Second Revised Volume No. 1

Substitute First Revised Sheet No. 40—Effective May 4, 1995
Substitute First Revised Sheet No. 41—Effective May 4, 1995
Second Revised Sheet No. 40—Effective August 1, 1995

Great Lakes states that Substitute First Revised Sheet Nos. 40 and 41 are being filed to conform with the effective date of the Commission's Order No. 577, 70 FERC ¶ 61,359 (1995). Great Lakes originally filed these tariff sheets proposed to be effective May 1, 1995. On May 31, 1995 the Commission issued a Letter Order in RP95–261 accepting such sheets effective May 4, 1994.

Great Lakes further states that Second Revised Sheet No. 40 is being filed to reflect the changes to the capacity release regulations pursuant to Order No. 577–A, 71 FERC ¶ 61,254 (1995) regarding short-term capacity releases.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed on or before July 10, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–16658 Filed 7–6–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–360–000]

National Fuel Customer Group, et al. v. National Fuel Gas Supply Corporation; Notice of Complaint

June 30, 1995.

Take notice that on June 27, 1995, the National Fuel Customer Group, Elizabethtown Gas Company, and consolidated Edison Company of New York, Inc. (Petitioners) filed a motion requesting the Commission to issue an order directing National Fuel Gas Supply Corporation (National Fuel) to comply with the settlement in *Penn-York Energy Corporation*, 64 FERC ¶ 61,040 (1993) (Penn-York settlement) by implementing as of May 1, 1995, subject to refund, the rolled-in rates accepted by the Commission in its June 14, 1995 order in Docket Nos. RP95–298–000 and RP95–31–007.

Petitioners assert that National Fuel made a commitment in the Penn-York settlement to effectuate rolled-in rates. Petitioners submit that when National Fuel made this commitment it waived any discretion it had as to the date on which it would move rolled-in rates into effect. Petitioners contend that Article VIII of the Penn-York settlement requires National Fuel, by specified deadlines, to make an NGA section 4 rate change filing to implement rolled-in rates. Petitioners argue that the Penn-York settlement further obligates National Fuel to actively support its rolled-in rate proposal by participating in any hearing on the issue, filing supporting testimony, and, if necessary, requesting rehearing, and intervening in support of nay petitions for review. In return for this commitment, petitioners asserts National Fuel obtained numerous, substantial benefits.

Petitioners complain that National Fuel, however, has repeatedly reneged

on its commitment to roll-in the costs of Penn-York's services with those of National Fuel and implement rolled-in rates, and that National Fuel's disregard of its commitment has denied the former Penn-York customers an essential benefit under the Penn-York settlement. To correct this inequity, petitioners request that the Commission direct National Fuel to comply with the Penn-York settlement by implementing as of May 1, 1995, subject to refund, the rolled-in rates that the Commission accepted in its June 14 order.

Any person desiring to be heard or to protest said complaint should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 and 18 CFR 385.211. All such motions or protests should be filed on or before July 31, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. Answers to this complaint shall be due on or before July 31, 1995.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–16659 Filed 7–6–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–575–000]

Questar Pipeline Company; Notice of Request Under Blanket Authorization

June 30, 1995.

Take notice that on June 22, 1995, Questar Pipeline Company (Questar), 79 South State Street, Salt Lake City, Utah 84111, filed in Docket No. CP95–575–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for authorization to install metering facilities to measure natural gas deliveries to Mountain Fuel Supply Company (Mountain Fuel) at the General Chemical District Regulator Station (GenChem DRS) in Sweetwater County, Wyoming, under the blanket certificate issued in Docket No. CP82–491–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Questar states that the installation of measurement equipment at this existing open-access delivery point will eliminate Questar's dependence on Mountain Fuel to measure delivered volumes. Specifically, Questar proposes to modify the existing GenChem DRS by installing one six-inch Rockwell turbine meter and one two-inch Roots Model 1–M–900 positive-displacement meter. Questar asserts that the new two-inch and six-inch meters will have no effect on current delivery-point capacity.

Questar states that it will continue to deliver the natural gas volumes historically required by Mountain Fuel at this delivery point. Questar claims that Mountain Fuel expects peak-day and annual requirements at the delivery point to continue to approximate 12,000 Dth per day and 3,850,000 Dth per year.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lindwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–16660 Filed 7–6–95; 8:45 am]

BILLING CODE 6717–01–M

[P–2984–024]

S.D. Warren Company; Notice of Extension of Comment Due Date

June 30, 1995.

On April 3, 1995, the S.D. Warren Company, licensee for the Eel Weir Project, submitted its Final Proposed Level Management Plan for Sebago Lake (Sebago Lake Plan). The plan was submitted in accordance with the Federal Energy Regulatory Commission's (Commission) Order on Complaint, dated August 4, 1994 and Order Granting Extension of Time, dated December 20, 1994 and March 7, 1995. The submittal, prepared by S.D. Warren Company, is a lake level plan that seeks to balance the various competing uses of Sebago Lake.

On April 26, 1995, the Commission issued a Notice of Reservoir Level Management Plan for Sebago Lake. The notice was published in the Portland Press Herald on May 12, 1995, and provided the public with the opportunity to comment on S.D. Warren's Sebago Lake Plan. The notice required that comments be filed no later than June 12, 1995.

By letter dated May 12, 1995, State of Maine Department of Environmental Protection (DEP) requested an extension of the comment due date from June 12, 1995 to June 30, 1995. The Commission found the DEP's request reasonable and extended the comment due date for the Sebago Lake Plan from June 12, 1995 to June 30, 1995.

By letter dated June 29, 1995, State of Maine Department of Conservation (DEC) requested an extension of the comment period from June 30, 1995 to July 7, 1995. In support of its request, the State Resource Agencies of Maine are going to provide one response, including comments from a public meeting, regarding S.D. Warren's proposal. The DEC stated a 7 day extension, to compile all comments into one document, would be sufficient. The DEC requested an extension of the comment deadline from June 30, 1995 to July 7, 1995.

The Commission finds the DEC's request reasonable and will hereby extend the comment period due date for the Sebago Lake Plan from June 30, 1995 to July 7, 1995.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95–16661 Filed 7–6–95; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5255–6]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before August 7, 1995.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260–2740, please refer to EPA ICR #1331.06.

SUPPLEMENTARY INFORMATION:

Office of Solid Waste and Emergency Response

Title: Accidental Release Information Program, EPA ICR #1331.06. This ICR requests renewal of a currently approved collection (OMB #2050–0065).

Abstract: The Accidental Release Information Program (ARIP) collects data on the causes of chemical accidents and points to steps that could be taken by industrial facilities to prevent accidental releases. In this collection, refined ARIP criteria are used to obtain data on unique chemical accidents that pose a direct hazard to the public and the environment. It will survey only those releases that involve injury and death to members of the general public and cause off-site consequences, such as evacuation, sheltering in place, or environmental damage. Fixed facilities responsible for the selected release are required to complete and return a questionnaire which asks for more detailed information on the causes and consequences of the accidental release, and the release prevention practices and technologies in place prior to and following the accident.

The collected information will serve to support a range of chemical accident prevention and preparedness efforts involving industry, local and state governments, as well as EPA regions and headquarters.

Burden Statement: Public reporting burden for this collection of information is estimated to average 25 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and reviewing the collection of information. There is no recordkeeping burden.

Respondents: Owners/operators of fixed facilities with accidental releases meeting selection criteria.

Estimated No. of Respondents: 125.

Estimated Total Annual Burden on Respondents: 2,513 hours.

Frequency of Collection: On occasion, when releases meet specific triggers.

Send comments regarding the burden estimate, or any other aspect of this information collection, including suggestions for reducing the burden, (please refer to EPA ICR #1331.06, and OMB #2050–0065) to:

Sandy Farmer, EPA ICR #1331.06, U.S. Environmental Protection Agency, Regulatory Information Division (Mail Code: 2136), 401 M Street, SW., Washington, DC 20460
and
Jonathan Gledhill, OMB #2050–0065, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20530.

Dated: June 29, 1995.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 95–16757 Filed 7–6–95; 8:45 am]

BILLING CODE 6560–50–M

[ER–FRL–4724–7]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared May 29, 1995 Through June 02, 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 (60 FR 19047).

Draft EISs

ERP No. D–AFS–K99025–CA Rating EC2, Pacific Pipeline Transportation Project, Construction/Operation, Right-of-Way Grant, Special-Use-Permit, COE Section 10 and 404 Permits, Angeles National Forest, Santa Barbara, Ventura, Los Angeles and Kern Counties, CA.

Summary: EPA expressed environmental concerns over potential adverse impacts to water and air quality and environmental justice issues.

ERP No. D–BLM–K67030–NV Rating EC2, Bald Mountain Gold Mine Expansion Project, within the Horseshoe/Galaxy Mine, Plan of Operation Approval and COE Section 404 Permit, White Pine and Elko Counties, NV.

Summary: EPA expressed environmental concerns about the proposed project's potential impact to water quality. EPA suggests additional information be included in the final EIS on potential impacts to water and air quality, waste rock characterization and disposal, mitigation measures and monitoring.

ERP No. D–BOP–G81008–LA Rating LO, Pollock US Penitentiary and Federal Prison Camp (FPC), Construction and Operation and Site Selection of a former World War II Military Installation, Grant Parish, LA.

Summary: While EPA has no objection to the proposed action, it requested that the final document provide additional discussion of the potable water and wastewater treatment facilities.

ERP No. D–DOE–G06006–NM Rating LO, Dual Axis Radiographic Hydrodynamic Test (DARHT) Facility, Construction and Operation, Approval of Operating Permit, Los Alamos National Laboratory (LANL), Los Alamos and Santa Fe Counties, NM.

Summary: While EPA has no objection to the proposed action, it did suggest that all dynamic test be contained.

ERP No. D–DOE–L05212–WA Rating LO, Columbia Wind Farm #1 Project, Construction and Operation of a 25 Megawatt (MW) Wind Power Project in the Columbia Hills Area, Conditional-Use-Permit, NPDES Permit and COE Section 404 Permit, Klickitat County, WA.

Summary: EPA abbreviated review has revealed no concerns on this project.

ERP No. DR–FHW–L40191–AK Rating LO, 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.

Summary: EPA previous concerns have been adequately addressed, therefore EPA has no objection to the proposed action.

ERP No. DS–COE–G32051–TX Rating LO, Galveston Bay Area Navigation Improvements, Houston Ship and Galveston Channels, Additional Information, Funding and Implementation, Galveston and Harris Counties, TX.

Summary: EPA has no objection to the proposed action.

Final EISs

ERP No. F–BLM–K67028–CA Rand Open Pit Heap Leach Gold Mine Project, Construction, Expansion and Operation, Conditional-Use-Permit and Plan of Operations and Reclamation Plan Approval, Randburg, Kern County, CA.

Summary: Review of the final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–FHW–E40736–NC Greensboro Western Urban Loop Transportation Improvement, from Lawndale Drive near Cottage Place to I–85 South near Holden Road, Funding, Right-of-Way Acquisition, and COE Section 404 Permit, Guilford County, NC.

Summary: EPA expressed environmental concerns about the long term noise impact to numerous sensitive receptors.

ERP No. F–IBR–K39048–AZ Glen Canyon Dam Operation, Implementation, Colorado River Storage Project, Funding and COE Section 10 and 404 Permits, Coconino County, AZ.

Summary: EPA previous concerns have been resolved, therefore EPA has no objection to the proposed action.

ERP No. F–USA–L11022–WA Fort Lewis Military Installation Comprehensive Solid Waste Management Program, Implementation, City of DuPont, Pierce and Thurston Counties, WA.

Summary: EPA recommended that the Record of Decision provide more information regarding the incinerator recycling rate and fly ash.

Dated: July 3, 1995.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. 95–16772 Filed 7–6–95; 8:45 am]

BILLING CODE 6560–60–U

[ER–FRL–4724–6]

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 June 26, 1995 Through June 30, 1995 Pursuant to 40 CFR 1506.9.

EIS No. 950281, DRAFT EIS, AFS, MT, Bull Sweats Vegetation Manipulation Project, Implementation, Helena National Forest, Helena Ranger District, Lewis and Clark County, MT, Due: August 21, 1995, Contact: David Turner (406) 449–5490.

EIS No. 950282, DRAFT EIS, AFS, WV, Monongahela National Forest, Possible Inclusion of Twelve Rivers into National Wild and Scenic Rivers System, Suitability and Nonsuitability, Wild and Scenic Rivers Study, Designation and Nondesignation, Grant, Greenbrier, Nicholas, Pendleton, Pocahontas, Randolph, Tucker and Webster Counties, WV, Due: October 8, 1995, Contact: Buzz Durham (304) 636–1800.

EIS No. 950283, FINAL SUPPLEMENT, TVA, TN, ADOPTION—Watts Bar Nuclear Plant, Units 1 and 2, Updated Information Related to the Operations, Facility Operating License and NPDES Permit Issuance, Rhea County, TN, Due: August 7, 1995, Contact: Jon M. Loney (615) 632–2201. The Tennessee Valley Authority's (TVA) has adopted the US Nuclear Regulatory Commission's final supplemental EIS filed 4–28–95. TVA was not a cooperating Agency for the above final EIS. Recirculation of the document is necessary Under Section 1506.3(c) of the Council on Environmental Quality Regulations.

EIS No. 950284, FINAL EIS, NPS, TN, Obed Wild and Scenic River, General Management Plan and Development Concept Plan, Implementation, Morgan and Cumberland Counties, TN, Due: August 7, 1995, Contact: John Fischer (404) 331–5835.

EIS No. 950285, FINAL SUPPLEMENT, AFS, AK, Bohemia Mountain Timber Sale, Updated Information concerning Resolution of Three Appeal Issues Regarding Harvesting Timber, Tongass National Forest, Stikine Area, AK, Due: August 7, 1995, Contact: David E. Helmick (907) 772–3841.

EIS No. 950286, FINAL EIS, NPS, DC, Rock Creek Park Tennis Center and Associated Recreation Fields, Implementation, Northwest Quadrant of Washington, DC, Due: August 7, 1995, Contact: Williams Shields (202) 426–6833.

EIS No. 950287, DRAFT EIS, AFS, MT, South Fork Yaak Salvage Project, Implementation, Kootenai National Forest, Three Rivers Ranger District, Lincoln County, MT, Due: August 21, 1995, Contact: Jack Zearfoss (406) 295–4693.

EIS No. 950288, FINAL SUPPLEMENT, FHW, CA, Devil's Slide Bypass Improvements, CA–1 To Half Moon Bay Airport to Linda Mar Boulevard, Funding and COE Section 404 Permit, Pacifica and San Mateo Counties, CA, Due: August 7, 1995, Contact: John R. Schultz (916) 498–5041.

EIS No. 950289, FINAL EIS, COE, VA, Henrico County Water Treatment Plant (WTP), Construction and Operation, James River Water Supply Intake, Henrico, Goochland, Hanover Counties, VA, Due: August 7, 1995, Contact: Kenneth M. Kimidy (804) 441–7832.

EIS No. 950290, DRAFT EIS, GSA, CA, San Diego United States Courthouse, Site Selection and Construction within a portion of the Central Business District (CBD), City of San Diego, San Diego County, CA, Due: August 21, 1995, Contact: Rosanne Nieto (415) 444–8111.

EIS No. 950291, DRAFT EIS, ICC, WV, Elk River Railroad Railline (Docket No. 31989), Construction Exemption and Operation, NPDES Permit and Approval of Permits, Clay and Kanawha Counties, WV, Due: August 21, 1995, Contact: Michael Dalton (202) 927–6202.

EIS No. 950292, DRAFT EIS, UAF, NY, Plattsburgh Air Force Base (AFB) Disposal and Reuse, Implementation, Clinton County, NY, Due: August 22, 1995, Contact: Jonathan D. Farthing (210) 536–4202.

EIS No. 950293, FINAL EIS, FRC, CA, Mojave Natural Gas Pipeline Northward Expansion Project, Construction and Operation, Approvals and Permits Issuance, San Joaquin Valley, San Francisco Bay Area and Sacramento, CA, Due: August 7, 1995, Contact: Michael Boyle (202) 208–0839.

EIS No. 950294, FINAL SUPPLEMENT, AFS, UT, East Fork Blacks Fork Multiple Use Management Project, Implementation, Additional Information, Wasatch-Cache National Forest, Evanston Ranger District, Summit County, UT, Due: August 7, 1995, Contact: Bernie Weingardt (801) 524–5030.

Amended Notices

EIS No. 950197, DRAFT EIS, CGD, NY, NJ, Staten Island Bridges Program—Modernization and Capacity Enhancement Project, Construction and Operation, Funding, Right-of-Way Grant, COE Section 404 Permit and NPDES Permit, Staten Island, NY and Elizabeth, NJ, Due: August 18, 1995, Contact: Evelyn Smart (212) 668–7995. Published FR 5–19–95—Review period extended.

EIS No. 950248, DRAFT EIS, AFS, UT, Dixie National Forest Oil and Gas Leasing on Federal Lands, Implementation, Garfield, Kane, Iron, Washington, Piute and Wayne Counties, UT, Due: August 29, 1995, Contact: John Shochat (801) 865–3700. Published 6–16–95—Title Correction.

Dated: July 3, 1995.

Ken Mittelholtz,

Environmental Protection Specialist, Office of Federal Activities.

[FR Doc. 95–16773 Filed 7–6–95; 8:45 am]

BILLING CODE 6560–50–U

[FRL 5226–6]

Electric Utility Hazardous Air Pollutant Study; Report to Congress

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of document availability, Scientific Peer Review Meeting, and Public Outreach Meeting.

SUMMARY: A scientific peer review meeting will be held by the Office of Air

Quality Planning and Standards to review a draft of the EPA's Electric Utility Hazardous Air Pollutant Study Report to Congress (hereafter ''Draft Report''). This Draft Report is being prepared by the EPA in response to section 112(n)(1)(A) of the Clean Air Act as amended in 1990, which requires the EPA to submit to Congress the results of a study of emissions of hazardous air pollutants (HAPs) from electric utility steam generating units and on the hazards to public health reasonably anticipated to occur as a result of these emissions. Congress directed that the report describe alternative control strategies for HAP emissions which may warrant regulation. The Administrator is to regulate electric utility steam generating units if such regulation is found to be appropriate and necessary after considering the results of the study.

A separate public outreach meeting will be held to allow interested parties opportunity to provide the EPA with input regarding the results of the study and recommendations for future action by the Agency.

DATES: The scientific peer review meeting will be held on July 11 and 12, 1995, at the EPA's Office of Administration and Resources Management Administration Building auditorium, Research Triangle Park, North Carolina. The public outreach meeting will be held on July 13 and 14 (if necessary), 1995, at the North Carolina Mutual Life Insurance auditorium, 411 West Chapel Hill Street, Durham, North Carolina. The meetings will begin at 9:00 a.m. each day.

ADDRESSES: Members of the public wishing to attend either meeting should register by phoning Ms. Donna Collins at (919) 541–5578. Please note that space is limited and registrations will be accepted on a first-come, first-serve basis.

Copies of the Draft Report will only be available from Public Docket No. A–92–55 at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (formerly known as the Air Docket) (6102), 401 M Street, S.W., Washington, D.C. 20460. The docket is located at the above address in room M–1500, Waterside Mall (ground floor), and may be inspected from 8:00 a.m. to 4:00 p.m., Monday through Friday. The Draft Report (docket entry A–92–55, I–A–1) is available for review in the docket center or copies may be mailed on request from the Air and Radiation Docket and Information Center by calling (202) 260–7548 or 7549. The FAX number for the Center is (202) 260–4000. A reasonable fee may be charged for copying docket materials.

Docket. Docket No. A–92–55, containing supporting information used in developing the Draft Report, is available for public inspection and copying as noted above. The docket is an organized file of information used by the EPA in the development of this Draft Report. The principal purpose of the docket in this case is to allow interested parties to readily identify and locate documents so that they can intelligently and effectively participate in the comment process.

FOR FURTHER INFORMATION CONTACT: For information concerning specific aspects of this study, contact Mr. William Maxwell [telephone number (919) 541–5430], Combustion Group, Emission Standards Division (MD–13), or Mr. Chuck French [telephone number (919) 541–0467], Risk and Exposure Assessment Group, Air Quality Strategies and Standards Division (MD–15), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION: The EPA has prepared the ''Study of Hazardous Air Pollutant Emissions from Electric Utility Steam Generating Units Pursuant to Section 112(n)(1)(A) of the Clean Air Act—Scientific Peer Review Draft'' (June 1995).

A scientific peer review meeting is being held as part of the process of scientific review of the Draft Report. The Draft Report is developmental and does not represent Agency policy. The Draft Report is being made available to the public as part of the Agency's continuing commitment to conduct assessments of important environmental contaminants in an open and participatory manner, to keep the public informed, and to encourage public review of significant assessments. The scientific peer review meeting will be reserved for discussion of the scientific, technical aspects of the Draft Report, the primary purpose being to receive comments by the scientific peer review panel. The public is invited to attend this meeting in an observational status only and no opportunity will be presented or offered for participation by the public.

The public outreach meeting, which follows the scientific peer review meeting, is the forum for public participation. The purpose of this meeting is for the EPA to listen to public opinion on the results of the study and any suggested recommendations the public may have regarding actions the Agency should take. Members of the public wishing to present formal comments at the meeting should so indicate when registering. Individual speaking times will be limited in order to give everyone an equal opportunity to speak.

Seating will be limited for both meetings and advance registration is suggested. Information about attending the meetings and obtaining a copy of the Draft Report is provided elsewhere in this notice.

After the meetings, the Draft Report will be revised based on the comments received and subjected to final Agency review before submission to the Office of Management and Budget and, ultimately, to Congress. Those wishing to present comments on the Draft Report and those wishing to comment but unable to attend the public outreach meeting are requested to submit written comments. Written comments on this Draft Report must be received by Mr. Maxwell or Mr. French by July 31, 1995 at the addresses noted above.

Dated: June 30, 1995.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

[FR Doc. 95–16759 Filed 7–6–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5225–9]

Notice of National Environmental Education Advisory Council Public Meeting

Notice is hereby given that the National Environmental Education Advisory Council, established under section 9 of the National Environmental Education Act of 1990, will hold an open public meeting on July 24 and 25, 1995. The meeting will take place at the Madison Hotel, 15th and M Streets NW., Washington, DC. The meeting will be held on Monday, July 24 from 9 a.m. to 5 p.m. and on Tuesday, July 25 from 9 a.m. to 3 p.m. The purpose of this meeting is to provide the Advisory Council with an opportunity to offer ongoing advice to EPA's Environmental Education Division on its implementation of the National Environmental Education Act.

Members of the public are invited to attend the meeting and to submit written comments to EPA following the meeting. For additional information regarding the Advisory Council or the upcoming meeting, please contact Kathleen MacKinnon, Environmental Education Division (1707), Office of Communications, Education and Public Affairs, U.S. EPA, 401 M Street SW., Washington, DC 20460, 202–260–4951.

Dated: July 3, 1995.

C. Michael Baker,

Acting Designated Federal Official, National Environmental Education Advisory Council.

[FR Doc. 95–16758 Filed 7–6–95; 8:45 am]

BILLING CODE 6560–50–M

[OPP–180974; FRL 4957–8]

Pirate; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the Alabama Department of Agriculture and Industries, Mississippi Department of Argiculture and Commerce, Tennessee Department of Agriculture, Louisiana Department of Agriculture and Forestry, and the Arkansas Plant Board (hereafter referred to as the ''Applicants'') for use of the pesticides, Pirate and Tebufenozide to control beet armyworms (BAW) on up to 2,125,000 acres in the southeastern region of the cotton belt. In accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant these exemptions.

DATES: Comments must be received on or before July 24, 1995.

ADDRESSES: Three copies of written comments, bearing the identification notation ''OPP–180974,'' should be submitted by mail to: Public Response and Human Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP–180974]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4:30 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Margarita Collantes, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, Crystal Station I, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308–8347; e-mail: collantes.margarita@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a State agency from any registration provision of FIFRA if she determines that emergency conditions exist which require such exemption.

The Applicants have requested the Administrator to issue a specific exemption for use of the insecticides pirate, available as Pirate 3SC from American Cyanamid Co., and tebufenozide, available as Confirm 2F from Rohm & Haas Co., to control beet armyworms (BAW) on up to 2,125,000 acres of cotton in the southeastern region of the cotton belt due to an inadequate supply of both. (American Cyanamid has indicated that it can potentially supply enough pirate to treat approximately 500,000 acres. Rohm & Haas estimates supplies of Confirm 2F being sufficient to treat approximately 350,000 acres.) Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicants, the beet armyworm (BAW) has historically been an occasional or sporadic pest of cotton in these southern states. In recent years, statewide yield losses have totaled into the millions of dollars and unsuccessful control attempts have costs growers additional millions. Damage in 1994 was not as widespread and severe due to the fact that the BAW is a hot, dry weather pest and the cooler and wetter conditions in 1994 may have prevented further widespread infestations. Several insecticides (chlorpyrifos, thiodicarb, profenofos, sulprofos and diflubenzuron) are currently registered and recommended for BAW control. However, based on field experiences over a 6–year period (1988–93) and research trials, none provide the level of control necessary against high populations to be economically or biologically acceptable. Entomologists, growers and consultants recognize that the best control for BAW's is the utilization of naturally occurring parasites and predators. However, due to economically damaging levels of other insects such as boll weevils, aphids, plant bugs, bollworms and budworms, growers have no alternative but to apply insecticides (extremely toxic phosphates) for control of these insects. When this occurs, naturally occurring parasites and predators are destroyed.

In 1995, the areas of greatest concern are those that are in the initial years of the boll weevil eradication program (BWEP). It has been noted that the most destructive BAW damage has occurred in areas where the highest number of phosphate insecticide application were being applied to control boll weevils. This program expanded in August of 1994. Each planted acre in this area will likely require multiple malathion applications for boll weevils control. Therefore, little usage can be made of naturally occurring parasites and predators during the 1995 season. Therefore, Alabama, Louisiana, Mississippi, Tennessee, and Arkansas are requesting emergency exemptions for the use of Pirate 3SC and Confirm 2F based on the following; (1) BAW outbreaks are increasing in number and intensity throughout the southeastern area of the cotton belt, (2) the BAW is not effectively controlled with insecticides currently available, (3) cotton producers cannot afford the yield losses and control costs associated with presently available insecticides, (4) insecticide use would be drastically reduced if an effective insecticide was available, and (5) phermone trap catches currently indicate the presence of BAW in southeastern region of cotton belt.

Under the proposed exemptions, Pirate may be applied at the rate of 0.15 to 0.2 lbs a.i./A (8.53 fl. oz.) of the 3SC formulation per acre, and Confirm may be applied at the rate of 0.125 to 0.250 lbs a.i./A (8 to 16 fl. ozs) of product per acre. Pirate or Confirm may be applied using ground or aerial application equipment, in a minimum of 10 gallons

per acre total volume by ground or 5 gallons of spray solution per acre by air.

Alabama's and Mississippi's 1994 requests for the use of Pirate to control the BAW on cotton were denied due to the risk of unreasonable adverse effects to non-target birds, aquatic organisms and the environment. Alabama has proposed a 75 foot buffer between cotton fields treated with Pirate and aquatic areas to mitigate these concerns.

Tebufenozide, as either the technical or the 2F formulation, produces minimal to no toxicity following acute exposures. Following subchronic or chronic exposure, tebufenozide does produce organ toxicity after multiple exposures at high doses to laboratory animals. The primary target organ for toxicity is the hemopoietic system and the toxicity was characterized as a regenerative anemia. Tebufenozide produced marginal reproductive effects following multiple exposures of very high doses to rats and was found to be moderately toxic to aquatic and aquatic invertebrate organisms and highly toxic to oysters.

This notice does not constitute a decision by EPA on the applications themselves. The regulations governing section 18 require that the Agency publish notice of receipt in the **Federal Register** and solicit public comment on an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide) [40 CFR 166.24 (a)(1)]. Pirate is a new chemical.

A record has been established for this notice under docket number ''[OPP–180974]'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

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

Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above. The Agency will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Alabama Department of Agriculture, Mississippi Department of Agriculture and Commerce, Louisiana Department of Agriculture and Forestry, Tennessee Department of Agriculture and the Arkansas State Plant Board.

List of Subjects

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: June 23, 1995.

Peter Caulkins

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 95–16555 Filed 7–6–95; 8:45 am]

BILLING CODE 6560–50–F

[OPP–36140C; FRL–4957–9]

Inert Ingredients in Pesticide Products; Reclassification of Certain List 3 Inert Ingredients to List 4B

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is issuing a list of inert ingredients formerly considered to be inert ingredients of unknown toxicity (List 3) for which it now has sufficient information to conclude that their current use patterns in pesticide products will not adversely affect public health and the environment and can therefore be reclassified to List 4B.

EFFECTIVE DATE: July 7, 1995.

ADDRESSES: By mail, submit written comments identified by the document control number to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. In person, deliver comments to: Rm. 1132, Crystal Mall Bldg. #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. The public docket is available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number, [OPP-36140C]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Mary Waller, Registration Support Branch, Registration Division (7505W), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Drive, 6th Floor, Arlington, VA 22202, (703)–308–8811; e-mail: waller.mary@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA announced its policy on toxic inert ingredients in pesticide products in the **Federal Register** of April 22, 1987 (52 FR 13305). Through its policy, EPA encourages the use of the least toxic inert ingredients available and requires the development of data necessary to determine the conditions of safe use of products that contain toxic inert ingredients. In developing this policy, EPA categorized inert ingredients into the following four lists according to toxicity:

List 1—Inerts of toxicological concern.

List 2—Potentially toxic inerts, with high priority for testing.

List 3—Inerts of unknown toxicity.

List 4—Inerts of minimal concern.

In the **Federal Register** of November 22, 1989 (58 FR 48314), EPA issued a

notice announcing some modifications to the previously published Lists 1 and 2. In that notice, EPA also noted that List 4 was being divided into two parts. The original List 4 became List 4A, representing minimal risk inert ingredients. List 4B was created to represent inert ingredients for which EPA has sufficient information to conclude that their current use patterns in pesticide products will not adversely affect public health and the environment. EPA subsequently issued List 4A in the **Federal Register** of September 28, 1994 (59 FR 49400).

As a part of its initial review of the inert ingredients originally categorized as List 3, EPA has identified 146 inert ingredients that merit reclassification to List 4B. The basis for this reclassification is as follows:

1. On behalf of the Office of Pesticide Programs, these substances were reviewed by the Structure Activity Team of EPA's Office of Pollution Prevention and Toxics with each judged to be of low concern for potential human health and/or environmental effects.

2. Each of these substances is either approved for use by the U.S. Food and Drug Administration as (a) a direct food additive under 40 CFR part 172 or (b) a polymer considered to not present an unreasonable risk on the basis of its conformance with the criteria given in the polymer exemption rule at 40 CFR 723.250. The polymer exemption rule exempts selected low-risk polymers from part or all of the premanufacture notification provisions of section 5 of the Toxic Substances Control Act (TSCA).

3. These inert ingredients were evaluated by the Office of Pesticide Program's Inert Review Group and determined to be of minimal risk.

A list of these inert ingredients proposed for reclassification was provided to EPA's Office of Water and to FDA's Center for Food Safety and Applied Nutrition for comment; no adverse comments were received.

This reclassification is expected to be the first in a series of actions related to the disposition of inert ingredients currently on Lists 2 and 3. EPA is continuing its review of other List 2 and List 3 inert ingredients under the inerts strategy and, following its assessment, will make further determinations regarding inert ingredient categorization.

