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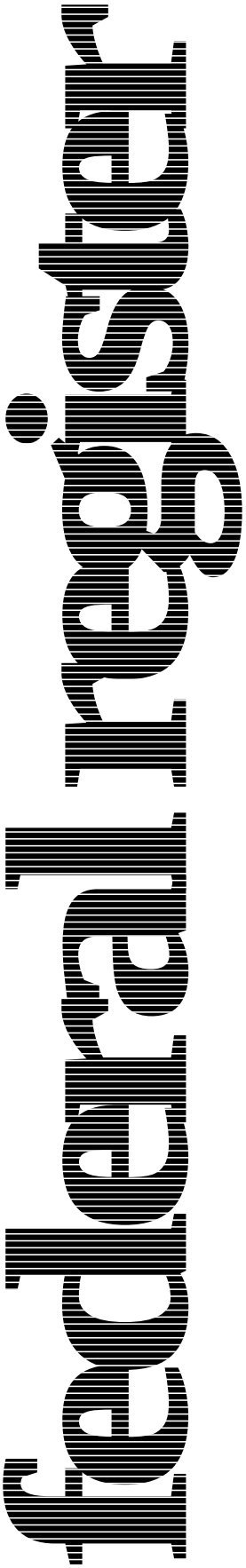

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CFR PARTS AFFECTED IN THIS ISSUE

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Rules and Regulations

Federal Register
Vol. 60, No. 141
Monday, July 24, 1995

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 337

[EOIR No. 104F; AG Order No. 1979–95]

RIN 1125–AA06

Administrative Naturalization: Oath of Allegiance

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: On February 3, 1995, at 60 FR 6647, the Department of Justice published a rule finalizing the procedures implementing an administrative naturalization process as provided for by recent changes in the immigration laws. This rule will amend those procedures slightly by extending concurrent jurisdiction to administer the oath of allegiance to Immigration Judges with certain officers of the Immigration and Naturalization Service (Service). This change will provide a more formal setting for the oath of allegiance and add to the solemnity of the occasion upon which a person becomes a citizen of the United States. In addition, it will alleviate in some measure the burden on Service personnel and resources to hold periodic naturalization ceremonies by expanding the responsibility for this duty to Immigration Judges.

EFFECTIVE DATE: This final rule is effective July 24, 1995.

FOR FURTHER INFORMATION CONTACT: Gerald S. Hurwitz, Counsel to the Director, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, Virginia 22041, telephone: (703) 305–0470.

SUPPLEMENTARY INFORMATION: Title IV of the Immigration Act of 1990 (Pub. L. 101–649) (IMMACT) transferred jurisdiction over naturalization from the judiciary to the Attorney General, subject to judicial review, and redefined the naturalization process as an administrative proceeding. The Service has recently published comprehensive changes to the rules of procedure governing the naturalization process, and this rule is not intended to affect those measures. However, while the statutory authority for naturalization conferred jurisdiction on the Attorney General, this authority had been delegated to the Service. The effect of this rule will be to expand to the Immigration Judges within the Executive Office for Immigration Review the authority to administer the oath of allegiance, which is taken upon successful completion of the application process.

This final rule has been drafted and reviewed in accordance with Executive Order 12866, section 1(b). The Attorney General has determined that this rule is not a significant regulatory action under Executive Order 12866, section 3(f), and accordingly this rule has not been reviewed by the Office of Management and Budget.

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this final rule and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

This final rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Compliance with 5 U.S.C. 553 as to notice of proposed rule making and delayed effective date is not necessary because this rule relates to rules of agency procedure and practice.

List of Subjects in 8 CFR Part 337

Citizenship and naturalization, Courts, Immigration and Naturalization Service.

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

PART 337—OATH OF ALLEGIANCE

1. The authority citation for part 337 continues to read as follows:

Authority: 8 U.S.C. 1103, 1443, 1448.

2. Section 337.2 is revised to read as follows:

§ 337.2 Oath administered by the Immigration and Naturalization Service or an Immigration Judge.

(a) *Public ceremony.* An applicant for naturalization who has elected to have his or her oath of allegiance administered by the Service or an Immigration Judge and is not subject to the exclusive oath administration authority of an eligible court pursuant to section 310(b) of the Act shall appear in person in a public ceremony, unless such appearance is specifically excused under the terms and conditions set forth in this part. Such ceremony shall be held at a time and place designated by the Service or the Executive Office for Immigration Review within the United States and within the jurisdiction where the application for naturalization was filed, or into which the application for naturalization was transferred pursuant to § 335.9 of this chapter. Such ceremonies shall be conducted at regular intervals as frequently as necessary to ensure timely naturalization, but in all events at least once monthly where it is required to minimize unreasonable delays. Such ceremonies shall be presented in such a manner as to preserve the dignity and significance of the occasion. District directors shall ensure that ceremonies conducted by the Service in their districts, inclusive of those held by suboffice managers, are in keeping with the Model Plan for Naturalization Ceremonies. Organizations traditionally involved in activities surrounding the ceremony should be encouraged to participate in Service-administered ceremonies by local arrangement.

(b) *Authority to administer oath of allegiance.* The authority of the Attorney General to administer the oath of allegiance shall be delegated to Immigration Judges and to the following officers of the Service: The Commissioner; district directors; deputy district directors; officers-in-charge; assistant officers-in-charge; or persons acting in behalf of such officers due to their absence or because their positions are vacant. In exceptional cases where

the district director or officer-in-charge determines that it is appropriate for employees of a different rank to conduct ceremonies, the district director or officer-in-charge may make a request through the Commissioner to the Assistant Commissioner, Adjudications, for permission to delegate such authority. The request shall furnish the reasons for seeking exemption from the requirements of this paragraph. The Commissioner may delegate such authority to such other officers of the Service or the Department of Justice as he or she may deem appropriate.

(c) *Execution of questionnaire.* Immediately prior to being administered the oath of allegiance, each applicant shall complete the questionnaire on Form N–445. Each completed Form N–445 shall be reviewed by an officer of the Service who may question the applicant regarding the information thereon. If derogatory information is revealed, the applicant's name shall be removed from the list of eligible persons as provided in § 335.5 of this chapter and he or she shall not be administered the oath.

3. Section 337.3 is revised to read as follows:

§ 337.3 Expedited administration of oath of allegiance.

(a) An applicant may be granted an expedited oath administration ceremony by either the court or the Service upon demonstrating sufficient cause. In determining whether to grant an expedited oath administration ceremony, the court or the district director shall consider special circumstances of a compelling or humanitarian nature. Special circumstances may include but are not limited to:

(1) The serious illness of the applicant or a member of the applicant's family;

(2) Permanent disability of the applicant sufficiently incapacitating as to prevent the applicant's personal appearance at a scheduled ceremony;

(3) The developmental disability or advanced age of the applicant which would make appearance at a scheduled ceremony inappropriate; or

(4) Urgent or compelling circumstances relating to travel or employment determined by the court or the Service to be sufficiently meritorious to warrant special consideration.

(b) Courts exercising exclusive authority may either hold an expedited oath administration ceremony or refer the applicant to the Service in order for either the Immigration Judge or the Service to conduct an oath administration ceremony, if an expedited judicial oath administration ceremony is impractical. The court shall inform the district director in writing of its decision to grant the applicant an expedited oath administration ceremony and that the court has relinquished exclusive jurisdiction as to that applicant.

(c) All requests for expedited administration of the oath of allegiance shall be made in writing to either the court or the Service. Such requests shall contain sufficient information to substantiate the claim of special circumstances to permit either the court or the Service to properly exercise the discretionary authority to grant the relief sought. The court or the Service may seek verification of the validity of the information provided in the request. If the applicant submits a written request to the Service, but is awaiting an oath administration ceremony by a court pursuant to § 337.8, the Service promptly shall provide the court with a copy of the request without reaching a decision on whether to grant or deny the request.

4. Section 337.7 is amended by revising paragraph (a) to read as follows:

§ 337.7 Information and assignment of individuals under exclusive jurisdiction.

(a) No later than at the time of the examination on the application pursuant to § 335.2 of this chapter, an employee of the Service shall advise the applicant of his or her right to elect the site for the administration of the oath of allegiance, subject to the exclusive jurisdiction provision of § 310.3(d) of this chapter. In order to assist the applicant in making an informed decision, the Service shall advise the applicant of the upcoming Immigration Judge or Service conducted and judicial ceremonies at which the applicant may appear, if found eligible for naturalization.

* * * * *

5. Section 337.8 is amended by revising paragraph (f) to read as follows:

§ 337.8 Oath administered by the courts.

* * * * *

(f) *Withdrawal from court.* An applicant for naturalization not subject to the exclusive jurisdiction of § 310.3(d) of this chapter, who has elected to have the oath administered in a court oath ceremony, may, for good cause shown, request that his or her name be removed from the list of persons eligible to be administered the oath at a court oath ceremony and request that the oath be administered in a ceremony conducted by an Immigration Judge or the Service. Such request shall be in writing to the Service office which granted the application and shall cite the reasons for the request. The district director or officer-in-charge shall consider the good cause shown and the best interests of the applicant in making a decision. If it is determined that the applicant shall be permitted to withdraw his or her name from the court ceremony, the Service shall give written notice to the court of the applicant's withdrawal, and the applicant shall be scheduled for the next available oath ceremony, conducted by an Immigration Judge or the Service, as if he or she had never elected the court ceremony.

6. Section 337.9 is amended by revising paragraph (a) to read as follows:

§ 337.9 Effective date of naturalization.

(a) An applicant for naturalization shall be deemed a citizen of the United States as of the date on which the applicant takes the prescribed oath of allegiance, administered either by the Service or an Immigration Judge in an administrative ceremony or in a ceremony conducted by an appropriate court under § 337.8 of this chapter.

* * * * *

Dated: July 14, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95–18068 Filed 7–21–95; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 50

[Docket No. 94–133–1]

Tuberculosis in Cattle, Bison, and Cervids; Payment of Indemnity

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending the tuberculosis indemnity regulations to provide for the payment of indemnity for cervids destroyed because of tuberculosis. We are also amending these regulations to provide for the payment of indemnity for cattle, bison, and cervids found to have been exposed to tuberculosis by reason of association with any tuberculous livestock. We believe that these changes will encourage owners to rapidly remove cattle, bison, and cervids affected with and exposed to tuberculosis from their herds. Rapid removal of such cattle, bison, and cervids will help protect other cattle, bison, and cervids from

tuberculosis and will facilitate tuberculosis eradication efforts in the United States. We are also amending the regulations to deny claims for indemnity for depopulation of cattle, bison, and cervid herds unless other exposed livestock in the herd have been destroyed. This action will help ensure that when cattle, bison, and cervids in a herd are depopulated, other livestock do not remain as potential sources of infection when the owner restocks the herd with healthy animals.

DATES: Interim rule effective July 24, 1995. Consideration will be given only to comments received on or before September 22, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 94–133–1, 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. 94–133–1. 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: Dr. Mitchell A. Essey, Senior Staff Veterinarian, Cattle Diseases and Surveillance, VS, APHIS, Suite 3B08, 4700 River Road Unit 36, Riverdale, MD 20737–1231, (301) 734–8715.

SUPPLEMENTARY INFORMATION:

Background

Bovine tuberculosis (referred to below as tuberculosis) is a serious communicable disease of cattle, bison, and other species, including humans, caused by *Mycobacterium bovis.* Tuberculosis causes weight loss, general debilitation, and sometimes death. The regulations in 9 CFR part 50 (referred to below as the regulations) provide for payment of Federal indemnity to owners of certain cattle, bison, or swine destroyed because of tuberculosis.

As part of our program to control and eradicate tuberculosis in cattle and bison, the payment of indemnity is intended to provide owners with an incentive for promptly destroying cattle or bison affected with or exposed to tuberculosis. Because the continued presence of tuberculosis in a herd seriously threatens the health of animals in that herd and possibly other herds, the prompt destruction of tuberculosis-affected animals is critical if tuberculosis eradication efforts in the United States are to succeed. Payment of Indemnity for Cervids Destroyed Because of Tuberculosis

Currently, the regulations do not provide for the payment of indemnity for cervids destroyed because of tuberculosis. In the past, the number of captive cervids in this country was not seen as large enough to pose a significant health risk to other cervid herds or to cattle and bison. However, the number of captive cervids has steadily increased during the past decade, so that today there are almost 2,000 deer and elk owners in the United States, raising about 135,000 animals. In some cases, the cervids are pastured in the same fields as cattle and bison.

Because of the growing number of herds of captive cervids, and because cervids are frequently pastured with cattle and bison, captive cervids affected with tuberculosis pose a significant health risk both to other herds of cervids and to cattle and bison. Tuberculosis affects cervids similarly to the way it affects cattle and bison. Cervids infected with tuberculosis can and have been known to spread the disease to cattle and bison. Since January 1991, tuberculosis has been confirmed in 31 herds of elk and deer in the United States. Transmission of tuberculosis from captive cervids to cattle has been confirmed in at least five instances. In addition to concerns over livestock health, another issue of concern is the impact tuberculosis would have on the nation's wild herds of cervids if the disease were to spread. Captive cervids are maintained within fenced areas. However, captive cervids have been known to escape from their enclosures and mingle with wild herds of cervids. At present, there are two confirmed incidences of tuberculosis in wild cervids (each involving only one animal), and it has been determined that at least one of those incidences resulted from contact with a captive cervid herd. We believe that if a widespread outbreak were to occur in wild cervids, it would be very costly to manage, would reduce the wild cervid population, and would pose a serious human health risk.

A National Cooperative State-Federal Bovine Tuberculosis Eradication Program for cattle and bison has been in place since 1917, and is still being carried out. In 1993, the United States Animal Health Association (USAHA) resolved to include captive cervids in this eradication program. We believe preventing the spread of tuberculosis in the cervid population is necessary to help protect the health of cervids, cattle, and bison in the United States.

Because no indemnity is currently offered for cervids destroyed because of tuberculosis, cervid owners can obtain at best only slaughter value if they have the cervids destroyed. There is little or no slaughter value for reactor cervids or for cervids that show evidence of tuberculosis upon slaughter inspection. This makes it less likely that owners will have tuberculous cervids destroyed, for even though infected animals will eventually die, they can live for several years and in that time can produce offspring and antlers for market.

To encourage owners to destroy captive cervids affected with or exposed to tuberculosis, we are amending the regulations to provide for the payment of indemnity for cervids destroyed because of tuberculosis. This will supplement the salvage value an owner can obtain for captive cervids destroyed because of tuberculosis. We are defining *cervid* in § 50.1 to include ''all species of deer, elk, and moose, raised or maintained in captivity for the production of meat and other products, for sport, or for exhibition.''

Section 50.3 concerns payment to owners for animals destroyed. We are amending § 50.3 (a), (b), and (c) to provide that the indemnity rates will not exceed $750 for any reactor cervid and $450 for any exposed cervid. These are the same rates that the regulations allow for reactor and exposed cattle and bison. The herd owner will have the option of destroying only reactor cervids in the herd, or of depopulating the entire herd, the same options available for dealing with affected herds of cattle and bison. The advantage to the owner, as well as to the cervid industry, of whole herd depopulation would be the assured elimination of tuberculosis from the herd. The herd owner could then start anew with healthy stock. We are also amending the definition for *herd depopulation* in § 50.1 to include cervids.

Section 50.4 concerns the determination of existence of or exposure to tuberculosis. We are amending paragraph (a) to provide that cervids are to be classified as affected with tuberculosis in the same manner as cattle and bison: on the basis of an intradermal tuberculin test applied by a Federal, State, or accredited veterinarian, or by another diagnostic procedure approved in advance by the Administrator. The intradermal tuberculin tests approved to detect tuberculosis in cattle and bison have also proven through research, surveys, and testing to be effective in determining the tuberculosis disease status of cervids. We are amending § 50.4(b) to provide that the kinds of

associations which cause cattle or bison to be classified as exposed to tuberculosis also apply to cervids.

We are amending § 50.5, which concerns records of testing, to require the same recordkeeping for cervids as for cattle and bison. We are also making a nonsubstantive change to this section to specify the form to be used for test records.

Section 50.6 contains requirements for the identification of animals to be destroyed because of tuberculosis. We are amending this section to require that reactor cervids be identified by branding the letter ''T'' high on the left hip near the tailhead and at least 5 by 5 centimeters (2 by 2 inches) in size and by attaching to the left ear an approved metal eartag bearing a serial number and the inscription ''U.S. Reactor'', or a similar State reactor tag. We are requiring that exposed cervids be identified by branding the letter ''S'' high on the left hip near the tailhead and at least 5 by 5 centimeters (2 by 2 inches) in size and by attaching to the left ear an approved metal eartag bearing a serial number.[1]

We are requiring that reactor and exposed cervids be branded on the hip, and not on the jaw, for two reasons. First, branding on the jaw would be physically very difficult for most cervids. The skin on the jaws of most cervids is much thinner than that of cattle or bison, making it possible that the brand could penetrate the skin and injure muscle tissue. Also, the size of the jaw area varies widely among cervid species, with some having a head no larger than that of a medium-sized dog. Such cervid species would not have a jaw large enough to accommodate a brand. Second, there has been increasing concern from the public, and specifically from animal rights groups, that branding on the jaw may cause undue distress to livestock. In response to their concerns, we published a proposal (see footnote 1) to remove branding on the jaw from our regulatory programs for cattle and bison. In keeping with that effort, and the other reasons enumerated, we have chosen not to allow branding on the jaw in our regulatory programs for cervids.

The brands required for cattle and bison in § 50.6, and the brands called for in this interim rule for cervids, are applied with a hot-iron. We considered allowing identification options such as freeze branding, by requiring that cervids be identified by a brand or by another distinct, permanent, and legible mark. We chose not to allow these options. A limitation of freeze branding is that the brand takes a minimum of 18 to 21 days to become visible. In order that we may continue to prevent the spread of tuberculosis, it is imperative that exposed and affected animals be instantly recognizable from the time of their identification until they are slaughtered, so that they are not commingled with healthy animals. In most cases, an exposed or affected cervid would be identified, shipped, and slaughtered before the freeze brand becomes visible. To date, an acceptable alternative to hot-iron branding has not been found for marking exposed or affected animals that satisfies the criteria of being instantly visible upon application, as well as distinct, permanent, and legible. Until an acceptable alternative is developed, we have chosen to require that the cervids be identified with a brand.

We are, however, including in § 50.6 an alternative to branding exposed and reactor cervids. We will allow exposed cervids to be moved interstate to slaughter without branding if they are either accompanied directly to slaughter by an APHIS or State representative or moved directly to slaughter in vehicles closed with official seals. Such official seals must be applied and removed by an APHIS representative, State representative, accredited veterinarian, or an individual authorized for this purpose by an APHIS representative. For reactor cervids, we will allow the same movement without branding as for exposed cervids, but we are requiring that the reactors be identified by a ''TB'' tattooed on the left ear, and by spraying the left ear with yellow paint.[2] Carcasses of tuberculosis reactor animals can be sold for consumption only if the meat is cooked. We are unaware of any slaughtering facilities in the United States that will handle cervid carcasses that are to be cooked before sale, so this option would not be available to cervid owners. Consequently, reactor cervids sent to slaughter would constitute a total monetary loss to the owner. Such monetary loss could provide an incentive to substitute less valuable cervids that have tested negative for tuberculosis for more valuable reactor cervids, or to otherwise divert valuable tuberculosis reactor cervids from slaughter channels, impeding tuberculosis eradication efforts in the United States. We believe that requiring reactors to have their left ear tattooed with a ''TB'' and spray painted yellow will make it difficult for these reactors to be diverted.

We are also amending §§ 50.7, 50.8, 50.9, 50.10, 50.11, 50.12, 50.13, 50.14, and 50.15 to make the provisions that apply to cattle and bison apply to cervids. These sections concern the destruction and disposal of animals, payment of expenses for transportation and disposal of carcasses, appraisals, reports of salvage proceedings, procedures for claiming indemnity, disinfection of premises and other articles, and claims not allowed.

Payment of Indemnity for Tuberculosis-Exposed Cattle, Bison, and Cervids

Before the effective date of this interim rule, § 50.3(c) authorized the payment of Federal indemnity, under certain conditions, for cattle and bison found to have been exposed to tuberculosis by reason of association with tuberculous cattle or bison. As explained above, we are amending § 50.3(c) to also provide for the payment of indemnity for cervids found to have been exposed to tuberculosis. We are further amending this paragraph to provide that the exposure of cattle, bison, or cervids may be by reason of association with any tuberculous livestock, not just cattle and bison. Llamas, alpacas, antelope, and other hoofed livestock, in addition to cervids, can be reservoirs of tuberculosis and can spread the disease to cattle, bison, or cervids. The rapidly increasing number of exotic livestock herds has increased the amount of commingling between such animals and cattle or bison. This, in turn, has increased the risk that cattle or bison, and now cervids, will be exposed to tuberculosis by other livestock, a circumstance unforeseen when the regulations were promulgated.

We are adding a definition of *livestock* to § 50.1 to include cattle, bison, cervids, swine, goats, sheep, and other hoofed animals (such as llamas, alpacas, and antelope) raised or maintained in captivity for the production of meat and other products, for sport, or for exhibition. We are also amending § 50.14, ''Claims not allowed,'' to add a new paragraph to stipulate that compensation for tuberculosis-exposed cattle, bison, or cervids destroyed during herd depopulation will not be allowed if a designated epidemiologist has determined that exotic bovidae (such as antelope) or other livestock species in

[1] A proposal to amend § 50.6(a) to allow reactor cattle and bison to be identified by a brand on the left hip and by attaching an approved metal eartag to the left ear, and to amend § 50.6(b) to allow exposed cattle and bison to be identified by a brand on the left hip and by attaching an approved metal eartag to the left ear, was published in the **Federal Register** on May 17, 1995 (Docket No. 95–006–1, 60 FR 26377–26381).

[2] A proposal to make the same provisions apply to reactor and exposed cattle and bison was published in the **Federal Register** on May 17, 1995 (Docket No. 95–006–1, 60 FR 26377–26381).

the herd have been exposed to tuberculosis by reason of association with tuberculous livestock, and those exotic bovidae or other species have not been destroyed. We are adding this paragraph to ensure that, when a cattle, bison, or cervid herd is depopulated, other exposed species do not remain to infect cattle, bison, or cervids with which the owner restocks the herd. We are including the provision that a designated epidemiologist must determine whether exposure had occurred, because there are situations where cattle, bison, cervids, antelope, and other livestock are maintained under common ownership, but the different species may be sufficiently separated so that they do not necessarily commingle. We are adding a definition for *designated epidemiologist* to § 50.1 to mean ''an epidemiologist appointed by a cooperating State animal health official and the Veterinarian in Charge to perform functions specified by the 'Uniform Methods and Rules—Bovine Tuberculosis Eradication.' ''

We are making several necessary changes to § 50.1, ''Definitions,'' to make the definitions consistent with the other changes made in this rule. First, we are revising the definition of *herd*. According to the current definition, a herd consists of animals of like kind, or two or more groups of cattle or bison together. We are removing the ''like kind'' and ''cattle and bison'' provisions, and will state instead that a herd consists of any group of livestock maintained on common ground, or two or more groups of livestock under common ownership or supervision, geographically separated but that have an interchange or movement of livestock without regard to health status, as determined by the Administrator.