LIST 4B.—INERT INGREDIENTS

CAS Reg. No.	Chemical name
57–55–6	Propylene glycol
67–63–0	Isopropyl alcohol
71–36–3	1-Butanol
80–56–8	alpha-Pinene
91–53–2	ethoxyquin
94–13–3	Propyl p-hydroxybenzoate
98–86–2	Acetophenone
99–76–3	Methyl p-hydroxybenzoate
102–76–1	Glyceryl triacetate
106–97–8	n-Butane
111–27–3	1-Hexanol
111–70–6	1-Heptanol
112–30–1	1-Decanol
120–72–9	1H-Indole
123–95–5	Butyl stearate
124–07–2	Octanoic acid
124–10–7	Methyl tetradecanoate
139–44–6	Glyceryltris (12-hydroxystearate)
141–78–6	Ethyl acetate
151–21–3	Dodecyl sulfate, sodium salt
527–07–1	Gluconic acid, sodium salt
527–09–3	Cupric gluconate
533–96–0	Sodium sesquicarbonate
860–22–0	FD & C Blue No. 2
868–18–8	Sodium tartrate
1302–42–7	Sodium aluminate
1310–58–3	Potassium hydroxide
1310–73–2	Sodium hydroxide
1338–41–6	Sorbitan monostearate
1343–98–2	Silicic acid
7558–79–4	Disodium phosphate
7722–88–5	Diphosphoric acid, tetrasodium salt
7722–88–5	Tetrasodium pyrophosphate
7664–93–9	Sulfuric acid
7758–16–9	Sodium acid pyrophosphate
7784–25–0	Aluminum ammonium sulfate
7785–87–7	Manganese sulfate
8009–03–8	Petrolatum
8015–86–9	Carnauba wax
8050–33–7	Polyoxyethylene ester of rosin
8061–51–6	Lignosulfonic acid, sodium salt
8061–52–7	Lignosulfonic acid, calcium salt
9002–89–5	Polyvinyl alcohol
9002–92–0	Polyoxyethylene dodecyl mono ether
9003–06–9	Acrylamide-acrylic acid resin
9003–07–0	Polypropylene
9003–11–6	Polyoxyethylene-polyoxypropylene copolymer

LIST 4B.—INERT INGREDIENTS—Continued

CAS Reg. No.	Chemical name
9003–49–0	Polymerized butyl acrylate
9003–55–8	Butadiene-styrene copolymer
9004–62–0	2-Hydroxyethyl cellulose
9004–64–2	Cellulose, 2-hydroxypropyl ether
9004–65–3	2-Hydroxypropyl methyl cellulose
9004–67–5	Methyl cellulose
9004–81–3	Polyoxyethylene monolaurate
9004–82–4	Dodecanol, ethoxylated, monoether with sulfuric acid, sodium salt
9004–95–9	Polyoxyethylene monohexadecyl ether
9004–96–0	Polyoxyethylene monooleate
9004–98–2	Polyoxyethylene mono(cis-9-octadecenyl) ether
9004–99–3	Polyoxyethylene monostearate
9005–00–9	Polyoxyethylene monooctadecyl ether
9005–07–6	Polyoxyethylene dioleate
9005–08–7	Polyoxyethylene distearate
9005–37–2	Propylene glycol alginate
9005–64–5	Polyoxyethylene sorbitan monolaurate
9005–65–6	Polyoxyethylene sorbitan monooleate
9005–66–7	Polyoxyethylene sorbitan monopalmitate
9005–67–8	Polyoxyethylene sorbitan monostearate
9005–70–3	Polyoxyethylene sorbitan trioleate
9005–71–4	Polyoxyethylene sorbitan tristearate
9007–48–1	Polyglycerol ester of oleic acid
9011–14–7	Polymethyl methacrylate
9011–29–4	Polyoxyethylene sorbitol hexastearate
9014–85–1	Polyethylene glycol ether with ether with 1,4-diisobutyl-1,4-dimethylbutynediol (2:1)
9014–90–8	Nonylphenol, ethoxylated, monoether with sulfuric acid, sodium salt
9014–92–0	Polyoxyethylene dodecylphenol
9014–93–1	Polyoxyethylene dinonylphenol
9016–45–9	Polyoxyethylene nonylphenol
9036–19–5	Polyoxyethylene (1,1,3,3-tetramethylbutyl) phenyl ether
9038–29–3	Oxirane, methyl-, polymer with oxirane, decyl ether
9038–95–3	Polyethylene-polypropylene glycol, monobutyl ether
9081–17–8	Nonylphenol, ethoxylated, monoether with sulfuric acid
9084–06–4	Naphthalenesulfonic acid, polymer with formaldehyde, sodium salt
10124–56–8	Sodium hexametaphosphate
12173–47–6	Hectorite
25231–21–4	Polyoxypropylene monostearyl ether
25322–68–3	Polyethylene glycol
25322–69–4	Polypropylene glycol
25496–72–4	Glyceryl monooleate
25719–52–2	Dodecyl 2-methylacrylate polymer
25719–60–2	beta-Pinene homopolymer
26027–38–3	p-Nonylphenol, ethoxylated
26183–44–8	Dodecyl alcohol, ethoxylated, monoether with sulfuric acid
26183–52–8	Polyoxyethylene monodecyl ether
26266–57–9	Sorbitan monohexadecanoate
26635–76–7	Glycols, polyethylene, mono(oleylamines)- ethyl ester
26636–39–5	Polyoxyethylene monoeicosyl ether
26636–40–8	Polyoxyethylene docosyl ether
26915–70–8	Tridecanol, ethoxylated, phosphate ester
27306–79–2	Polyoxyethylene monotetradecyl ether
31566–31–1	Glyceryl monostearate
31800–88–1	Octyloxypoly(ethyleneoxy)ethyl phosphate
37280–82–3	Polyoxyethylene polyoxypropylene phosphate
37286–64–9	Polyoxypropylene monomethyl ether
37340–60–6	Nonylphenol, ethoxylated, phosphate ester, sodium salt
39464–64–7	Dinonylphenol, ethoxylated, phosphated
41928–09–0	Polyethylene glycol ether with 2,2'-methylenebis(4-(tert-octyl)phenol) (2:1)
50769–39–6	Butylpolyethoxyethanol esters of phosphoric acid
51609–41–7	4-Nonylphenol, ethoxylated, phosphate ester
51617–79–9	Polyoxyethylene octadecylphenol
51811–79–1	Nonylphenol, ethoxylated, phosphate ester
52503–15–8	Polyethylene glycol nonylphenyl ether phosphate potassium salt
54116–08–4	Sodium tridecylpoly(oxyethylene) sulfate
55069–68–6	Polyethylene glycol hexaether with sorbitol, diester with dodecanoic and oleic acids
56388–96–6	Poly(oxyethylene)tridecylacetic acid
57171–56–9	Polyoxyethylene sorbitol hexaoleate
57451–03–3	Nonylphenol, ethoxylated, monoether with sulfuric acid, triethanolamine salt
59139–23–0	Polyethylene glycol nonylphenyl ether phosphate ethanolamine salt
60828–78–6	2,6,8-Trimethyl-4-nonylpolyethylene glycol ether
60864–33–7	Benzyl ether of 1,1,3,3-tetramethylbutyl phenoxypolyethoxy ethanol

LIST 4B.—INERT INGREDIENTS—Continued

CAS Reg. No.	Chemical name
60874–89–7	Polyethylene glycol ether with methylenebis(diamylphenol)
61725–89–1	Oxirane methyl-, polymer with oxirane, tridecyl ether
61788–60–1	Methyl esters of cottonseed oil
61790–90–7	Fatty acids, tall-oil, hexaester with sorbitol, ethoxylated
61791–12–6	Castor oil, ethoxylated
61791–23–9	Soybean oil, ethoxylated
61791–26–2	Polyethoxylated tallowamine
61827–84–7	Oxirane, methyl-, polymer with oxirane, octyl ether
63089–86–1	Polyoxyethylene sorbitol tetraoleate
63393–89–5	Coumarone - indene resin
64754–90–1	Chlorinated polyethylene
66070–87–9	Polyglyceryl phthalate ester of coconut oil fatty acid
67922–57–0	Polyethylene glycol nonylphenyl ether phosphate magnesium salt
68131–40–8	Alcohols, C12–15, polyethoxylated
68187–71–3	Calcium salts of tall-oil fatty acids
68333–69–7	Rosin, maleated, polymer with pentaerythritol
68425–44–5	Amides, coco, N-(hydroxyethyl), ethoxylated
68441–17–8	Oxidized polyethylene
68458–49–1	Polyphosphoric acids, esters with polyethylene glycol nonylphenyl ether
68526–94–3	Alcohols, C12–20, ethoxylated
68646–20–4	Sorbitol tall oil fatty acid sesquiester, ethoxylated
68650–09–9	Fatty acids, tall-oil, mixed esters with glycerol and polyethylene glycol
68891–29–2	Alcohols, C8–10, ethoxylated, monoether with sulfuric acid, ammonium salt
69227–21–0	Alcohols, C12–18, ethoxylated propoxylated
70632–06–3	Alcohols, C12–15, ethoxylated, carboxylated, sodium salts
71012–10–7	Oleic acid, 2-(2-(2-(2-hydroxyethoxy)eth oxy)ethoxy)ethyl ester
97043–91–9	Alcohols, C9–16, ethoxylated

A record has been established for this rulemaking under docket number [OPP–36140C] (including any comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

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

List of Subjects

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

Dated: June 23, 1995.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 95–16556 Filed 7–6–95; 8:45 am]

BILLING CODE 6560–50–F

[OPP–66214; FRL 4961–5]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations.

DATES: Unless a request is withdrawn by October 5, 1995, orders will be issued cancelling all of these registrations.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location for commercial courier delivery and telephone number: Room 216, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305–5761; e-mail: hollins.james@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, provides that a pesticide registrant may, at any time, request that any of its pesticide registrations be cancelled. The Act further provides that EPA must publish a notice of receipt of any such request in the **Federal Register** before acting on the request.

II. Intent to Cancel

This Notice announces receipt by the Agency of requests to cancel some 31 pesticide products registered under section 3 or 24(c) of FIFRA. These registrations are listed in sequence by registration number (or company number and 24(c) number) in the following Table 1.

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product Name	Chemical Name
000228–00142.	Riverdale Weed destroy Mcpp	Diethanolamine 2-(2-methyl-4-chlorophenoxy)propionate
000239–01701.	Ortho Sevin Garden Spray	1-Naphthyl-*N*-methylcarbamate
000239–02356.	Ortho Liquid Sevin	1-Naphthyl-*N*-methylcarbamate
000239–02562.	Ortho Formula 101 Insect Spray	Methoxychlor (2,2-bis(*p*-methoxyphenyl)-1,1,1-trichloroethane) 1-Naphthyl-*N*-methylcarbamate *O,O*-Dimethyl phosphorodithioate of diethylmercaptosuccinate
000239–02563.	Bug-Geta Liquid Snail, Slug & Insect Killer	2,4,6,8-Tetramethyl-1,3,5,7-tetroxocane 1-Naphthyl-*N*-methylcarbamate
000241 NV–90–0004.	Pursuit Herbicide	Ammonium salt of (+/-)-2-(4,5-dihydro-4-methyl-4-(1-methylethyl)-5-
000402–00125.	#2380 Carbocide	Potassium *N*-methyldithiocarbamate Disodium cyanodithioimidocarbonate
000557–01944.	Gro-Tone Liquid Sevin	1-Naphthyl-*N*-methylcarbamate
001769–00025.	National Chemsearch Tri-Gly Air Sanitizer & Deodorant	Isopropanol 1,2-Propanediol Triethylene glycol
001769–00235.	Power-Plus Germicidal Food Plant Cleaner	Alkyl* dimethyl benzyl ammonium chloride *(60%C_{14}, 30%C_{16}, 5%C_{18}, 5%C_{12}) Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C_{12}, 32%C_{14})
001769–00257.	National Chemsearch Lemalene Air Sanitizer and Deodorant	1,2-Propanediol Methyldodecylbenzyl trimethyl ammonium chloride 80% and methyldodecylxylylene Triethylene glycol
001769–00270.	Heaven-Soft Laundry Softener-Sanitizer	Alkyl* dimethyl benzyl ammonium chloride *(60%C_{14}, 30%C_{16}, 5%C_{18}, 5%C_{12}) Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C_{12}, 32%C_{14})
001769–00282.	National Chemsearch Pathfinder	*O,O*-Diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate
001769–00291.	National Chemsearch Pathfinder II	*O,O*-Diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate Pyrethrins
001769–00354.	Dursban Aerosol GZ	*O,O*-Diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate (Butylcarbityl)(6-propylpiperonyl) ether 80% and related compounds 20% Pyrethrins
002393 NC–86–0003.	Hopkins Snail and Slug Pellets M-2	4-(Methylthio)-3,5-xylyl methylcarbamate
002393 WI–92–0004.	Hopkins Snail and Slug Pellets M-2	4-(Methylthio)-3,5-xylyl methylcarbamate
003377–00026.	M-B-R 33 Technical	Methyl bromide Chloropicrin
004758–00145.	Hill's Holiday Tf5 Tick & Flea Pump Spray	Limonene
004758–00146.	Holiday Flea & Tick Aerosol	Limonene
004816–00330.	Pyrenone Malathion Mosquito Fogging Insecticide	*O,O*-Dimethyl phosphorodithioate of diethylmercaptosuccinate (Butylcarbityl)(6-propylpiperonyl) ether 80% and related compounds 20% Pyrethrins
004816–00349.	Pyrenone Malathion Residual Spray	*O,O*-Dimethyl phosphorodithioate of diethylmercaptosuccinate (Butylcarbityl)(6-propylpiperonyl) ether 80% and related compounds 20% Pyrethrins
004816–00488.	Niagara Malathion 4 Pyrenone 202 Dust	*O,O*-Dimethyl phosphorodithioate of diethylmercaptosuccinate (Butylcarbityl)(6-propylpiperonyl) ether 80% and related compounds 20% Pyrethrins

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Product Name	Chemical Name
004816–00584.	Alleviate Malathion Mosquito Fogging Insecticide	2-Methyl-4-oxo-3-(2-propenyl)-2-cyclopenten-1-yl *d*-trans-2,2-dimethyl-
		O,O-Dimethyl phosphorodithioate of diethylmercaptosuccinate
		(Butylcarbityl)(6-propylpiperonyl) ether 80% and related compounds 20%
005197–00034.	Kemsol Bowl Renovator with Bleach	Hydrogen chloride
		Alkyl* dimethyl benzyl ammonium chloride *(60%C_{14}, 30%C_{16}, 5%C_{18}, 5%C_{12})
		Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C_{12}, 32%C_{14})
005197–00037.	Norkem 500	6,7-Dihydrodipyrido(1,2-a: 2',1'-*c*)pyrazinediium dibromide
005197–00048.	Hands Off Spray and Wipe Germicidal Cleaner Surface Deodorant	Alkyl* dimethyl benzyl ammonium chloride *(60%C_{14}, 30%C_{16}, 5%C_{18}, 5%C_{12})
		Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C_{12}, 32%C_{14})
006962–00012.	Liminate Swimming Pool Treatment	Alkyl* dimethyl benzyl ammonium chloride *(50%C_{14}, 40%C_{12}, 10%C_{16})
014804–00004.	AB-30	Potassium *N*-methyldithiocarbamate
		Disodium cyanodithioimidocarbonate
034859–00002.	WC-4200 Algaecide	Potassium *N*-methyldithiocarbamate
		Disodium cyanodithioimidocarbonate
048234–00003.	Consyst Turf and Ornamental Fungicide	Tetrachloroisophthalonitrile
		Diethyl 4,4'-*o*-phenylenebis(3-thioallophanate)

Unless a request is withdrawn by the registrant within 90 days of publication of this notice, orders will be issued cancelling all of these registrations. Users of these pesticides or anyone else desiring the retention of a registration should contact the applicable registrant directly during this 90-day period. The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA Company Number.

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company Name and Address
000228	Riverdale Chemical Co., 425 W. 194th St., Glenwood, IL 60425.
000239	Solaris Group of Monsanto Co., The Box 5006, San Ramon, CA 94583.
000241	American Cyanamid Co., Agri Research Div - U.S. Regulatory Affair, Box 400, Princeton, NJ 08543.
000402	Hill MFG. Co., Inc., 1500 Jonesboro Rd., SE., Atlanta, GA 30315.
000557	Vigoro Industries Inc., Box 4139, Fairview Heights, IL 62208.
001769	NCH Corp., 2727 Chemsearch Blvd., Irving, TX 75062.
002393	Haco Inc., Box 7190, Madison, WI 53707.
003377	Albemarle Corp., 451 Florida Blvd., Baton Rouge, LA 70801.
004758	Pet Chemicals, 4242 BF Goodrich Blvd., Box 18993, Memphis, TN 38181.
004816	Agrevo Environmental Health, 95 Chestnut Ridge Rd., Montvale, NJ 07645.
005197	Systems General Inc., Box 152170, Irving, TX 75015.
006962	Madison Bionics, Division of Systems General Inc., 1630 E. Northgate, Irving, TX 75062.
014804	Hofmann Water Technologies Inc., 970 Kings Hwy W., Southport, CT 06490.
034859	Wayne Chemical Inc., 7114 Homestead Rd., Fort Wayne, IN 46804.
048234	Regal Chemical Co., 600 Branch Dr., Alpharetta, GA 30201.

III. Loss of Active Ingredients

Unless the requests for cancellation are withdrawn, one pesticide active ingredients will no longer appear in any registered products. Those who are concerned about the potential loss of this active ingredient for pesticidal use are encouraged to work directly with the registrant to explore the possibility of their withdrawing the request for cancellation. The active ingredient is listed in the following Table 3, with the EPA Company and CAS Number.

TABLE 3.—ACTIVE INGREDIENTS WHICH WOULD DISAPPEAR AS A RESULT OF REGISTRANTS' REQUESTS TO CANCEL

CAS No.	Chemical Name	EPA Company No.
23564–86–9	Diethyl 4,4''-o-phenylenebis (3-thioallophanate)	048234

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to James A. Hollins, at the address given above, postmarked before October 5, 1995. This written withdrawal of the request for cancellation will apply only to the applicable 6(f)(1) request listed in this notice. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling. The withdrawal request must also include a commitment to pay any reregistration fees due, and to fulfill any applicable unsatisfied data requirements.

V. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The orders effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks for 1 year after the date the cancellation request was received. This policy is in accordance with the Agency's statement of policy as prescribed in **Federal Register** No. 123, Vol. 56, dated June 26, 1991. Exceptions to this general rule will be made if a product poses a risk concern, or is in noncompliance with reregistration requirements, or is subject to a data call-in. In all cases, product-specific disposition dates will be given in the cancellation orders.

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Unless the provisions of an earlier order apply, existing stocks already in the hands of dealers or users can be distributed, sold or used legally until they are exhausted, provided that such further sale and use comply with the EPA-approved label and labeling of the affected product(s). Exceptions to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in Special Review actions, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

List of Subjects

Environmental protection, Pesticides and pests, Product registrations.

Dated: June 22, 1995.

Frank Sanders,

Director, Program Management and Support Division, Office of Pesticide Programs.

[FR Doc. 95–16557 Filed 7–6–95; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Network Reliability Council Meeting

July 3, 1995.

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, this notice advises interested persons of the twelfth meeting of the Network Reliability Council (''Council''), which will be held at the Federal Communications Commission in Washington, D.C.

DATES: Friday, July 21, 1995 at 1:30 p.m.

ADDRESSES: Federal Communications Commission, Room 856, 1919 M Street, N.W., Washington, D.C. 20554.

FOR ADDITIONAL INFORMATION CONTACT:

Robert Kimball at (202) 634–7150.

SUPPLEMENTARY INFORMATION: The Council was established by the Federal Communications Commission to bring together leaders of the telecommunications industry and telecommunications experts from academic, consumer and other organizations to explore and recommend measures that would enhance network reliability.

The agenda for the twelfth meeting will include an overview of Steering Committee activities and an update on network reliability performance. The progress of the NRC focus groups and data collection will be discussed.

Members of the general public may attend the meeting. The Federal Communications Commission will attempt to accommodate as many people as possible. However, admittance will be limited to the seating available. The public may submit written comments to the Council's designated Federal Officer before the meeting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–16707 Filed 7–6–95; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1008–DR]

California; 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 California (FEMA–1008–DR), dated January 17, 1994, and related determinations.

EFFECTIVE DATE: June 30, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Patricia Stahlschmidt of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Laurence Zensinger as Federal Coordinating Officer for this disaster.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

James L. Witt,

Director.

[FR Doc. 95–16738 Filed 7–6–95; 8:45 am]

BILLING CODE 6718–02P–M

[FEMA–1053–DR]

Illinois; 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 Illinois, (FEMA–1053–DR), dated May 30, 1995, and related determinations.

EFFECTIVE DATE: June 30, 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 Illinois dated May 30, 1995, is hereby amended to include the following area determined to have been adversely

affected by the catastrophe declared a major disaster by the President in his declaration of May 30, 1995:

The county of Fulton for Public Assistance and Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Richard W. Krimm,

Associate Director, Response and Recovery Directorate.

[FR Doc. 95–16739 Filed 7–6–95; 8:45 am]

BILLING CODE 6718–02P–M

[FEMA–1058–DR]

Oklahoma; 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 Oklahoma, (FEMA–1058–DR), dated June 26, 1995, and related determinations.

EFFECTIVE DATE: June 30, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective June 11, 1995.

The major disaster for the State of Oklahoma dated June 26, 1995, is also 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 June 26, 1995:

The counties of Beckham, Caddo, Creek, Grady, Harmon, Jackson, Kiowa, Lincoln, Logan and Tillman for Hazard Mitigation Assistance (already designated for Public Assistance).

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Richard W. Krimm,

Associate Director, Response and Recovery Directorate.

[FR Doc. 95–16740 Filed 7–6–95; 8:45 am]

BILLING CODE 6718–02P–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 May 26, 1995, and related determinations.

EFFECTIVE DATE: June 29, 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 May 26, 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 26, 1995:

The counties of Bon Homme, Clay, Custer, Douglas, Grant, Haakon, Hutchinson, Lake, McCook, Miner, Moody, Turner, Walworth and Yankton for Public Assistance and Disaster Unemployment Assistance under the Individual Assistance Program.

The county of Lincoln for Disaster Unemployment Assistance under the Individual Assistance Program.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Richard W. Krimm,

Associate Director, Response and Recovery Directorate.

[FR Doc. 95–16741 Filed 7–6–95; 8:45 am]

BILLING CODE 6718–02–P–M]

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Public Law 89–777 (46 U.S.C. 817(d)) and the Federal Maritime Commission's implementing regulations at 46 CFR Part 540, as amended:

New Commodore Cruise Lines Limited, Almira Enterprises, Inc. and Commodore Holdings Limited, 4000 Hollywood Blvd., #385 South Tower, Hollywood, Florida 33021

Vessel: ENCHANTED ISLE

Dated: July 3, 1995.

Joseph C. Polking,

Secretary.

[FR Doc. 95–16714 Filed 7–6–95; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89–777 (46 U.S.C. 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR Part 540, as amended:

New Commodore Cruise Lines Limited, 4000 Hollywood Blvd., #385 South Tower, Hollywood, Florida 33021

Vessel: ENCHANTED ISLE

Dated: July 3, 1995.

Joseph C. Polking,

Secretary.

[FR Doc. 95–16713 Filed 7–6–95; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89–777 (46 U.S.C. § 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Princess Cruises, Inc. and Princess Cruise Lines, Inc., 10100 Santa Monica Blvd., Los Angeles, California 90067–4189

Vessel: SUN PRINCESS

Dated: July 3, 1995.

Joseph C. Polking,

Secretary.

[FR Doc. 95–16715 Filed 7–6–95; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2,

Public Law 89–777 (46 U.S.C. § 817(d)) and the Federal Maritime Commission's implementing regulations at 46 C.F.R. Part 540, as amended:

Princess Cruises, Inc., Princess Cruise Lines, Inc. and Astramar S.p.A, 10100 Santa Monica Blvd., Los Angeles, California 90067–4189
Vessel: SUN PRINCESS

Dated: July 3, 1995.

Joseph C. Polking,

Secretary.

[FR Doc. 95–16716 Filed 7–6–95; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 10573.

Salviati & Santori, Inc., 10 E. Merrick Road, Suite 210, Valley Stream, NY 11580, Officers: Francesco Santori, President, Roberto Zucconi, Vice President

Southern Cross Shipping, Inc., 7225 N.W. 25th Street, Suite 317, Miami, FL 33122, Officers: Jose D. Rodriquez, President, Martha Vidal, Vice President

Dated: July 3, 1995.

By the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 95–16717 Filed 7–6–95; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Andover Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 1, 1995.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. Andover Bancorp, Inc., Andover, Massachusetts; and Andover Bancorp of New Hampshire, Inc., Concord, New Hampshire; to acquire 100 percent of the voting shares of Andover Bank NH, Salem, New Hampshire, a *de novo* bank.

In connection with this application, Andover Bancorp of New Hampshire, Inc., Concord, New Hampshire, also has applied to become a bank holding company.

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Great Southern Bancorp, West Palm Beach, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Great Southern Bank, West Palm Beach, Florida.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. First Commercial Corporation, Little Rock, Arkansas; to merge with FDH Bancshares, Inc., Little Rock, Arkansas, and thereby indirectly acquire Citizens First Bank, Arkadelphia, Arkansas; Citizens First Bank, El Dorado, Arkansas; Citizens First Bank, Fordyce, Arkansas; Citizens First Bank, Little Rock, Arkansas; also to merge with Springhill Bancshares, Inc., Springhill, Louisiana, and thereby indirectly acquire Springhill Bank and Trust Company, Springhill, Louisiana.

D. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Coupland Bancshares, Inc., Coupland, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Coupland Bancshares-Nevada, Inc., Carson City, Nevada, and thereby indirectly acquire The Coupland State Bank of Coupland, Coupland, Texas.

In connection with this application, Coupland Bancshares-Nevada, Inc., Carson City, Nevada, also has applied to become a bank holding company by acquiring 100 percent of the voting shares of The Coupland State Bank of Coupland, Coupland, Texas. Comments on this application must be received by July 28, 1995.

Board of Governors of the Federal Reserve System, June 30, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–16690 Filed 7–6–95; 8:45 am]

BILLING CODE 6210–01–F

Bancorp Hawaii, Inc.; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party

commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 20, 1995.

A. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Bancorp Hawaii, Inc., Honolulu, Hawaii; to engage *de dovo* through its subsidiary, First Federal Savings and Loan Association of America, Honolulu, Hawaii, in making equity and debt investments in corporations or projects designed primarily to promote community welfare, pursuant to § 225.25(b)(6) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 30, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–16691 Filed 7–6–95; 8:45 am]

BILLING CODE 6210–01–F

Grover Lynn Shade, 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 July 20, 1995.

A. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Grover Lynn & Nelda Sue Shade, both of Muldoon, Texas; to retain 10 percent, for a total of 10 percent, of the voting shares of Lost Pines Bancshares, Inc., Smithville, Texas, and thereby indirectly acquire Lost Pines National Bank, Smithville, Texas.

Board of Governors of the Federal Reserve System, June 30, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–16692 Filed 7–6–95; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement Number 529]

RIN 0905–ZA95

FY 1995 Epidemiologic Research Studies of Acquired Immunodeficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) Infection

Introduction

The Centers for Disease Control and Prevention (CDC) announces a program for competitive fiscal year (FY) 1995 grant or cooperative agreement applications to conduct epidemiologic and behavioral research studies of AIDS and HIV infection. These include studies to evaluate the implementation and effectiveness of policies to reduce mother-to-child HIV transmission, to examine factors related to mother-to-child HIV transmission, and to evaluate factors associated with healthy, long-term HIV- seropositive persons. The study of these research areas as they pertain to minority populations (defined as Black, Hispanic, Asian and Pacific Islander, and American Indian), is encouraged because minorities constitute over 50 percent of all reported cases of AIDS and approximately 76 percent of all women and children with AIDS.

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 HIV Infection. (To order a copy of ''Healthy People 2000,'' see the section **WHERE TO OBTAIN ADDITIONAL INFORMATION**.)

Authority

This program is authorized under Sections 301(a) and 317(k)(2) of the Public Health Service Act [42 U.S.C. 241(a) and 247b(k)(2)], as amended. Applicable program regulations are set forth in 42 CFR Part 52, entitled ''Grants for Research Projects.''

Smoke Free Workplace

The Public Health Service strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. 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. This is consistent with the PHS mission to protect and advance the physical and mental health of American people.

Eligible Applicants

Eligible applicants include all public and private, nonprofit and for-profit organizations and governments and their agencies. Thus, universities, colleges, research institutions, hospitals, and other public and private organizations, State and local governments or their bonafide 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 $3,900,000 will be available in FY 1995 to fund approximately eight awards. It is expected that the average award will be approximately $375,000, ranging from $350,000 to $400,000. It is expected that about 5 new and 3 competing renewal awards will be made and that awards will begin on or about September 30, 1995. Awards will be funded for a 12-month budget period within a project period of up to 3 years. Funding estimates may vary and are subject to change. Continuation awards within the project period will be made on the basis of satisfactory programmatic progress and the availability of funds.

Purpose

The purpose of these awards is to conduct epidemiologic and behavioral research studies of AIDS and HIV infection. These include studies to evaluate the implementation and effectiveness of policies to reduce mother-to-child HIV transmission, to examine factors related to mother-to-child HIV transmission, and to evaluate factors associated with healthy long-term HIV- seropositive persons. The study of these research areas as they pertain to minority populations (defined as Black, Hispanic, Asian and Pacific Islander, and American Indian), is encouraged because minorities constitute over 50 percent of all reported cases of AIDS and

approximately 76 percent of all women and children with AIDS.

Program Requirements

In conducting activities to achieve the purpose of this program, the applicant should follow the procedures set forth below.

Research Issues

Three research issues of programmatic interest to the health care community and to CDC for FY 1995 are listed below and are considered to be of significant importance in gaining a greater understanding of the epidemiology of AIDS and HIV infection. However, applications submitted by organizations that examine additional important HIV-related epidemiologic research issues will also be accepted and considered for funding.

A. Evaluating the Implementation of Policies to Reduce Mother-to-Child Transmission

Studies should be designed to evaluate the implementation and effectiveness of guidelines for universal counseling and voluntary HIV testing of pregnant women, for offering zidovudine (ZDV) to HIV-infected pregnant women to reduce mother-to-child HIV transmission, and for providing needed health and social services for HIV-infected women and their children. Specifically, proposals are sought which will address the following objectives:

1. To describe the extent to which current prenatal HIV counseling, testing, and intervention practices reflect full implementation of local and/or national guidelines (i.e., the United States PHS Recommendations for HIV Counseling and Testing for Pregnant Women) in a well-defined population.

2. To identify and quantify determinants of success or failure to implement guidelines for offering HIV counseling and testing among pregnant women and to identify and quantify determinants of accepting HIV testing by pregnant women.

3. To identify and quantify determinants of the acceptance of and adherence to preventive ZDV therapy, and the receipt of needed HIV-related services by HIV-infected pregnant women and their children.

4. To identify and quantify social and psychological effects of being diagnosed with HIV, in particular potential adverse social and psychological consequences of HIV testing of pregnant women including discrimination, domestic violence, and loss of social and family supports. Preference will be given to applicants who address two or more of the above objectives and are able to document their ability to enroll an adequate number of pregnant women and HIV-infected pregnant women. Applicants must be willing to participate collaboratively with CDC and other researchers in the development, implementation, and analysis of data from the proposed study.

B. Mother-to-Child HIV Transmission Studies

Studies should be designed to identify HIV-infected women during pregnancy or at delivery and enroll the women and their infants in a prospective follow-up study to examine factors related to mother-to-child HIV transmission, early diagnosis of infant infection, and disease progression, particularly in infants. Studies designed to examine the effect of interventions to prevent mother-to-child HIV transmission are of particular interest. Preference will be given to studies in which mother-infant pairs are already being systematically identified and followed, and which have the ability to perform virologic and immunologic assays. Applicants must demonstrate that they can provide adequate rates of follow-up of both mothers and infants, including collection of laboratory specimens at periodic intervals (particularly within the first 48 hours of birth and during the first 6 months of life), and long-term follow-up of infants, including those placed in foster care. Applicants must be willing to participate in collaborative studies with other CDC-sponsored mother-to-child HIV transmission projects, including use of common data collection instruments and study design where warranted. Applicants must demonstrate cost-efficient data management and statistical capability or provide explicit plans for data management by CDC or an outside group. Applicants must demonstrate the ability to enroll and follow at least 30 HIV-positive mother-infant pairs per year at each study site.