We are removing the definition for *animals* from § 50.1, because adding the term *livestock* will eliminate the need to use the term and define animals. Throughout the regulations, we are removing the word ''animal'' wherever its meaning is not clear and replacing it with the specific kind of livestock (i.e. cattle, bison, cervid, or swine) that is appropriate to that section.

In the definitions for *approved herd plan* and *quarantined feedlot*, we are replacing ''animals'' with the term ''livestock.'' In the definition for *owner*, we are replacing ''cattle, bison, or swine'' with the term ''livestock.'' We are also including cervids in the definitions for *permit*, *reactor cattle and bison*, and *registered cattle and bison*. (The current definition for *reactor cattle and bison* states that cattle and bison are classified as reactors in accordance with the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication,'' based on a positive response to an official tuberculosis test. As stated earlier in this document, the tuberculin tests approved in the Uniform Methods and Rules to detect TB in cattle and bison have also proven effective in determining the tuberculosis status of cervids. Additionally, the Animal and Plant Health Inspection Service is in the process of adding cervids to the provisions in the Uniform Methods and Rules.)

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is necessary to help prevent the spread of tuberculosis in cattle, bison, and cervid herds. We are currently aware of three herds of cattle and bison exposed to tuberculous cervids and six herds of cervids affected with bovine tuberculosis. The lack of Federal compensation for the destruction of these animals has resulted in these herds not being depopulated, allowing the tuberculosis to persist. These herds could spread the disease to healthy herds. Providing indemnity payments immediately will encourage owners to depopulate the tuberculous herds, thereby helping prevent the spread of tuberculosis to healthy herds and reducing the time required to achieve the eradication of bovine tuberculosis from the United States. Immediate action will, we believe, substantially advance our eradication efforts and enhance our ability to achieve the program's objectives.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon publication in the **Federal Register**. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This 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.

In accordance with 5 U.S.C. 603, we have performed an Initial Regulatory Flexibility Analysis, which is set out below, regarding the impact of this interim rule on small entities. However, we do not currently have all the data necessary for a comprehensive analysis of the effects of this rule on small entities. Therefore, we are inviting comments concerning potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from implementation of this rule.

In accordance with 21 U.S.C. 114a, as amended, the Secretary of Agriculture is authorized to promulgate regulations to provide for the payment of claims for compensation for animals destroyed because of tuberculosis. This rule provides for the payment of indemnity for the destruction of tuberculosis reactor cervids, and for the destruction of cattle, bison, and cervids found to have been exposed to tuberculosis by reason of association with any tuberculous livestock. This rule is necessary to encourage owners to rapidly remove cattle, bison, and cervids affected with and exposed to tuberculosis from their herds, thereby facilitating tuberculosis eradication efforts in the United States.

Cervid producers affected by this rule would be primarily producers of deer and elk. There are approximately 1,000 deer producers and 950 elk producers in the United States, raising about 100,000 deer and 35,000 elk under controlled farm conditions. Holdings vary in size and degree of commercialization, but almost all deer and elk producers can be classified as small businesses (defined by the Small Business Administration as having less than $0.5 million annual gross receipts). However, many producers rely on other sources of income (such as dairy farming or beef cattle ranching) for their livelihoods.

In general, elk producers concentrate on building up their herds, with most newborns retained as breeding stock. However, a fair market value for a heifer elk is between $4,000 and $5,000. Annual income is earned from the sale of antlers cut in the velvet stage of growth. The antlers sell for about $65 per pound, and a single bull elk can produce an average of 18 pounds of antlers per year, for more than 10 years. Thus, a gross income of $1,000 or more can be derived per year from a bull elk.

The value per animal is lower for deer than for elk, and varies by species. Currently, at private sales, prices for good quality fallow does and bucks range between $500 and $1,000. Young

deer command only $300 to $500 per head. Slightly lower prices prevail at public auctions.

Destruction of cervid herds affected with tuberculosis will be voluntary on the part of the owners. At present, there are six cervid herds (four elk herds and two deer herds) affected with tuberculosis, totalling about 700 cervids. The indemnity payments of up to $750 per head for reactor cervids and up to $450 per head for exposed cervids will partially compensate cervid producers for lost income incurred by the destruction of the animals. These indemnity payments could provide a significant incentive for the owners of these herds to destroy the tuberculous animals. Although the indemnity payments will not completely cover the monetary losses resulting from whole herd depopulation, the payments will significantly reduce losses for deer and elk producers.

This rule also provides for the payment of indemnity for cattle and bison that are destroyed because of tuberculosis after being exposed to any tuberculous livestock, at the rate of up to $450 per head. This is the same rate currently provided in the regulations for cattle and bison exposed to tuberculous cattle and bison. Depopulation of the cattle and bison herds will be voluntary.

This rule contains paperwork and recordkeeping requirements. Under this rule, cattle, bison, and cervid owners are required to have a permit for movement of affected or exposed animals to slaughter, records of tests, and reports of appraisals and salvage proceedings. Further, claims for indemnity must be submitted on forms furnished by APHIS, and cervids to be destroyed must be identified with brands and eartags. However, since the provisions regarding exposed animals are voluntary, none of the paperwork or recordkeeping would be required if an owner chooses not to claim indemnity for destroying exposed animals.

The alternative to this rule would be to take no action. We do not consider taking no action a reasonable alternative because, without the economic incentive of Federal compensation for destroyed animals, owners would be more likely to allow tuberculosis infection to persist in their herds. The indemnity payments offered in this rule are the same as those currently offered for affected and exposed cattle and bison.

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

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule 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. 94–133–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road, Unit 118, 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 in 9 CFR Part 50

Animal diseases, Bison, Cattle, Hogs, Indemnity payments, Reporting and recordkeeping requirements, Tuberculosis.

Accordingly, 9 CFR part 50 is amended as follows:

PART 50—ANIMALS DESTROYED BECAUSE OF TUBERCULOSIS

1. The authority citation for part 50 continues to read as follows:

Authority: 21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, and 134b; 7 CFR 2.17, 2.51, and 371.2(d).

§ 50.1 [Amended]

2. Section 50.1 is amended as follows:

a. The definitions for *animals*, *reactor cattle and bison*, and *registered cattle and bison* are removed.

b. In the definition for *approved herd plan*, the word ''animals'' is removed and the word ''livestock'' is added in its place.

c. Definitions for *cervid*, *designated epidemiologist*, *livestock*, *reactor cattle, bison, and cervids*, and *registered cattle, bison, and cervids* are added in alphabetical order to read as set forth below.

d. The definitions for *herd* and *herd depopulation* are revised to read as set forth below.

e. In the definition for *owner*, the words ''cattle, bison, or swine'' are removed and the word ''livestock'' is added in their place.

f. In the definition for *permit*, the word ''cervids,'' is added immediately before ''or swine''.

g. In the definition for *quarantined feedlot*, the word ''animals'' is removed and the word ''livestock'' is added in its place each time it appears.

§ 50.1 Definitions.

* * * * *

Cervid. All species of deer, elk, and moose raised or maintained in captivity for the production of meat and other products, for sport, or for exhibition.

* * * * *

Designated epidemiologist. An epidemiologist appointed by a cooperating State animal health official and the Veterinarian in Charge to perform functions specified by the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication.''

* * * * *

Herd. Any group of livestock maintained on common ground for any purpose, or two or more groups of livestock under common ownership or supervision, geographically separated but that have an interchange or movement of livestock without regard to health status, as determined by the Administrator.

Herd depopulation. Removal by slaughter or other means of destruction of all cattle, bison, and cervids in a herd prior to restocking with new cattle, bison, or cervids.

Livestock. Cattle, bison, cervids, swine, dairy goats, and other hoofed animals (such as llamas, alpacas, and antelope) raised or maintained in captivity for the production of meat and other products, for sport, or for exhibition.

* * * * *

Reactor cattle, bison, and cervids. Cattle and bison are classified as reactors for tuberculosis in accordance with the ''Uniform Methods and Rules—Bovine Tuberculosis Eradication,'' based on a positive response to an official tuberculin test. Cervids are classified as reactors for tuberculosis in the same manner as cattle and bison.

Registered cattle, bison, or cervids. Cattle, bison, or cervids for which individual records of ancestry are maintained, and for which individual registration certificates are issued and recorded by a recognized breed

association whose purpose is the improvement of the breed.

* * * * *

§ 50.2 [Amended]

3. In § 50.2, the word ''cervids,'' is added immediately before ''or swine''.

4. Section 50.3 is amended as follows:

a. In paragraph (a), in the paragraph heading and the regulatory text, the words ''and bison'' are removed and the words '', bison, and cervids'' are added in their place.

b. In paragraph (b), in the paragraph heading and the regulatory text, the words ''and bison'' are removed each time they appear and the words '', bison, and cervids'' are added in their place.

c. Paragraph (c) is revised to read as set forth below.

§ 50.3 Payment to owners for animals destroyed.

* * * * *

(c) *Exposed cattle, bison, and cervids.* The Administrator may authorize the payment of Federal indemnity to owners of cattle, bison, and cervids destroyed because of tuberculosis not to exceed $450 for any animal which has been classified as exposed to tuberculosis in accordance with § 50.4(b) when it has been determined by the Administrator that the destruction of the exposed cattle, bison, or cervids will contribute to the Tuberculosis Eradication Program; but, the joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal.

* * * * *

§ 50.4 [Amended]

5. In § 50.4, paragraph (a), the words ''and bison'' are removed and the words '', bison, and cervids'' are added in their place.

6. In § 50.4, paragraph (b), the words ''and bison'' are removed and the words '', bison, and cervids'' are added in their place; and the word ''animals'' is removed and the words ''cattle, bison, or cervids'' are added in its place.

§ 50.5 [Amended]

7. In § 50.5, in the first sentence, the words '' or bison'' are removed and the words '', bison, or cervid'' are added in their place and the words ''of cattle'' are removed; and in the second sentence the words ''A form acceptable to an APHIS'' are removed and the words ''VS Form 6–22 or an equivalent State form'' are added in their place.

8. In § 50.6, the introductory text, the word ''Animals'' is removed and the words ''Cattle, bison, cervids, or swine'' are added in its place; and new paragraphs (d) and (e) are added to read as follows:

§ 50.6 Identification of animals to be destroyed because of tuberculosis.

* * * * *

(d) *Reactor cervids.* Reactor cervids shall be identified by branding the letter ''T'' high on the left hip near the tailhead and at least 5 by 5 centimeters (2 by 2 inches) in size and by attaching to the left ear an approved metal eartag bearing a serial number and the inscription ''U.S. Reactor'', or a similar State reactor tag. Reactor cervids may be moved interstate to slaughter without branding if they are permanently identified by the letters ''TB'' tattooed legibly on the left ear, they are sprayed on the left ear with yellow paint, and they are either accompanied by an APHIS or State representative or moved directly to slaughter in vehicles closed with official seals. Such official seals must be applied and removed by an APHIS representative, State representative, accredited veterinarian, or an individual authorized for this purpose by an APHIS representative.

(e) *Exposed cervids.* Exposed cervids shall be identified by branding the letter ''S'' high on the left hip near the tailhead and at least 5 by 5 centimeters (2 by 2 inches) in size and by attaching to the left ear an approved metal eartag bearing a serial number. Exposed cervids may be moved interstate to slaughter without branding if they are either accompanied by an APHIS or State representative or moved directly to slaughter in vehicles closed with official seals. Such official seals must be applied and removed by an APHIS representative, State representative, accredited veterinarian, or an individual authorized for this purpose by an APHIS representative.

§ 50.7 [Amended]

9. In § 50.7, paragraphs (a) and (b) are amended by removing the first word of the regulatory text in each paragraph, ''Animals'', and adding the words ''Cattle, bison, cervids, or swine'' in its place.

§ 50.8 [Amended]

10. In § 50.8, the words ''and bison'' are removed each time they appear and the words '', bison, and cervids'' are added in their place.

§ 50.9 [Amended]

11. In § 50.9, in the first and the fourth sentences, the word ''Animals'' is removed and the words ''Cattle, bison, cervids, or swine'' are added in its place; in the third and the sixth sentences, the word ''animals'' is removed and the words ''cattle, bison, cervids, or swine'' are added in its place; and in the fifth sentence the words ''or bison'' are removed and the words '', bison, cervids, or swine'' are added in their place.

§ 50.10 [Amended]

12. In § 50.10, the words ''and bison'' are removed and the words '', bison, cervids, and swine'' are added in their place.

§ 50.11 [Amended]

13. In § 50.11, the words ''or bison'' are removed each time they appear and the words '', bison, cervids, or swine'' are added in their place; and the word ''animals'' is removed from the ninth sentence immediately following ''Destruction of'' and the words '' cattle, bison, cervids, and swine'' are added in its place.

§ 50.12 [Amended]

14. In § 50.12, the words ''or bison'' are removed each time they appear and the words '', bison, cervids, or swine'' are added in their place.

§ 50.13 [Amended]

15. In § 50.13, the words ''cattle or bison'' are removed and the word ''livestock'' is added in their place.

16. Section 50.14 is amended as follows:

a. In the introductory text, the words ''or bison'' are removed and the words '', bison, or cervids'' are added in their place.

b. In paragraph (b), the words '', bison, and cervids'' are added immediately before the phrase ''2 years of age or over''.

c. In paragraph (b), the words ''and bison'' are removed each time they appear and the words '', bison, and cervids'' are added in their place.

d. In paragraph (d), the words ''or bison'' are removed each time they appear and the words '', bison, or cervids'' are added in their place.

e. In paragraph (d), the words ''and bison'' are removed and the words '', bison, and cervids'' are added in their place.

f. In paragraphs (e), (e)(2)(i), and (e)(2)(ii), the words ''or bison'' are removed each time they appear and the words '', bison, or cervids'' are added in their place.

g. A new paragraph (f) is added to read as set forth below.

§ 50.14 Claims not allowed.

* * * * *

(f) For exposed cattle, bison, or cervids destroyed during herd depopulation, if a designated epidemiologist has determined that exotic bovidae (such as antelope) or

other species of livestock in the herd have been exposed to tuberculosis by reason of association with tuberculous livestock, and those exotic bovidae or other species determined to have been exposed to tuberculosis have not been destroyed.

Done in Washington, DC, this 17th day of July 1995.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–18072 Filed 7–21–95; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–100–AD; Amendment 39–9306; AD 95–15–03]

Airworthiness Directives; Aerospatiale Model ATR42 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Aerospatiale Model ATR42 series airplanes. This action requires replacement of the currently installed side brace pins of the main landing gear (MLG) with new pins. This amendment is prompted by a report of a ruptured pin on an in-service airplane. The actions specified in this AD are intended to prevent failure of the side brace pins and the subsequent collapse of the MLG.

DATES: Effective August 8, 1995. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 8, 1995.

Comments for inclusion in the Rules Docket must be received on or before September 22, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–100–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Gary Lium, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–1112; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on certain Aerospatiale Model ATR42 series airplanes. The DGAC advises that it has received a report indicating that the side brace pin of the main landing gear (MLG) ruptured on an in-service airplane. Investigation revealed that the cause of the ruptured pin may be attributed to a defect in the manufacturing process. The defective pins were improperly dehydrogenated after they were chromium plated. This condition, if not corrected, could result in failure of the side brace pins and the subsequent collapse of the MLG.

The defective pins have been isolated and identified as those installed on airplanes having manufacturer's serial numbers 121 through 125 inclusive, 128 through 139 inclusive, and 141 through 143 inclusive.

Avions de Transport Regional has issued Service Bulletin ATR42–32–0070, dated April 3, 1995, which describes procedures for replacement of the currently installed side brace pins of the MLG with new pins having part number (P/N) S5357841320600. These replacement pins are not susceptible to the rupture problems associated with the currently installed pins. The French DGAC classified this service bulletin as mandatory and issued French airworthiness directive 95–051–058(B), dated March 15, 1995, in order to assure the continued airworthiness of these airplanes in France. –

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the French DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the French DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent failure of the side brace pins of the MLG. This AD requires replacement of the currently installed side brace pins of the MLG with new pins. The actions are required to be accomplished in accordance with the service bulletin described previously.

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

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

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic,

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–100–AD.'' The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

95–15–03 Aerospatiale: Amendment 39–9306. Docket 95–NM–100–AD.

Applicability: Model ATR42 series airplanes having manufacturer's serial numbers 121 through 125 inclusive, 128 through 139 inclusive, and 141 through 143 inclusive, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the side brace pins and the subsequent collapse of the main landing gear (MLG), accomplish the following:

(a) Prior to the accumulation of 6,000 total flight cycles on the MLG pins or within 250 flight cycles after the effective date of this AD, whichever occurs later, replace the currently installed side brace pins of the MLG with new side brace pins having part number (P/N) S5357841320600, in accordance with Avions de Transport Regional Service Bulletin ATR42–32–0070, dated April 3, 1995.

(b) As of the effective date of this AD, only side brace pins of the MLG having P/N S5357841320600 shall be installed on any airplane.

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

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

(d) Special flight permits may be issued in accordance with 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 replacement shall be done in accordance with Avions de Transport Regional Service Bulletin ATR42–32–0070, dated April 3, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(f) This amendment becomes effective on August 8, 1995.

Issued in Renton, Washington, on July 6, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–17030 Filed 7–21–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–177–AD; Amendment 39–9309; AD 95–15–06]

Airworthiness Directives; Boeing Model 727 and Model 737 Series Airplanes Equipped with J.C. Carter Company Fuel Valve Actuators

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 727 and Model 737 series airplanes, that requires replacement of the actuator of the engine fuel shutoff valve and the fuel system crossfeed valve with an improved actuator. This amendment is prompted by reports indicating that, during laboratory tests on Model 737 series airplanes, the actuator clutch on the engine shutoff and crossfeed valves slipped at cold temperatures due to improper functioning. The actions specified by this AD are intended to prevent improper functioning of these actuators, which could result in a fuel imbalance due to the inability of the flight crew to crossfeed fuel; improperly functioning actuators could also prevent the pilot from shutting off the fuel to the engine following an engine failure and/or fire.

DATES: Effective August 23, 1995. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 23, 1995.

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

FOR FURTHER INFORMATION CONTACT: Stephen S. Bray, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2681; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 727 and Model 737 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on March 30, 1995 (60 FR 16388). That action proposed to require replacement of the actuator of the engine fuel shutoff valve and the fuel system crossfeed valve with an improved actuator.

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

One commenter supports the proposed rule.

One commenter notes that the description of what prompted the proposal that appeared in the Summary and Discussion sections of the preamble to the notice refers to ''during ground acceptance tests.'' This commenter states that the problem has only been seen ''during laboratory tests;'' therefore, this commenter suggests that the proposal be revised accordingly. The FAA acknowledges that the commenter's wording is more accurate. The pertinent wording in the preamble to the final rule has been revised to reflect this change.

This same commenter requests that the FAA revise paragraph (a) of the proposed rule to reference part number 3715–7 by General Design in addition to P/N 40574–4 as an alternative method of compliance. The FAA does not concur, since the commenter provided no design or service history data for this particular actuator. However, paragraph (b) of this AD allows an operator to elect to provide such data in a request for an alternative method of compliance with the rule.

Furthermore, this same commenter requests that the applicability of the proposal be revised to only reflect the vendor of the parts, J.C. Carter, instead of Boeing. This commenter contends that the primary responsibility for tracking AD incorporation should be with the vendor, since airplane effectivity is not identified in either the NPRM or in J.C. Carter Service Bulletin 61163–28–08, dated December 2, 1994. The FAA does not concur. The FAA's general policy is that, when an unsafe condition results from the installation of an appliance or other item that is installed in only certain makes and models of aircraft, the AD is issued so that it is applicable to the aircraft, rather than the item. The FAA finds that making the AD applicable to the airplane model on which the item is installed ensures that operators of those airplanes will be notified directly of the unsafe condition and the action required to correct it. While it is assumed that an operator will know the models of airplanes that it operates, there is a potential that the operator will not know or be aware of specific items that are installed on its airplanes. Therefore, calling out the airplane model as the subject of the AD prevents ''unknowing non-compliance'' on the part of the operator. The FAA recognizes that there are situations when an unsafe condition exists in an item that is installed in many aircraft; in fact, many times, the exact models and numbers of aircraft on which the item is installed may not be known. Therefore, in those situations, the AD is issued so that it is applicable to the item; furthermore, those AD's usually indicate that the item is known to be installed on, but not limited to, various aircraft models.

Several commenters request that the compliance time for accomplishment of the replacement be extended from the proposed 24 months to 36 months. These commenters state that such an extension will allow operators to accomplish the replacement during a regularly scheduled heavy maintenance visit. One of these commenters states that it would have to procure additional parts, and would need to special schedule its fleet of airplanes to accomplish this replacement within the proposed compliance time. This would entail considerable expense over what was estimated in the FAA's cost impact analysis. This commenter indicates that a compliance time of 36 months would allow the replacement to be accomplished during regularly scheduled maintenance, thereby eliminating any additional expenses. The FAA concurs. The FAA finds that extending the compliance time to 36 months will not adversely affect safety, and will allow the replacement to be performed using modified parts rather than newly purchased parts. Paragraph (a) of the final rule has been revised to specify a compliance time of 36 months.

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

There are approximately 4,137 Model 727 and Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 2,190 airplanes of U.S. registry will be affected by this AD, that it will take approximately 3 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be supplied by J.C. Carter Company at no cost to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $394,200, or $180 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:

95–15–06 Boeing: Amendment 39–9309. Docket 94–NM–177–AD.

Applicability: Model 727 and Model 737 series airplanes; equipped with J.C. Carter Company fuel valve actuators, as listed in J.C. Carter Company Service Bulletin 61163–28–08, dated December 2, 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 (b) 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 improper functioning of certain actuators, which could result in a fuel imbalance due to the inability of the flightcrew to crossfeed fuel, or which could prevent the pilot from shutting off the fuel to the engine following an engine failure and/or fire, accomplish the following:

(a) Within 36 months after the effective date of this AD, replace the actuator having part number (P/N) 40574–2 (Model EM487–2, serial numbers 0001 through 1443 inclusive; and Model EM487–3, serial numbers 0001 through 2711 inclusive), on the fuel system crossfeed valve and the engine shutoff valves with a new actuator having P/N 40574–4, in accordance with the Accomplishment Instructions of J.C. Carter Company Service Bulletin 61163–28–08, dated December 2, 1994.

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

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

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

(d) The replacement shall be done in accordance with J.C. Carter Company Service Bulletin 61163–28–08, dated December 2, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(e) This amendment becomes effective on August 23, 1995.

Issued in Renton, Washington, on July 7, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–17159 Filed 7–21–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 94–NM–185–AD; Amendment 39–9312; AD 95–15–09]

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 certain British Aerospace Model BAC 1–11–200 and –400 series airplanes, that requires various inspections to detect discrepancies of fuselage frames at certain stations, and correction of discrepancies; and rework to limit the maximum differential operating pressure of the fuselage. This amendment will also require eventual modification of fuselage frames at certain stations, which will terminate the repetitive inspection requirements. This amendment is prompted by reports of fatigue cracking in certain fuselage frames in the vicinity of the passenger door at floor level due to fatigue-related stress. The actions specified by this AD are intended to detect and prevent such fatigue-related cracking, which could result in reduced structural integrity of the fuselage pressure vessel and possible decompression of the pressurized cabin.