C. Prospective Evaluation of Healthy, Long-Term HIV-Seropositive Persons

Studies should be designed to assess virologic and host factors in which the HIV-infected persons remain disease-free or asymptomatic for prolonged periods (usually, for 10 or more years after HIV infection). Preference will be given to studies in which cohorts of long-term healthy HIV-seropositive persons with characterized dates of seroconversion and high CD4+ lymphocyte counts (e.g., >500 cells/mm^3) have been established. Studies should be designed to try to identify virologic and immunologic factors that may modulate the clinical course of HIV infection. Applicants should demonstrate a willingness to collaborate, or have a proven collaborative relationship, with virologic and immunologic laboratories, CDC, and providers of care to HIV-infected persons.

Research Project Grants

A research project grant is one in which substantial programmatic involvement by CDC is not anticipated by the recipient during the project period. Applicants for grants must demonstrate an ability to conduct the proposed research with minimal assistance, other than financial support, from CDC. This would include possessing sufficient resources for clinical, laboratory and data management services, and a level of scientific expertise to achieve the objectives described in their research proposal without substantial technical assistance from CDC.

Cooperative Agreements

A cooperative agreement implies that CDC will assist the collaborator in conducting the epidemiologic research of AIDS and HIV infection described in the PURPOSE section of this announcement. The application should be presented in a manner that demonstrates the applicant's ability to address the research problem in a collaborative manner with CDC.

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for the activities under A., below, and CDC shall be responsible for conducting activities under B., below:

A. Recipient Activities

1. Develop the research study protocol and the interview instrument in collaboration with CDC;

2. Identify, recruit, obtain informed consent, and enroll an adequate number of study participants as determined by the study protocol and the program requirements, where applicable;

3. Continue to follow study participants as determined by the study protocol;

4. Establish procedures to maintain the rights and confidentiality of all study participants;

5. Perform laboratory tests (when appropriate) and data analysis as determined in the study protocol;

6. Collaborate and share data and specimens (when appropriate) with CDC and other collaborators to answer specific research questions; and

7. Conduct data analysis with CDC and other collaborators as well as present research findings.

B. CDC Activities

1. Provide technical assistance in the design and conduct of the research;
2. Provide technical guidance in the development of study protocols, consent forms and questionnaires;
3. Assist in designing a data management system;
4. Perform selected laboratory tests;
5. Coordinate research activities among the different sites; and
6. Participate in the analysis of research information and the presentation of research findings.

Determination of Which Instrument to Use

Applicants must specify the type of award for which they are applying, either project grant or cooperative agreement. CDC will review the applications in accordance with the evaluation criteria. Before issuing awards, CDC will determine whether a grant or cooperative agreement is the appropriate instrument based upon the need for substantial Federal involvement in the project.

Evaluation Criteria

Applications will be reviewed and evaluated based on the evidence submitted, which specifically describes the applicants' abilities to meet the following criteria:

A. The inclusion of a detailed review of the scientific literature pertinent to the study being proposed and specific research questions and/or hypotheses that will guide the research. (25 points)

B. The originality and need for the proposed research and the extent to which it does not replicate past or present research efforts. (25 points)

C. The plans to develop and implement the study describing how study participants (including racial/ethnic minority populations) will be identified, enrolled, tested and followed. (25 points)

D. The ability to enroll and follow an adequate number of eligible study participants to assure proper conduct of the study. This includes both demonstration of the availability of HIV-infected potential study participants and the experience of the investigator in enrolling and following such persons in a culturally and linguistically appropriate manner. (25 points)

E. The applicant's current activities in AIDS and HIV or related research and how they will be applied to achieving the objectives of the study. Letters of support from cooperating organizations which demonstrate the nature and extent of such cooperation should be included. (20 points)

F. The applicant's understanding of the research objectives and their ability, willingness and/or need to collaborate with CDC and researchers from other study sites in study design and analysis, including use of common forms, and sharing of specimens (when appropriate) and data. (25 points)

G. The plan to protect the rights and confidentiality of all participants. (25 points)

H. The size, qualifications and time allocation of the proposed staff and the availability of facilities to be used during the research study. Description of how the project will be administered to assure the proper management of the daily activities of the program. (10 points)

I. The proposed schedule for accomplishing the activities of the research, including time-frames. (10 points)

J. A detailed evaluation plan which specifies methods and instruments to be used to evaluate the progress made in attaining research objectives. (10 points) (A maximum of 200 cumulative points can be awarded.)

The budget will be reviewed to determine the extent to which it is reasonable, clearly justified, and consistent with the intended use of funds. All budget categories should be itemized.

Funding Priorities

Priority will be given to competing continuation applications from satisfactorily performing projects over applications for projects not already receiving support under the program. Projects to evaluate the implementation of policies to reduce mother-to-child transmission will be awarded so that the composite of projects represents the geographic and demographic characteristics of HIV-infected childbearing women.

Public comments are not being solicited regarding the funding priority because time does not permit solicitation and review prior to the funding date.

Executive Order 12372 Review

Applications are not subject to review under Executive Order 12372, Intergovernmental Review of Federal Programs.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.943, Epidemiologic Research Studies of Acquired Immunodeficiency Syndrome (AIDS) and Human Immunodeficiency Virus (HIV) Infection in Selected Population Groups.

Other Requirements

A. Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and funded by cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

B. Human Subjects

This program involves research on human subjects. Therefore, all 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 or activity 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.

C. HIV Program Review Panel

Recipients must comply with the document entitled Content of AIDS-Related Written Materials, Pictorials, Audiovisuals, Questionnaires, Survey Instruments, and Educational Sessions (June 1992) (a copy is in the application kit). To meet the requirements for a program review panel, recipients are encouraged to use an existing program review panel, such as the one created by the State health department's HIV/AIDS prevention program. If the recipient forms its own program review panel, at least one member must be an employee (or a designated representative) of a State or local health department. The names of the review panel members must be listed on the Assurance of Compliance Form CDC 0.1113, which is also included in the application kit. The recipient must submit the program

review panel's report that indicates all materials have been reviewed and approved.

D. Patient Care

Applicants should provide assurance that all HIV-infected patients enrolled in their studies will be linked to an appropriate local HIV care system that can address their specific needs such as medical care, counseling, social services and therapy. Details of the HIV care system should be provided, describing how patients will be linked to the system. Funds will not be made available to support the provision of direct care for study participants.

Application Submission and Deadline

The original and five copies of the completed application Form PHS–398 (OMB No. 0925–0001) must be submitted to Clara Jenkins, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 320, Mail Stop E–15, Atlanta, Georgia 30305, on or before August 11, 1995. States and local governments may use Form PHS–5161–1 (OMB No. 0937–0189); however, Form PHS–398 is preferred. If using Form PHS–5161–1, submit an original and two copies to the address stated above.

1. Deadline

Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the stated deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the independent 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 accepted as proof of timely mailing.)

2. Late Applications

Applications which do not meet the criteria in 1.(a) or 1.(b) above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where To Obtain Additional Information

A complete program description, information on application procedures, an application package and business or financial management technical assistance may be obtained from Kevin G. Moore, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 320, Mail Stop E–15, Atlanta, Georgia 30305, telephone (404) 842–6550. The announcement is available through the CDC homepage on the Internet. The address for the CDC homepage is http://www.cdc.gov.

Programmatic technical assistance may be obtained from Jeff Efird, Division of HIV/AIDS, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mail Stop E–45, Atlanta, Georgia 30333, telephone (404) 639–6130. Eligible applicants are encouraged to call prior to the development and submission of their application. Please refer to Announcement Number 529 when requesting information and submitting an application.

Potential applicants may obtain a copy of ''Healthy People 2000'' (Full Report: Stock No. 017–001–00474–0) or ''Healthy People 2000'' (Summary Report: Stock No. 017–001–00473–1) referenced in the **INTRODUCTION** from the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

Dated: June 30, 1995.

Joseph R. Carter,

Acting Associate Director for Management,Management and Operations Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–16688 Filed 7–6–95; 8:45 am]

BILLING CODE 4163–18–P

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the following Heart, Lung, and Blood Special Emphasis Panel.

The meeting will be open to the public to provide concept review of proposed contract or grant solicitations.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the Contact Person listed below in advance of the meeting.

Name of Panel: NHLBI SEP on Tissue Engineering.

Dates of Meeting: July 25–26, 1995.

Time of Meeting: 1:00 p.m.

Place of Meeting: Holderness School, Plymouth, New Hampshire.

Agenda: The panel will review the current status of research in the designated areas, identify gaps and make recommendations regarding opportunities and priorities for future contract or grant solicitations.

Contact Person: Paul Didisheim, M.D., Rockledge Building II, 6701 Rockledge Drive, Room 9180, Bethesda, Maryland, 20892–7940, (301) 435–0513.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the grant review cycle.

(Catalog of Federal Domestic Assistance Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: June 30, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–16683 Filed 7–6–95; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Agency Forms Undergoing Paperwork Reduction Act Review

Each Friday the Public Health Service (PHS) publishes a list of information collection requests under review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the PHS Reports Clearance Office on (202) 690–7100.

The following requests have been submitted for review since the list was last published on June 30.

1. National Nursing Home Expenditure Survey (NNHES) of the National Medical Expenditure Survey (NMES3)—New—The 1996 NMES3 National Nursing Home Expenditure Survey (NNES) will collect data on use of nursing homes and expenditures for nursing home care from facilities and community respondents for policy and research purpose. Data will be collected on use of nursing homes, expenditures, and sources of payment for care, and facility and resident characteristics. Respondents: Individuals or households; Business or other-for-profit; Not-for-profit institutions; Federal Government; State, Local or Tribal Government. Send comments to Allison Eydt, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, D.C. 20503.

	No. of respondents	No. of responses/respondent	Average burden/response (hrs.)
NNHES facility	1,969	2	3.35
Community respondents	4,797	1	.5

Estimated total annual burden—15,590 hours.

2. Pretest and Main Rounds of the 1996–97 Household Survey (FAMES) of the National Medical Expenditure Survey (NMES3); Medical Provider Survey (Pretest & Main Survey), Health Insurance Provider Survey—New—This household survey will produce national estimates for health care use and expenditures, and health insurance coverage. Respondents consist of persons living in a nationally representative subsample of households that participated in the 1995 National Health Interview Survey (NHIS). Samples of medical care providers and health insurance providers for survey respondents will also be contacted to obtain detailed information only they can provide. Respondents: Individuals or households; Business or other for-profit; Not-for-profit institutions; Federal Government; State, Local or Tribal Government. Send comments to Allison Eydt, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, D.C. 20503.

	No. of respondents	No. of responses/respondent	Average burden/response (hrs).
Household Survey:	90	2.33	1.2
Pretest			
Main survey	15,700	2.67	1.8
Medical Providers Survey:	18,767	1	.57
Pretest	260	1	2.03
Main Survey			
Health Insurance Providers Survey	10,500	1	.67

Estimated total annual burden—100,241 hours.

3. Surveillance and Epidemiology Study Core Questionnaire and Supplemental Modules—0923–0010—Revision—ATSDR is revising and renewing the project which follows populations exposed to specific hazardous substances over a period of time to determine if they are experiencing elevated occurrence of diseases. In addition to demographic information, additional core information is collected on behavioral characteristics and health conditions. The supplemental modules are also included in the request that may be used, depending on the organ system targeted or the type of respondent (renal, liver, occupational, respiratory, etc). Respondents: Individuals or households; Number of Respondents: 2667; Number of Responses Per Respondent: 4.99; Average Burden Per Response: 0.369 hrs; Estimated Total Annual Burden: 4908 hours. Send comments to Allison Eydt, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, D.C. 20503.

4. 1996 National Household Survey on Drug Abuse (NHSDA)—0930–0110—Revision—The NHSDA is a survey of the civilian, noninstitutionalized population of the United States, age 12 and over. The data will be used to determine the prevalence of cigarette, alcohol, and licit and illicit drug use. The results will be used by SAMHSA, ONDCP, Federal government agencies, and other organizations and researchers to establish policy, direct program activities, and better allocate resources. Respondents: Individuals or households; Number of Respondents: 53,082; Number of Responses per Respondent: 1; Average Burden per Response: 0.57 hr.; Estimated Total Annual Burden: 30,220 hours. Send comments to Allison Eydt, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, D.C. 20503.

5. Native American Data Collection and Analysis for the Hanford Environment Dose Reconstruction (HEDR) Project—0923–0335—Reinstatement, no change—The dietary and life-style data to be collected will be used to estimate radiation exposure and to determine whether Native American exposure differed substantially from that of the general population. Exposure estimates will then be used to determine whether a full epidemiologic study of thyroid disease specifically in the Native American population is scientifically justifiable and feasible. Respondents: Individuals or households; State, Local or Tribal Government; Number of Respondents: 3,000; Number of Responses per Respondent: 1; Average Burden per Response: 1.5 hrs.; Estimated Total Annual Burden: 4513 hours. Send comments to Allison Eydt, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, D.C. 20503.

6. National Survey of Local Boards of Health—New—The National Association of Local Boards of Health (NALOBH), which was formed in 1992 provides a national voice for the concerns of local boards of health. CDC will use the information collected to identify areas in which technical assistance can be provided to local boards of health to improve their capacity to better serve the communities which they represent and to improve up-to-date information to boards of health. Respondents: State, Local or Tribal Government; Number of Respondents: 2,170; Number of Responses per Respondent: 1; Average Burden per Response: .33 hr.; Estimated Total Annual Burden: 723 hours. Send comments to Allison Eydt, Human Resources and Housing Branch, New Executive Office Building, room 10235, Washington, D.C. 20503.

7. Tuberculosis Statistics and Program Evaluation Activity—Revision—0920–0026—Data is submitted to CDC from TB control programs using the forms contained in this information collection.

This is the request to extend data collection on items such as HIV status, drug suspectibility results, occupation, drug use, initial drug therapy and type of health care provider. This data will enable CDC to study and devise control methods. Respondents: State, Local or Tribal Government; Number of Respondents: 117; Number of Responses per Respondent: 1; Average Burden per Response: 41.03 hrs.; Estimated Total Annual Burden: 4,800 hours. Send comments to James Scanlon, Office of the Assistant Secretary for Health, Room 737–F, Humphrey Building, 200 Independence Ave., S.W., Washington, D.C. 20201.

8. Health Assessment of Persian Gulf War Veterans from Iowa—New—The information obtained from this survey is needed in order to determine the prevalence of adverse health outcomes among Persian Gulf veterans who listed Iowa as their home of record. The study will provide a scientific basis to assist CDC and other governmental agencies in determining the need and direction of future studies. A random sample of Persian Gulf War veterans will be compared with Vietnam era controls. Respondents: Individuals or households; Number of Respondents: 3000; Number of Responses per Respondent: 1.05; Average Burden per Response: 1.23 hr.; Estimated Total Annual Burden: 3883 hours. Send comments to Allison Eydt, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, D.C. 20503.

9. Pilot of Local Community Health Survey—New—This project will pilot test a telephone survey questionnaire for use in collecting comparable health behavior information at the local health department or community level. The pilot will assess the costs of using a list-assisted random digit dialing sample design, evaluate the collection of information for children, and monitor the utility of the data to participating local health departments. Respondents: Individuals or households; Number of Respondents: 7800; Number of Responses per Respondent: 1; Average Burden per Response: .29 hr.; Estimated Total Annual Burden: 2276 hours. Send comments to Allison Eydt, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, D.C. 20503.

10. Measuring the Impact of Minors' Access Restrictions on Tobacco Use and Behavior by Youth—New—This study will provide new information on the relationships between enforcement of minors' access to tobacco laws, tobacco vendor perceptions and actions, and use of tobacco by youth. Information from vendors, enforcement officials, and other local community leaders will be collected. Measurement of tobacco use by minors will be obtained from the existing Youth Risk Behavior Survey. Respondents: Business or other for-profit; Number of Respondents: 3320; Number of Responses per Respondent: 1; Average Burden per Response: .322 hr.; Estimated Total Annual Burden: 1070 hours. Send comments to Allison Eydt, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, D.C. 20503.

11. Evaluation of CDC/WONDER/PC for Public Health Decision Making—New—CDC is requesting approval for three-related evaluations of Wonder/PC, the system which provides easy access to CDC data sets, public health reports and guidelines, and electronic mail. It was designed to enhance the ability of distally-located public health employees to access important information for use in the public health decision making practice. The proposed evaluation focuses on whether CDC WONDER has improved how public health employees access and incorporate information into their work. Respondents: Individuals or households; Business or other for-profit; State, Local or Tribal Government; Number of Respondents: 1500; Number of Responses per Respondent: 1; Average Burden per Response: .21 hr.; Estimated Total Annual Burden: 230 hours. Send comments to Allison Eydt, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, D.C. 20503.

12. Inventory of Services and Funding Sources for Programs Designed to Prevent Violence Against Women—New—CDC proposes conducting surveys of federal and state agencies that fund programs in domestic violence prevention, and the State coalitions on domestic violence to determine what types of programs are being conducted at State and local levels and funding sources for such programs. Respondents: Not-for-profit institutions; Federal Government; State, Local or Tribal Government; Number of Respondents: 300; Number of Responses per Respondent: 1; Average Burden per Response: 1.25 hrs.; Estimated Total Annual Burden: 375 hours. Send comments to Allison Eydt, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington D.C. 20503.

13. Wilms' Tumor Study—New—Wilms' Tumor, as a type of renal cancer, is among the priority health conditions identified by the ATSDR to assist in directing its applied research programs examining the relationship between hazardous substances exposures and health impacts. Results of other Wilms' Tumor studies have linked environmental and occupational hazardous substances exposures and these forms of cancer. The proposed study, focusing on cases identified through the National Wilms Tumor Study group, and including a randomly-selected control group, is designed to examine the potential impact of exposure to selected hazardous waste substances on Wilms' Tumor occurrence. Send comments to Allison Eydt, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington D.C. 20503.

	No. of respondents	No. of responses/respondent	Average burden/response (hrs.)
Screener	3637	1	.05
Interview	540	1	.75

Estimated total annual burden—587 hours.

14. Evaluation of the Domestic Violence Prevention Module at the UCLA Medical School of Medicine—New—The School of Medicine mandates routine evaluations of each of its core courses, of which the Domestic Violence is one. Besides the routine test of knowledge and skills that students receive on a regular basis, CDC proposes to have students and faculty complete process evaluation forms after two of the four sessions to assess their satisfaction with the course, as well as the implementation of it. Respondents: Individuals or households. Send comments to James Scanlon, Office of the Assistant Secretary for Health, Room 737–F, Humphrey Building, 200

Independence Ave., S.W., Washington, D.C. 20201.

	No. of respondents	No. of responses/respondent	Average burden/response (hrs.)
Students	260	5	.285
Faculty	36	3	0.83
''Standardized'' patients	100	1	.33

Estimated total annual burden—412 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 30, 1995.

James Scanlon,

Director, Data Policy Staff, Office of the Assistant Secretary for Health and PHS, Reports Clearance Officer.

[FR Doc. 95–16804 Filed 7–6–95; 8:45 am]

BILLING CODE 4160–01–M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Tricresyl Phosphate

The HHS' National Toxicology Program announces the availability of the NTP Technical Report on the toxicology and carcinogenesis studies of tricresyl phosphate which is an organophosphate plasticizer primarily used as a vinyl plasticizer in the manufacture of vinyl plastics for automotive interiors and as a fire-retardant and anti-wear additive to industrial lubricants such as hydraulic fluids, extreme pressure fluids, cutting oils, machine oils, automotive transmission fluids, and certain cooling lubricants.

Toxicology and carcinogenicity studies were conducted by administering tricresyl phosphate in feed to groups of 95 F344/N rats of each sex at doses 0, 75, 150, or 300 ppm for 2 years. An additional group of 95 F344/N rats of each sex were given a dose of 600 ppm for 22 weeks and then received only control feed. After 3, 9, and 15 months of chemical exposure, up to 15 F344/N rats of each sex per group were evaluated for forelimb and hindlimb grip strength, then necropsied and evaluated for histopathologic lesions. Groups of 95 $B6C3F_2$ mice of each sex were fed diets at doses 0, 60, 125, or 250 ppm for 2 years. After 3, 9, and 15 months of chemical exposure, up to 15 of each sex per group were evaluated for forelimb and hindlimb grip strength, then necropsied and evaluated for histopathologic lesions. An additional group of 10 F344/N rats and $B6C3F_1$ mice of each sex received tricresyl phosphate in corn oil by gavage at doses of 0, 360, 730, 1,450, 2,900, or 5,800 mg/kg body weight for 16 days. Groups of 10 F344/N rats and $B6C3F_1$ mice of each sex received tricresyl phosphate in corn oil by gavage at doses of 0, 50, 100, 200, 400, or 800 mg/kg body weight for 13 weeks.

Under the conditions of these 2-year feed studies, there was no evidence of carcinogenic activity [1] of tricresyl phosphate in male or female F344/N rats that received 75, 150, or 300 ppm. There was no evidence of carcinogenic activity of tricresyl phosphate in male or female $B6C3F_1$ mice that received 60, 125, or 250 ppm.

Nonneoplastic lesions associated with exposure to tricresyl phosphate included cytoplasmic vacuolization of the adrenal cortex and ovarian interstitial cell hyperplasia in female rats, increased incidences of clear cell focus, fatty change, and ceroid pigmentation of the liver in male mice, and increased severity of ceroid pigmentation of the adrenal cortex in female mice.

Questions or comments about the Technical Report should be directed to Central Data Management at PO Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541–3419.

Copies of *Toxicology and Carcinogenesis Studies of Tricresyl Phosphate (CAS No. 1330–78–5)* (TR–433) are available without charge from Central Data Management, NIEHS, MD A0–01, PO Box 12233, Research Triangle Park, NC 27709; telephone (919) 541–3419.

[1] The NTP uses five categories of evidence of carcinogenic activity observed in each animal study: two categories for positive results (''clear evidence'' and ''some evidence''), one category for uncertain findings (''equivocal evidence''), one category for no observable effect (''no evidence''), and one category for studies that cannot be evaluated because of major flaws (''inadequate study'').

Dated: June 14, 1995.

Kenneth Olden,

Director, National Toxicology Program.

[FR Doc. 95–16676 Filed 7–6–95; 8:45 am]

BILLING CODE 4140–01–P

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of 4,4′-Thiobis (6-t-Butyl-m-Cresol)

The HHS' National Toxicology Program announces the availability of the NTP Technical Report on the toxicology and carcinogenesis studies of 4,4′-thiobis (6-t-butyl-m-cresol), which is used in the rubber and plastics industries as an antioxidant for polyolefins, polyethylenes, polypropylenes, natural rubber and latex. It is approved by FDA as a constituent of high-pressure polyethylene packaging for foodstuffs, excluding fats, and as a component of polyolefin film packaging in contact with meat or meat food products.

Toxicology and carcinogenicity studies were conducted by administering 4,4′-thiobis (6-t-butyl-m-cresol) in feed to groups of 115 male and 75 female F344/N rats at doses of 0, 500, 1,000, or 2,500 ppm and to groups of 80 $B6C3F_1$ mice of each sex at doses of 0, 250, 500, or 1,000 ppm for 2 years.

Under the conditions of these 2-year feed studies, there was no evidence of carcinogenic activity [1] of 4,4′-thiobis (6-t-butyl-m-cresol) in male or female F344/N rats administered 500, 1,000, or 2,500 ppm or in male or female $B6C3F_1$ mice administered 250, 500, or 1,000 ppm.

Nonneoplastic lesions associated with exposure to TBBC included: Kupffer cell

[1] The NTP uses five categories of evidence of carcinogenic activity observed in each animal study: two categories for positive results (''clear evidence'' and ''some evidence''), one category for uncertain findings (''equivocal evidence''), one category for no observable effect (''no evidence''), and one category for studies that cannot be evaluated because of major flaws (''inadequate study'').

hypertrophy, cytoplasmic vacuolization, and mixed cell foci in the liver of male and female rats, fatty change in the liver of female rats, and an increase in the severity of nephropathy in the kidney of female rats. In addition, decreased incidences of fibroadenoma, adenoma, or carcinoma (combined) were observed in the mammary gland of female rats. Decreases also occurred in the incidences of fatty change, clear cell foci, and adenoma or carcinoma (combined) in the liver of male mice.

Questions or comments about the Technical Report should be directed to Central Data Management at P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541–3419.

Copies of *Toxicology and Carcinogenesis Studies of 4,4′-Thiobis (6-t-Butyl-m-Cresol) (CAS No. 96–69–5)* (TR–435) are available without charge from Central Data Management, NIEHS, MD A0–01, P.O. Box 12233, Research Triangle Park, NC 27709; telephone (919) 541–3419.

Dated: May 30, 1995.

Kenneth Olden,

Director, National Toxicology Program.

[FR Doc. 95–16675 Filed 7–6–95; 8:45 am]

BILLING CODE 4140–01–P

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Ozone and Ozone/NNK

The HHS' National Toxicology Program announces the availability of the NTP Technical Report on the toxicology and carcinogenesis studies of ozone, the major oxidizing component in the type of air pollution known as a photochemical smog formed naturally in the stratosphere by photodissociation of oxygen. Ozone has also been used commercially as an effective disinfectant in the treatment of wastewater, as an odor control compound for waste odors and around sewage-treatment plants, and as a disinfectant in swimming pools. It is also used to bleach paper pulp and cotton fibers.

Toxicology and carcinogenicity studies were conducted by administering ozone by inhalation to groups of 50 male and female F344/N rats at doses 0, 0.12, 0.5, or 1.0 ppm for 6 hours per day, 5 days per week, for 105 weeks and 50 male and 50 female $B6C3F_1$ mice at doses 0, 0.12, 0.5, or 1.0 ppm for 6 hours per day, 5 days per week, for 105 weeks. In addition, groups of male and female F344/N rats and $B6C3F_1$ mice were exposed to 0, 0.5, or 1.0 ppm ozone for up to 125 weeks, and groups of male F344/N rats were exposed to 0.5 ppm ozone along with a lung carcinogen, NNK, to determine if ozone had any promoting or cocarcinogenic effects.

Under the conditions of these 2-year and lifetime inhalation studies, there was no evidence of carcinogenic activity [1] of ozone in male or female F344/N rats exposed to 0.12, 0.5, or 1.0 ppm. There was equivocal evidence of carcinogenic activity of ozone in male $B6C3F_1$ mice based on increased incidences of alveolar/bronchiolar adenoma or carcinoma. There was some evidence of carcinogenic activity of ozone in female $B6C3F_1$ mice based on increased incidences of alveolar/bronchiolar adenoma or carcinoma.

There was no evidence that exposure to 0.5 ppm ozone enhanced the incidence of NNK-induced pulmonary neoplasms in male rats.

Exposure of male and female rats to ozone for 2 years or 125 weeks was associated with goblet cell hyperplasia and squamous metaplasia in the nose, squamous metaplasia in the larynx, and metaplasia (extension of bronchial epithelium into the centriacinar alveolar ducts) and interstitial fibrosis in the lung. Exposure of male and female mice to ozone for 2 years or 130 weeks was associated with hyperplasia and squamous metaplasia in the nose and inflammation (histiocytic infiltration) and metaplasia (extension of bronchial epithelium into the centriacinar alveolar ducts) of the lung.

Questions or comments about the Technical Report should be directed to Central Data Management at P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541–3419.

Copies of *Toxicology and Carcinogenesis Studies of Ozone (CAS No. 10028–15–6) and Ozone /NNK (CAS No. 10028–15–6/64091–91–4)* (TR–440) are available without charge from Central Data Management, NIEHS, MD A0–01, P.O. Box 12233, Research Triangle Park, NC 27709; telephone (919) 541–3419.

Dated: May 30, 1995.

Kenneth Olden, *Director,*

National Toxicology Program.

[FR Doc. 95–16674 Filed 7–6–95; 8:45 am]

BILLING CODE 4140–01–P

[1] The NTP uses five categories of evidence of carcinogenic activity observed in each animal study: two categories for positive results (''clear evidence'' and ''some evidence''), one category for uncertain findings (''equivocal evidence''), one category for no observable effect (''no evidence''), and one category for studies that cannot be evaluated because of major flaws (''inadequate study'').

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of p-Nitrobenzoic Acid

The HHS' National Toxicology Program announces the availability of the NTP Technical Report on the toxicology and carcinogenesis studies of p-nitrobenzoic acid, which is used in organic synthesis and as an intermediate in the manufacture of pesticides, dyes, explosives, and industrial solvents.

Toxicology and carcinogenicity studies were conducted by administering p-nitrobenzoic acid in feed to groups of 60 male and female F344/N rats at doses 0, 1,250, 2,500, or 5,000 ppm for 2 years and 60 male and female $B6C3F_1$ mice at doses 0, 1,250, 2,500, or 5,000 ppm for 2 years.

Under the conditions of these 2-year feed studies, there was no evidence of carcinogenic activity [1] of p-nitrobenzoic acid in male F344/N rats exposed to 1,250, 2,500, or 5,000 ppm. There was some evidence of carcinogenic activity of p-nitrobenzoic acid in female F344/N rats based on increases in the incidences of clitoral gland adenoma and of clitoral gland adenoma or carcinoma (combined). There was no evidence of carcinogenic activity of p-nitrobenzoic acid in male or female $B6C3F_1$ mice exposed to 1,250, 2,500, or 5,000 ppm.

There were chemical-related decreases in the incidences of mononuclear cell leukemia in exposed male and female rats. p-Nitrobenzoic acid caused mild hematologic toxicity in female rats.

Questions or comments about the Technical Report should be directed to Central Data Management at P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541–3419.

Copies of *Toxicology and Carcinogenesis Studies of p-Nitrobenzoic Acid (CAS No. 62–23–7)* (TR–442) are available without charge from Central Data Management, NIEHS, MD A0–01, P.O. Box 12233, Research Triangle Park, NC 27709; telephone (919) 541–3419.

Dated: May 30, 1995.

Kenneth Olden,

Director National Toxicology Program.

[FR Doc. 95–16673 Filed 7–6–95; 8:45 am]

BILLING CODE 4140–01–P

[1] The NTP uses five categories of evidence of carcinogenic activity observed in each animal study: two categories for positive results (''clear evidence'' and ''some evidence''), one category for uncertain findings (''equivocal evidence''), one category for no observable effect (''no evidence''), and one category for studies that cannot be evaluated because of major flaws (''inadequate study'').

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. FR–3917–N–06]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (7) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: June 29, 1995.

David S. Cristy,

Director, Information Resources, Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Reconcilement of Insurance Charges from the Title I Monthly Statement
Office: Housing
Description of the Need for the Information and Its Proposed Use: This information is used by HUD-approved Title I lending institutions as a vehicle for reconciling differences that occur between lender's and the department's monthly billing statement.
Form Number: HUD–646
Respondents: Business or Other For-Profit
Reporting Burden:

	Number of respondent	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–646	500		12		1		6,000
Recordkeeping	500		1		.17		85

Total Estimated Burden Hours: 6,085
Status: Extension, no changes
Contact: James A. Beale, HUD, (202) 708–7545; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: June 29, 1995.

[FR Doc. 95–16763 Filed 7–6–95; 8:45 am]
BILLING CODE 4210–01–M

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–95–1917; FR–3778–N–44]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

ADDRESSES: For further information, contact David Pollack, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health

Facilities Planning, U.S. Public Health Service, HHS, room 17A–10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 56 FR 23789 (May 24, 1991).