DATES: Effective August 23, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 23, 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 certain British Aerospace Model BAC 1–11–200 and -400 series airplanes was published in the **Federal Register** on April 17, 1995 (60 FR 19175). That action proposed to require various repetitive inspections to detect structural discrepancies of the various structural configurations of the fuselage frames at stations 178 and 213.5, and correction of any discrepancy. That action also proposed to require rework to limit the maximum differential operating pressure of the fuselage. Additionally, that action proposed to require eventual modification of fuselage frames at stations 178 and 213.5, which would constitute terminating action for the repetitive inspection requirements.

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 would be affected by this proposed AD.

It will take approximately 8 work hours per airplane to accomplish the required inspection at an average labor rate of $60 per work hour. Based on these figures, the total cost impact of the inspection required by this AD on U.S. operators is estimated to be $14,880, or $480 per airplane, per inspection.

It will take approximately 80 work hours per airplane to accomplish the required modification at an average labor rate of $60 per work hour. Required parts will cost approximately $2,000 per airplane. Based on these figures, the total cost impact of the modification required by this AD on U.S. operators is estimated to be $210,800, or $6,800 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 adding the following new airworthiness directive:

95–15–09 British Aerospace Airbus Limited (Formerly British Aerospace Commercial Aircraft Limited, British Aerospace Aircraft Group): Amendment 39–9312. Docket 94–NM–185–AD.

Applicability: Model BAC 1–11–200 and –400 series airplanes on which British Aerospace Modifications PM5445 and PM5713 have not been installed, 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.

To detect and prevent fatigue-related cracking in fuselage frames at stations 178 and 213.5 in the vicinity of the passenger door at floor level, which could result in reduced structural integrity of the fuselage pressure vessel and possible decompression of the pressurized, accomplish the following:

(a) For airplanes unrepaired or not reinforced by repair on frames 178 and 213.5, in the area between stringers 25L and 27L: Accomplish paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this AD, in accordance with British Aerospace Airbus Limited Alert Service Bulletin 53–A–PM5993, Issue 1, dated January 11, 1993.

(1) Perform the initial inspection prior to the compliance time specified in paragraph 2.1 of the Accomplishment Instructions of the alert service bulletin or within 12 months after the effective date of this AD, whichever occurs later. Repeat the inspection thereafter at intervals specified in paragraph 2.1 of the Accomplishment Instructions of the alert service bulletin.

(2) If any discrepancy is found during any inspection required by paragraph (a)(1) of this AD, prior to further flight, correct the discrepancy in accordance with paragraph 2.1 of the Accomplishment Instructions of the alert service bulletin.

(3) Prior to the accumulation of the total number of landings specified in paragraph 2.1.5 or 2.1.10, as applicable, of the Accomplishment Instructions of the alert service bulletin or within 12 months after the effective date of this AD, whichever occurs later, modify the structure of the fuselage frame at stations 178 and 213.5 in accordance with paragraph 2.1.5 or 2.1.10, as applicable, of the Accomplishment Instructions of the alert service bulletin. Accomplishment of this modification constitutes terminating action for the requirements of paragraphs (a)(1) and (a)(2) this AD.

(4) Prior to the accumulation of 55,000 total landings or within 12 months after the effective date of this AD, whichever occurs later, rework the cabin pressurization system to limit the maximum differential operating pressure of the fuselage to 7.5 pounds per square inch (psi), in accordance with the alert service bulletin.

(b) For airplanes on which Structural Repair Manual, figure 76, repair in-situ has been accomplished: Accomplish paragraphs (b)(1), (b)(2), (b)(3), and (b)(4) of this AD, in accordance with British Aerospace Airbus Limited Alert Service Bulletin 53–A–PM5993, Issue 1, dated January 11, 1993.

(1) Perform the initial inspection prior to the compliance time specified in paragraph 2.2 of the Accomplishment Instructions of the alert service bulletin or within 12 months after the effective date of this AD, whichever occurs later. Repeat the inspection thereafter at intervals specified in paragraph 2.2 of the Accomplishment Instructions of the alert service bulletin.

(2) If any discrepancy is found during any inspection required by paragraph (b)(1) of this AD, prior to further flight, correct the discrepancy in accordance with paragraph 2.2 of the Accomplishment Instructions of the alert service bulletin; or in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(3) Prior to the accumulation of the total number of landings specified in paragraph 2.2.6 or 2.2.9, as applicable, of the Accomplishment Instructions of the alert service bulletin or within 12 months after the effective date of this AD, whichever occurs later, modify the structure of the fuselage frame at stations 178 and 213.5 in accordance with paragraph 2.2.6 or 2.2.9, as applicable, of the Accomplishment Instructions of the alert service bulletin. Accomplishment of this modification constitutes terminating action for the requirements of paragraphs (b)(1) and (b)(2) of this AD.

(4) Prior to the accumulation of 55,000 total landings or within 12 months after the effective date of this AD, whichever occurs

later, rework the cabin pressurization system to limit the maximum differential operating pressure of the fuselage to 7.5 psi, in accordance with the alert service bulletin.

(c) For airplanes on which Structural Repair Manual, figure 87, repair has been accomplished: Accomplish paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD, in accordance with British Aerospace Airbus Limited Alert Service Bulletin 53–A–PM5993, Issue 1, dated January 11, 1993.

(1) Perform the initial inspection prior to the compliance time specified in paragraph 2.3 of the Accomplishment Instructions of the alert service bulletin or within 12 months after the effective date of this AD, whichever occurs later. Repeat the inspection thereafter at intervals specified in paragraph 2.3 of the Accomplishment Instructions of the alert service bulletin.

(2) If any discrepancy is found during any inspection required by paragraph (c)(1) of this AD, prior to further flight, correct the discrepancy in accordance with paragraph 2.3 of the Accomplishment Instructions of the alert service bulletin; or in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(3) Prior to the accumulation of the total number of landings specified in paragraph 2.3.5 or 2.3.8, as applicable, of the Accomplishment Instructions of the alert service bulletin or within 12 months after the effective date of this AD, whichever occurs later, modify the structure of the fuselage frames at stations 178 and 213.5 in accordance with paragraph 2.3.5 or 2.3.8, as applicable, of the Accomplishment Instructions of the alert service bulletin. Accomplishment of this modification constitutes terminating action for the requirements of paragraphs (c)(1) and (c)(2) of this AD.

(4) Prior to the accumulation of 55,000 total landings or within 12 months after the effective date of this AD, whichever occurs later, rework the cabin pressurization system to limit the maximum differential operating pressure of the fuselage to 7.5 psi, in accordance with the alert service bulletin.

(d) For airplanes on which Structural Repair Manual, figure 110 or 111, repair has been accomplished: Accomplish paragraphs (d)(1), (d)(2), (d)(3), and (d)(4) of this AD, in accordance with British Aerospace Airbus Limited Alert Service Bulletin 53–A–PM5993, Issue 1, dated January 11, 1993.

(1) Perform the initial inspection prior to the compliance time specified in paragraph 2.4 of the Accomplishment Instructions of the alert service bulletin or within 12 months after the effective date of this AD, whichever occurs later. Repeat the inspection thereafter at intervals specified in paragraph 2.4 of the Accomplishment Instructions of the alert service bulletin.

(2) If any discrepancy is found during any inspection required by paragraph (d)(1) of this AD, prior to further flight, correct the discrepancy in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(3) Prior to the accumulation of the total number of landings specified in paragraph 2.4.5 or 2.4.8, as applicable, of the Accomplishment Instructions of the alert service bulletin or within 12 months after the effective date of this AD, whichever occurs later, modify the structure of the fuselage frames at stations 178 and 213.5 in accordance with paragraph 2.4.5 or 2.4.8, as applicable, of the Accomplishment Instructions of the alert service bulletin. Accomplishment of this modification constitutes terminating action for the requirements of paragraphs (d)(1) and (d)(2) of this AD.

(4) Prior to the accumulation of 55,000 total landings or within 12 months after the effective date of this AD, whichever occurs later, rework the cabin pressurization system to limit the maximum differential operating pressure of the fuselage to 7.5 psi, in accordance with the alert service bulletin.

(e) For airplanes on which Structural Repair Manual, figure 76, reinforcement has been accomplished: Accomplish paragraphs (e)(1), (e)(2), (e)(3), (e)(4), and (e)(5) of this AD, in accordance with British Aerospace Airbus Limited Alert Service Bulletin 53–A–PM5993, Issue 1, dated January 11, 1993.

(1) Perform the initial inspection prior to the compliance time specified in paragraph 2.5 of the Accomplishment Instructions of the alert service bulletin or within 12 months after the effective date of this AD, whichever occurs later. Repeat the inspection thereafter at intervals specified in paragraph 2.5 of the Accomplishment Instructions of the alert service bulletin.

(2) If any discrepancy is found during any inspection required by paragraph (e)(1) of this AD, prior to further flight, correct the discrepancy in accordance with paragraph 2.5 of the Accomplishment Instructions of the alert service bulletin; or in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(3) Prior to the accumulation of the total number of landings specified in paragraph 2.5.5 or 2.5.10, as applicable, of the Accomplishment Instructions of the alert service bulletin or within 12 months after the effective date of this AD, whichever occurs later, modify the structure of the fuselage frames at stations 178 and 213.5 in accordance with paragraph 2.5.5 or 2.5.10, as applicable, of the Accomplishment Instructions of the alert service bulletin. Accomplishment of this modification constitutes terminating action for the requirements of paragraphs (e)(1) and (e)(2) of this AD.

(4) For airplanes operated at a cabin maximum pressure differential in excess of 7.5 psi, prior to the threshold times specified in Table C of the service bulletin, replace the reinforcements accomplished in accordance with the Structural Repair Manual, figure 76, with reinforcements accomplished in accordance with Structural Repair Manual 53–02–00, figure 110 or 111, as specified in the alert service bulletin.

(5) Prior to the accumulation of 55,000 total landings or within 12 months after the effective date of this AD, whichever occurs later, rework the cabin pressurization system to limit the maximum differential operating pressure of the fuselage to 7.5 psi, in accordance with the alert service bulletin.

(f) For airplanes on which Structural Repair Manual, figure 87, reinforcement has been accomplished: Accomplish paragraphs (f)(1), (f)(2), (f)(3), and (f)(4) of this AD, in accordance with British Aerospace Airbus Limited Alert Service Bulletin 53–A–PM5993, Issue 1, dated January 11, 1993.

(1) Perform the initial inspection prior to the compliance time specified in paragraph 2.6 of the Accomplishment Instructions of the alert service bulletin or within 12 months after the effective date of this AD, whichever occurs later. Repeat the inspection thereafter at intervals specified in paragraph 2.6 of the Accomplishment Instructions of the alert service bulletin.

(2) If any discrepancy is found during any inspection required by paragraph (f)(1) of this AD, prior to further flight, correct the discrepancy in accordance with paragraph 2.6 of the Accomplishment Instructions of the alert service bulletin; or in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(3) Prior to the accumulation of the total number of landings specified in paragraph 2.6.6 or 2.6.9, as applicable, of the Accomplishment Instructions of the alert service bulletin or within 12 months after the effective date of this AD, whichever occurs later, modify the structure of the fuselage frames at stations 178 and 213.5 in accordance with paragraph 2.6.6 or 2.6.9, as applicable, of the Accomplishment Instructions of the alert service bulletin. Accomplishment of this modification constitutes terminating action for the requirements of paragraphs (f)(1) and (f)(2) of this AD.

(4) Prior to the accumulation of 55,000 total landings or within 12 months after the effective date of this AD, whichever occurs later, rework the cabin pressurization system to limit the maximum differential operating pressure of the fuselage to 7.5 psi, in accordance with the alert service bulletin.

(g) For airplanes on which repairs other than those described in the Structural Repair Manual have been accomplished on frames 178 and 213.5, in the area between stringers 25L and 27L: Accomplish paragraphs (g)(1), (g)(2), and (g)(3) of this AD.

(1) Within 6 months after the effective date of this AD, submit the following for approval to the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate:

(i) Procedures and schedule for accomplishing the initial and repetitive inspections of the fuselage frames at stations 178 and 213.5; and

(ii) Schedule for installation of Modification PM5993 or Structural Repair Manual, figure 110 and 111, as applicable, at the fuselage frames at stations 178 and 213.5.

(2) Within 6 months after the procedures and schedules are approved, revise the FAA-approved maintenance program to include these procedures.

(3) Prior to the accumulation of 55,000 total landings or within 12 months after the effective date of this AD, whichever occurs later, rework the cabin pressurization system to limit the maximum differential operating pressure of the fuselage to 7.5 psi, in

accordance with British Aerospace Airbus Limited Alert Service Bulletin 53–A–PM5993, Issue 1, dated January 11, 1993.

(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, 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.

(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) The actions shall be done in accordance with British Aerospace Airbus Limited Alert Service Bulletin 53–A-PM5993, Issue 1, dated January 11, 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.

(k) This amendment becomes effective on August 23, 1995.

Issued in Renton, Washington, on July 12, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–17552 Filed 7–21–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–NM–27–AD; Amendment 39–9308; AD 95–15–05] Airworthiness Directives; British Aerospace Model BAe 146–100A, –200A, and –300A Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe 146–100A, –200A, and –300A airplanes, that requires modification of the elevator control system of the flight controls. This amendment is prompted by reports of low frequency constant amplitude oscillations of the elevator control system and non-centering of the pitch control upon autopilot disconnect. The actions specified by this AD are intended to prevent uncommanded descent upon autopilot disconnect and reduced controllability of the airplane due to low frequency constant amplitude oscillations.

DATES: Effective August 23, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 23, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from AVRO International Aerospace, Inc., 22111 Pacific Blvd., Sterling, Virginia 20166. 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 certain British Aerospace Model BAe 146–100A, –200A, and –300A airplanes was published in the **Federal Register** on April 26, 1995 (60 FR 20459). That action proposed to require modification of the elevator control system of the flight controls.

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 38 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $9,120, or $240 per airplane.

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

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:

95–15–05 British Aerospace Regional Aircraft Limited, Avro International Aerospace Division (Formerly British Aerospace, plc; British Aerospace Commercial Aircraft Limited): Amendment 39–9308. Docket 95–NM–27–AD.

Applicability: Model BAe 146–100A, –200A, and –300A airplanes, as listed in British Aerospace Service Bulletin SB.27–77–

00955A&C, Revision 2, dated March 10, 1989, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (b) 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 uncommanded descent of the airplane and reduced controllability of the airplane, accomplish the following:

(a) Within 60 days after the effective date of this AD, modify the elevator control system of the flight controls in accordance with British Aerospace Service Bulletin SB.27–77–00955A&C, Revision 2, dated March 10, 1989.

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

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

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

(d) The modification shall be done in accordance with British Aerospace Service Bulletin SB.27–77–00955A&C, Revision 2, dated March 10, 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 AVRO International Aerospace, Inc., 22111 Pacific Blvd., Sterling, Virginia 20166. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street; NW., suite 700, Washington, DC.

(e) This amendment becomes effective on August 23, 1995.

Issued in Renton, Washington, on July 7, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–17160 Filed 7–21–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–112–AD; Amendment 39–9305; AD 95–15–02]

Airworthiness Directives; British Aerospace Model Viscount 744, 745D, and 810 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all British Aerospace Model Viscount 744, 745D, and 810 airplanes, that requires an inspection of fittings of the engine mount structure to determine whether fasteners have been installed in inspection holes and to determine whether those holes are oversized. It also requires various follow-on actions, depending upon the results of the inspection. This amendment is prompted by reports indicating that fasteners were installed in the inspection hole of the engine ''W'' frame socket fittings and the inspection hole was oversized due to fatigue cracking. The actions specified by this AD are intended to prevent such fatigue cracking, which could lead to failure of the fasteners and consequent separation of the engine from the airframe.

DATES: Effective August 23, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 23, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace Regional Aircraft Ltd., Engineering Support Manager, Military Business Unit, Chadderton Works, Greengate, Middleton, Manchester M24 1SA, 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 Viscount 744, 745D, and 810 airplanes was published in the **Federal Register** on April 19, 1995 (60 FR 19551). That action proposed to require performing a detailed visual inspection of ''W'' frame socket fittings of the engine mount structure to determine whether drive screws or blind rivets have been installed in inspection holes and to determine whether those holes are oversized. It also proposed to require various follow-on actions, depending upon the results of the inspection.

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 29 airplanes of U.S. registry will be affected by this AD, that it will take approximately 25 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 $43,500, or $1,500 per airplane.

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

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic

impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

95–15–02 British Aerospace Regional Aircraft Limited (Formerly British Aerospace Commercial Aircraft Limited, Vickers-Armstrongs Aircraft Limited): Amendment 39–9305. Docket 94–NM–112–AD.

Applicability: All Model Viscount 744, 745D, and 810 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 fatigue cracking, which could lead to the possible separation of the engine from the airframe, accomplish the following:

(a) Within 12 months after the effective date of this AD, perform a detailed visual inspection of ''W'' frame socket fittings of the engine mount structure to determine whether drive screws or blind rivets have been installed in inspection holes and to determine whether those holes are oversized, in accordance with the Accomplishment Instructions, section 2.1 PART ONE, paragraphs A., B., C., D., E., and F., of British Aerospace Preliminary Technical Leaflet (PTL) 501, dated May 1, 1994.

(b) If drive screws or blind rivets are found installed, or if the inspection holes are found to be oversized, during the inspection required by paragraph (a) of this AD, at the next scheduled engine removal, but no later than 12 months after the effective date of this AD, perform a nondestructive test (NDT) to detect discontinuities (i.e., cracks, corrosion, and mechanical damage) at inspection holes; rework the hole or replace the ''W'' frame fitting with a new or serviceable part; and perform the specified follow-on actions; in accordance with the Accomplishment Instructions, section 2.2 PART TWO, paragraphs A., B., C., D., E., and F., of British Aerospace Preliminary Technical Leaflet (PTL) 501, dated May 1, 1994.

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

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

(d) Special flight permits may be issued in accordance with 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 inspection and test shall be done in accordance with British Aerospace Preliminary Technical Leaflet (PTL) 501, dated May 1, 1994, which contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
1–9	Original	May 1, 1994.
Appendix 1		
1–6	Original	January 1, 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 British Aerospace Regional Aircraft Ltd., Engineering Support Manager, Military Business Unit, Chadderton Works, Greengate, Middleton, Manchester M24 1SA, 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 23, 1995.

Issued in Renton, Washington, on July 6, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–17032 Filed 7–21–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–166–AD; Amendment 39–9311; AD 95–15–08]

Airworthiness Directives; British Aerospace Model Viscount 744, 745D, and 810 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all British Aerospace Model Viscount 744, 754D, and 810 airplanes, that requires an inspection to detect corrosion of the tailplane assemblies, and correction of discrepancies. This amendment is prompted by a report of corrosion on the main spar top and bottom forward boom of the tailplane assemblies and reports of cracking in the upper root joint attachment fitting. The actions specified by this AD are intended to detect and prevent such cracking or corrosion of the main spar forward booms or the upper root joint attachment fitting, which consequently could lead to the failure of the tailplane assemblies; this condition could result in reduced controllability of the airplane.

DATES: Effective August 23, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 23, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from British Aerospace Regional Aircraft Ltd., Engineering Support Manager, Military Business Unit, Chadderton Works, Greengate, Middleton, Manchester M24 1SA, 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 Viscount 744, 754D, and 810 airplanes was published in the **Federal Register** on April 19, 1995 (60 FR 19549). That action proposed to require an inspection to detect corrosion of the tailplane assemblies, and correction of discrepancies.

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 has added a note to paragraph (a) of the final rule to clarify the inspection procedures that are mandated by this AD and described in the Viscount Alert Preliminary Technical Leaflets (PTL) referenced in the AD as appropriate service instructions. The clarifying note indicates that the inspection procedures include the rectification of cracking, if found, and the application of corrosion protective treatment. The FAA has determined that the addition of this clarifying note will neither increase the economic burden on any operator nor increase the scope of the AD.

The FAA estimates that 29 airplanes of U.S. registry will be affected by this AD, that it will take approximately 160 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 $278,400, or $9,600 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:

95–15–08 British Aerospace Regional Aircraft Limited (Formerly British Aerospace Commercial Aircraft Limited, Vickers-Armstrongs Aircraft Limited): Amendment 39–9311. Docket 94–NM–166–AD.

Applicability: All Model Viscount 744, 754D, and 810 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 (b) 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 cracking or corrosion of the main spar forward booms or the upper root joint attachment fitting, which consequently could lead to the failure of the tailplane assemblies and reduce the controllability of the airplane, accomplish the following:

(a) Prior to the accumulation of 8 years of service since date of manufacture of this airplane, or within 18 months after the effective date of this AD, whichever occurs later, perform an inspection to detect corrosion of the tailplane assemblies, in accordance with British Aerospace Regional Aircraft Limited Viscount Alert Preliminary Technical Leaflet (PTL) 182, Issue 2, dated August 7, 1992 (for Model Viscount 810 airplanes), or Viscount PTL 313, Issue 2, dated February 1, 1993 (for Model Viscount 744, 754D, airplanes), as applicable. If corrosion is detected during the inspection, prior to further flight, correct the discrepancies in accordance with the service bulletin. Thereafter, repeat the inspection at intervals not to exceed 8 years.

Note 2: The inspection procedures described in Viscount Alert PTL's 182 and 313 include correction of any cracking found [ref. paragraph D.(6) of the PTL's] and application of corrosion protective treatment [ref. paragraph E.(3) of the PTL's].

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

Note 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.

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

(d) The inspection shall be done in accordance with British Aerospace Regional Aircraft Limited Viscount Alert Preliminary Technical Leaflet (PTL) 182, Issue 2, dated August 7, 1992; or Viscount PTL 313, Issue 2, dated February 1, 1993; as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR

part 51. Copies may be obtained from British Aerospace Regional Aircraft Ltd., Engineering Support Manager, Military Business Unit, Chadderton Works, Greengate, Middleton, Manchester M24 1SA, 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.

(e) This amendment becomes effective on August 23, 1995.

Issued in Renton, Washington, on July 12, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–17554 Filed 7–21–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–189–AD; Amendment 39–9313; AD 95–15–10]

Airworthiness Directives; Jetstream Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Jetstream Model 4101 airplanes, that requires an inspection to determine if a travel stop (screw) is installed at the flight control assembly, and various follow-on actions. This amendment is prompted by a report of failure of the travel stop, which allowed the elevator and aileron disconnect handles to rotate within the housing due to migration of the travel stop from its position. The actions specified by this AD are intended to prevent such migration, which could result in the elevator and aileron disconnect system resetting without the use of the reset button; this condition could lead to jamming of the disconnect handles.

DATES: Effective August 23, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 23, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029. 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 certain Jetstream Model 4101 airplanes was published in the **Federal Register** on February 17, 1995 (60 FR 9304). That action proposed to require an inspection to determine if a travel stop (screw) is installed at the flight control assembly, and various follow-on actions.