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to David Pollack at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Navy: John J. Kane, Deputy Division Director, Dept. of Navy, Real Estate Operations, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332–2300; (703) 325–0474; Corps of Engineers: Gary B. Paterson, Chief, Base Realignment and Closure Office, Directorate of Real Estate, 20 Massachusetts Ave., NW, Rm. 4133, Washington, DC 20314–1000; (202) 761–0520; U.S. Air Force: Carol Xander, Air Force Real Estate Agency (Area/MI), Bolling AFB, 172 Luke Avenue, Suite 104, Building 5683, Washington, DC 20332–5113; (202) 767–4034; GSA: Ed Guilford, Federal Property Resources Services, GSA, 18th and F Streets NW, Washington, DC 20405; (202) 501–2059; (These are not toll-free numbers).

Dated: June 30, 1995.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

Title V, Federal Surplus Property Program Federal Register Report for 07/07/95

Suitable/Available Properties

Buildings (by State)

Florida

Bldg. 244
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk Fl 33825–
Landholding Agency: Air Force
Property Number: 189520001
Status: Excess
Comment: 6239 sq. ft., masonry frame, needs rehab, secured area w/alternate access, most recent use—commissary

Bldg. 242
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk FL 33825–
Landholding Agency: Air Force
Property Number: 189520002
Status: Excess
Comment: 8554 sq. ft., steel frame module, secured area w/alternate access, most recent use—exchange branch

Bldg. 427
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk FL 33825–
Landholding Agency: Air Force
Property Number: 189520003
Status: Excess
Comment: 5258 sq. ft., metal & masonry frame, secured area w/alternate access, most recent use—bowling center

Idaho

Bldg. 2201
Mountain Home Air Force Base
Mountain Home Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189520005
Status: Underutilized
Comment: 6804 sq. ft., 1 story wood frame, most recent use—temporary garage for base fire dept. vehicles, presence of lead paint and asbestos shingles

Suitable/Unavailable Properties

Buildings (by State)

Idaho

Bldg. 516
Mountain Home Air Force Base
Mountain Home Co: Elmore ID 86348–
Landholding Agency: Air Force
Property Number: 189520004
Status: Excess
Comment: 4928 sq. ft., 1 story wood frame, presence of lead paint and asbestos, most recent use—offices

Unsuitable Properties

Buildings (by State)

California

Naval Indust. Rsve. Ord. Plant
Pomona Co: Los Angeles CA 91769–2426
Landholding Agency: GSA
Property Number: 549520019
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material GSA Number: 9–N–CA–734B

Colorado

Bldg. 541
Pueblo Depot Activity
Pueblo Co: Pueblo CO 81001–
Landholding Agency: COE—BC
Property Number: 32950001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 543
Pueblo Depot Activity
Pueblo Co: Pueblo CO 81001–
Landholding Agency: COE—BC
Property Number: 329520002
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 544
Pueblo Depot Activity
Pueblo Co: Pueblo CO 81001–
Landholding Agency: COE—BC
Property Number: 329520003
Status: Unutilized
Resaon: Within 2000 ft. of flammable or explosive material

Bldg. 552
Pueblo Depot Activity
Pueblo Co: Pueblo CO 81001–
Landholding Agency: COE—BC
Property Number: 329520004
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 554
Pueblo Depot Activity
Pueblo Co: Pueblo CO 81001–
Landholding Agency: COE—BC
Property Number: 329520005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldg. 555
Pueblo Depot Activity
Pueblo Co: Pueblo CO 81001–
Landholding Agency: COE—BC
Property Number: 329520006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Virginia

Bldg. 63
Norfolk Naval Shipyard
Portsmouth VA 23709-
Landholding Agency: Navy
Property Number: 779520035
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area

Bldg. 244
Norfolk Naval Shipyard
Portsmouth VA 23709-
Landholding Agency: Navy
Property Number: 779520036

Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area
Bldg. 286
Norfolk Naval Shipyard
Portsmouth VA 23709-
Landholding Agency: Navy
Property Number: 779520037
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area
Bldg. 416
Norfolk Naval Shipyard
Portsmouth VA 23709-
Landholding Agency: Navy
Property Number: 779520038
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area
Bldg. 521
Norfolk Naval Shipyard
Portsmouth VA 23709-
Landholding Agency: Navy
Property Number: 779520039
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area
Bldg. 539
Norfolk Naval Shipyard
Portsmouth VA 23709-
Landholding Agency: Navy
Property Number: 779520040
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area
Bldg. 760
Norfolk Naval Shipyard
Portsmouth VA 23709-
Landholding Agency: Navy
Property Number: 779520041
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area Extensive deterioration
Bldg. 763
Norfolk Naval Shipyard
Portsmouth VA 23709-
Landholding Agency: Navy
Property Number: 779520042
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area
Bldg. 1335
Norfolk Naval Shipyard
Portsmouth VA 23709-
Landholding Agency: Navy
Property Number: 779520043
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area
Bldg. 1488
Norfolk Naval Shipyard
Portsmouth VA 23709-
Landholding Agency: Navy
Property Number: 779520044
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area

Land (by State)

Texas

Tract J–936
Portion of Whitney Lake Proj.
Bosque Co: Bosque TX
Location: Off F. M. Highway 56 within the community of Kopperl.
Landholding Agency: GSA
Property Number: 319110032
Status: Excess
Reason: Other
Comment: No public access GSA Number: 7–D–TX–0505M.

[FR Doc. 95–16601 Filed 7–6–95; 8:45 am]
BILLING CODE 4210–29–M

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N–95–3839; FR–3822–N–04)

NOFA for the Public and Indian Housing Drug Elimination Program (PHDEP); Amendment

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of funding availability (NOFA) for fiscal year 1995; amendment.

SUMMARY: On January 5, 1995 (59 FR 1846), HUD published a NOFA that announced FY 1995 funding of $250,391,741 under the Public and Indian Housing Drug Elimination Program (PHDEP) for use in eliminating drug-related crime. The purpose of this notice is to amend the section setting forth the amount of funding made available under the FY 1995 NOFA.

DATES: The original application deadline of April 14, 1995 was not changed. This deadline has now expired.

FOR FURTHER INFORMATION ON THE PUBLIC AND INDIAN HOUSING DRUG ELIMINATION PROGRAM, PUBLIC HOUSING, CONTACT: The local HUD Field Office, Director, Office of Public Housing (Appendix ''A'' of the January 5, 1995 NOFA), or Malcolm E. Main, Crime Prevention and Security Division (CPSD), Office of Community Relations and Involvement (OCRI), Public and Indian Housing, Department of Housing and Urban Development, Room 4116, 451 Seventh Street, SW., Washington, DC. 20410, telephone (202) 708–1197. A telecommunications device for hearing or speech impaired persons (TDD) is available at (202) 708–0850. (These are not toll-free telephone numbers.)

FOR FURTHER INFORMATION ON THE PUBLIC AND INDIAN HOUSING DRUG ELIMINATION PROGRAM FOR NATIVE AMERICAN PROGRAMS CONTACT: The local HUD Field Office Administrator, Office of Native American Programs (Appendix ''A'' of the January 5, 1995 NOFA), or Tracy Outlaw, Office of Native American Programs, Public and Indian Housing, Department of Housing and Urban Development, Room B133, 451 Seventh Street, SW., Washington, DC. 20410, telephone (202) 708–0088. A telecommunications device for hearing or speech impaired persons (TDD) is available at (202) 708–0850. (These are not toll-free telephone numbers.)

FOR FURTHER INFORMATION REGARDING ASSISTED (NON-PUBLIC AND INDIAN) HOUSING DRUG ELIMINATION PROGRAM CONTACT: Lessley Wiles, Office of Multifamily Housing Management, Department of Housing and Urban Development, Room 6176, 451 Seventh Street, SW, Washington, DC 20410. Telephone (202) 708–2654. TDD number (202) 708–4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: A Notice of Funding Availability (NOFA) announcing HUD's Fiscal Year (FY) 1995 funding of $250,391,741 under the Public and Indian Housing Drug Elimination Program (PHDEP) was published on January 5, 1995 (59 FR 1846). This notice amends the FY 1995 PHDEP NOFA.

HUD mistakenly denied $56,552 in FY 1994 funds to a successful FY 1994 PHDEP applicant. The successful applicant had requested these funds for the eligible purpose of hiring a tenant patrol specialist. In order to rectify its mistake, HUD will award this applicant $56,552 from FY 1995 PHDEP funds. Accordingly, the section in the January 5, 1995 notice setting forth the amount of funds made available under the FY 95 PHDEP NOFA is being amended to reflect this reduction.

Accordingly, FR Doc. 94–3839, the FY 1995 NOFA for the Public and Indian Housing Drug Elimination Program (PHDEP), published in the **Federal Register** on January 5, 1995 (59 FR 1846) is corrected as follows:

1. On page 1847, in column 3, paragraph I.(*b*)(1) is amended to read as follows:

I. Purpose and Substantive Description

(b) Allocation Amounts

(1) Federal Fiscal year 1995 Funding. The amount available, to remain available until expended, for funding under this NOFA in FY 1995 is $250,391,741. The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act 1995, (approved September 28, 1994, Pub. L. 103–327), (95 App. Act) appropriated $290 million for the Drug Elimination Program. Of the total $290 million appropriated, $13,925,000 will fund the Youth Sports Program; $17,406,250 will fund the Assisted Housing Drug Elimination Program; $10 million will

fund drug elimination technical assistance, contracts and other assistance training, program assessments, and execution for or on behalf of public housing and resident organizations (including the cost of necessary travel for participants in such training); and $1,500,000 will fund drug information clearinghouse services. Additionally, a total of $56,552 in FY 1995 funds is being awarded to a successful FY 1994 PHDEP grantee which was mistakenly denied this amount in FY 1994 funding for the eligible purpose of hiring a tenant patrol specialist. The remaining $247,112,198 of the FY 1995 funds are being made available under this NOFA. In addition, $3,222,991 of carryover FY 1994 PHDEP program will be made available under this NOFA for a total amount of $250,335,189.

* * * * *

Dated: June 30, 1995.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 95–16761 Filed 7–6–95; 8:45 am]

BILLING CODE 4210–33–P

[Docket No. N–95–3906; FR–3889–N–02]

Notice of Funding Availability for Training and Technical Assistance for the Prevention of Youth Violence in Public Housing; Notice of Amendment and Correction

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of Funding Availability (NOFA) for Fiscal Year 1995; Notice of correction and amendment.

SUMMARY: On June 2, 1995 (60 FR 29456), HUD published a NOFA soliciting applications for a single two-year grant of up to $550,000. The grant funds are to be used in the development and implementation of technical assistance (TA) for the prevention of youth violence in public housing. HUD is joining the Centers for Disease Control and Prevention in this effort. The purpose of this notice is to amend the grant award period and to correct a typographical error contained in the June 2, 1995 NOFA.

DATES: The original application deadline date is not changed. Applications must be received at HUD Headquarters at the address below on or before 3 p.m., Eastern Time, Friday, July 17, 1995. This application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by any unanticipated or delivery-related problems. Applications received after the deadline will not be considered. A FAX is not acceptable.

APPLICATION SUBMISSION: An original and two copies of the application must be received by the deadline date at HUD Headquarters. Applications (original and two copies) should be sent to the Crime Prevention and Security Division of the Office of Community Relations and Involvement (OCRI), Public and Indian Housing, Department of Housing and Urban Development, Room 4116, 451 Seventh Street, SW, Washington, DC 20410–0500.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Cocke, Crime Prevention and Security Division (CPSD), Office of Community Relations and Involvement (OCRI), Public and Indian Housing, Department of Housing and Urban Development, Room 4116, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708–1197. A telecommunications device for hearing or speech impaired persons (TDD) is available at (202) 708–0850. (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION: On June 2, 1995 (60 FR 28456), as part of a collaborative effort between HUD and the Centers for Disease Control and Prevention (CDC), HUD published a Notice of Funding Availability (NOFA) soliciting applications for a single two-year grant of up to $550,000. The purpose of the grant is to assist public housing staff and residents in applying the results of current scientific research to the prevention of youth violence in public housing communities. This notice amends the grant award period and corrects a typographical error contained in the June 2, 1995 NOFA.

The June 2, 1995 NOFA establishes selection criteria by which HUD and the CDC will evaluate applicants for the grant award. Through this competitive process, the grant will be awarded to the applicant best able to develop and implement a system to provide scientifically based technical assistance to public housing developments. However, regardless of how successful the selected applicant is in developing and administering the technical assistance, the June 2, 1995 NOFA establishes a two-year limit on funding. HUD and the CDC have determined that the best way to assure the achievement of the goals set forth in the June 2, 1995 NOFA is to provide a mechanism by which funding can possibly be continued past the two-year grant award period. Accordingly, this notice amends the June 2, 1995 NOFA by granting HUD and the CDC the option to extend grant funding for additional years, subject to the grantee's performance and the availability of funding.

In addition to amending the grant award period, this document corrects a typographical error contained in the June 2, 1995 NOFA. The first sentence of the **SUMMARY** paragraph of the June 2, 1995 NOFA reads: ''This NOFA solicits applications for a single two-year grant of up to $500,000.'' The correct grant amount, which is set forth in the body of the NOFA, is $550,000.

Accordingly, FR Doc. 95–3906, Notice of Funding Availability (NOFA) for Training and Technical assistance for the Prevention of Youth Violence in Public Housing, published in the **Federal Register** on June 2, 1995 (60 FR 29456) is corrected and amended as follows:

1. On page 29456, in column 1, the first paragraph, **SUMMARY,** is corrected and amended as follows:

SUMMARY: This NOFA solicits applications for a single two-year grant of up to $550,000. The grant is being awarded for the purposes of developing and implementing training and technical assistance for the prevention of youth violence in public housing. The TA and training are intended to assist public housing communities in conducting youth violence prevention activities and in using the most relevant scientific information when doing so. HUD is joining the Centers for Disease Control and Prevention in this effort. At the option of HUD and the CDC, the grant award period may be extended, subject to the grantee's performance and the availability of funding.

2. Under the heading ''I. Purpose and Substantive Description'' beginning on page 29456, the following amendments are made:

a. On page 29456, in column 2, the third and final sentence of paragraph I.(*b*) is amended;

b. On page 29456, in column 3, the third paragraph of paragraph I.(*d*) is amended;

c. On page 29459, in column 2, paragraph I.(*h*)(1), is amended, as follows:

I. Purpose and Substantive Description

(*b*) * * * This NOFA makes up to $550,000 of the $10 million available for a cost reimbursable grant of two years in duration. HUD and the CDC may extend the funding for an additional year(s),

subject to the grantee's performance and the availability of funding.

* * * * *

(*d*) * * * HUD and the National Centers for Disease Control and Prevention (CDC) are soliciting applications for a single two-year grant of up to $550,000. HUD and the CDC have the option to extend the Cooperative Agreement for an additional year(s), subject to the grantee's performance and the availability of funding. The purpose of the grant is to assist public housing staff and residents in applying the results of current scientific research to the prevention of youth violence in public housing communities. * * *

* * * * *

(h) * * *

(1) Award Period

The Grant will be cost-reimbursable and awarded for two years. HUD and the CDC have the option to extend the Cooperative Agreement for an additional year(s), subject to the grantee's performance and the availability of funding.

* * * * *

Dated: June 30, 1995.

Michael B. Janis,

General Deputy Assistant, Secretary for Public and Indian Housing.

[FR Doc. 95–16762 Filed 7–6–95; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Proposed Revised Procedures Implementing the National Environmental Policy Act (NEPA) for the Bureau of Indian Affairs (BIA)

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Proposed Revised NEPA Procedures.

SUMMARY: This notice announces a proposed revision of Appendix 4 to the Department's NEPA procedures (516 DM, Appendix 4) which were published in the **Federal Register** on March 31, 1988 (53 FR 10439).

DATES: The Appendix 4 will be adopted after a 30-day comment period. Comments received during this time will be considered.

ADDRESSES: Send comments to: Dr. Willie R. Taylor, Director, Office of Environmental Policy and Compliance, MIB 2340, 1849 C St NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Dr. Willie R. Taylor, Director, Office of Environmental Policy and Compliance; telephone (202) 208–3891. For the Bureau of Indian Affairs, contact Dr. Donald Sutherland telephone (202) 208–4791.

SUPPLEMENTAL INFORMATION: This proposed revised Appendix 4 to the Department manual (516 DM 6) provides more specific NEPA compliance guidance to the BIA. In particular, it updates information about BIA organizational responsibilities for NEPA compliance, updates guidance to applicants, adds to those actions normally requiring preparation of an environmental impact statement (EIS) and updates, revises, and adds to those actions categorically excluded from the NEPA process. The additions reflect continued BIA experience with the NEPA process and are primarily in the land conveyance, waste management and roads and transportation areas. The Appendix 4 must be used in conjunction with Departmental procedures and the Council on Environmental Quality regulations (40 CFR parts 1500–1508). In addition, the BIA has prepared a Handbook (30 BIAM, Supplement 1) to provide technical guidance on how to apply these procedures to its principal programs at the Area and Agency levels.

Comments are solicited and will be considered in the final version of Appendix 4.

516 DM 6, Appendix 4

4.1 NEPA Responsibility

A. *Deputy Commissioner of Indian Affairs* is responsible for NEPA compliance of Bureau of Indian Affairs (BIA) activities and programs.

B. *Director, Office of Trust Responsibilities* (OTR) is responsible for oversight of the BIA program for achieving compliance with NEPA, program direction, and leadership for BIA environmental policy, coordination and procedures.

C. *Environmental Services Staff,* reports to the Director (OTR). This office is the Bureau-wide focal point for overall NEPA policy and guidance and is responsible for advising and assisting Area Offices, Agency Superintendents, and other field support personnel in their environmental activities. The office also provides training and acts as the Central Office's liaison with Indian tribal governments on NEPA and other environmental compliance matters. Information about BIA NEPA documents or the NEPA process can be obtained by contacting the Environmental Services Staff.

D. *Other Central Office Directors and Division Chiefs* are responsible for ensuring that the programs and activities within their jurisdiction comply with NEPA.

E. *Area Directors and Project Officers* are responsible for assuring NEPA compliance with all activities under their jurisdiction and providing advice and assistance to Agency Superintendents and consulting with the Indian tribes on environmental matters related to NEPA. Area Directors and Project Officers are also responsible for assigning sufficient trained staff to ensure NEPA compliance is carried out. An Environmental Coordinator is located at each Area Office.

F. *Agency Superintendents and Field Unit Supervisors* are responsible for NEPA compliance and enforcement at the Agency or field unit level.

4.2 Guidance to Applicants and Tribal Governments

A. Relationship With Applicants and Tribal Governments

1. Guidance to Applicants.

a. An ''applicant'' is an entity which proposes to undertake any activity which will at some point require BIA action. These may include tribal governments, private entities, state and local governments or other Federal agencies. BIA compliance with NEPA is Congressionally mandated. Compliance is initiated when a BIA action is necessary in order to implement a proposal.

b. Applicants should contact the BIA official at the appropriate level for assistance. This will be the Agency Superintendent, Area Director or the Director, Office of Trust Responsibilities.

c. If the applicant's proposed action will affect or involve more than one tribal government, one government agency, one BIA Agency, or where the action may be of State-wide or regional significance, the applicant should contact the respective Area Director(s). The Area Director(s), using sole discretion, may assign the lead NEPA compliance responsibilities to one Area Office or, as appropriate, to one Agency Superintendent. From that point, the Applicant will deal with the designated lead office.

d. Since much of the applicant's planning may take place outside the BIA system, it is the applicant's responsibility to prepare a milestone chart for BIA use at the earliest possible stage in order to coordinate the efforts of both parties. Early communication with the responsible BIA office will expedite determination of the appropriate type of NEPA documentation required. Other matters

such as the scope, depth and sources of data for an environmental document will also be expedited and will help lead to a more efficient and more timely NEPA compliance process.

2. Guidance to Tribal Governments.

a. Tribal governments may be applicants, and/or be affected by a proposed action of BIA or another Federal agency. Tribal governments affected by a proposed action shall be consulted during the preparation of environmental documents and, at their option, may cooperate in the review or preparation of such documents. Notwithstanding the above, the BIA retains sole responsibility and discretion in all NEPA compliance matters.

b. Any proposed tribal actions that do not require BIA or other Federal approval, funding or ''actions'' are not subject to the NEPA process.

B. Prepared Program Guidance

BIA has implemented regulations for environmental guidance for surface mining in 25 CFR part 216 (Surface Exploration, Mining and Reclamation of Lands.) Environmental guidance for Forestry activities is found in 25 CFR 163.27 and 53 BIAM Supplement 2 and Supplement 3.

C. Other Guidance

Programs under 25 CFR for which BIA has not yet issued regulations or directives for environmental information for applicants are listed below. These programs may or may not require environmental documents and could involve submission of applicant information to determine NEPA applicability. Applicants for these types of programs should contact the appropriate BIA office for information and assistance:

1. Partial payment construction charges on Indian irrigation projects (25 CFR part 134).
2. Construction assessments, Crow Indian irrigation project (25 CFR part 135).
3. Fort Hall Indian irrigation project, Idaho (25 CFR part 136).
4. Reimbursement of construction costs, San Carlos Indian irrigation project, Arizona (25 CFR part 137).
5. Reimbursement of construction costs, Ahtanum Unit, Wapato Indian irrigation project, Washington (25 CFR part 138).
6. Reimbursement of construction costs, Wapato-Satus Unit, Wapato Indian Irrigation project, Washington (25 CFR part 139).
7. Land acquisitions (25 CFR part 151).
8. Leasing and permitting (Lands) (25 CFR part 162).
9. Sale of lumber and other forest products produced by Indian enterprises from the forests on Indian reservation (25 CFR part 164).
10. Sale of forest products, Red Lake Indian Reservation, Minn. (25 CFR part 165).
11. General grazing regulations (25 CFR part 166).
12. Navajo grazing regulations (25 CFR part 167).
13. Grazing regulations for the Hopi partitioned lands are (25 CFR part 168).
14. Rights-of-way over Indian lands (25 CFR part 169).
15. Roads of the Bureau of Indian Affairs (25 CFR part 170).
16. Concessions, permits and leases on lands withdrawn or acquired in connection with Indian irrigation projects (25 CFR part 173).
17. Indian Electric Power Utilities (25 CFR part 175).
18. Resale of lands within the badlands Air Force Gunnery Range (Pine Ridge Aerial Gunnery Range (25 CFR part 178).
19. Leasing of tribal lands for mining (25 CFR part 211).
20. Leasing of allotted lands for mining (25 CFR part 212).
21. Leasing of restricted lands of members of Five Civilized Tribes, Oklahoma, for mining (25 CFR part 213).
22. Leasing of Osage Reservation lands, Oklahoma, for mining, except oil and gas (25 CFR part 214).
23. Lead and zinc mining operations and leases, Quapaw Agency (25 CFR part 215).
24. Surface exploration, mining, and reclamation of lands (25 CFR part 216).
25. Leasing of Osage Reservation lands for oil and gas mining (25 CFR part 226).
26. Leasing of certain lands in Wind River Indian Reservation, Wyoming, for oil and gas mining (25 CFR part 227).
27. Indian fishing in Alaska (25 CFR part 241).
28. Commercial fishing on Red Lake Indian Reservation (25 CFR part 242).
29. Use of Columbia River in-lieu fishing sites (25 CFR part 248).
30. Off-reservation treaty fishing (25 CFR part 249).
31. Indian fishing—Hoopa Valley Indian Reservation (25 CFR part 150).
32. Housing Improvement Program (25 CFR part 256).
33. Contracts under Indian Self-Determination Act (25 CFR part 271).
34. Grants under Indian Self-Determination Act (25 CFR part 272).
35. School construction or services for tribally operated previously private schools (25 CFR part 274).
36. Uniform administration requirements for grants (25 CFR part 276).
37. School construction contracts for public schools (25 CFR part 277).

4.3 Major Actions Normally Requiring an EIS

A. The following BIA actions normally require the preparation of an Environmental Impact Statement (EIS):

1. Proposed mining contracts (for other than oil and gas), or the combination of a number of smaller contracts comprising a mining unit for:

a. New mines of 640 acres or more, other than surface coal mines.

b. New surface coal mines of 1,280 acres or more, or having an annual full production level of 5 million tons or more.

2. Proposed water development projects which would, for example, inundate more than 1,000 acres, or store more than 30,000 acre-feet, or irrigate more than 5,000 acres of undeveloped land.

3. Construction of a treatment, storage or disposal facility for hazardous waste.

4. Construction of a solid waste facility for commercial purposes.

B. If, for any of these actions, it is proposed not to prepare an EIS, an Environmental Assessment (EA) will be prepared and handled in accordance with 40 CFR 1501.4(a)(2).

4.4 Categorical Exclusions

In addition to the actions listed in the Department's categorical exclusions in Appendix 1 of 516 DM 2, many of which the BIA also performs, the following BIA actions are hereby designated as categorical exclusions unless the action qualifies as an exception under Appendix 2 of 516 DM 2. These activities are single, independent actions not associated with a larger, existing or proposed, complex or facility. If cases occur that involve larger complexes or facilities, an EA or supplement should be accomplished.

A. Operation, Maintenance, and Replacement of Existing Facilities

Examples are normal renovation of buildings, road maintenance and limited rehabilitation of irrigation structures.

B. Transfer of Existing Federal Facilities to Other Entities

Transfer of existing operation and maintenance activities of Federal facilities to tribal groups, water user organizations, or other entities where the anticipated operation and

maintenance activities are agreed to in a contract, follow BIA policy, and no change in operations or maintenance is anticipated.

C. Human Resources Programs

Examples are social services, education services, employment assistance, tribal operations, law enforcement and credit and financing activities.

D. Administrative Actions and Other Activities Relating to Trust Resources

Examples are: Management of trust funds (collection and distribution), budget, finance, estate planning, wills and appraisals.

E. Self-Determination and Self-Governance

1. Self-Determination Act contracts and grants for BIA programs which are listed as categorical exclusions, or for programs in which environmental impacts are adequately addressed in earlier NEPA analysis.

2. Self-Governance compacts for BIA programs which are listed as categorical exclusions or for programs in which environmental impacts are adequately addressed in earlier NEPA analysis.

F. Rights-of-Way

1. Rights-of-Way inside another right-of-way, or amendments to rights-of-way where no deviations from or additions to the original right-of-way are involved and where there is an existing NEPA analysis covering the same or similar impacts in the right-of-way area.

2. Service line agreements to an individual residence, building or well from an existing facility where installation will involve no clearance of vegetation from the right-of-way other than for placement of poles, signs (including highway signs), or buried power/cable lines.

3. Renewals, assignments and conversions of existing rights-of-way where there would be essentially no change in use and continuation would not lead to environmental degradation.

G. Minerals

1. Approval of permits for geologic mapping, inventory, reconnaissance and surface sample collecting.

2. Approval of unitization agreements, pooling or communitization agreements.

3. Approval of mineral lease adjustments and transfers, including assignments and subleases.

4. Approval of oil and gas leases in which drilling actions will be permitted and NEPA analysis will be prepared by the Bureau of Land Management.

5. Approval of royalty determinations such as royalty rate adjustments of an existing lease or contract agreement.

H. Forestry

1. Approval of free-use cutting, without permit, to Indian owners for on-reservation personal use of forest products, not to exceed 2,500 feet board measure when cutting will not adversely affect associated resources such as riparian zones, areas of special significance, etc.

2. Approval and issuance of free-use cutting permits for forest products not to exceed $5,000 in value.

3. Approval and issuance of paid timber cutting permits or contracts for products valued at less than $25,000 when in compliance with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

4. Approval of annual logging plans when in compliance with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

5. Approval of Fire Management Planning Analysis detailing emergency fire suppression activities.

6. Approval of emergency forest and range rehabilitation plans when limited to environmental stabilization on less than 10,000 acres and not including approval of salvage sales of damaged timber.

7. Approval of forest stand improvement projects of less than 2000 acres when in compliance with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

8. Approval of timber management access skid trail and logging road construction when consistent with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

9. Approval of prescribed burning plans of less than 2000 acres when in compliance with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

10. Approval of forestation projects with native species and associated protection and site preparation activities on less than 2000 acres when consistent with policies and guidelines established by a current management plan addressed in earlier NEPA analysis.

I. Land Conveyance and Other Transfers

Approvals or grants of conveyances and other transfers of interests in land where no change in land use is planned.

J. Reservation Proclamations

Lands established as or added to a reservation pursuant to 25 U.S.C. 467, where no development or change in land use is planned.

K. Waste Management

1. Closure operations for solid waste facilities when done in compliance with other federal laws and regulations and where cover material is taken from locations which have been approved for use by earlier NEPA analysis.

2. Activities involving remediation of hazardous waste sites when done in compliance with applicable federal statutes such as CERCLA, RCRA or TSCA.

L. Roads and Transportation

1. Approval of utility installations along or across a transportation facility located in whole within the limits of the roadway right-of-way.

2. Construction of bicycle and pedestrian lanes and paths adjacent to existing highways.

3. Activities included in a ''highway safety plan'' under 23 CFR part 402.

4. Installation of fencing, signs, pavement markings, small passenger shelters, traffic signals, and railroad warning devices where no substantial land acquisition or traffic disruption will occur.

5. Emergency repairs under 23 U.S.C. 125.

6. Acquisition of scenic easements.

7. Alterations to facilities to make them accessible for the elderly or handicapped.

8. Resurfacing a highway without adding to the existing width.

9. Rehabilitation, reconstruction or replacement of an existing bridge structure on essentially the same alignment or location (i.e. widening, adding shoulders or safety lanes, walkways, bikeways or guardrails).

10. Approvals for changes in access control within existing right-of-ways.

11. Road construction within an existing right-of-way which has already been acquired for a HUD housing project and for which earlier NEPA analysis has already been prepared.

M. Other

1. Data gathering activities such as inventories, soil and range surveys, timber cruising, geological, geophysical, archeological, paleontological and cadastral surveys.

2. Establishment of non-disturbance environmental quality monitoring programs and field monitoring stations including testing services.

3. Actions where BIA has concurrence or co-approval with another Bureau and

the action is categorically excluded for that Bureau.

4. Approval of an Application for Permit to Drill for a new water source or observation well.

5. Approval of conversion of an abandoned oil well to a water well if water facilities are established only near the well site.

Dated: June 27, 1995.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 95–16666 Filed 7–6–95; 8:45 am]

BILLING CODE 4310–02–P

Bureau of Land Management

[AK–962–1410–00–P; AA–10953]

Notice for Publication; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h), will be issued to Chugach Alaska Corporation for 1.26 acres. The lands involved are in the vicinity of Eagle Bay, Alaska.

U.S. Survey No. 6910, Alaska

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the ANCHORAGE DAILY NEWS. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until August 7, 1995 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Patricia A. Baker,

Land Law Examiner Branch of Gulf Rim Adjudication.

[FR Doc. 95–16689 Filed 7–6–95; 8:45 am]

BILLING CODE 4310–JA–P

[AZ–024–05–1430–01; AZA–29177]

Notice of Realty Action; Bureau Motion Recreation and Public Purposes (R&PP) Act Classification; and Termination of Existing R&PP Act Classifications; Arizona

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: The following public lands in Maricopa County, Arizona have been examined and found suitable for classification for lease or patent under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*).

Gila and Salt River Meridian, Arizona

T. 3 S., R. 7 E.,
Sec. 4, S½SW¼, W½SW¼SE¼;
Sec. 8, E½, E½SW¼;
Sec. 9, S½,NE¼, W½, SE¼;
Sec. 10, W½NE¼, W½;
Sec. 16, N½;
Sec. 17, E½, E½NW¼;
Sec. 19, lots 2, 3, 4, and E½SE¼NW¼, E½SW¼;
Sec. 20, E½E½;
Sec. 21,
Sec, 22, SW¼, W½W½SW¼SE¼;
Sec. 28 to 32, inclusive, all.

Aggregating 6908.61 acres, more or less, in Pinal County.

The lands described above were previously classified under AZA–20633, AZA–24471, and AZA–25940. This notice hereby terminates existing R&PP Act Classifications AZA–20633, AZA–24471, and AZA–25940 and simultaneously reclassifies the above described land under AZA–29177. This action is a motion by the Bureau of Land Management to make available the lands described above, which are not needed for Federal purposes and which have potential for disposal for recreational or public purposes. Lease or conveyance of the lands for recreational or public purpose use would be in the public interest. Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Phoenix District, 2015 West Deer Valley Road, Phoenix, Arizona.