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

The commenter supports the proposed rule, but requests that the FAA consider the final rule to be interim action. This commenter states that the FAA should continue to investigate and determine the cause of the migration of the screw. The FAA concurs. The FAA inadvertently omitted indication that this rule is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

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

The FAA estimates that 14 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $3,360, or $240 per airplane.

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

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:

95–15–10 Jetstream Aircraft Limited: Amendment 39–9313. Docket 94–NM–189–AD.

Applicability: Model 4101 airplanes, constructors numbers 41004 through 41039 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (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 jamming of the elevator and aileron disconnect handles, accomplish the following:

(a) Within 600 flight hours after the effective date of this AD, or within 6 months after the effective date of this AD, whichever occurs first, perform an inspection to determine if a travel stop (screw) is installed at the flight control assembly, in accordance with Jetstream Service Bulletin J41–27–036, dated September 2, 1994.

(1) If no travel stop is found to be installed, prior to further flight, install a new travel stop in accordance with the service bulletin. After installation, accomplish paragraph (a)(2) of this AD.

(2) If such a travel stop is installed, prior to further flight, perform a rotation to determine the security of the travel stop, in accordance with the service bulletin.

(i) If the travel stop is found to be properly secured, no further action is required by paragraph (a) of this AD.

(ii) If the travel stop is found to be loose, prior to further flight, remove it and perform an inspection to detect damage in accordance with the service bulletin. If any damage is found, replace the travel stop with a new travel stop, in accordance with the service bulletin. After replacement, repeat the requirements of paragraph (a)(2) of this AD.

(b) After accomplishment of paragraph (a) of this AD, prior to further flight, accomplish paragraphs (b)(1), (b)(2), and (b)(3) of this AD, in accordance with Jetstream Service Bulletin J41–27–036, dated September 2, 1994.

(1) Apply Loctite Superfast 290 to the travel stop;

(2) Permanently mark the flight control assembly; and

(3) Perform a functional test of the aileron and elevator disconnect systems and set them to the locked position.

Note 2: Procedures for installing a protective spiral wrap cover are contained in Jetstream Service Bulletin J41–27–036, dated September 2, 1994. This installation is recommended, but is not required by this AD.

(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 actions shall be done in accordance with Jetstream Service Bulletin J41–27–036, dated September 2, 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 Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029. 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 23, 1995.

Issued in Renton, Washington, on July 13, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–17708 Filed 7–21–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–176–AD; Amendment 39–9315; AD 95–11–11 R1]

Airworthiness Directives; McDonnell Douglas Model DC–10–10, –15, –30, –40, and KC–10 (Military) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This amendment clarifies information in an existing airworthiness directive (AD), applicable to certain McDonnell Douglas DC–10 and KC–10 series airplanes, that currently requires repetitive eddy current inspections to detect fatigue cracking of the pylon aft bulkhead flange, upper pylon box web, fitting radius, and adjacent tangent areas; and repair, if necessary. The actions specified in that AD are intended to prevent failure of the wing pylon aft bulkhead due to fatigue cracking, which could lead to separation of the engine and pylon from the airplane. This amendment clarifies the requirements of the current AD by specifying the type of initial and repetitive inspections that must be conducted. This amendment is prompted by communications received from affected operators that the current requirements of the AD are unclear.

DATES: Effective July 3, 1995. –

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of July 3, 1995 (60 FR 28524, June 1, 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, Dept. 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, 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: Maureen Moreland, Aerospace Engineer, Airframe Branch, ANM–120L, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627–5238; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION: On May 19, 1995, the FAA issued AD 95–11–11, amendment 39–9244 (60 FR 28524, June 1, 1995), which is applicable to certain McDonnell Douglas Model DC–10–10, –15, –30, –40, and KC–10 (military) series airplanes. That AD requires repetitive eddy current inspections to detect fatigue cracking of the pylon aft bulkhead flange, upper pylon box web, fitting radius, and adjacent tangent areas; and repair, if necessary. That action was prompted by fatigue cracking found in the wing pylon aft bulkheads on two airplanes. The actions required by that AD are intended to prevent failure of the wing pylon aft bulkhead due to fatigue cracking, which could lead to separation of the engine and pylon from the airplane. –

Since the issuance of that AD, the FAA has received communications from affected operators that the requirements for the eddy current inspections, as iterated in the AD, are unclear. Specifically, these operators have indicated that the referenced McDonnell Douglas Alert Service Bulletin A54–106, Revision 2, dated November 3, 1994, recommends that ''eddy current bolt hole inspections'' and ''eddy current surface probe inspections'' be conducted of the subject areas; however, the AD indicates that merely an ''eddy current inspection'' is required. Additionally, these operators point out that the service bulletin recommends

that only the ''eddy current surface probe inspection'' be repeated; however, the AD indicates that merely the ''eddy current inspection'' must be repeated. –

These operators have requested that the FAA clarify AD 95–11–11 to indicate exactly which type of eddy current inspection is to be conducted as the initial and repetitive inspection. –

In considering this request, and upon further review of the wording of the current AD, the FAA concurs that some clarification is necessary. –

It was the FAA's intent that the requirements of AD 95–11–11 be parallel to those actions recommended by the manufacturer in its referenced service bulletin. The intended requirements of the AD were that affected operators would conduct an initial eddy current bolt hole inspection and eddy current surface probe inspection to detect fatigue cracks in the subject areas, and would repeat only the eddy current surface probe inspection thereafter. However, as AD 95–11–11 is currently worded, operators may incorrectly interpret the requirements as requiring that both types of eddy current inspections be repeated. Such misinterpretation could result in operators conducting unnecessary repetitive eddy current bolt hole inspections, which would be of no significant safety value and would entail incurring needless additional costs in labor and downtime. –

Since it is obvious that these requirements are not totally clear in the way that AD 95–11–11 is currently worded, the FAA has determined that the wording of paragraph (a) the AD must be revised to clarify the intent of the required actions. This action revises that paragraph to specify that, initially, both an eddy current bolt hole inspection and an eddy current surface probe inspection are required within 1,800 landings after the effective date of this AD. The eddy current surface probe inspection must then be repeated at intervals not to exceed 1,800 landings.

Action is taken herein to clarify these requirements of AD 95–11–11 and to correctly add the AD as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13). The effective date of the rule remains July 3, 1995. –

The final rule is being reprinted in its entirety for the convenience of affected operators. –

Since this action only clarifies a current requirement, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary.

List of Subjects in 14 CFR Part 39 –

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

Adoption of the Correction –

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 39–9244 (60 FR 28524, June 1, 1995), and by adding a new airworthiness directive (AD), amendment 39–9315, to read as follows:

95–11–11 R1 McDonnell Douglas: Amendment 39–9315. Docket 94–NM–176–AD. Revises AD 95–11–11, Amendment 39–9244.

Applicability: Model DC–10–10, –15, –30, –40, and KC–10 (military) series airplanes; as listed in McDonnell Douglas Alert Service Bulletin A54–106, Revision 2, dated November 3, 1994; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (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 wing pylon aft bulkhead due to fatigue cracking, which could lead to separation of the engine and pylon from the airplane, accomplish the following: –

(a) Prior to the accumulation of 1,800 landings after the effective date of this AD, conduct an eddy current bolt hole inspection and an eddy current surface probe inspection to detect fatigue cracks in the pylon aft bulkhead flange, upper pylon box web, fitting radius, and adjacent tangent areas, in accordance with McDonnell Douglas Alert Service Bulletin A54–106, Revision 2, dated November 3, 1994. Repeat the eddy current surface probe inspection thereafter at intervals not to exceed 1,800 landings. –

(b) If any crack is found during any inspection required by paragraph (a) of this AD, prior to further flight, repair in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. –

(c) Accomplishment of the gap inspection and necessary shimming in accordance with ''Phase III,'' as specified in McDonnell Douglas Alert Service Bulletin A54–106, Revision 2, dated November 3, 1994, constitutes terminating action for the inspections required by paragraph (a) of this AD. –

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

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

(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 inspection shall be done in accordance with McDonnell Douglas Alert Service Bulletin A54–106, Revision 2, dated November 3, 1994. This incorporation by reference was approved previously by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of July 3, 1995 (60 FR 28524, June 1, 1995). Copies may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). 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. –

(g) This amendment is effective on July 3, 1995.

Issued in Renton, Washington, on July 17, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–18029 Filed 7–21–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 93–NM–105–AD; Amendment 39–9307; AD 95–15–04]

Airworthiness Directives; Raytheon Corporate Jets Model BAe 125–800A and –1000A Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Raytheon Corporate Jets Model BAe 125–800A and –1000A airplanes, that requires inspections to detect corrosion of the wing leading edge skins, including the wing anti-ice fluid distribution panel (TKS panel) rebate and radius; repair, if necessary; and subsequent corrosion protection treatment. This amendment also requires inspections and treatments of the landing/taxiing lamp window assembly recess and stall vane spoiler rebate/radius. This amendment is prompted by reports of corrosion of the wing leading edge skin at the interface with the TKS panels. The actions specified by this AD are intended to prevent reduced structural integrity of the wing leading edge section at the interface with the TKS panels and stall vane spoilers, which could adversely affect the flight characteristics of the airplane.

DATES: Effective August 23, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 23, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from Raytheon Corporate Jets, Inc., 3 Bishops Square Street, Albans Road West, Hatfield, Hertfordshire, AL109NE, United Kingdom. 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 certain Raytheon Corporate Jets Model BAe 125–800A and –1000A airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on April 17, 1995 (60 FR 19183). That action proposed to require inspections to detect corrosion of the wing leading edge skins, including the wing anti-ice fluid distribution panel (TKS panel) rebate and radius; repair, if necessary; and subsequent corrosion protection treatment. That action also proposed to require inspections and treatments of the landing/taxiing lamp window assembly recess and the stall vane spoiler rebate/radius.

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 154 Model BAe 125–800A and –1000A airplanes of U.S. registry will be affected by this AD. It will take approximately 130 work hours per airplane to accomplish the inspections and treatment of the wing leading edge skins (including the TKS rebate and radius) at an average labor rate of $60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,201,200, or $7,800 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:

95–15–04 Raytheon Corporate Jets, Inc. (Formerly DeHavilland, Inc.; Hawker Siddeley; British Aerospace, PLC): Amendment 39–9307. Docket 93–NM–105–AD.

Applicability: Model BAe 125–800A and –1000A airplanes, as listed in Raytheon Corporate Jets Service Bulletin S.B. 57–77, Revision 1, dated October 28, 1993, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (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 wing leading edge skin and wing anti-ice fluid distribution panel (TKS panel) interface joint, which could adversely affect the flight characteristics of the airplane, accomplish the following:

(a) Accomplish the actions specified in paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of

this AD within the time schedule indicated in each paragraph, and in accordance with Corporate Jets Limited Service Bulletin S.B. 57–77, dated May 20, 1993, or Raytheon Corporate Jets Service Bulletin S.B. 57–77, Revision 1, dated October 28, 1993.

(1) Within 24 months since airplane manufacture, or within 12 months after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect corrosion of the polished surface of the top and bottom leading edge skins on each wing, in accordance with either service bulletin.

(i) If any corrosion is detected and that corrosion is within the limits specified in either service bulletin, prior to further flight, remove the corrosion in accordance with either service bulletin.

(ii) If any corrosion is detected and that corrosion exceeds the limits specified in either service bulletin, prior to further flight, repair the wing leading edge skins in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(2) Prior to further flight after accomplishing the actions required by paragraph (a)(1) of this AD, conduct a detailed visual inspection to detect corrosion of the wing anti-ice fluid distribution panel (TKS panel) rebate and radius, on the top and bottom leading edge skin section on each wing, in accordance with either service bulletin.