Lease or conveyance of the lands will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. All valid existing rights documented on the official public land records at the time of lease/patent issuance.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

4. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

Upon publication of this notice in the **Federal Register,** the lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice interested persons may submit comments regarding the proposed classification of the lands to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: William J. Ragsdale, Outdoor Recreation Planner, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027 (602) 780–8090.

Dated: June 28, 1995.

G.L. Cheniae,

District Manager.

[FR Doc. 95–16701 Filed 7–6–95; 8:45 am]

BILLING CODE 4310–32–M

[AZ–933–05–5410–00–A018, A105, A129; AZA 26580, AZA 27352, AZA 29185]

Arizona, Conveyance of Federally-Owned Mineral Interests; Amended Application, New Application, Opening Order, Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: (1) *Amended Application AZA 26580.* Pursuant to section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719), Rex G. and Ruth G. Maughan have amended their application to purchase the mineral estate to include the following lands:

Gila and Salt River Meridian, Arizona,

T. 11 N., R. 3 W.,
Sec. 12, NE¼.
T. 11 N., R. 4 W.,
Sec. 3, S½N½, NW¼SW¼;
Sec. 4, SE¼SE¼;
Sec. 9, NE¼NE¼, S½N½;
Sec. 10, lot 2, SW¼NW¼, E½SW¼, NW¼SE¼;

Sec. 15, E½NW¼, SW¼;
Sec. 22, NW¼;
Sec. 26, NW¼SW¼;
Sec. 29, lots 1–12, inclusive, NW¼.
Containing 1,880.81 acres.

(2) *AZA 29185.* Pursuant to section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719), Whitehead Limited Partnership has applied to purchase the mineral estate in the following lands:

Gila and Salt River Meridian, Arizona

T. 11 N., R. 4 W.,
Sec. 1, lot 2, SW¼NE¼.
Containing 80.26 acres.

Upon publication of this notice in the **Federal Register**, the mineral interests described in (1) and (2) above will be segregated from the mining and the mineral leasing laws. The segregative effect of the application shall terminate upon issuance of a patent, upon final rejection of the application, or 2 years from the publication date, whichever occurs first.

(3) *Opening Order AZA 26580.* The following lands were rejected from application AZA 26580 and will be open to the operation of the mining laws and the mineral leasing laws at 9 a.m. on August 7, 1995.

Gila and Salt River Meridian, Arizona

T. 9 N., R. 2 W.,
Sec. 31, NE¼NE¼, W½NE¼, NW¼SE¼ (potassium only).
T. 9 N., R. 3 W.,
Sec. 1, lots 1–3, S½NE¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 12, all;
Sec. 13, all;
Sec. 14, W½NE¼, S½NW¼, SW¼, E½SE¼, SW¼SE¼;
Sec. 22, E½NE¼, SW¼NE¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 23, all;
Sec. 24, lots 1–3, N½, SW¼, NE¼SE¼;
Sec. 25, lots 1–2, NW¼NE¼, S½NE¼, W½, SE¼;
Sec. 26, all;
Sec. 27, N½;
Sec. 35, N½.

(4) *Correction AZA 27352:* In Notice of Minerals Segregation document 95–14487 issued on Wednesday, June 14, 1995, correct serial number AZA 27532 to AZA 27352 in the heading on page 31321 and in the first column on page 31322.

FOR FURTHER INFORMATION CONTACT: Evelyn Stob, Land Law Examiner, Arizona State Office, P.O. Box 16563, Phoenix, AZ 85011–6563, (602) 650–0518.

Dated: June 30, 1995.

Laura Rowdabaugh,

Acting Chief, Lands and Minerals Operations Section.

[FR Doc. 95–16702 Filed 7–6–95; 8:45 am]

BILLING CODE 4310–32–P

[AZ–942–05–1420–00]

Arizona; Notice of Filing of Plats of Survey

Date: June 30, 1995.

1. The plats of survey of the following described lands were officially filed in the Arizona State Office, Phoenix, Arizona, on the dates indicated:

A plat representing the dependent resurvey of the south boundary of Township 18 North, Range 30 East, Gila and Salt River Meridian, Arizona, was approved April 4, 1995, and was officially filed April 13, 1995.

This plat was prepared at the request of the Navajo-Hopi Indian Relocation Commission.

A plat, in 2 sheets, representing the dependent resurvey of a portion of the subdivisional lines, a portion of the subdivision of section 12, and the boundary of the San Luis Townsite Addition No. 1; and the survey of certain blocks in the San Luis Townsite Addition No. 1, in Township 11 South, Range 25 West, Gila and Salt River Meridian, Arizona, was approved April 26, 1995, and was officially filed May 3, 1995.

This plat was prepared at the request of the Bureau of Land Management, Yuma District Office.

A plat representing the dependent resurvey of a portion of the First Guide Meridian East, through Township 17 South, a portion of the south boundary, and a portion of the subdivisional lines, and the subdivision of sections 25, 35, and 36, in Township 17 South, Range 4 East, Gila and Salt River Meridian, Arizona, was approved May 15, 1995, and was officially filed May 18, 1995.

This plat was prepared at the request of the Bureau of Indian Affairs, Phoenix Area Office.

2. These plats will immediately become the basic records for describing the land for all authorized purposes. These plats have been placed in the open files and are available to the public for information only.

3. All inquiries relating to these lands should be sent to the Arizona State Office, Bureau of Land Management, P.O. Box 16563, Phoenix, Arizona 85011.

Dennis K. McKay,

Acting Chief Cadastral, Surveyor of Arizona.

[FR Doc. 95–16703 Filed 7–6–95; 8:45 am]

BILLING CODE 4310–32–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 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 Office and the Office of Management and Budget, Paperwork Reduction Project (1018–0015), Washington, DC 20503, telephone 202–395–7340.

Title: Waterfowl Harvest Surveys Amendment

OMB Approval Number: 1018–0015

Abstract: Under the Migratory Bird Treaty Act, the Secretary of the Interior has responsibility for setting appropriate regulations for the hunting of migratory birds. Information required for effectively governing harvests of migratory birds includes not only knowledge of the harvest's magnitude but also information of the species, age, and sex composition within that harvest, including the geographical and chronological distribution of these components. The information collected is used by both Federal and State authorities to monitor the effects of various hunting regulations on the harvest of individual migratory bird species. This amendment to the currently approved Waterfowl Harvest Survey includes a phased expansion to include all migratory bird species and to solve non-response problems

Service Form Number(s): 3–2056I, 3–2056J, and 3–2056K

Frequency: Annually

Description of Respondents: Individuals and households

Estimated Completion Time: The amended reporting burden is estimated to average .01837 minutes per response

Annual Responses: 1,669,040

Annual Burden Hours: 30,663 (includes an additional 12,504 burden hours)

Service Clearance Officer: Phyllis H. Cook, 703–358–1943, Mail Stop—224 Arlington Square, U.S. Fish and Wildlife Service, Washington, DC 20240.

Dated: June 14, 1995.

David K. Weaver,

Assistant Director, Refuges and Wildlife.

[FR Doc. 95–16700 Filed 7–6–95; 8:45 am]

BILLING CODE 4310–55–M

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT–804094

Applicant: William Antisdale, Plainwell, MI.

The applicant requests a permit to import the sport-hunted trophy on one male bontebok (*Damaliscus pygargus dorcas*) culled from the captive herd maintained by Mr. Luke Kock, Verborgenfontein, Richmond, Republic of South Africa for the purpose of enhancement of the survival of the species.

PRT–802579

Applicant: Claws 'N' Paws Wild Animal Park, Lake Ariel, PA.

The applicant requests a permit to export one female captive-born ring-tailed lemur (*Lemur catta*) to Jungle Cat World, Orono, Ontario, Canada, for the purpose of enhancement of the species through captive propagation.

PRT–804035

Applicant: William Hayes, Southern College, Collegedale, TN.

The applicant requests a permit to import up to 600 blood samples collected in the Bahamas from wild populations of ground iguana (*Cyclura rileyi rileyi, Cyclura rileyi nuchalis,* and *Cyclura rileyi cristata*) to enhance the survival of the species through scientific research.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act* and *Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: June 30, 1995.

Caroline Anderson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 95–16672 Filed 7–6–95; 8:45 am]

BILLING CODE 4310–55–P

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32707]

Canadian National Railway Company—Corporate Family Transaction Exemption—Minnesota and Ontario Bridge Company and the Minnesota and Manitoba Railroad Company

Canadian National Railway Company (CN) has filed a verified notice to exempt the dissolution and acquisition by CN of property held by two CN subsidiaries, the Minnesota and Ontario Bridge Company and the Minnesota and Manitoba Railroad Company (companies). The companies were formed under Minnesota law in 1899 to construct a section of railroad and rail bridge, known as the Sprague Subdivision through Northern Minnesota, near Baudette, that forms a portion of CN's main line between Winnipeg, Manitoba and Thunder Bay, Ontario. CN has asserted that unknown to them, the companies were dissolved four years ago by operation of law, because certain state corporate registrations were inadvertently permitted to expire. According to CN, under Minnesota law the assets and liabilities held by the companies became the property of CN at the time of dissolution. Under 49 CFR 1180.4(g)(1), this exemption became effective on June 14, 1995, one week after the notice was filed. While CN's acquisitions of the companies' properties technically needed Commission approval or exemption four years ago, CN only recently became aware of the restructuring within its corporate family. CN decided to file a notice of exemption for the restructuring rather than to reincorporate the companies.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3) since it will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. CN has stated that no changes have occurred during the past four years that CN has operated the companies' property after the dissolution by operation of Minnesota law. CN also stated that this transaction, involving property located wholly within the State of Minnesota, will simply result in a simplification of the corporate structure of CN.

If the notice contains false or misleading information the exemption is void *ab initio.*

As a condition to use of this exemption, any employees adversely affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Robert P. vom Eigen, Hopkins & Sutter, 888 16th Street NW., Washington, DC 20006.

Decided: June 28, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–16722 Filed 7–6–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 31561 (Sub–No. 1)] [1]

Consolidated Rail Corporation—Amended Trackage Rights Exemption—Boston and Maine Corporation and Springfield Terminal Railway Company

Boston and Maine Corporation and Springfield Terminal Railway Company have agreed to grant overhead trackage rights to Consolidated Rail Corporation over approximately 25 miles of rail line extending from approximately milepost 3.0 (at the junction with the tracks of Providence and Worcester Railroad Company), at Barber, MA, to approximately milepost 28.0, at Hill

[1] This filing notices an amendment to a trackage rights agreement first entered into in 1989 and noticed in *Consolidated Rail Corporation—Trackage Rights Exemption—Boston and Maine Corporation and Springfield Terminal Railway Company,* Finance Docket No. 31561 (ICC served Nov. 16, 1989). It extends the contract term of the agreement to June 30, 1996, and authorizes the movement over the subject trackage of trailers and containers to and from the New England area for the account of United Parcel Service and the movement of other intermodal traffic destined to or originating at stations on Boston and Maine Corporation and Springfield Terminal Railway Company located east of Ayer, MA. The original 1989 agreement only authorized the movement of finished motor vehicles in multi-level cars for the account of Ford Motor Company.

Yard, in Ayer, MA. The trackage rights are to become effective on July 9, 1995.[2]

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: John J. Paylor, Consolidated Rail Corporation, 2001 Market Street, 16A, P.O. Box 41416, Philadelphia, PA 19101–1416.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

Decided: June 30, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–16723 Filed 7–6–95; 8:45 am]

BILLING CODE 7035–01–P

[Docket No. AB–55 (Sub-No. 509X)]

CSX Transportation, Inc.—Abandonment Exemption—in Belmont County, OH

CSX Transportation, Inc. (CSXT), has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon 15.04 miles of rail line between milepost BP–0.19 at Bellaire and milepost BP–15.23 at Lamira, in Belmont County, OH.[1]

CSXT 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.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on August 6, 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 July 17, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by July 27, 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: Charles M. Rosenberger, 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio.*

CSXT 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 July 12, 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 becomes 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 27, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–16724 Filed 7–6–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32306]

Wertheim Schroder & Co., Incorporated, and Gateway Western Railway Company—Continuance in Control Exemption—Gateway Eastern Railway Company

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10505, the Commission exempts from the prior approval requirements of 49 U.S.C. 11343–11345 the assumption of direct control of Gateway Eastern Railway Company (Gateway Eastern) by petitioners Gateway Western Railway Company (Gateway Western), Gateway Management Partners, L.P. (Partners), McCarren Corporation, and J. Reilly McCarren, upon dissolution of the current independent voting trust.[1] The control is subject to standard labor protective conditions.

DATES: The exemption is effective on July 27, 1995. Petitions to stay must be filed by July 17, 1995, and petitions to reopen must be filed by July 27, 1995.

ADDRESSES: Send pleadings, referring to Finance Docket No. 32306, to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue NW., Washington,

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[2] The United Transportation Union (UTU) has petitioned to revoke the notice of exemption or, in the alternative, to stay the exemption. Because the exemption became effective 7 days after filing, the UTU filing will be handled as a petition to revoke in a separate decision.

[1] Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Commission at least 50 days before the abandonment or discontinuance is to be consummated. The applicant, in its verified notice, indicated a proposed consummation date of June 28, 1995. Because the verified notice was not filed until June 19, 1995, consummation should not have been proposed to take place before August 8, 1995. Applicant's representative has corrected the notice on June 27, 1995, and stated that the proposed consummation date is August 14, 1995.

[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 on 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.

[1] Gateway Western, a connecting class II carrier, is Gateway Eastern's corporate parent. When the exemption petition was originally filed, Wertheim Schroder & Co., Inc. (WSI), was the noncarrier parent of both Gateway Western and Gateway Eastern. Gateway Western is now owned by Partners, of which McCarren Corporation is the sole general partner and WSI is one of several non-voting limited partners. Mr. McCarren, Gateway Western's president, is the sole shareholder of McCarren Corporation. Thus, Partners, McCarren Corporation, and Mr. McCarren are substituted as parties for WSI.

DC 20423; and (2) petitioners' representative, Thomas J. Litwiler, Oppenheimer Wolff & Donnelly, Two Prudential Plaza, 45th Floor, 180 North Stetson Ave., Chicago, IL 60601.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927–5610. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue, N.W., Room 2229, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services at (202) 927–5721.]

Decided: June 21, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

[FR Doc. 95–16782 Filed 7–6–95; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 1733–95]

Special Filing Instructions for ABC Class Members

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: The Immigration and Naturalization Service (INS) announces the issuance to all affected parties of special instructions for class members eligible for benefits under the settlement reached in *American Baptist Churches v. Thornburgh*, 760 F. Supp. 796 (N.D. Cal. 1991) (*ABC* class members). These instructions describe who is currently eligible for settlement benefits and which class members will be required to file an Application for Asylum (INS Form I–589) to maintain eligibility for those benefits.

EFFECTIVE DATE: July 7, 1995.

FOR FURTHER INFORMATION CONTACT: Christine Davidson, Senior Policy Analyst, Office of International Affairs, Immigration and Naturalization Service, 425 I Street, N.W., Washington, D.C. 20536, Attn: ULLICO, Third Floor; Telephone (202) 633–4389.

SUPPLEMENTARY INFORMATION: The settlement in *American Baptist Churches v. Thornburgh* resolved an action filed against the United States Department of Justice and the United States Department of State challenging the processing of asylum claims by Salvadoran and Guatemalan nationals pursuant to the Refugee Act of 1980. Under the settlement, eligible nationals of Guatemala and El Salvador are entitled to a new asylum interview before an INS asylum officer under the regulations in effect on October 1, 1990.

This notice provides for the issuance of special instructions, entitled ''Special Filing Instructions for *ABC* Class Members,'' Form I–855. These instructions outline the eligibility criteria for settlement benefits, as well as specific procedures *ABC* class members should follow in filing an Application for Asylum, Form I–589, or an Application for Employment Authorization, Form I–765. The instructions listed on Form I–855 only supplement, and do not replace, the filing instructions on INS Forms I–589 and I–765.

As specified in the Form I–855, class members are to file all applications for asylum and employment authorization with the appropriate INS Service Center. This instruction supersedes a prior instruction published at 59 FR 62751, dated December 6, 1994, that such applications should be filed at the appropriate local INS office if the class member had originally filed an asylum application with an immigration judge in exclusion or deportation proceedings. Additionally, for those who have questions or need advice, the INS will distribute with the Form I–855 a list of legal service providers developed by class counsel. This list is not intended in any way to limit class members in seeking legal advice.

The Form I–855 is reproduced below, with the exception of the legal services list. The information collection requirement contained in this notice has been submitted to the Office of Management and Budget for review and approval under the Paperwork Reduction Act.

Dated: June 27, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

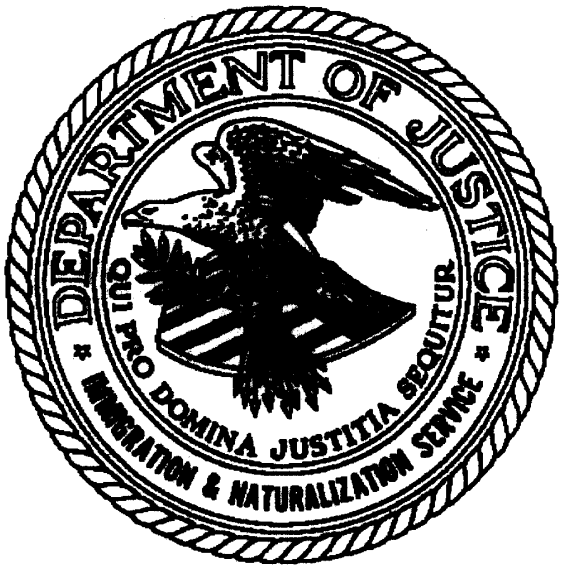
Note: The Special Filing Instructions for *ABC* class members will not appear in the Code of Federal Regulations.

BILLING CODE 4410–10–M

U.S. Department of Justice
Immigration and Naturalization Service

Special Filing Instructions for

ABC CLASS MEMBERS



Form M-426 (07-05-95)

SPECIAL FILING INSTRUCTIONS FOR ABC CLASS MEMBERS

INDEX

PART 1. GENERAL.

If you are eligible for benefits under the ABC settlement agreement (American Baptist Churches v. Thornburgh, 760 F. Supp.796 (N.D. Cal. 1991)), these instructions have important information about how you must file asylum and work authorization applications. Read them carefully. They supplement any other INS instructions. Where these instructions differ from other INS instructions, you should follow these instructions.

IF YOU HAVE QUESTIONS OR NEED ADVICE, CALL YOUR LAWYER OR AN ORGANIZATION ON THE ATTACHED LIST.

IF YOU ARE SALVADORAN AND YOU DO NOT HAVE AN ASYLUM APPLICATION ON FILE WITH THE INS OR THE IMMIGRATION JUDGE, YOU MUST FILE A COMPLETE ASYLUM APPLICATION IN ORDER TO KEEP YOUR ABC BENEFITS.

You can get the forms mentioned in these instructions by going to your local INS office and asking for an "ABC packet." You can also get an "ABC packet" in the mail by calling the INS at 1-800-755-0777. The "ABC packet" contains the Form I-589 (Rev. 11-16-94) (Application for Asylum and for Withholding of Deportation); Form I-765 (Rev. 04-25-95) (Application for Employment Authorization); the FD-258 (Fingerprint Card); the I-765 Signature Card; the ABC Change of Address Form (with Spanish translation); these Special Filing Instructions (with Spanish translation); a list of legal services; and an ABC filing chart (with Spanish translation).

PART 2. ELIGIBILITY.

Who is eligible for ABC benefits now?

Almost any SALVADORAN who:

- Was in the United States as of September 19, 1990;
  and
- Registered for TPS (Temporary Protected Status), **or**
- Registered for ABC by October 31, 1991.

Almost any GUATEMALAN who:

- Was in the United States as of October 1, 1990,
  and
- Registered for ABC by December 31, 1991,
  and
- Filed an asylum application by January 3, 1995.

PART 3. MAINTAINING ELIGIBILITY.

Who must file the asylum application (Form I-589)?

If you are SALVADORAN OR GUATEMALAN and you **have** an asylum application on file with the INS or the Immigration Judge, you **do not** need to file a new one to keep your ABC benefits.

If you are SALVADORAN and you **do not** have an asylum application on file with the INS or the Immigration Judge, **YOU WILL HAVE TO FILE ONE SOON** in order to keep your ABC benefits. The deadline will probably be sometime in late 1995. If you have not already filed, **YOU SHOULD FILE AN ASYLUM APPLICATION AS SOON AS POSSIBLE TO AVOID MISSING THE DEADLINE.** If you registered for TPS and informed the INS of your current address using the ABC Change of Address Form, you should receive a notice by mail informing you of the filing deadline to remain eligible for your ABC rights.

If you are GUATEMALAN and have not yet filed an asylum application with the INS or the Immigration Judge, you have probably lost your ABC benefits and these Special Filing Instructions do not apply to you. You can still file an asylum application, but you will not receive any ABC benefits. **You may wish to talk to a lawyer or an organization on the attached list to decide if you are still eligible.**

PART 4. ASYLUM APPLICATION PROCEDURES.

How to fill out the asylum application:

Write "ABC" in the top right corner of any asylum application you submit. This will help the INS to know that special rules apply to you.

You may use the old version of the asylum application Form I-589 (Rev. 08-01-91).

You may also use the new version of the asylum application, Form I-589 (Rev. 11-16-94). If you use the new form, **some of those instructions do not apply to you. Read the following carefully:**

- You may apply for a work permit at the same time that you file your asylum application. **There is no waiting period for filing.** Special rules apply to your application for work authorization. They are listed in Part 5 below under the heading **"HOW TO APPLY FOR EMPLOYMENT AUTHORIZATION."**
- When answering question 15 on the new Form I-589 (Rev. 11-16-94), **do not** write any information about a past asylum decision. Also, **do not** attach to your application any documents about a past asylum decision.

Send your asylum application by mail to the INS Service Center which has jurisdiction over your residence as indicated on the attached chart (Page 3), even if your case is (or was) before the Immigration Judge. This chart summarizes the instructions to the Forms I-589 (Rev. 11-16-94) and I-765 (Rev. 04-25-95) regarding where you should file the applications. **Reminder:** Make sure you write "ABC" in the top right corner of your asylum application.

If you have filed an asylum application and have new documents which help prove your case, bring three copies of these documents to your asylum interview. If you want to file a new asylum application, mail it to the INS Service Center with jurisdiction over your residence, as indicated on the attached chart. Mark your new application with your A-number and the notation "ABC I-589 supplement." You must provide three copies of the application and any supporting documents.

PART 5. EMPLOYMENT AUTHORIZATION.

How to apply for employment authorization (Form I-765):

You must have an asylum application (Form I-589) on file with the INS or the Immigration Judge in order to receive a work permit. You may submit the asylum application and the work authorization application together by filing both applications with the Service Center where you file your asylum application. **If you submit these applications together, you must submit the required number of photographs for *EACH* application, in accordance with the instructions on the forms.**

The instructions to the work authorization application, Form I-765 (Rev. 04-25-95), ask you to submit evidence that you previously filed an asylum application. You are not required to submit this evidence when you apply, but it will help the INS process your request quickly.

If you are renewing or replacing your work permit, you must pay the filing fee.

Write "ABC" in the top right corner of your work authorization application. You must identify yourself as an ABC class member if you are applying for work authorization under the ABC settlement agreement.

Write "(c)(8)" in the eligibility section of the work authorization application.

You are entitled to work authorization without regard to the merits of your asylum claim and your application for work authorization will be decided within 60 days if you pay the filing fee, have a complete, pending asylum application on file, and write "ABC" in the top right corner of your work authorization application. If you do not pay the filing fee for an initial work authorization request, your request may be denied if the INS finds that your asylum application is frivolous.

If you cannot pay the filing fee for a work permit, you may qualify for a fee waiver. **You may wish to talk to a lawyer or an organization on the attached list to decide if you can file a fee waiver.**

Send your work authorization application by mail to the INS Service Center which has jurisdiction over your residence as indicated on the attached chart (Page 3), even if your case is (or was) before the Immigration Judge. This chart summarizes the instructions to the Forms I-589 (Rev. 11-16-94) and I-765 (Rev. 04-25-95) regarding where you should file the applications.

If you are **SALVADORAN** and have TPS/DED (Deferred Enforced Departure) work authorization valid until September 30, 1995, you should file your work authorization application as soon as possible so that you will receive a new work permit before your old one expires.

PART 6. CHANGE OF ADDRESS.

How to notify the INS if you change your address:

If you change your address, you must notify the INS. Use the attached ABC Change of Address Form (Form I-855). Be sure to include your A-number on this form. Send this form to: ABC Project, Immigration and Naturalization Service, P.O. Box 96821, Washington, DC 20090. **DO NOT SEND ANY OTHER MATERIALS TO THIS ADDRESS. THE INS WILL NOT ACCEPT ANY OTHER MATERIALS AT THIS ADDRESS.** Once you have filed an asylum application with the INS, you are encouraged to also send a copy of the ABC Change of Address Form to your local Asylum Office to notify them of your new address.

PART 7. OTHER INFORMATION.

MAKE SURE THAT YOU KEEP A COPY OF ALL FORMS AND DOCUMENTS THAT YOU MAIL OR BRING TO THE INS.

These Special Filing Instructions are designed only to explain the INS' implemention of certain provisions of the ABC Settlement and do not constitute an instruction within the meaning of 8 CFR 103.2.

Paperwork Reduction Act. The Immigration and Naturalization Service (INS) tries to create forms and instructions which are accurate and easily understood. Often this is difficult because immigration law can be very complex. The public reporting burden for this form is estimated to average two (2) hours and thirty (30) minutes per response, including the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. The INS welcomes your comments regarding this burden estimate or any other aspect of this form, including suggestions for reducing this burden, to: U.S. Department of Justice, Immigration and Naturalization Service, 425 Eye Street, Room 5307, Washington, DC 20536; and to the Office of Management and Budget, Paperwork Reduction Project: OMB No. 1115-0163, Washington, DC 20503.

ABC Filing Chart (Tabla Para Remisión de Solicitudes de ABC)

Choose the Appropriate Center to File Applications (Escoja el Centro Apropiado a Donde Enviar Solicitudes)

If You Live In (Si Ud. Vive En)	And You Send (Y Ud. Envíe)	
	I-765 Only* (Permiso de Empleo Sólo*)	I-589 Only OR I-589 & I-765 Together** (Asilo sólo o con empleo**)
Alabama	TX	TX
Alaska	NE	NE
Arizona	CA	CA
Arkansas	TX	TX
California, North (Page 4, Página 4)	CA	NE
California, South (Page 4, Página 4)	CA	CA
Colorado	NE	TX
Connecticut	VT	VT
Delaware	VT	VT
Florida	TX	TX
Georgia	TX	TX
Hawaii	CA	NE
Idaho	NE	NE
Illinois	NE	NE
Indiana	NE	NE
Iowa	NE	NE
Kansas	NE	NE
Kentucky	TX	NE
Louisiana	TX	TX
Maine	VT	VT
Maryland	VT	TX
Massachusetts	VT	VT
Michigan	NE	NE
Minnesota	NE	NE
Mississippi	TX	TX
Missouri	NE	NE
Montana	NE	NE
Nebraska	NE	NE
Nevada, North (Page 4, Página 4)	CA	NE
Nevada, South (Page 4, Página 4)	CA	CA
New Hampshire	VT	VT
New Jersey	VT	VT
New Mexico	TX	TX
New York	VT	VT
North Carolina	TX	TX
North Dakota	NE	NE
Ohio	NE	NE
Oklahoma	TX	TX
Oregon	NE	NE
Pennsylvania, East (Page 4, Página 4)	VT	VT
Pennsylvania, West (Page 4, Página 4)	VT	TX
Rhode Island	VT	VT
South Carolina	TX	TX
South Dakota	NE	NE
Tennessee	TX	TX
Texas	TX	TX
Utah	NE	TX
Vermont	VT	VT
Virginia	VT	TX
Washington	NE	NE
West Virginia	VT	TX
Wisconsin	NE	NE
Wyoming	NE	TX
Dist. of Columbia	VT	TX
Guam	CA	NE
Puerto Rico	VT	TX
Virgin Islands	VT	TX

* "I-765 Only" refers to any Form I-765 Application for Employment Authorization based on a previously-filed asylum application, even if you are including a copy of the asylum application to prove that an asylum application was filed. ("Sólo permiso de empleo" significa presentar la solicitud para permiso de empleo a base de una solicitud pendiente de asilo, hasta si Ud. incluye una copia de la anterior solicitud para asilo para comprobar que ya se presentó.)

** "I-589 Only OR I-589 & I-765 Together" refers to a Form I-589 Application for Asylum and for Withholding of Deportation that is being filed as a formal application either for the first time or to supplement an application on file with the INS, alone or with an I-765. ("Asilo sólo o con permiso de empleo" significa una solicitud de asilo que se presenta formalmente por primera vez o para agregarse a una solicitud pendiente con INS. Se puede enviar la solicitud de asilo sólo o junto con una solicitud de permiso de empleo.

SEE PAGE 4 FOR ADDRESSES (VEA PÁGINA 4 PARA DIRECCIONES)

Service Centers Where Applications Are To Be Filed
(Centros a Donde Enviar las Solicitudes)

CA = INS California Service Center
P.O. Box 10765
Laguna Niguel, CA 92607-0765

NE = INS Nebraska Service Center
P.O. Box 87765
Lincoln, NE 68501-7765

TX = INS Texas Service Center
P.O. Box 152122, Department A
Irving, TX 75015-2122

VT = INS Vermont Service Center
P.O. Box 9765
St. Albans, VT 05479-9765

Notes to Chart on Page Three
(Notas Para la Tabla de la Tercera Página)

California, South is the counties of:
(California, Sur consiste en los condados siguientes:)

Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura.

California, North is all other counties in California.
(California, Norte consiste en todos los demás condados de California.)

Nevada, South is the counties of:
(Nevada, Sur consiste en los condados siguientes:)

Clarke, Esmeralda, Lincoln, Nye.

Nevada, North is all other counties in Nevada.
(Nevada, Norte consiste en todos los demás condados de Nevada.)

Pennsylvania, West is the counties of:
(Pensilvania, Occidente consiste en los condados siguientes:)

Allegheny, Armstrong, Beaver, Bedford, Butler, Blair, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, Westmoreland.

Pennsylvania, East is all other counties in Pennsylvania.
(Pensilvania, Oriente consiste en todos los demás condados de Pensilvania.)

U.S. Department of Justice
Immigration and Naturalization Service

OMB No. 1115-XXXX
ABC Change of Address Form

AVISO 18

AMERICAN BAPTIST CHURCHES

FORMULARIO PARA CAMBIO DE DIRECCIÓN
(Inglés y Español)

Yo he solicitado la Protección Provisional "TPS" o las disposiciones de *American Baptist Churches*, y mi dirección actual es distinta de la que puse en la solicitud.

Nombre y apellido _____

_____

Número de Expediente A-_____

Mi direcciòn ACTUAL de domicilio es:

_____

_____

Mi país de nacimiento es: _____

Fecha de nacimiento: _____

La última dirección que informé a INS es:

_____

_____

Firma _____ Fecha _____

COMPLETE ESTE FORMULARIO Y ENVÍELO A:

ABC Project
Immigration and Naturalization Service
P.O. Box 96821
Washington, DC 20090

No envíe otras cosas a esta dirección. INS no las aceptará.

GUARDE COPIA DE ESTE FORMULARIO.

RECUERDE: SI SE CAMBIE DE DIRECCIÓN DE NUEVO, DEBE DE INFORMAR AL SERVICIO DE INMIGRACIÓN ("INS"), EN LA DIRECCIÓN SEÑALADA. PUEDE USAR ESTE FORMULARIO. SI NO INFORMA AL INS SU CAMBIO DE DIRECCIÓN, PODRÍA PERDER SU DERECHO DE UNA NUEVA ENTREVISTA Y DECISIÓN DE ASILO.

En cuanto tenga una solicitud de asilo pendiente con INS, se le recomienda enviar copia de este formulario de ABC de cambio de dirección a su oficina local de asilo.

NOTICE 18

AMERICAN BAPTIST CHURCHES

CHANGE OF ADDRESS FORM
(English and Spanish)

I have applied for TPS or for benefits under *American Baptist Churches* and have a different address from the address on my registration application.

Name _____

_____

A-Number A-_____

My NEW address is:

_____

_____

My country of birth is: _____

Date of birth: _____

The last address I reported to INS is:

_____

_____

Signature _____ Date _____

FILL OUT THIS FORM AND SEND IT TO:

ABC Project
Immigration and Naturalization Service
P.O. Box 96821
Washington, DC 20090

Do not send anything else to this address. INS will not accept it.

KEEP A COPY OF THIS FORM.

REMINDER: IF YOUR ADDRESS CHANGES AGAIN YOU MUST INFORM INS AT THE ABOVE ADDRESS. YOU MAY USE AN ABC CHANGE OF ADDRESS FORM. YOU CAN LOSE YOUR RIGHT TO A NEW ASYLUM INTERVIEW AND DECISION IF YOU DO NOT INFORM INS OF YOUR CHANGE OF ADDRESS.

Once you have filed an asylum application with the INS, you are encouraged to also send a copy of this ABC Change of Address form to your local Asylum Office.

Form I-855 (07-05-95)

[FR Doc. 95–16771 Filed 7–6–95; 8:45 am]
BILLING CODE 4410–10–C

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.

Modification to General Wage Determinations 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.

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General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage 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 county.

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, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which 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, D.C. this 30th day of June 1995.

Alan L. Moss,

Director, Division of Wage Determination.

[FR Doc. 95–16670 Filed 7–6–95; 8:45 am]

BILLING CODE 4510–27–M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has

instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 17, 1995.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than July 17, 1995.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of June, 1995.

Victor J. Trunzo,

Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Crown Pacific Limited Partnership (Co.) .	Bonners Ferry, ID ..	06/26/95	06/12/95	31,153	Softwood dimensional lumber.
Summit Timber Co. (Co.)	Darrington, WA	06/26/95	06/07/95	31,154	Dimensioinal lumber.
Nicolette Fashion Inc. (ILGWU)	West New York, NJ	06/26/95	06/02/95	31,155	Women's coats.
Sporteens Inc. (ILGWU)	Moonachie, NJ	06/26/95	06/02/95	31,156	Sportswear.
Theodore Rich Co., Inc. (Workers)	Terre Haute, IN	06/26/95	06/09/95	31,157	Women's skirts.
Unisys Corp/Comp Systems Group (Workers).	Roseville, MN	06/26/95	05/31/95	31,158	Printed circuit boards.
Riley Stoker Corp (BBF)	Erie, PA	06/26/95	06/13/95	31,159	Boilers.
Noll Printing Co., Inc (Workers)	Huntington, IN	06/26/95	06/16/95	31,160	Printing of direct mail catalogs, etc.
AEP Ind (UTWA)	South Hackensack, NJ.	06/26/95	06/12/95	31,161	Plastic film.
STE Oilfield Services, Inc (Workers)	Andrews, TX	06/26/95	05/10/95	31,162	Oil well drilling services.
CR & Me (Workers)	Linden, NJ	06/26/95	06/06/95	31,163	Ladies and childrens clothing.
Cairns & Brother Inc. (Workers)	Clifton, NJ	06/26/95	05/08/95	31,164	Fireproof coats & pants.
Communication Associates, Inc (Workers).	Anniston, AL	06/26/95	06/02/95	31,165	Electronic components.
Fabric Cutters Inc. (Workers)	Floyd, VA	06/26/95	05/31/95	31,166	Fabric.
GCO Apparel/Genesco (Co)	Bowdon, GA	06/26/95	06/13/95	31,167	Men's & women's tailored coats.
GCO Apparel/Genesco (Co)	Woodland, AL	06/26/95	06/13/95	31,168	Men's pants.
GCO Apparel/Genesco (Co)	Heflin, AL	06/26/95	06/13/95	31,169	Men's coats.
Gateway Safety Systems (IBT)	Michigan City, IN	06/26/95	06/09/95	31,170	Automobile seat belts.
Heat Tech—Heater Wire, Inc. (Co)	El Paso, TX	06/26/95	06/05/95	31,171	Foil heater.
International Marine Carriers (Workers) ..	Mineola, NY	06/26/95	05/27/95	31,172	Operated ships for US government.
Rielly Co. Inc. (Co)	Valatie, NY	06/26/95	06/13/95	31,173	Men's, women's & children's sportwear.
Emerson Electric Motor Co. (Workers) ...	Ava, MO	06/26/95	06/17/95	31,174	Fractional horsepower motors.
General Electric Co. (IUE)	Ft. Wayne, IN	06/26/95	06/14/95	31,175	Electric motors, transformers.
Handy & Harman (Workers)	East Providence, RI	06/26/95	06/14/95	31,176	Gold.
I.T.T. Automotive (IAM)	Tonawanda, NY	06/26/95	06/09/95	31,177	Auto rotors & brake drums.
Leader Sportswear (Workers)	Sidney, OH	06/26/95	06/15/95	31,178	High school garments.
Spiegel, Inc (Workers)	Chicago, IL	06/26/95	06/12/95	31,179	Catalog—warehouse & distribution.
Spiegel, Inc (Workers)	Bensenville, IL	06/26/95	06/12/95	31,180	Catalog—warehouse & distribution.
Trico Ind, Inc., Bradford Plant (IAM)	Bradford, PA	06/26/95	06/15/95	31,181	Subsurface oilwell pumps.
Willwear Hosiery (Workers)	Chattanooga, TN	06/26/95	05/23/95	31,182	Men's crew socks, ladies' hosiery.
Willwear Hosiery (Workers)	Marion, NC	06/26/95	05/23/95	31,183	Men's crew socks, ladies' hosiery.
Shogren Industries (Workers)	Concord, NC	06/26/95	05/23/95	31,184	Men's crew socks, ladies' hosiery.
Shogren Industries (Workers)	Oyster Bay, NY	06/26/95	05/23/95	31,185	Men's crew socks, ladies' hosiery.
Shana Knitwear, Inc. (Workers)	Asheboro, NC	06/26/95	06/20/95	31,186	Knitwear apparel.
Hughes Aircraft (EAST)	Newport Beach, CA	06/26/95	05/31/95	31,187	Hybrid microelectronic circuits.

[FR Doc. 95–16727 Filed 7–6–95; 8:45 am]
BILLING CODE 4510–30–M

[TA–W–30,828]

Greeneville Industries, Incorporated; Greeneville, TN; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Program Manager of the Office of Trade Adjustment Assistance for workers at Greeneville Industries, Inc., Greeneville, TN. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–30,828; Greeneville Industries, Incorporated, Greeneville, TN (June 20, 1995)

Signed at Washington, D.C. this 22nd day of June, 1995.

Victor J. Trunzo,

Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–16728 Filed 7–6–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–31,100]

Louisiana Pacific; Moyie Springs, ID; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on June 5, 1995, in response to a worker petition which was filed on June 5, 1995, on behalf of workers at Louisiana Pacific, Moyie Springs, Idaho.

Workers at Louisiana Pacific, Moyie Springs, Idaho, have been certified eligible to apply for trade adjustment assistance (TA–W–30,952E). This certification, which covers the petitioning group of workers, remains in effect. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 23rd day of June, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–16730 Filed 7–6–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,952]

Louisiana Pacific; Northern Division; Hayden Lake, ID (Headquarters); Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of: Belgrade, Montana TA–W–30,952A; Chilco, Idaho TA–W–30,952B; Deerlodge, Montana TA–W–30,952C; Libby, Montana TA–W–30,952D; Moyie Springs, Id TA–W–30,952E; Pilot Rock, Oregon TA–W–30,952F; Priest River, Idaho TA–W–30,952G; Rexburg, Idaho TA–W–30,952H; Saratoga, Wyoming TA–W–30,952I; Tacoma, Washington TA–W–30,952J; Walden, Colorado TA–W–30,952K; Walla Walla, Wa TA–W–30,952L; and Operating in Various Other Locations in the States of: Idaho TA–W–30,952M; Montana TA–W–30,952N.

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on June 5, 1995, applicable to all workers of the Louisiana Pacific, Northern Division, operating in various locations. The notice will soon be published in the **Federal Register.**

New information received from the State Agencies show that worker separations have occurred at other locations of Louisiana Pacific's Northern Division in the States of Idaho and Montana.

It is the Department's intent to provide coverage to all workers of Louisiana Pacific, Northern Division, adversely affected by increased imports. Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to TA–W–30,952 is hereby issued as follows:

''All workers of Louisiana Pacific, Northern Division, headquartered in Hayden Lake, Idaho, and operating at the following locations, who became totally or partially separated from employment on or after April 10, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974:

Belgrade, Montana TA–W–30,952A;
Chilco, Idaho TA–W–30,952B;
Deerlodge, Montana TA–W–30,952C;
Libby, Montana TA–W–30,952D;
Moyie Springs, Id TA–W–30,952E;
Pilot Rock, Oregon TA–W–30,952F;
Priest River, Idaho TA–W–30,952G;
Rexburg, Idaho TA–W–30,952H;
Saratoga, Wyoming TA–W–30,952I;
Tacoma, Washington TA–W–30,952J;
Walden, Colorado TA–W–30,952K;
Walla Walla, Wa TA–W–30,952L

and operating in various other locations in the states of:

Idaho TA–W–30,952M; Montana TA–W–30,952N''

Signed at Washington, D.C. this 26th day of June 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–16729 Filed 7–6–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–31–122]

Medalist, Apparel, Inc., Reading, PA; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on June 12, 1995 in response to a worker petition which was filed on behalf of workers at Medalist Apparel, Inc., Reading, Pennsylvania.

An active certification covering the petitioning group of workers remains in effect (TA–W–30,583A). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 23rd day of June, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–16731 Filed 7–6–95; 8:45 am]

BILLING CODE 4510–30–M

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of June, 1995.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations For Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–31,005; Quebecor Printing, Depew, NY

TA–W–31,017; Q & T Coat, Inc., Paterson, NJ

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–31,065; Heinz Pet Products, Weirton, WV

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–31,076; Alliant Techsystems (formerly hercules, Inc), McGregor, TX

Rocket motors are not imported into the United States since they are part of the United States national security hardware. The investigation also revealed that the subject firm is transferring production formerly done in McGregor, TX to another domestic location.

TA–W–30,946; Burlington Industries, Inc., Menswear Div., New York, NY

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–31,027; UMC Petroleum Corp., Denver, CO

The investigation revealed that criterion (2) and (3) have not been met. Sales or production did not decline during the relevant period as required for certification. Increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have not contributed importantly to the separations of threats thereof, and the absolute decline in sales or production.

TA–W–30,999; Phillips-Van Heusen Corp., Formerly Crystal Brands, Inc., Executive Office, New York, NY

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–31,000; Phillips-Van Heusen Corp., Formerly Crystal Brands, Inc., Retail Office & Distribution Center, Reading, PA

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–31,001; Phillips-Van Heusen Corp., Formerly Crystal Brands, Inc., Executive Administration Office, Allentown, PA

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–31,002; Phillips-Van Heusen Corp., Formerly Crystal Brands, Inc., Div. Operations Offices & Wholesale Distribution Center, Reading, PA

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

Affirmative Determinations For Worker Adjustment Assistance

TA–W–30,939; Dowty Aerospace Yakima, Yakima, WA

A certification was issued covering all workers separated on or after May 27, 1995.

TA–W–30,954; Elkhorn Operating Co., Tulsa, OK

A certification was issued covering all workers separated on or after March 31, 1994.

TA–W–31,066; Rich Products Corp., (Rich's Products), Dayton, OH

A certification was issued covering all workers separated on or after May 7, 1994.

TA–W–31,058; H & P Garment, Hoboken, NJ

A certification was issued covering all workers separated on or after April 26, 1994.

TA-W–31,037; Fioretti, Inc., Pittston, PA

A certification was issued covering all workers separated on or after May 5, 1994.

TA-W–30,967 Oxford of Hickory Grove, Hickory, SC

A certification was issued covering all workers separated on or after April 19, 1994.

TA-W–31,148; Delta Drilling Co., Tyler, TX

A certification was issued covering all workers separated on or after June 6, 1994.

TA-W–31,133; Sarne Corp., Edison, NJ

A certification was issued covering all workers separated on or after June 1, 1994.

TA-W–31,048; Oxy USA, Inc., Tulsa, OK
TA-W–31,049; Oxy USA, Inc., Operating in the State of Texas
TA-W–31,050; Oxy USA, Inc., Operating in the State of Kansas
TA-W–31,051; Oxy USA, Inc., Operating in the State of New Mexico
TA-W–31,052; Oxy USA, Inc., Operating in the State of California

A certification was issued covering all workers separated on or after May 12, 1994.

TA-W–31,187; Hughes Aircraft Co., Microelectronics Div., Newport Beach, CA

A certification was issued covering all workers separated on or after May 31, 1994.

TA-W–30,965; Marion Manufacturing, Inc., Marion, AL

A certification was issued covering all workers separated on or after April 11, 1994.

TA-W–30,934; General Electric Co., Medium Transformer Operation, Rome, GA

A certification was issued covering all workers separated on or after March 30, 1994.

TA-W–30,956, TA-W–30,957, TA-W–30,958, TA-W–30,959; Zenith Distributing Corp., Lenexa, KS, Uniondale, NY, Santa Fe Springs, CA, Glenview, IL

A certification was issued covering all workers separated on or after April 24, 1994.

TA-W–30,960, TA–W–30,961, TA-W–30,962; Zenith Distributing Corp., Glenview, IL, Plano, TX, Lexington, MA

A certification was issued covering all workers separated on or after April 24, 1994.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA-TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA-TAA issued during the month of June, 1995.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA-TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(A) that sales or production, or both, of such firm or subdivision have decreased absolutely,

(B) that imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased.

(c) that the increase in imports, contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(2) that there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA-TAA

NAFTA-TAA–00461; King Design, Inc., Eugene, OR

The investigation revealed that criteria (3) and (4) were not met. There was no shift in the production of graphic design items from King Design to Mexico or Canada during the period under investigation. A major customer of the subject firm did not import graphic design items in the relevant time periods.

NAFTA-TAA-00466; AMSCO International, Inc., Erie, PA

The investigation revealed that criteria (3) and (4) were not met. A survey revealed that although major customers have declined purchases from the subject firm, they did not import articles like or directly competitive with medical sterilizers and related accessories from Canada or Mexico.

NAFTA-TAA–00463; Ohio Edison Co., W.H. Sammis Plant, Stratton, OH

The investigation revealed that criteria (2), (3) and (4) were not met. A survey was conducted and revealed that the major customers did not directly import articles like or directly competitive with electricity from Canada or Mexico.

NAFTA-TAA–00479; Shana Knitwear, Inc., Asheboro, NC

The investigation revealed that criteria (3) and (4) were not met. The investigation revealed that Shana Knitwear, Inc., made a corporate decision to shut down its Asheboro facility and to import knitwear apparel from a foreign manufacturer. This foreign manufacturer is not located in Canada or Mexico.

NAFTA-TAA–00331; Dick Lynott, Inc., d/b/a English Squire, Duluth, GA

The investigation revealed that criteria (3) and (4) were not met. Survey results revealed that customers did not import a significant proportion of men's jackets and outerwear from Mexico or Canada.

NAFTA-TAA–00334; West Helena—Helena Sportswear, Inc., West Helena, AR

The investigation revealed that criteria (3) and (4) were not met. A survey of major customers from West Helena—Helena SportsWear, Inc. revealed that the respondents did not purchase any imported ladies lined jackets from Mexico or Canada during the periods under investigation.

NAFTA-TAA–00340; Leland Elecrosystems, Inc., Erie, PA

The investigation revealed that criteria (3) and (4) were not met. The investigation findings showed that customers, imports from Canada or Mexico did not contribute importantly to worker separations at the subject firm.

Affirmative Determinations NAFTA-TAA

NAFTA-TAA–00485; Levi Strauss & Co., El Paso, TX

A certification was issued covering all workers of Levi Strauss & Co., El Paso, TX separated on or after June 9, 1994.

NAFTA-TAA–00462; Robertshaw Controls Co., Grayson Div., El Paso, TX

A certification was issued covering all workers at Robertshaw Controls Co., Grayson Div., El Paso, TX separated on or after May 17, 1994.

NAFTA-TAA–00386; Editorial America, S.A., Miami, FL

A certification was issued covering all workers at Editorial America, S.A., Miami, FL separated on or after March 8, 1994.

NAFTA-TAA–00381; Pennzoil Products Co., Exploration & Production, Bradford, PA

A certification was issued covering all workers at Pennzoil Products Co., Exploration & Production, Bradford, PA separated on or after February 22, 1994.

I hereby certify that the aforementioned determinations were issued during the months of June, 1995. Copies of these determinations are available for inspection in Room C–4318, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: June 27, 1995.

Victor J. Trunzo,

Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–16736 Filed 7–6–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,688]

Union Camp Corporation Retail Packaging of the Flexible Packaging Division, Savannah, Georgia; Notice of Revised Determination on Reconsideration

On May 11, 1995, the Department issued an Affirmative Determination Regarding Application for Reconsideration for the workers and former workers of the subject firm. The notice was published in the **Federal Register** on May 24, 1995 (60 FR 27562).

Investigation findings show that the workers produced retail paper bags. All production ceased in December 1994. The workers were denied TAA because the ''contributed importantly'' test of the Group Eligibility Requirements of the Trade Act was not met. This test is generally determined through a survey of the workers' firm's major declining customers.

The union submitted additional information showing that the plant closed because of increased import competition of foreign made plastic bags.

New findings on reconsideration show that U.S. imports of both paper and plastic bags increased in 1994 compared to 1993.

Further findings on reconsideration show that a major declining customer purchased imports of plastic bags while decreasing its purchases from the subject firm.

Conclusion

After careful consideration of the new facts obtained on reconsideration, it is concluded that the Union Camp Corporation workers at the Retail Packaging of the Flexible Packaging Division in Savannah, Georgia were adversely affected by increased imports of articles like or directly competitive with retail paper bags produced at the subject firm.

''All workers of Union Camp Corporation, Retail Packaging of the Flexible Packaging Division, Savannah, Georgia who became totally or partially separated from employment on or after January 16, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, D.C. this 29th day of June 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–16732 Filed 7–6–95; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA–00421]

Campbell Soup Company, Dry Ramen Soup, Sidney, Ohio; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), the Department of Labor issued a Notice of Certification of Eligibility to Apply for NAFTA Transitional Adjustment Assistance on May 4, 1995, applicable to all workers at Campbell Soup Company, Dry Ramen Soup Division, located in Sidney, Ohio. The notice will soon be published in the **Federal Register**.

At the request of the State Agency, the Department is amending the certification to include leased workers from Circle Business Services DBA Extra Help, and Manpower of Dayton, both located in Dayton, Ohio engaged in the production of dry ramen noodle soups.

The intent of the Department's certification is to include all workers of Campbell Soup Company, Dry Ramen Soup Division adversely affected by

imports. Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to NAFTA–00421 is hereby issued as follows:

''All workers of workers at Campbell Soup Company, Dry Ramen Soup Division, Sidney, Ohio, and workers from Circle Business Services DBA Extra Help, and Manpower of Dayton, both located in Dayton, Ohio, who worked for the Campbell Soup Company, Dry Ramen Soup Division in Sidney, Ohio, who became totally or partially separated from employment on or after April 3, 1994 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.''

Signed at Washington, DC this 26th day of June 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–16733 Filed 7–6–95; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA–00357]

Hughes Aircraft, Microelectronics Division, Newport Beach, California; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on March 13, 1995, applicable to all workers engaged in the production of hybrid microelectronic circuits and assemblies at Hughes Aircraft, Microelectronics Division in Newport Beach, California. The notice was published in the **Federal Register** on March 27, 1995 (60 FR 15791).

This decision is amended to establish a revised date of certification. Due to extenuating circumstances completely outside the control of the affected workers, many individuals were unable to comply with the provisions of NAFTA–TAA specifying time restrictions for enrollment in training in order to qualify for trade readjustment allowances. Therefore, a new certification date is hereby established to provide these workers with a reasonable opportunity to comply with the provision.

The amended notice applicable to NAFTA–00357 is hereby issued as follows:

''All workers engaged in the production of hybrid microelectronic circuits and assemblies at Hughes Aircraft, Microelectronics Division, Newport Beach, California who became totally or partially separated from employment on or after January 20, 1994 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.''

The foregoing determination does not apply to the other workers at the subject firm.

Signed in Washington, D.C., this 26th day of June 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–16734 Filed 7–6–95; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA—00436]

Louisiana Pacific Northern Division Hayden Lake, Idaho; Amended Certification Regarding Eligibility to Apply for NAFTA Transitional Adjustment Assistance

Belgrade, Mt 436A; Chilco, Id 436B; Deerlodge, Mt 436C; Libby, Mt 436D; Moyie Springs, Id 436E; Pilot Rock, Or 436F; Priest River, Id 436G; Rexburg, Id 436H; Saratoga, Wy 436I; Tacoma, Wa 436J; Walden, Co 436K; Walla Walla, Wa 436L, And Operating At Other Locations Within The States of Idaho 436M; Montana 436N.

In accordance with section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), the Department of Labor issued a Notice of Certification of Eligibility to Apply for NAFTA Transitional Adjustment Assistance on May 26, 1995, applicable to all workers at the subject firm. The amended notice was published in the **Federal Register** on June 16, 1995 (60 FR 32031).

New information received from the State Agencies show that worker separations have occurred at other locations of Louisiana Pacific's Northern Division in the States of Idaho and Montana.

It is the Department's intent to provide coverage to all workers of Louisiana Pacific, Northern Division, adversely affected by increased imports. Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to NAFTA—00436 is hereby issued as follows:

''All workers of workers of Louisiana Pacific, Northern Division, at the following locations, who became totally or partially separated from employment on or after April 12, 1994 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974:

Belgrade, Mt 436A; Chilco, Id 436B; Deerlodge, Mt 436C; Libby, Mt 436D; Moyie Springs, Id 436E; Pilot Rock, Or 436F; Priest River, Id 436G; Rexburg, Id 436H; Saratoga, Wy 436I; Tacoma, Wa 436J; Walden, Co 436K; Walla Walla, Wa 436L.

And operating at Other Locations Within The States of

Idaho 436M
Montana 436N''

Signed at Washington, D.C. this 26th day of June 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–16735 Filed 7–6–95; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

International Advisory Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the International Advisory Panel (Canada/U.S./Mexico Section) to the National Council on the Arts will be held on July 25–26, 1995 from 9:00 a.m. to 5:05 p.m. on July 25 and from 9:00 a.m. to 1:30 p.m. on July 26. This meeting will be held at the Canada Council, 350 Albert Street, Ottawa, Ontario, Canada K1P5V8.

A portion of this meeting will be open to the public from 9:00 a.m. to 9:30 a.m. on July 25, for welcome and introductions and from 12:45 to 1:30 p.m. on July 26, for a discussion overview.

The remaining portions of this meeting from 9:30 a.m. to 5:05 p.m. on July 25 and from 9:00 a.m. to 12:45 p.m. on July 26, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of June 22, 1995, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels

which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TYY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

Dated: June 30, 1995.

Yvonne M. Sabine,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 95–16668 Filed 7–6–95; 8:45 am]

BILLING CODE 7537–01–M

Museum Advisory Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Utilization of Museum Resources/Professional Development Panel A) to the National Council on the Arts will be held on July 25–28 from 9:00 a.m. to 5:30 p.m. This meeting will be held in Room 716, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506.

A portion of this meeting will be open to the public from 9:00 a.m. to 9:30 a.m. on July 25 for opening remarks and from 4:30 p.m. to 5:30 p.m. on July 28, for a policy discussion.

The remaining portions of this meeting from 9:30 a.m. to 5:30 p.m. on July 25; from 9:00 a.m. to 5:30 p.m. on July 26–27 and from 9:00 a.m. to 4:30 p.m. on July 28, are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of June 22, 1995, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TYY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC, 20506, or call 202/682–5433.

Dated: June 30, 1995.

Yvonne M. Sabine,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 95–16669 Filed 7–6–95; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Collection of Information Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting an expedited notice of information collection that will affect the public. Interested persons are invited to submit comments by August 4, 1995. Copies of materials may be obtained at the NSF address or telephone number shown below.

(A) *Agency Clearance Officer.* Herman G. Fleming, Division of Contracts, Policy, and Oversight, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, or by telephone (703) 306–1243. Comments may also be submitted to:

(B) *OMB Desk Officer.* Office of Information and Regulatory Affairs, ATTN: Jonathan Winer, Desk Officer, OMB, 722 Jackson Place, Room 3208, NEOB, Washington, DC 20503.

Title: 1996 and 1998 Surveys of Scientific and Engineering Research Facilities.

Affected Public: Not for Profit institutions.

Respondents/Reporting Burden: 412 respondents: average 24 hours per response.

Abstract: These two surveys of academic research facilities (1996 and 1998) will update data from previous biennial surveys in 1988, 1992, and 1994, and will document trends in facilities amount, condition, adequacy, cost, and needs. Findings will be used to inform institution, state and Federal facilities programs and policy.

Dated: July 3, 1995.

Herman G. Fleming,

Reports Clearance Officer.

[FR Doc. 95–16697 Filed 7–6–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Advanced Scientific Computing: Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Advanced Scientific Computing (#1185).

Date and Time: July 27/28, 1995, 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Suite 1122, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Richard Hirsh, Deputy Division Director, Centers Program, Suite 1122, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230 (703) 306–1970.

Purpose of Meeting: To provide recommendations and advice concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Multidisciplinary Research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: July 3, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–16749 Filed 7–6–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Design, Manufacture and Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meetings.

Name and Committee Code: Special Emphasis Panel in Design, Manufacture and Industrial Innovation (#1194)

Date and Time: July 27, 1995, 8:30 am to 5:00 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington VA 22230, Room 565.

Type of Meeting: Closed.

Contact Person: Mr. Charles R. Hauer, Program Manager, Small Business Innovation Research, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1391.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Small Business Innovation Research [SBIR] proposals as part of the selection 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. 552(c) (4) and (6) of the Government in the Sunshine Act.

Dated: July 3, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–16750 Filed 7–6–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Science and Technology Infrastructure; Notice of 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 of Visitors

Date and Time: July 27–28, 1995; 8:30 a.m.–5:00 p.m.

Place: Room 1280, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230

Type of Meeting: Closed

Contact Person: Dr. Nathaniel G. Pitts, Director, Office of Science and Technology Infrastructure, Room 1270, 4201 Wilson Blvd., Arlington, VA 22230; Telephone (703) 306–1040

Purpose of Meeting: To carry out the Committee of Visitors (COV) review, including examination of decisions on proposals, reviewer comments, and other privileged materials.

Agenda: To provide oversight review of the Academic Research Infrastructure-Facilities Program

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they were disclosed. These matters are exempt under 5 U.S.C. 552B(c) (4) and (6) of the Government in the Sunshine Act.

Dated: July 3, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–16751 Filed 7–6–95; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Revision.

2. The title of the information collection:

10 CFR Part 72—Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste

3. The form number if applicable: Not applicable.

4. How often the collection is required: Required reports are collected and evaluated on a continuing basis as events occur. Applications for new licenses and amendments may be submitted at any time. Applications for renewal of licenses would be required every 20 years for an Independent Spent Fuel Storage Installation (ISFSI) and every 40 years for a Monitored Retrievable Storage (MRS) facility.

5. Who will be required or asked to report: Vendors of casks for the storage of spent fuel, licensees and applicants for a license to possess power reactor spent fuel and other radioactive materials associated with spent fuel storage in an ISFSI, and the Department of Energy for licenses to receive, transfer, package and possess power reactor spent fuel, high-level waste, and other radioactive materials associated with spent fuel and high-level waste storage in an MRS.

6. An estimate of the number of annual responses: 92

7. An estimate of the total number of hours needed annually to complete the requirement or request: 21,454 (an average of approximately 167 hours per response for applications and reports, plus approximately 756 hours annually per recordkeeper).

8. An indication of whether Section 3504(h), Pub. L. 96–511 applies: Not applicable.

9. Abstract: 10 CFR Part 72 establishes requirements, procedures, and criteria for the issuance of licenses to possess power reactor spent fuel and other radioactive materials associated with spent fuel storage in an ISFSI, and requirements for the issuance of licenses to the Department of Energy to receive, transfer, package, and possess power reactor spent fuel and high-level radioactive waste, and other associated radioactive materials, in an MRS. The information in the applications, reports and records is used by NRC to make licensing and other regulatory determinations. The revised estimate of burden reflects an increase primarily because of the addition of requirements for decommissioning funding requirements, financial assurance provisions, documentation additions for decommissioning and license termination, and notification of incidents.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, N.W. (Lower Level), Washington, DC.

Comments and questions may be directed by mail to the OMB reviewer: Troy Hillier, Office of Information and Regulatory Affairs (3150–0132), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments may also be communicated by telephone at (202) 395–3084.

The NRC Clearance officer is Brenda Jo. Shelton, (301) 415–7233.

Dated at Bethesda, Maryland, this 28th day of June 1995.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 95–16693 Filed 7–6–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–280]

Virginia Electric and Power Company, Surry Power Station, Unit No. 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from Facility Operating License No. DPR–32, issued to Virginia Electric and Power Company (the licensee), for operation of the Surry Power Station, Unit No. 1 (SPS1) located in Surry County, Virginia.

Environmental Assessment

Identification of the Proposed Action

This Environmental Assessment has been prepared to address potential environmental issues related to the

licensee's application of April 28, 1995. The proposed action would exempt the licensee from the requirements of 10 CFR Part 50, Appendix J, Paragraph III.D.1.(a), to the extent that a one-time interval extension for the Type A test (containment integrated leak rate test) by approximately 18 months from the October 1995 refueling outage to the February 1997 refueling outage would be granted.

The Need for the Proposed Action

The proposed action is needed to permit the licensee to defer the type A test from the October 1995 refueling outage to the February 1997 refueling outage, thereby saving the cost of performing the test and eliminating the test period from the critical path time of the outage.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed one-time exemption would not increase the probability or consequences of accidents previously analyzed and the proposed one-time exemption would not affect facility radiation levels or facility radiological effluents. The licensee will continue to be required to conduct the Type B and C local leak rate tests which historically have been shown to be the principal means of detecting containment leakage paths with the Type A tests confirming the Type B and C test results. It is also noted that the licensee, as a condition of the proposed exemption, will perform the visual containment inspection although it is only required by Appendix J to be conducted in conjunction with Type A tests. The NRC staff considers that these inspections, though limited in scope, provide an important added level of confidence in the continued integrity of the containment boundary. The NRC staff also notes that the containment is maintained at a subatmospheric pressure which provides a means for continuously monitoring potential containment leakage paths during power operation. The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, 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 affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the NRC staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Surry Power Station, Unit No. 1.

Agencies and Persons Consulted

In accordance with its stated policy, on May 16, 1995 the NRC staff consulted with the Virginia State official, L. Foldesi of the State Health Department, 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 April 28, 1995, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Dated at Rockville, Maryland, this 19th day of June 1995.

For the Nuclear Regulatory Commission

David B. Matthews,

Director, Project Directorate II–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–16694 Filed 7–6–95; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 76th meeting on July 26, 27 and 28, 1995, in Room T–2B3, at 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance, with the exception of portions that may be closed to discuss information provided in confidence by a foreign source (Germany) pursuant to 5 U.S.C. 552b(c)(4).

The agenda for this meeting shall be as follows:

Wednesday, July 26, 1995—8:30 A.M. until 6:00 P.M.

Thursday, July 27, 1995—8:30 A.M. until 6:00 P.M.

Friday, July 28, 1995—8:30 A.M. until 1:00 P.M.

During this meeting the Committee plans to consider the following:

A. *Meeting with the RSK*—The Committee will meet with members of Germany's Reaktor—Sicherheclokommission (RSK) to discuss the disposal of radioactive waste in both the U.S. and Germany. Portions of this session may be closed to discuss information provided in confidence by a foreign source pursuant to 5 U.S.C. 552b(c)(4).

B. *Meeting with the Director, NRC's Division of Waste Management, Office of Nuclear Materials Safety and Safeguards*—The Director will discuss items of current interest related to the Division of Waste Management programs.

C. *SDMP Streamlining*—The NRC staff will update the Committee on efforts to streamline the Site Decommissioning Management Plan program process.

D. *Integration of Hydrology, Geochemistry and Performance Assessment*—The Committee will be briefed by representatives of the Department of Energy on efforts to integrate investigations into hydrology, geology, geochemistry and performance assessment for the Yucca Mountain site.

E. *Preparation of ACNW Reports*—The Committee will discuss proposed reports including lessons learned from licensing activities at proposed low-level waste sites. Additional topics will be considered as time permits.

F. *Ethics Training*—The Committee will receive its annual ethics training from a representative of the Office of the General Council.

G. *Committee Activities/Future Agenda*—The Committee will consider topics proposed for future consideration by the full Committee and Working Groups. The Committee will also discuss ACNW-related activities of individual members.

H. *Miscellaneous*—The Committee will discuss miscellaneous matters related to the conduct of Committee activities and organizational activities and complete discussion of matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were

published in the **Federal Register** on October 7, 1994 (59 FR 51219). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the Chief, Nuclear Waste Branch, Mr. Richard K. Major, as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Chief, Nuclear Waste Branch prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with Mr. Major if such rescheduling would result in major inconvenience.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting Mr. Richard K. Major, Chief, Nuclear Waste Branch (telephone 301/415–7366), between 8:00 A.M. and 5:00 P.M. EDT.

ACNW meeting notices, meeting transcripts, and letter reports are now available on FedWorld from the ''NRC MAIN MENU.'' Direct Dial Access number to FedWorld is (800) 303–9672; the local direct dial number is 703–321–3339.

Dated: June 30, 1995.

John C. Hoyle,

Acting Advisory Committee Management Officer.

[FR Doc. 95–16695 Filed 7–6–95; 8:45 am]

BILLING CODE 7590–01–M

Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a guide planned for its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, DG–1040 (which should be mentioned in all correspondence concerning this draft guide), is titled ''Time Response Design Criteria for Safety-Related Operator Actions.'' The guide will be in Division 1, ''Power Reactors.'' This regulatory guide is being developed to provide methods acceptable to the NRC staff for developing and applying timing criteria for safety-related operator actions. This guide endorses the American National Standards Institute/American Nuclear Society standard ANSI/ANS–58.8–1994, ''Time Response Design Criteria for Safety-Related Operator Actions.''

The draft guide has not received complete staff review and does not represent an official NRC staff position.

Public comments are being solicited on the guide. Comments should be accompanied by supporting data. Written comments may be submitted to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street NW., Washington, DC. Comments will be most helpful if received by August 31, 1995.

Although a time limit is given for comments on this draft guide, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Comments may be submitted electronically, in either ASCII text or Wordperfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board on FedWorld. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet.

If using a personal computer and modem, the NRC subsystem on FedWorld can be accessed directly by dialing the toll free number: 1–800–303–9672. Communication software parameters should be set as follows: Parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT–100 terminal emulation, the NRC NUREGs and RegGuides for Comment subsystem can then be accessed by selecting the ''Rules Menu'' option from the ''NRC Main Menu.'' For further information about options available for NRC at FedWorld, consult the ''Help/Information Center'' from the ''NRC Main Menu.'' Users will find the ''FedWorld Online User's Guides'' particularly helpful. Many NRC subsystems and data bases also have a ''Help/Information Center'' option that is tailored to the particular subsystem.

The NRC subsystem on FedWorld can also be accessed by a direct dial phone number for the main FedWorld BBS, 703–321–3339, or by using Telnet via Internet, fedworld.gov. If using 703–321–3339 to contact FedWorld, the NRC subsystem will be accessed from the main FedWorld menu by selecting the ''Regulatory, Government Administration and State Systems,'' then selecting ''Regulatory Information Mall.'' At that point, a menu will be displayed that has an option ''U.S. Nuclear Regulatory Commission'' that will take you to the NRC Online main menu. The NRC Online area also can be accessed directly by typing ''/go nrc'' at a FedWorld command line. If you access NRC from FedWorld's main menu, you may return to FedWorld by selecting the ''Return to FedWorld'' option from the NRC Online Main Menu. However, if you access NRC at FedWorld by using NRC's toll-free number, you will have full access to all NRC systems but you will not have access to the main FedWorld system.

If you contact FedWorld using Telnet, you will see the NRC area and menus, including the Rules menu. Although you will be able to download documents and leave messages, you will not be able to write comments or upload files (comments). If you contact FedWorld using FTP, all files can be accessed and downloaded but uploads are not allowed; all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is included. There is a 15-minute time limit for FTP access.

Although FedWorld can be accessed through the World Wide Web, like FTP that mode only provides access for downloading files and does not display the NRC Rules menu.

For more information on NRC bulletin boards call Mr. Arthur Davis, System Integration and Development Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–5780; e-mail AXD3@nrc.gov. For more information on this draft regulatory guide, contact J.J. Kramer at the NRC, telephone (301) 415–5891; e-mail JJK1.@nrc.gov.

Regulatory guides are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Requests for single copies of draft or final guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Distribution and Mail Services Section; or by fax at (301) 415–2260. Telephone requests cannot be

accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 26th day of June 1995.

For the Nuclear Regulatory Commission.

M. Wayne Hodges,

Director, Division of Systems Technology, Office of Nuclear Regulatory Research.

[FR Doc. 95–16696 Filed 7–6–95; 8:45 am]

BILLING CODE 7590–01–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposals

(1) *Collection title:* Pay Rate Report

(2) *Form(s) submitted:* UI–1e

(3) *OMB Number:* 3220–0097

(4) *Expiration date of current OMB clearance:* November 30, 1995

(5) *Type of request:* Extension of a currently approved collection

(6) *Respondents:* Individuals or households

(7) *Estimated annual number of respondents:* 1,500

(8) *Total annual responses:* 1,500

(9) *Total annual reporting hours:* 125

(10) *Collection description:* Under the RUIA, the daily benefit rate for unemployment and sickness benefits depends on the employee's last daily rate of pay. The report obtains information from the employee and verification from the employer of the claimed rate of pay for use in determining whether an increase in the benefit rate is due.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the form and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 95–16705 Filed 7–6–95; 8:45 am]

BILLING CODE 7905–01–M

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Employer Service and Compensation Reports

(2) *Form(s) submitted:* UI–41, UI–41a

(3) *OMB Number:* 3220–0070

(4) *Expiration date of current OMB clearance:* November 30, 1995

(5) *Type of request:* Extension of a currently approved collection

(6) *Respondents:* Business or other for-profit

(7) *Estimated annual number of respondents:* 700

(8) *Total annual responses:* 6,000

(9) *Total annual reporting hours:* 800

(10) *Collection description:* The reports obtain the employee's service and compensation for a period subsequent to those already on file and the employee's base year compensation. The information is used to determine the entitlement to and the amount of benefits payable.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the form and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, D.C. 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 95–16706 Filed 7–6–95; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–35917; File No. SR–MSRB–95–03]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change Relating to the Submission of Transaction Information for Confirmation, Clearance, and Settlement of Transactions with Customers

June 28, 1995.

On March 23, 1995, the Municipal Securities Rulemaking Board (''MSRB'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–MSRB–95–3) under Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] to amend MSRB rule G–15 regarding the confirmation, clearance, and settlement of transactions with customers. Notice of the proposal was published in the **Federal Register** on May 10, 1995.[2] No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change to become effective thirty days from the date of approval by the Commission.

I. Description

On October 6, 1993, the Commission adopted Rule 15c6–1 under the Act, which establishes three business days after the trade date (''T+3'') instead of five business days (''T+5'') as the standard settlement time frame for most broker-dealer transactions.[3] Recognizing the differences between the corporate and municipal securities markets and the unique role the MSRB has in overseeing the municipal securities market, the Commission did not include municipal securities within the scope of Rule 15c6–1.[4] The Commission, however, did formally request that the MSRB undertake a commitment to T+3 settlement for municipal securities to ensure consistency in settlement cycles in the corporate and municipal markets.

On February 28, 1995, the Commission approved amendments to MSRB rules G–12 on uniform practice and rule G–15 on confirmation,

[1] 15 U.S.C. 78(b)(1) (1988).

[2] Securities Exchange Act Release No. 35675 (May 4, 1995), 60 FR 24950.

[3] Securities Exchange Act Release No. 33023 (October 6, 1993), 58 FR 52891 (release adopting Rule 15c6–1). On November 16, 1994, the Commission changed the effective date of Rule 15c6–1 from June 1, 1995, to June 7, 1995. Securities Exchange Act Release No. 34952 (November 9, 1994), 59 FR 59137.

[4] Securities Exchange Act Release No. 33023 (October 6, 1993), 58 FR 52891.

clearance, and settlement of transactions with customers. These amendments established three business days as the standard settlement time frame for regular-way transactions in municipal securities.[5] The MSRB reviewed its rules to determine whether or not additional rule changes were necessary to facilitate the movement to T+3 settlement and determined that additional amendments to rule G–15 are necessary to facilitate T+3 settlement for municipal securities transactions.

Currently, rule G–15(d) states that a dealer shall give to send to a DVP/RVP customer a confirmation with respect to an execution of an order no later than the close of business on the next business day after execution (''T+1'').[6] The rule does not specify the timing for the submission of transaction data to an automated confirmation/acknowledgement system although it did require that nearly all municipal securities transactions with institutional customers be processed in such a system.[7] As amended, rule G–15(d) now will require dealers to give or send the confirmation and to submit transaction data on an automated confirmation/acknowledgement system on the trade date rather than on T+1.[8]

II. Discussion

Section 15B(b)(2)(C) of the Act provides that the MSRB has the authority to adopt rules to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities.[9] The Commission believes the proposed rule change is consistent with Section 15B(b)(2)(C) of the Act because the proposal will foster cooperation and coordination with persons engaged in the clearance and settlement of municipal securities by providing a standard, specific time (i.e., on the date of execution) for broker/dealers extending DVP/RVP privileges to institutional customers to submit transaction information to an automated confirmation/acknowledgement system of a registered clearing agency and to give or send confirmation to those customers. The Commission believes the proposal also fosters cooperation and coordination with persons engaged in the processing of information with respect to municipal securities transactions because the success of the proposed Phase II of the MSRB's Transaction Reporting Program will depend on timely and accurate submission of institutional customer transaction data on trade date to the automated confirmation/acknowledgement system.[10]

Furthermore, in a T+3 settlement environment the proposal should help to ensure more timely confirmation and acknowledgement of DVP/RVP customer transactions. With a T+3 settlement cycle, less time will exist for the communications between dealers and institutional customers necessary to clear and settle transactions. Accordingly, by requiring the transaction data to be submitted to an automated confirmation/acknowledgement system on trade date, the likelihood that trades between municipal dealers and institutional customers will fail to settlement on T+3 is greatly reduced.

The Commission has requested and the MSRB has agreed to monitor the abilities of municipal securities broker-dealers to meet the new deadline set forth in amended Rule G–15(d) and to report the results of its findings to the Commission six months from the date of implementation of the rule change.[11]

III. Conclusion

The Commission finds that the MSRB's proposal is consistent with the requirements of the Act and particularly with Section 15B(b)(2)(C).

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–MSRB–95–03) be, and hereby is approved and will become effective thirty days from the date of approval by the Commission.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–16655 Filed 7–6–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35918; File No. SR–NASD–95–31]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the National Association of Securities Dealers, Inc., Relating to an Interim Extension of the OTC Bulletin Board® Service Through September 28, 1995

June 29, 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 June 28, 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, 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 and is simultaneously approving the proposal.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

On June 1, 1990, the NASD, through a subsidiary corporation, initiated operation of the OTC Bulletin Board Service (''OTCBB Service'' or ''Service'') in accord with the Commission's approval of File No. SR–NASD–88–19, as amended.[1] The OTCBB Service provides a real-time quotation medium that NASD member firms can elect to use to enter, update, and retrieve quotation information (including unpriced indications of interest) for

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[5] Securities Exchange Act Release No. 35427 (February 28, 1995), 60 FR 12798 [File No. SR–MSRB–94–10].

[6] The terms ''DVP/RVP customer'' and ''institutional customer'' both refer to customers whose transactions with dealers are settled on a delivery versus payment or receipt versus payment basis.

[7] The automated clearance and settlement process includes several steps. Initially, dealers submit transaction information to an automated confirmation/acknowledgement system followed by the institutional customer receiving notification requesting acknowledgement of the transaction through the automated system. Once the institutional customer acknowledges the transaction, the transaction is then ready for automated settlement to occur at the depository on settlement date.

[8] Rule G–15(a) states that a confirmation containing certain information must be given or sent to each customer. Some dealers use an automated confirmation/acknowledgement system as the exclusive mechanism for confirmation transactions to DVP/RVP customers (i.e., no paper confirmation is sent). The MSRB has stated that use of an automated confirmation/acknowledgement system to deliver a confirmation meeting the information requirements of rule G–15(a) is permissible as long as all information required by rule G–15(a) is included on the electronic confirmation generated by that system. The MSRB, however, has not specified that an automated confirmation/acknowledgement system is the exclusive mechanism for sending confirmation information required by rule G–15(a) to DVP/RVP customers. Some dealers continue to use both the automated confirmation/acknowledgement system and also send paper confirmations.

[9] 15 U.S.C. 78o–3(b)(2)(C) (1988).

[10] For a complete description of Phase II of the MSRB's Transaction Reporting Program, refer to ''Transaction Reporting Program for Municipal Securities: Phase II,'' *MSRB Reports*, Vol. 15, No. 1 (April 1995).

[11] Conversation between Judith A. Somerville, Uniform Practice Specialist, MSRB, and Peggy Robb Blake, Attorney, Division of Market Regulation, Commission (June 29, 1995).

[12] 17 CFR 200.300–3(a)(12) (1994).

[1] Securities Exchange Act Release No. 27975 (May 1, 1990), 55 FR 19124 (May 8, 1990).

securities traded over-the-counter that are neither listed on The Nasdaq Stock Market℠ nor on a primary national securities exchange (collectively referred to as ''OTC Equities'').[2] Essentially, the Service supports NASD members' market making in OTC Equities through authorized Nasdaq Workstation units. Real-time access to quotation information captured in the Service is available to subscribers of Level 2/3 Nasdaq service as well as subscribers of vendor-sponsored services that now carry OTCBB Service data. The Service is currently operating under interim approval that was scheduled to expire on June 28, 1995.[3]

The NASD hereby files this proposed rule change, pursuant to Section 19(b)(1) of the Act and Rule 19b–4 thereunder, to obtain authorization for an interim extension of the Service through September 28, 1995. During this interval, there will be no material change in the OTCBB Service's operational features, absent Commission approval of a corresponding Rule 19b–4 filing.

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

1. Purpose

The purpose of this filing is to ensure continuity in the operation of the OTCBB Service while the Commission considers an earlier NASD rule filing (File No. SR–NASD–92–7) that requested permanent approval of the Service.[4] For the month ending May 31, 1995, the Service reflected the market making positions of 425 NASD member firms displaying quotations/indications of interest in approximately 5,238 OTC Equities.

During the proposed extension, foreign securities and ADRs (collectively, ''foreign/ADR issues'') will remain subject to the twice-daily, update limitation that traces back to the Commission's original approval of the OTCBB Service's operation. As a result, all priced bids/offers displayed in the Service for foreign/ADR issues will remain indicative.

In conjunction with the start-up of the Service in 1990, the NASD implemented a filing requirement (under Section 4 of Schedule H to the NASD By-Laws) and review procedures to verify members firms' compliance with Rule 15c2–11 under the Act. During the proposed extension, this review process will continue to be an important component of the NASD's oversight of broker-dealers' market making in OTC Equities. The NASD also expects to work closely with the Commission staff in developing further enhancements to the Service to fulfill the market structure requirements mandated by the Securities Enforcement Remedies and Penny Stock Reform Act of 1990, particularly Section 17B of the Act.[5] The NASD notes that implementation of the Reform Act entails Commission rulemaking in several areas, including the development of mechanisms for gathering and disseminating reliable quotation/transaction information for ''penny stocks.''

2. Statutory Basis

The NASD believes that the proposed rule change is consistent with Sections 11A(a)(1), 15A(b) (6) and (11), and Section 17B of the Act. Section 11A(a)(1) sets forth the Congressional findings and policy goals respecting operational enhancements to the securities markets. Basically, the Congress found that new data processing and communications techniques should be applied to improve the efficiency of market operations, broaden the distribution of market information, and foster competition among market participants. Section 15A(b)(6) requires, among other things, that the NASD's rules promote just and equitable principles of trade, facilitate securities transactions, and protect public investors. Subsection (11) thereunder authorizes the NASD to adopt rules governing the form and content of quotations for securities traded over-the-counter for the purposes of producing fair and informative quotations, preventing misleading quotations, and promoting orderly procedures for collecting and disseminating quotations. Finally, Section 17B contains Congressional findings and directives respecting the collection and distribution of quotation information on low-priced equity securities that are neither Nasdaq nor exchange-listed.

The NASD believes that extension of the Service through September 28, 1995, is fully consistent with the foregoing provisions of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the rule change will not result in 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

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The NASD requests that the Commission find good cause, pursuant to Section 19(b)(2) of the Act, for approving the proposed rule change prior to the 30th day after its publication in the **Federal Register** to avoid any interruption of the Service. The current authorization for the Service extends through June 28, 1995. Hence it is imperative that the Commission approve the instant filing on or before that date. Otherwise, the NASD will be required to suspend

[2] With the Commission's January 1994 approval of File No. SR–NASD–93–24, the universe of securities eligible for quotation in the OTCBB now includes certain equities listed on regional stock exchanges that do not qualify for dissemination of transaction reports via the facilities of the Consolidated Tape Association. Securities Exchange Act Release No. 33507 (January 24, 1994), 59 FR 4300 (order approving File No. SR–NASD–93–24).

[3] Securities Exchange Act Release No. 35652 (April 27, 1995), 60 FR 22086.

[4] The Commission notes that the NASD has filed with the Commission Amendments Nos. 1 and 2 to File No. SR–NASD–92–07, concerning the eligibility of unregistered foreign securities and American Depositary Receipts (''ADRs'') for inclusion in the OTCBB. The amendments were published in the **Federal Register** for comment on November 18, 1994. See Securities Exchange Act Release No. 34956 (November 9, 1994), 59 FR 59808.

[5] On November 24, 1992, the NASD filed an application with the Commission for interim designation of the Service as an automated quotation system pursuant to Section 17B(b) of the Act. On December 30, 1992, the Commission granted Qualifying Electronic Quotation System (''QEQS'') status for the Service for purposes of certain penny stock rules that became effective on January 1, 1993. On August 26, 1993, the Commission granted the NASD's request for an extension of QEQS status until such time as the OTCBB meets the statutory requirements of Section 17B(b)(2). Finally, on May 13, 1994, the NASD filed an application with the Commission for permanent designation of the Service as an automated quotations system for penny stocks pursuant to Section 17B(b).

operation of the Service pending Commission action on the proposed extension.

The NASD believes that accelerated approval is appropriate to ensure continuity in the Service's operation pending a determination on permanent status for the Service, as requested in File No. SR–NASD–92–7. Continued operation of the Service will ensure the availability of an electronic quotation medium to support member firms' market making in approximately 5,238 OTC Equities and the widespread dissemination of quotation information on these securities. The Service's operation also expedites price discovery and facilitates the execution of customer orders at the best available price. From a regulatory standpoint, the NASD's capture of quotation data from participating market makers supplements the price and volume data reported by member firms pursuant to Part XII of Schedule D to the NASD By-Laws.

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 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 the file number in the caption above and should be submitted by July 28, 1995.

V. Commission's Findings and Order Granting Accelerated Approval

The Commission finds that approval of the proposed rule change is consistent with the Act and the rules and regulations thereunder, and, in particular, with the requirements of Section 15A(b)(11) of the Act, which provides that the rules of the NASD relating to quotations must be designed to produce fair and informative quotations, prevent fictitious or misleading quotations, and promote orderly procedures for collecting, distributing, and publishing quotations.

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publishing notice of the filing thereof. Accelerated approval of the NASD's proposal is appropriate to ensure continuity in the Service's operation as an electronic quotation medium that supports NASD members' market making in these securities and that facilitates price discovery and the execution of customers' orders at the best available price. Additionally, continued operation of the Service will materially assist the NASD's surveillance of its members trading in OTC Equities that are eligible and quoted in the Service, and in non-Tape B securities that are listed on regional exchanges and quoted in the OTCBB by NASD members.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, approved for an interim period through September 28, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–16712 Filed 7–6–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35922; File No. 10–100]

Exempted Exchanges; AZX, Inc.; Amendment to Application for Exemption From Registration as an Exchange Under Section 5 of the Securities Exchange Act of 1934; Request for Comments

June 30, 1995.

I. Introduction

AZX, Inc., formerly known as Wunsch Auction Systems, Inc., operates the Arizona Stock Exchange (''AZX''), a computerized, single-price auction system that facilitates trading of registered equity securities by broker-dealers and institutions. AZX's single-price auctions are conducted outside the regular trading hours of the New York Stock Exchange (''NYSE''), at 5:00 p.m. (ET) each trading day. AZX operates pursuant to the terms and conditions of a Commission order (''exemption order'') granting AZX a ''limited volume'' exemption from registration as a national securities exchange,[1] and a staff no-action letter with respect to the non-registration of AZX as a broker-dealer, clearing agency, transfer agent, and exclusive securities information processor.[2] In the exemption order, the Commission cited AZX's off hours operation as one of the factors that justified a prediction that AZX would have a limited volume of trading.[3]

On June 2, 1995, AZX, Inc. filed with the Commission, pursuant to Rule 6a–1 under the Act,[4] an amendment to its application for exemption from registration as a national securities exchange. In its amendment, AZX, Inc. proposes to operate AZX during regular trading hours.[5] Under the proposal, AZX would conduct one additional daily auction, at a yet-to-be chosen fixed time between 9:45 and 10:00 a.m. (ET), in Nasdaq National Market securities.[6] AZX initially plans to trade only 15 of the approximately 4,140 Nasdaq National Market securities, but will expand as demand warrants.

The Commission is soliciting public comment on whether it is appropriate to amend the exemption order to reflect AZX's proposed morning trading session in Nasdaq National Market securities.

II. The Morning Trading Session

AZX's proposed morning auction is identical to AZX's current evening auction in terms of its: (1) Participation criteria; (2) means of access to the system; (3) classification and visibility of orders; (4) algorithm for discovering the price at which orders will be executed (the ''equilibrium'' or ''auction'' price); (5) confirmation, clearance and settlement of matched transactions; and (6) commission structure.

The proposed morning trading auction will differ in terms of:

- *Eligible securities.* Securities eligible to be traded in the morning auction will be limited to Nasdaq National Market securities. Both Nasdaq National Market and exchange-listed

[1] Securities Exchange Act Release No. 28899 (February 20, 1991), 56 FR 8377.

[2] Letter regarding Wunsch Action Systems, Inc. (February 28, 1991) (''no-action letter''). The no-action letter also provided AZX's original crossing broker, Bankers Trust Brokerage Corporation (''BTBC'') with relief with respect to non-registration as an exchange, clearing agency, transfer agent, and exclusive securities information processor. BTBC was replaced as AZX's crossing broker by Investment Technology Group, Inc. (''ITG, Inc.'') in February 1995.

[3] The other factors cited by the Commission in the exemption order that justified a prediction of limited volume were the relative infrequency of the auctions and the absence of participation by broker-dealers with market-making obligations. 56 FR 8377, 8380.

[4] 17 CFR 240.6a–1.

[5] ''Regular trading hours'' refers to the time period in which the NYSE permits trading—9:30 a.m. to 4:00 p.m. (ET) each trading day.

[6] Nasdaq National Market securities were formerly known as ''Nasdaq/MNS'' securities.

securities are eligible for trading in the evening auction.

• *Time period for order entry.* The time period during which a participant may enter a limit order for auction trading will be limited to the period from 9:00 a.m. to ''auction end'' time—a minimum of 45 minutes and a maximum of one hour. Participants in the evening auction may enter orders within a two-hour period (from 3:00 p.m. to 5:00 p.m.) prior to the auction end time.

• *Price increments for entered orders.* Order must be entered in ⅛ point price increments, and are limited to ''odd'' sixteenths (*i.e.*, 1⁄16, 3⁄16. 5⁄16 etc). By contrast, participants in the evening auction enter orders in increments of 1⁄16 point, and those orders may fall both on even sixteenths and odd sixteenths.[7]

• *Transaction reporting.* ITG, Inc. will report transactions executed in the morning auction to the Nasdaq transaction reporting system. This is unlike the current after-hours auction, in which completed transactions are not reported to any consolidated transaction reporting system.[8]

III. Solicitation of Comment

The Commission is soliciting public comment on whether to amend the AZX exemption order to reflect the proposed trading session during regular trading hours in Nasdaq National Market securities. Interested persons should submit six copies of their comment letter to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of all submissions Commission will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street NW., Washington, DC. All submissions should refer to the file number in the caption above and should be submitted by July 28, 1995.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–16654 Filed 7–6–95; 8:45 am]

BILLING CODE 8010–01–M

[7] The purpose of the minimum ⅛ increment is to encourage early entry of Open Book orders, by protecting those orders from being out-bid or -offered by small amounts, such as sixteenths, at the end of the auction. The purpose of requiring the minimum increments to fall on odd sixteenths is to allow a participant to enter an order at the midpoint of the standard spread in the Nasdaq market, so that a participant may potentially trade at a price that is within that standard spread.

[8] AZX currently reports completed transactions to the NASD by facsimile transmission at the end of each auction. The transmissions include the name of the security traded, the volume sold, and the equilibrium price.

SMALL BUSINESS ADMINISTRATION

[License No. 02/72–0554]

Odyssey Partners SBIC, L.P.; Notice of Application for Transfer of Ownership

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to Section 107.601 of Regulations governing small business investment companies (13 CFR 107.601 (1995) for a transfer of ownership of Odyssey Partners, SBIC, L.P. (Odyssey), 31 West 52nd Street, New York, New York 10019, under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et. seq.*) and the Rules and Regulations promulgated thereunder.

The present limited and general partners of Odyssey plan to sell 100 percent of their partnership interests in the Licensee to Exeter Equity Partners, L.P. (Exeter). Odyssey will then be merged with and into Exeter, which shall be the surviving partnership and will continue its partnership existence under Delaware Law, and the separate partnership existence of Odyssey shall cease. The application contemplates that prior to the merger, Odyssey will distribute to its private limited partner and general partner all of the assets of Odyssey contributed to Exeter. Further, Odyssey is requesting approval as part of this merger to transfer to Exeter its existing commitment guarantee for participating securities issued by SBA to Odyssey in the amount totaling $18 million.

Following the merger, the present and proposed change in ownership is as follows:

Name	Present percent of ownership	Proposed percent of ownership
Odyssey Partners, SBIC, L.P	100	0
Exeter Equity Partners, L.P	0	100

There will be no change in the surviving entity's existing limited or general partnership structure. The existing holders of more than 10% partnership interests of Exeter Equity Partners are as follows:

William A.M. Burden and Co 34.5%
Florence V. Burden Foundation 24.3%
Electra Investment Trust PLC 20.7%

Exeter Equity Advisors, L.P. will continue as the general partner of the merged entity.

Matters involved in SBA's consideration of the application include the business reputation and character of the proposed owners and management, and the probability of successful operations of the merged entity under current management, including profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this notice, submit written comments on the proposed transfer of ownership to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street SW., Washington, D.C. 20416.

A copy of the Notice will be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59–011, Small Business Investment Companies)

Dated: June 30, 1995.

Robert D. Stillman,

Associate Administrator for Investment.

[FR Doc. 95–16664 Filed 7–6–95; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AC No. 20–AIR–DU; Proposed Advisory Circular (AC) on Voluntary Industry Distributor/Dealer Accreditation Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of proposed AC.

SUMMARY: The guidance material in this AC describes voluntary programs in which distributors and dealers of civil aircraft parts can obtain accreditation of quality control systems, which would assure that the approval status of their parts is properly documented.

DATES: Comments must be received on or before August 4, 1995.

ADDRESSES: Send all comments and requests for copies of the proposed AC to: Federal Aviation Administration, Aircraft Maintenance Division, Attention: AFS–350, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Richard E. Nowak, AFS–350, at the above address; telephone: (202) 267–7228 (8:30 a.m. to 5 p.m. EDT).

SUPPLEMENTARY INFORMATION: This proposed AC describes voluntary programs in which distributors and dealers of civil aircraft parts can obtain accreditation of quality control systems, which would assure that the approval

status of their parts is properly documented. The guidance material contained in this AC would assist civil aviation parts distributor/dealers in the conduct of parts distribution.

Issued in Washington, D.C., on June 30, 1995.

William J. White,

Deputy Director, Flight Standards Service.

[FR Doc. 95–16748 Filed 7–6–95; 8:45 am]

BILLING CODE 4910–13–M

UNITED STATES INFORMATION AGENCY

Reporting and Information Collection Requirements Under OMB Review

AGENCY: United States Information Agency.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed or established reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the Agency has made such a submission. The information collection activity involved with this program is conducted pursuant to the mandate given to the United States Information Agency under the terms and conditions of the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256. USIA is requesting a three-year renewal of a generic clearance for the currently approved activity ''USIA-Sponsored Educational and Cultural Exchange Activities'', under OMB control number 3116–0199 which expires August 31, 1995. Estimated burden hours per response is forty-five minutes. Respondents will be required to respond only one time.

DATES: Comments are due on or before August 7, 1995.

COPIES: Copies of the Request for Clearance (OMB 83–1), supporting statement, transmittal letter and other documents submitted to OMB for approval may be obtained from the USIA Clearance Officer. Comments on the items listed should be submitted to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for USIA, and also to the USIA Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer, Ms. Jeannette Giovetti, United States Information Agency, M/ADD, 301 Fourth Street, SW., Washington, DC 20507, telephone (202) 619–4408; and OMB review: Mr. Jefferson Hill, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Docket Library, Room 1002, NEOB, Washington, DC 20503, Telephone (202) 395–3176.

SUPPLEMENTARY INFORMATION: Public reporting burden for this collection of information (Paper Work Reduction Project: OMB No. 3116–0199) is estimated to average forty-five minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the United States Information Agency, M/ADD, 301 Fourth Street, SW., Washington, DC 20547; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Docket Library, Room 10202, NEOB, Washington, DC 20503.

TITLE: ''USIA-Sponsored Educational and Cultural Exchange Activities'', USIA Program Participant Survey Questionnaire. FORM NUMBERS: IAP–137 (English and Russian), IAP–138 (English). ABSTRACT: The USIA forms IAP–137 and IAP–138 are used in the interest of sound program management and accountability. USIA regularly monitors its international exchange programs, gathers data about program accomplishments, and evaluates selected ones. These efforts require gathering information from grantees and program alumni/ae concerning program effectiveness.

Proposed Frequency of Responses:

No. of Respondents—2,000

Recordkeeping Hours—500

Total Annual Burden—2,000

Dated: June 30, 1995.

Rose Royal,

Federal Register Liaison.

[FR Doc. 95–16684 Filed 7–6–95; 8:45 am]

BILLING CODE 8230–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301–99]

Initiation of Investigation Pursuant to Section 302 Concerning Barriers to Access to the Japanese Market for Consumer Photographic Film and Paper; Request for Public Comment

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of initiation of investigation under section 302(a) of the Trade Act of 1974, as amended (19 U.S.C. 2412(a)), and request for written comments.

SUMMARY: The United States Trade Representative (USTR) has initiated an investigation under section 302(a) of the Trade Act of 1974, as amended (the Trade Act), with respect to certain acts, policies and practices of the Government of Japan with respect to barriers to access to the Japanese market for consumer photographic film and paper. The USTR invites written comments from the public on the matters being investigated and the determinations to be made under section 304 of the Trade Act.

DATES: This investigation was initiated on July 2, 1995. Written comments from the public are due on or before noon on August 8, 1995.

ADDRESS: Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Byron Sigel, Director for Japanese Affairs, (202) 395–5070, or Irving Williamson, Deputy General Counsel, (202) 395–3432.

SUPPLEMENTARY INFORMATION: On May 18, 1995, the Eastman Kodak Company filed a petition pursuant to section 302(a) of the Trade Act alleging that certain acts, policies and practices of Japan deny access to the market for photographic film and paper in Japan and are unjustifiable, unreasonable and discriminatory and actionable under section 301. In particular, the petition alleges that Japan maintained formal restrictions on inward investment prior to 1976, in violation of the U.S.-Japan Friendship Commerce and Navigation Treaty and the Organization for Economic Cooperation and Development's (OECD) Code of Liberalization of Capital Movements. The petition further alleges that the Government of Japan instituted trade and capital liberalization counter-measures to maintain the effects of investment and trade restrictions after they were formally lifted. The following

government-directed liberalization countermeasures are claimed to have affected Kodak: Ministry of International Trade and Industry (MITI) administrative guidance to domestic banks to increase shareholdings, MITI administrative guidance to restructure the distribution system, and MITI intervention with the Japan Fair Trade Commission (JFTC) on behalf of Japan's photographic materials producers. The Japanese toleration of the anticompetitive market structure resulting from the countermeasures is alleged to be inconsistent with Japan's obligations under the OECD's Declaration on International and Multinational Investment and Multinational Enterprises (''National Treatment Instrument''). The foregoing acts are alleged to be justifiable under section 301.

The petition also alleges that MITI and the JFTC have tolerated systematic anticompetitive practices and have actively encouraged and reinforced them and that this toleration is unreasonable and discriminatory under section 301. In particular, the petition alleges that:

(a) Fuji has established a distribution system that utilizes various anticompetitive elements as a mutually reinforcing means to exclude Kodak from the market;

(b) The following Fuji practices are inconsistent with Japan's Antimonopoly Law: (1) Resale price maintenance; (2) vertical non-price restraints such as exclusionary dealing arrangements; (3) dealings on restrictive terms; (4) refusals to deal; and (5) group boycotts;

(c) The JFTC has failed to enforce Japan's Antimonopoly Law (AML) against Fuji's anticompetitive practices;

(d) The JFTC actively strengthens the system by enforcing ''Fair Competition Codes'' in a manner which discourages discount and promotional sales;

(e) MITI tolerated theses anticompetitive practices; and

(f) The toleration is egregious in light of numerous Japanese government policy initiatives and international undertakings to increase AML enforcement.

The petition further alleges that the barriers cited in the petition pose a burden or restriction on U.S. commerce because, by restricting Kodak's access to Japan's photographic film and paper markets, they have caused Kodak to forego export revenue and have created a profit sanctuary in Japan for Fuji which significantly affects the global competition between Kodak and Fuji.

Section 302(a) of the Trade Act authorizes the USTR to initiate an investigation under chapter 1 of Title III of the Trade Act (commonly referred to as ''section 301''), in response to the filing of a petition pursuant to section 302(a)(1). Matters actionable under section 301 include, *inter alia,* acts, policies, and practices of a foreign country that are unjustifiable, unreasonable or discriminatory and burden or restrict U.S. commerce. An act, policy or practice is unjustifiable if it is in violation of, or inconsistent with, the international legal rights of the United States. An act, policy or practice is unreasonable if the act, policy or practice, while not necessarily in violation of, or inconsistent with, the international legal rights of the United States, is otherwise unfair or inequitable. Unreasonable acts, policies or practices include, *inter alia,* denial of fair and equitable market opportunities, including the toleration by a foreign government of systematic anticompetitive activities by enterprises or among enterprises in the foreign country that have the effect of restricting, on a basis that is inconsistent with commercial considerations, access of United States goods or services to a foreign market.

On July 2, 1995, the USTR determined that an investigation should be initiated to determine whether certain acts, policies or practices of the Government of Japan with respect to access to the Japanese market for consumer photographic film and paper are actionable under section 301.

Consultations

Pursuant to section 303(a) of the Trade Act, the USTR has requested consultations with the Government of Japan concerning the issues under investigation. USTR will seek information and advice from the appropriate representatives provided for under section 135 of the Trade Act in preparing the U.S. presentations for such consultations.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the petition and any other submissions to USTR in this investigation. In particular, comments are invited regarding (i) the acts, policies and practices of the Government of Japan that are the subject of this investigation; (ii) the amount of burden or restriction on U.S. commerce caused by these acts, policies and practices; (iii) the determinations required under section 304 of the Trade Act; and (iv) appropriate action under section 301 which could be taken in response.

Comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b) (55 FR 20593) and are due no later than noon on Tuesday, August 8, 1995. Comments must be in English and provided in twenty copies to: Sybia Harrison, Staff Assistant to the section 301 Committee, Room 223, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

Comments will be placed in a file (Docket 301–99) open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. Confidential business information submitted in accordance with 15 CFR 2006.15 must be clearly marked ''BUSINESS CONFIDENTIAL'' in a contrasting color ink at the top of each page on each of 20 copies, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary shall be placed in the file that is open to public inspection.

Copies of the public version of the petition and other relevant documents are available for public inspection in the USTR Reading Room. An appointment to review the docket (Docket No. 301–99) may be made by contacting Brenda Webb at (202) 395–6186. The USTR Reading Room is open to the public from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, and is located in Room 101, Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20508.

Irving A. Williamson,

Chairman, Section 301 Committee.

[FR Doc. 95–16742 Filed 7–6–95; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Amendment of System of Records

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

Notice is hereby given that the Department of Veterans Affairs (VA) is adding a new routine use to the system of records entitled ''Personnel and Accounting Pay System—VA'' (27VA047) as set forth in the **Federal Register** 40 FR 38095 (8/26/75) and amended in 48 FR 16372 (4/15/83), 50 FR 23100 (5/30/85), 51 FR 6858 (2/26/86), 51 FR 25968 (7/17/86), 55 FR 42534 (10/19/90), 56 FR 23952 (5/25/91), 58 FR 39088 (7/21/93), and 58 FR 40852

(7/30/93). This system of records contains information on current and former salaried VA employees.

Pub. L. 103–94 (October 6, 1993) permits the garnishment of Federal employees' wages. The Office of Personnel Management (OPM) has issued regulations (5 CFR part 582) which implement the legislation. Section 582.306(c) of these regulations states that if an employee, whose wages have been garnished, transfers to another agency or is now employed by a private employer, then the original agency must provide the name and address of the new employer, when available, to the garnishing party (garnisher). However, VA's General Counsel has determined that the name and address of a new employer of a former VA employee cannot be released to a garnisher without the former employee's consent or through a published routine use, unless the new employer is another Federal department or agency.

VA would add a new routine use No. 28 to its system of records, 27VA047. This new routine use will specifically permit the disclosure of information to a garnisher concerning the name and address of any new employer of a former VA employee who is the subject of a garnishment by legal process.

VA has determined that the release of information for this purpose is a necessary and proper use of the information in this system of records and that the new specific routine use for transfer of this information is appropriate.

An altered system of records report and a copy of the revised system notice have been sent to the House of Representatives Committee on Government Reform and Oversight, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) as required by 5 U.S.C. 552a(r) and guidelines issued by OMB (59 FR 37906, 37916–18 (7/25/94)).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed routine use of the system of records to the Secretary of Veterans Affairs (045A4), 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before August 7, 1995, will be considered. All written comments received will be available for public inspection in the Information Management Service, Room 315, 801 I Street, NW., Washington, DC 20001 only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except holidays, until August 16, 1995.

If no public comment is received during the 30-day review period allowed for public comment, or unless otherwise published in the **Federal Register** by VA, the new routine use statement is effective August 7, 1995.

Approved June 20, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

Notice of Amendment to System of Records

In the system of records identified as 27VA047, ''Personnel and Accounting Pay System—VA,'' as set forth in the **Federal Register** 40 FR 38095 (8/26/75) and amended in 48 FR 16372 (4/15/83), 50 FR 23009 (5/30/85), 51 FR 6858 (2/26/86), 51 FR 25968 (7/17/86), 55 FR 42534 (10/19/90) 56 FR 23952 (5/24/91), 58 FR 39088 (7/21/93), and 58 FR 40852 (7/30/93), the system is revised as follows:

* * * * *

Routine Uses of Records Maintained in the System, Including Categories of Users and the Purpose of Such Uses

* * * * *

28. Relevant information from this system of records concerning the departure of a former VA employee, who is the subject of a garnishment pursuant to a legal process as defined in 5 U.S.C. 5520a, as well as the name and address of the designated agent for the new employing agency or the name and address of any new private employer, may be disclosed to the garnishing party (garnisher).

[FR Doc. 95–16681 Filed 7–6–95; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register

Vol. 60, No. 130

Friday, July 7, 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).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, July 18, 1995.

PLACE: 2033 K St., N.W., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–254–6314.

[FR Doc. 95–16817 Filed 7–5–95; 12:10 pm]

BILLING CODE 6351–01–M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, July 25, 1995.

PLACE: 2033 K St., N.W., Washington, D.C., 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–254–6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 95–16818 Filed 7–5–95; 12:10 pm]

BILLING CODE 6351–01–M

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 2:00 p.m., Monday, July 10, 1995.

LOCATION: Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Open to the Public.

MATTER TO BE CONSIDERED:

Batting Helmets Petition HP 95–1

The staff will brief the Commission on options for Commission action on petition HP 95–1 from the American Academy of Facial Plastic and Reconstructive Surgery requesting that batting helmets intended for children under 15 years of age be manufactured with a face guard that meets the applicable ASTM standard.

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: July 3, 1995.

Sadye E. Dunn,

Secretary.

[FR Doc. 95–16851 Filed 7–5–95; 3:34 pm]

BILLING CODE 6355–01–M

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m. Wednesday, July 12, 1995.

LOCATION: Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Open to the Public.

MATTER TO BE CONSIDERED:

FY 1997 Budget

The staff will brief the Commission on issues related to the Commission's budget for fiscal year 1997.

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: July 5, 1995.

Sadye E. Dunn,

Secretary.

[FR Doc. 95–16852 Filed 7–5–95; 3:34 pm]

BILLING CODE 6355–01–M

FEDERAL HOUSING FINANCE BOARD

TIME AND DATE: 9:00 a.m., Thursday, July 13, 1995.

PLACE: Board Room Second Floor, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

STATUS: Part of this meeting will be closed to the public. The rest of the meeting will be open to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC: The Board will consider the following:

1. Affordable Housing Program Homeownership Set-Aside.
2. Federal Home Loan Bank of Dallas Compensation Request.
3. Federal Home Loan Bank Presidents' Compensation Plan.
4. Appointment of Public Interest Director of the Federal Home Loan Bank of Des Moines.
5. Repeal of Obsolete Regulatory Provisions (Parts 937 and 939).

PORTION CLOSED TO THE PUBLIC: The Board will consider the following:

1. Federal Home Loan Bank of Dallas: Affordable Housing Program Project, Tunica Courts, L.P., Tunica, Mississippi.

The above matter is exempt under section 552b(c) 8 of title 5 of the United States Code.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Executive Secretary to the Board, (202) 408–2837.

Rita I. Fair,

Managing Director.

[FR Doc. 95–16786 Filed 7–3–95; 4:06 pm]

BILLING CODE 6725–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, July 12, 1995.

PLACE: William McChesney Martin, Jr. Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

Note: Until further notice, open meetings will be held in the Martin Building, not the Eccles Building.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed 1996 Federal Reserve Bank budget objective.
2. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to:

Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: July 5, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–16793 Filed 7–5–95; 10:12 am]

BILLING CODE 6210–01–P

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: Approximately 10:30 a.m., Wednesday, July 12, 1995, following a recess at the conclusion of the open meeting.

PLACE: William McChesney Martin, Jr. Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. 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: July 5, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–16794 Filed 7–5–95; 10:12 am]

BILLING CODE 6210–01–P

LEGAL SERVICES CORPORATION

Board of Directors Meeting

TIME AND DATE: The Legal Services Corporation Board of Directors will hold a telephonic meeting on July 14, 1995. The meeting will commence at 1:00 p.m. Members of the public wishing to participate in the meeting may do so through telephonic means by being present at the location noted below. Individuals unable to come to the location noted are encouraged to submit their comments to the Board in writing in advance of the meeting, if possible. Written comments should be sent to the attention of Patricia Batie, Corporate Secretary, 750 1st Street, N.E., Washington, D.C., 20002. We regret that requests from the public to participate in the meeting by telephone from a location other than that noted below cannot be accommodated.

PLACE: Legal Services Corporation, 750 1st Street, N.E., Board Room, 11th Floor, Washington, D.C. 20002, (202) 336–8800.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

OPEN SESSION:

1. Approval of Agenda.
2. Consider and Act on Matters Related to the Inspector General's Inspection of Contract Service and Related Expense Payments.
3. Consider and Act on Other Business.

CONTACT PERSON FOR INFORMATION: Patricia Batie (202) 336–8800.

Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336–8800.

Date Issued: July 5, 1995.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 95–16829 Filed 7–5–95; 12:32 pm]

BILLING CODE 7050–01–M

Corrections

Federal Register

Vol. 60, No. 130

Friday, July 7, 1995

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9, 60, 260, 262, 264, 265, 270, and 271

[IL-64-2-5807; FRL-5110-8]

RIN 2060-AB94

Hazardous Waste Treatment, Storage and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for tanks, Surface Impoundments, and Containers

Correction

In rule document 94–29693 beginning on page 62896 in the issue of Tuesday, December 6, 1994, make the following correction:

On page 62912, in the second column, in the second line, ''CESA'' should read ''CE2A''.

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94-NM-252-AD; Amendment 39-9285; AD 95-13-05]

Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped with Rolls Royce Model RB211 Series Engines

Correction

In rule document 95–15298 beginning on page 33333, in the issue of Wednesday, June 28, 1995, make the following correction:

§39.13 [Corrected]

On page 33336, in the first column, in §39.13 (g), in the second line, ''August 28, 1995.'' should read ''July 28, 1995.''.

BILLING CODE 1505–01–D

Federal Register

Friday
July 7, 1995

Part II

Department of Housing and Urban Development

48 CFR Parts 32 and 52

Federal Acquisition Regulation (FAR); Contract Financing, Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 32 and 52

[FAR Case 94–764]

RIN 9000–AG36

Federal Acquisition Regulation; Contract Financing

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Extension of comment period and notice of public meeting.

SUMMARY: This notice is issued to familiarize the public with the status of the rulemaking effort on FAR Case 94–764, Contract Financing, which implements the Federal Acquisition Streamlining Act of 1994 (FASA), to extend the period for public comment, and to provide notice of a public meeting. The Contract Financing drafting team has made some refinements to the proposed rule that was published in the March 15, 1995, **Federal Register.** The revised coverage has been mailed to the public commenters on FAR Case 94–764 and copies may be obtained by other interested parties.

DATES: *Comment Date:* Comments should be submitted to the FAR Secretariat at the address shown below on or before July 31, 1995.

Meeting Date: The meeting will be held at 1:00 p.m. on July 17, 1995.

ADDRESSES: A copy of the revised coverage may be obtained by calling the FAR Secretariat at 202–501–4755. Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th and F Streets NW., Room 4037, Washington, DC 20405.

The public meeting will be held at: Office of Personnel Management, 1900 E Street NW., Room 1350, Washington, DC.

Please cite FAR case 94–764 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Mr. John Galbraith, Contract Financing/Payment Team leader, at (703) 697–6710 in reference to this FAR Case. For general information, contact the FAR Secretariat, Room 4037, GS Building, Washington, DC 20405, (202) 501–4755. Please cite FAR case 94–764.

SUPPLEMENTARY INFORMATION:

A. Background

On March 15, 1995, a proposed rule was published in the **Federal Register** (60 FR 14156). The proposed rule afforded the public a 60-day comment period. During that time, 21 organizations submitted more than 263 comments. A public meeting was also held on this rule on April 28, 1995. Based upon comments received, the financing drafting team has refined the coverage. The FAR Council wants to afford the public and Federal agencies the opportunity to comment on the refinements to the proposed rule. Accordingly, a copy of the revised coverage has been mailed to previous public commenters on FAR case 94–764. Other interested parties may obtain a copy by contacting the FAR Secretariat.

B. Case Summary

FAR Case 94–764 implements Sections 2001 and 2051 of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103–355), which substantially changed the statutory authorities for Government financing of contracts. Subsections 2001(f) and 2051(e) provide specific authority for Government financing of purchases of commercial items, and subsections 2001(b) and 2051(b) substantially revised the authority for Government financing of purchases of non-commercial items.

Subsections 2001(f) and 2051(e) provide specific authority for Government financing of purchases of commercial items. These sections amended 10 U.S.C. 2307 and 41 U.S.C. 255 by adding a new paragraph, Conditions for Payments for Commercial Items, to each. These paragraphs authorize the Government to provide contract financing with certain limitations:

- The financing must be in the best interest of the Government;
- The financing cannot exceed 15 percent until some performance of work under the contract;
- The terms and conditions must be appropriate or customary in the commercial marketplace.

The above statutory provisions also remove from financing of commercial purchases certain restrictions applicable to financing of non-commercial purchases by other provisions of 10 U.S.C. 2307 and 41 U.S.C. 255. Subsections 2001(b) and 2051(b) amend the authority for Government financing of non-commercial purchases by authorizing financing on the basis of certain classes of measures of performance.

To implement these changes, the DOD, NASA, and GSA propose to amend the FAR by revising Subparts 32.0, 32.1, 32.4, and 32.5; by adding new Subparts 32.2 and 32.10; and by adding new clauses to 52.232. The statutory changes create a fundamental distinction between financing of purchases of commercial and non-commercial items. As a result, the subparts of Part 32, Contract Financing, fall into three logical categories:

- Subparts applicable to both commercial and non-commercial financing;
- Subparts applicable to only commercial financing; and
- Subparts applicable to only non-commercial financing.

C. Summary of Changes

The following are highlights of changes that have been made to the proposed rule as a result of the written comments received during the comment period and other issues that were raised at the public hearing held on April 28, 1995:

- Simplify rule—The team significantly rewrote, clarified and shortened the coverage on financing of commercial item contracts.
- Complexity of process—The team eliminated or made optional many of the complex requirements that had applied to both contracting officers and to contractors.
- Access to records—The team eliminated the government's access to records for contract financing of commercial items.
- Certification—The team eliminated the certification requirement that had applied to requests for payments under the commercial financing clause.
- Reduction of commercial financing—The team revised the clause to eliminate its authority for the Government to take back previously provided finance payments under certain conditions.
- Market research—The team made market research optional for commercial financing.
- Contractor financial condition as adequate security—The team restructured the policy on security for commercial item financing to promote reliance on a healthy contractor's financial condition in place of hard assets as security.
- Financing rate—The team increased the maximum permissible financing rate for performance based financing from 75% to 90%.
- Payment of financing under dispute—The team added new coverage permitting performance-based financing payments to be paid under certain

circumstances, even though prior events had been delayed.

- Payment of financing under government caused delay—The team added specific authority to renegotiate performance-based financing to mitigate the effects of government caused delay.

D. Presentations at the Public Meeting

To allow the public to present its views on the refinements to this proposed rule, a public meeting will be held at the Office of Personnel Management on July 17, 1995. Persons or organizations wishing to make presentations will be allowed 10 minutes to present their views, provided they notify the FAR Secretariat at (202) 501–4745 and provide an advance copy of their remarks not later than July 14, 1995.

Dated: July 3, 1995.

Jeremy Olson,

Acting Deputy Project Manager for the Implementation of the Federal Acquisition Streamlining Act.

[FR Doc. 95–16718 Filed 7–6–95; 8:45 am]

BILLING CODE 6820–EP–M

Friday
July 7, 1995

Part III

Department of Transportation

National Highway Traffic Safety Administration

49 CFR Parts 573, 576, and 577

Motor Vehicle Safety Standards: Final Rule and Proposed Rule

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 573, 576 and 577

[Docket No. 93–68, Notice 6]

Defect and Noncompliance Reports; Record Retention; Defect and Noncompliance Notification; Suspension of Effective Date

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Suspension of effective date of provisions of final rule.

SUMMARY: This document suspends until further notice the effective dates of amendments to 49 CFR Part 576 (record retention) and 49 CFR sections 573.5(c)(8) (recall schedule); 573.7 (leased vehicle recordkeeping); and 577.5(h) (recall notification of lessees) promulgated by a final rule published in the **Federal Register** on April 5, 1995 (60 FR 17254). The suspension will permit the agency to gather further information on issues raised by petitions for reconsideration of those sections and to consider those issues further. All other amendments made by the April 5 final rule not specified above are effective on July 7, 1995.

DATES: The effective date of the April 5, 1995 amendments to 49 CFR Part 576 and 49 CFR 573.5(c)(8) and 573.7 and the addition of § 577.5(h) is suspended pending resolution of petitions for reconsideration. The effective date (as established on May 16, 1995 (60 FR 26002)) of all other amendments made by the April 5 final rule remains July 7, 1995.

FOR FURTHER INFORMATION CONTACT: Jonathan D. White, Office of Defects Investigation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Room 5319, Washington, DC 20590; (202) 366–5227.

SUPPLEMENTARY INFORMATION: By this notice, the National Highway Traffic Safety Administration (NHTSA) is suspending the effective date of certain provisions of a final rule published on April 5, 1995. 60 FR 17254. The original effective date of these amendments was May 5, 1995. The agency established a new effective date of July 7, 1995 (60 FR 26002; May 16, 1995), after having received several petitions for reconsideration of the final rule shortly before the original effective date.

The agency has decided to solicit from the public additional information on certain provisions of the final rule that are the subjects of the petitions for reconsideration by holding a public meeting and providing an opportunity for written submissions. Notice of that meeting is published today in a separate **Federal Register** notice.

To give NHTSA an adequate opportunity to gather and consider additional information on those specified issues, before ruling on the petitions for reconsideration, the agency has decided to suspend the effective date of certain provisions of the April 5, 1995 final rule. This extension applies only to the amendments to 49 CFR Part 576, Record Retention, and 49 CFR 573.5(c)(8) (recall schedule), 573.7 (leased vehicle recordkeeping), and the addition of § 577.5(h) (recall notification of lessees). All other amendments made by the April 5, 1995 final rule will be effective on July 7, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95–16813 Filed 7–5–95; 2:51 pm]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Parts 573, 576 and 577

[Docket No. 93–68; Notice 5]

Defect and Noncompliance Reports; Record Retention; Defect and Noncompliance Notification; Notice of Public Meeting; Request for Comments

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of public meeting; request for comments.

SUMMARY: This document announces a public meeting at which NHTSA will seek information from the public in connection with several specified issues raised by petitions for reconsideration of a final rule amending 49 CFR Part 573, ''Defect and Noncompliance Reports,'' Part 576, ''Record Retention,'' and Part 577, ''Defect and Noncompliance Notification.'' 60 FR 17254 (April 5, 1995). This document also invites written comments on those issues.

DATES: The meeting will be held on July 24, 1995, at 10:00 a.m. Those wishing to make oral presentations should contact Jonathan White, at the address or telephone number listed below, no later than July 14, 1995. Written comments must be submitted to the agency no later than July 31, 1995.

ADDRESSES: The public meeting will be held at the Ramada Inn (near the Detroit Metro Airport), 8270 Wickham Road, Romulus, MI 48174. Written comments may be submitted at the public meeting or mailed to the Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 7th Street, SW., Washington, DC 20590. Please refer to the docket and notice number set out above when submitting written comments.

FOR FURTHER INFORMATION CONTACT: Jonathan D. White, Office of Defects Investigation, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Room 5319, Washington, DC 20590; (202) 366–5227.

SUPPLEMENTARY INFORMATION: On April 5, 1995 (60 FR 17254), NHTSA published a final rule that amended several provisions of its defect/noncompliance investigation, defect/noncompliance notification, and recordkeeping regulations. 49 CFR Parts 552, 554, 573, 576, and 577. Petitions for reconsideration of certain of those amendments were filed by the Association of International Automobile Manufacturers, Inc. (AIAM), Chrysler Corporation (Chrysler), Ford Motor Company (Ford), General Motors Corporation (GM), and PACCAR, Inc. (PACCAR).

The reconsideration petitions addressed the following seven provisions adopted or modified by the April 5 final rule: Section 573.5(c)(8), submission of proposed schedule for recall to NHTSA; section 577.5, notification to lessors/lessees of defect and noncompliance determinations; section 573.7(d) and (e), retention of lists of leased vehicles affected by safety recalls; section 576.5, record retention period; section 573.5(c)(10), submission of draft owner notification letters to NHTSA; section 577.5, marking of owner notification envelopes; and section 577.10, follow-up owner notification.

NHTSA has decided that it would be appropriate to obtain additional information on the first four issues noted above. Therefore, by this notice, the agency is announcing that it will conduct a public meeting to obtain such information. In addition, NHTSA is also soliciting written comments on these four issues. The agency will address the other three matters raised by the petitions for reconsideration; however, they will not be discussed at the meeting.

1. Section 573.5(c)(8), *Submission of recall schedule.* Section 573.5(c) sets forth the information that a manufacturer must include in the report it submits to NHTSA after a determination by the manufacturer or NHTSA that a defect or noncompliance exists in motor vehicles or items of replacement equipment. The April 5 final rule added a provision to section 573.5(c)(8) to require manufacturers to include in their ''program for remedying the defect or noncompliance'' a schedule for implementation of the notification and remedy requirements of the statute where it appears that the campaign would not be commenced within 30 days or completed within 75 days of the notification to the agency.

Four petitioners requested reconsideration of the time frames specified in the amendment. NHTSA seeks additional information as to whether the specified time periods are appropriate and the burdens, if any, of submitting the required schedule.

2 and 3. Section 577.5(h) and (i), *Duty to notify lessors and lessees of defect and noncompliance determinations;* and section 573.7(d) and (e), *Retention of lists of leased vehicles affected by safety recalls.* The Intermodal Surface Transportation Efficiency Act added a statutory provision that requires lessors that are notified of a recall applicable to a leased motor vehicle to provide notification of the recall to their lessees in the manner prescribed by NHTSA regulation. 49 U.S.C. 30119(f). To implement this provision, in the April 5 final rule NHTSA amended its owner notification requirements, 49 CFR 577.5, by adding new paragraphs (h) and (i). Section 577.5(h) requires manufacturers to include information regarding the lessor's obligation in each owner notification letter. Section 577.5(i) provides that lessors must send a copy of the owner notification letter to their lessees unless the manufacturer has notified the lessee directly.

In addition, the agency amended 49 CFR 573.7, which establishes requirements for the retention of lists of recipients of recall notifications, by adding new paragraphs (d) and (e) regarding lessor and lessee notifications. For many years, section 573.7(a) has required manufacturers of motor vehicles to maintain lists of the names and addresses of all registered owners or purchasers of vehicles covered by defect or noncompliance recalls in order to enable NHTSA, inter alia, to monitor the effectiveness of such recalls. New section 573.7(d) requires manufacturers that have information indicating that a particular vehicle covered by a recall is a leased vehicle to identify the vehicle as leased on the list required by section 573.7(a) or to maintain a separate list of leased vehicles covered by the campaign. New section 573.7(e) requires manufacturers and lessors to maintain information (for one year after the lease expires) identifying the lessees (and their leased vehicles) to which the manufacturer and/or lessor provided notification of a recall.

Chrysler, Ford, and General Motors raised several concerns regarding these amendments. Among other things, these petitioners contended that language regarding the responsibilities of lessors should not be included in all owner notification letters, since it could be confusing and counter-productive. They also contended that requiring the manufacturers to maintain separate records regarding lessors and lessees notified created an unreasonable burden on them.

NHTSA encourages discussion of alternative solutions to the lessee notification issue that are less burdensome, yet will permit the agency to assure compliance with the requirements of 49 U.S.C. 30119(f). The agency particularly wishes to receive input from lessors and/or lessor associations, which have not participated in this rulemaking to date.

4. Section 576.5, *Records retention period.* NHTSA imposes recordkeeping

requirements on vehicle manufacturers in order to assure that they preserve records needed for investigation and resolution of alleged safety-related defects and noncompliances. The April 5, 1995 final rule changed the retention period from five years from the date the record was generated or acquired by the manufacturer to eight years from the last day of the model year in which the vehicle to which it relates was produced. (The agency's Notice of Proposed Rulemaking had proposed requiring records to be maintained for the *longer* of the five-years-from-acquisition or eight-years-from-production periods. 58 FR 50326 (Sept. 27, 1993). That proposal was modified in response to manufacturer comments.)

AIAM, Chrysler, and Ford indicated that the amendment would require substantial changes to manufacturers' record retention programs and could increase their records maintenance costs. The agency is seeking information on alternatives to the amendment (including the possibility of returning to the preexisting requirement) that would allow it to obtain adequate information from vehicle manufacturers, without adding unreasonable recordkeeping burdens.

Effective Date of Amendments: By separate notice published in today's **Federal Register**, NHTSA is extending indefinitely the effective dates of the four amendments discussed above, in order to permit the agency to consider additional information before ruling on the petitions for reconsideration. The effective date as established on May 16, 1995 (60 FR 26002) for all other amendments made by the April 5 final rule continues to be July 7, 1995.

Procedural Matters: Persons or organizations wishing to appear at the public meeting should contact Jonathan White at the address or telephone number set out above by the indicated date. Persons wishing to make an oral presentation should indicate the approximate amount of time the presentation will take. NHTSA reserves the right to limit any presentation if time considerations or other factors warrant.

If a speaker wishes to include slides, motion pictures, or other visual aids, he or she must bring a copy to the meeting, so NHTSA can include the material in the rulemaking record.

NHTSA staff may ask questions of any speaker. Participants may submit written questions for the NHTSA staff, at its discretion, to address to other participants. Except where authorized by NHTSA staff, participants will not be permitted to question each other directly.

A schedule of participants making oral presentation will be available at the designated meeting room. If time permits, persons who have not requested time, but would like to make a presentation, will be afforded an opportunity to do so.

NHTSA will place a copy of all written statements in the rulemaking docket. A verbatim transcript of the meeting will be prepared and also placed in the docket.

Participation in the meeting is not a prerequisite for the submission of written comments. NHTSA invites written comments from all interested parties on these issues. It is requested but not required that 10 copies of all written materials be submitted.

If a commenter wishes to submit information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to NHTSA's Chief Counsel. Copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality must be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation, 49 CFR Part 512.

Kathleen C. DeMeter,

Director, Office of Defects Investigation.

[FR Doc. 95–16812 Filed 7–5–95; 2:51 pm]

BILLING CODE 4910–59–P

Reader Aids

Federal Register

Vol. 60, No. 130

Friday, July 7, 1995

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

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You may access our Fax-On-Demand service. You only need a fax machine and there is no charge for the service except for long distance telephone charges the user may incur. The list of documents on public inspection and the daily Federal Register's table of contents are available using this service. The document numbers are 7050-Public Inspection list and 7051-Table of Contents list. The public inspection list will be updated immediately for documents filed on an emergency basis.
NOTE: YOU WILL ONLY GET A LISTING OF DOCUMENTS ON FILE AND NOT THE ACTUAL DOCUMENT. Documents on public inspection may be viewed and copied in our office located at 800 North Capitol Street, N.W., Suite 700. The Fax-On-Demand telephone number is: **301–713–6905**

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

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