(i) If any corrosion is detected and that corrosion is within the limits specified in either service bulletin, prior to further flight, remove the corrosion in accordance with either service bulletin.

(ii) If any corrosion is detected and that corrosion exceeds the limits specified in either service bulletin, prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(3) Prior to further flight after accomplishing the actions required by paragraph (a)(2) of this AD, conduct a dye penetrant inspection to detect corrosion of the TKS panel rebate and radius, on the top and bottom leading edge skin section on each wing, in accordance with either service bulletin.

(i) If any corrosion is detected and that corrosion is within the limits specified in either service bulletin, prior to further flight, remove the corrosion in accordance with either service bulletin.

(ii) If any corrosion is detected and that corrosion exceeds the limits specified in the service bulletin, prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(4) Prior to further flight after accomplishing the actions required by paragraph (a)(3) of this AD, accomplish both of the following actions in accordance with either service bulletin:

(i) Apply enhanced protective treatment to the TKS panel rebate and radius, on the top and bottom leading edge skin section on each wing; and

(ii) Conduct a flight check of the airplane stall warning system and stall characteristics.

(b) Accomplish the actions specified in paragraphs (b)(1), (b)(2), and (b)(3) of this AD within the time schedule indicated in each paragraph, and in accordance with Raytheon Corporate Jets Service Bulletin S.B. 57–77, Revision 1, dated October 28, 1993:

Note 2: Any inspection specified in paragraph (b)(1), (b)(2), and (b)(3) of this AD that was conducted prior to the effective date of this AD in accordance with Corporate Jets Limited Service Bulletin S.B. 57–77, dated May 20, 1993, is considered to be in compliance with this paragraph.

Note 3: The actions required by paragraph (b) of this AD may be accomplished in conjunction with the actions required by paragraph (a) within the compliance time required by paragraph (a).

(1) Within 2 years after the effective date of this AD, conduct a detailed visual inspection to detect corrosion of the landing/taxiing lamp window assembly recess and the stall vane spoiler rebate and radius, on the top and bottom leading edge skin section on each wing, in accordance with the service bulletin.

(i) If any corrosion is detected and that corrosion is within the limits specified in either service bulletin, prior to further flight, remove the corrosion in accordance with the service bulletin.

(ii) If any corrosion is detected and that corrosion exceeds the limits specified in either service bulletin, prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(2) Prior to further flight after accomplishing the actions required by paragraph (b)(1) of this AD, conduct a dye penetrant inspection to detect corrosion of the landing/taxiing lamp window assembly recess and the stall vane spoiler rebate and radius, on the top and bottom leading edge skin section on each wing, in accordance with the service bulletin.

(i) If any corrosion is detected and that corrosion is within the limits specified in either service bulletin, prior to further flight, remove the corrosion in accordance with the service bulletin.

(ii) If any corrosion is detected and that corrosion exceeds the limits specified in either service bulletin, prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(3) Prior to further flight after accomplishing the actions required by paragraph (b)(2) of this AD, accomplish both of the following actions in accordance with the service bulletin:

(i) Apply enhanced protective treatment to the landing/taxiing lamp window assembly recess and the stall vane spoiler rebate and radius, on the top and bottom leading edge skin section on each wing; and

(ii) Conduct a flight check of the airplane stall warning system and stall characteristics.

(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 4: 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 actions shall be done in accordance with the following service bulletins, as applicable, which contain the specified effective pages:

Service bulletin referenced and date–	Page No.–	Revision level shown on page–	Date shown on page
Corporate Jets Limited–	1–13–	Original–	May 20, 1993.
S.B. 57–77, May 20, 1993			
Raytheon Corporate Jets–	1–9, A1–A5–	1–	Oct. 28, 1993.
S.B. 57–77, Revision 1, October 28, 1993–	10–14–	Original–	May 20, 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 Raytheon Corporate Jets, Inc., 3 Bishops Square Street, Albans Road West, Hatfield, Hertfordshire, AL109NE, United Kingdom. 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 23, 1995.

Issued in Renton, Washington, on July 6, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–17033 Filed 7–21–95; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

[T.D. 95–31]

RIN 1515–AB53

Express Consignments; Formal and Informal Entries of Merchandise; Administrative Exemptions; Correction

AGENCY: Customs Service, Treasury.

ACTION: Final rule; correction.

SUMMARY: This document makes a correction to the document published in the **Federal Register** which adopted final rules implementing two Customs Modernization provisions of the North American Free Trade Agreement Implementation Act concerning raising administrative exemptions and exempting from entry requirements specified merchandise. The document also clarified the entry procedures for shipments by express consignment operators or carriers.

EFFECTIVE DATE: This correction is effective July 24, 1995.

FOR FURTHER INFORMATION CONTACT: Gregory R. Vilders, Attorney, Regulations Branch, (202) 482–6930.

SUPPLEMENTARY INFORMATION:

Background

On April 14, 1995, Customs published in the **Federal Register** (60 FR 18983) T.D. 95–31 which adopted final rules to implement two Customs Modernization provisions of the North American Free Trade Agreement Implementation Act concerning raising administrative exemptions and exempting from entry requirements specified merchandise. The document also clarified the entry procedures for shipments by express consignment operators or carriers.

This document corrects an editing error contained in the final rule document (T.D. 95–31) that amended the interim rule document (T.D. 94–51), which revised § 10.151. In the interim rule document, § 10.151 was revised, in part, to provide for certain documentary forms of evidence to establish fair retail value for purposes of obtaining an exemption from duty. As revised, the interim language of the pertinent clause read ''as evidenced by the bill of lading (or other document filed as the entry) or manifest listing each bill of lading,''. In the final rule document an additional form of evidence was added—oral declarations—to the documentary forms already provided for. However, in adding this new form of evidence, the amendatory language failed to properly place the words '', an oral declaration'' between the words ''as evidenced by'' and ''the'', with the result that the subject clause now reads ''as evidenced by the, an oral declaration.'' Accordingly, this document corrects that editing error by adding the words ''an oral declaration'' after the words ''as evidenced by'' so that the corrected clause will read as follows: ''As evidenced by an oral declaration, the bill of lading (or other document filed as the entry), or the manifest listing each bill of entry''.

Correction of Publication

Accordingly, the final rule publication of April 14, 1995 (T.D. 95–31) (60 FR 18983), is corrected as follows:

§ 10.151 [Corrected]

On page 18990, in the third column under the heading Part 10, the second amendatory instruction is corrected to read as follows: 2. In § 10.151, add the words ''an oral declaration,'' following the words ''as evidenced by'' in the first sentence.

Dated: July 14, 1995.

Harold M. Singer,

Chief, Regulations Branch.

[FR Doc. 95–17984 Filed 7–21–95; 8:45 am]

BILLING CODE 4820–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL–5260–3]

Approval of Existing Federally Enforceable State and Local Operating Permit Programs To Limit Potential To Emit for Hazardous Air Pollutants; State of Alabama; Knox County, Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On January 25, 1995, the State of Alabama through the Alabama Department of Environmental Management (ADEM) submitted a letter requesting approval of the State's existing Federally enforceable state operating permits (FESOP) program under section 112(l) of the Clean Air Act as amended in 1990 (CAA). On February 6, 1995, Knox County, Tennessee through the Knox County Department of Air Pollution Control (KCDAPC) submitted a letter requesting approval of the County's exisiting Federally enforceable local operating permits (FELOP) program under section 112(l) of the CAA. The two agencies submitted these requests to provide each Agency the ability to issue Federally enforceable operating permits to hazardous air pollutant (HAP) sources regulated under section 112 of the CAA. EPA is approving both of these requests under section 112(l) of the CAA for purposes of limiting PTE for HAP sources.

DATES: This action will be effective by September 22, 1995 unless notice is received by August 23, 1995 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Written comments should be addressed to Scott Miller at the EPA Regional office listed below.

Copies of the material submitted by both agencies may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Environmental Protection Agency, Region 4, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365.

Alabama Department of Environmental Management, Air Division, 1751 Congressman W.L. Dickinson Drive, Montgomery, Alabama 36109.

Knox County Department of Air Pollution Control, City/County Building, Suite 339, 400 West Main Street, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: Scott Miller, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365. The telephone number is 404/347–2864.

SUPPLEMENTARY INFORMATION: On June 28, 1989 (54 FR 27274), EPA published criteria for approving and incorporating into the SIP regulatory programs for the issuance of FESOP and FELOP. Permits issued pursuant to an operating permit program approved into the SIP as meeting these criteria may be considered Federally enforceable. EPA has encouraged states and local agencies to develop such FESOP and FELOP

programs in conjunction with title V operating permits programs to enable sources to limit their PTE to below the title V applicability thresholds. (See the guidance document entitled, ''Limitation of Potential to Emit with Respect to Title V Applicability Thresholds,'' dated September 18, 1992, from John Calcagni, Director, Air Quality Management Division, Office of Air Quality Planning and Standards (OAQPS), Office of Air and Radiation, U.S. EPA.) On November 3, 1993, the EPA announced in a guidance document entitled, ''Approaches to Creating Federally Enforceable Emissions Limits,'' signed by John S. Seitz, Director, OAQPS, that this mechanism could be extended to create Federally enforceable limits for emissions of HAP if the program were approved pursuant to section 112(l) of the CAA.

EPA believes that the five approval criteria for approving FESOP and FELOP programs into the SIP, as specified in the June 28, 1989, **Federal Register** document, are also appropriate for evaluating and approving the programs under section 112(l) of the CAA. The June 28, 1989, document does not address HAP because it was written prior to the 1990 amendments to section 112, not because it establishes requirements unique to criteria pollutants. Hence, the following five criteria are applicable to FESOP and FELOP approvals under section 112(l): (1) The program must be submitted to and approved by the EPA; (2) The program must impose a legal obligation on the operating permit holders to comply with the terms and conditions of the permit, and permits that do not conform with the June 28, 1989, criteria or the EPA's underlying regulations shall be deemed not Federally enforceable; (3) The program must contain terms and conditions that are at least as stringent as any requirements contained in the SIP, enforceable under the SIP, or any section 112 or other CAA requirement, and may not allow for the waiver of any CAA requirement; (4) Permits issued under the program must contain conditions that are permanent, quantifiable, and enforceable as a practical matter; and (5) Permits that are intended to be Federally enforceable must be issued subject to public participation and must be provided to EPA in proposed form on a timely basis.

In addition to meeting the criteria in the June 28, 1989, document, a FESOP or FELOP program that addresses HAP must meet the statutory criteria for approval under section 112(l)(5). Section 112(l) allows EPA to approve a program only if it: (1) contains adequate authority to assure compliance with any section 112 standards or requirements; (2) provides for adequate resources; (3) provides for an expeditious schedule for assuring compliance with section 112 requirements; and (4) is otherwise likely to satisfy the objectives of the CAA.

EPA plans to codify the approval criteria for programs limiting potential to emit of HAP, such as FESOP and FELOP programs, through amendments to Subpart E of Part 63, the regulations promulgated to implement section 112(l) of the CAA. (See 58 FR 62262, November 26, 1993.) EPA further anticipates that these regulatory criteria, as they apply to FESOP and FELOP programs, will mirror those set forth in the June 28, 1989, document. EPA further anticipates that since FESOP and FELOP programs approved pursuant to section 112(l) prior to the planned Subpart E revisions will have been approved as meeting these criteria, further approval actions for those programs will not be necessary.

EPA believes it has authority under section 112(l) to approve programs to limit PTE of HAP directly under section 112(l) prior to this revision to Subpart E. Section 112(l)(5) requires EPA to disapprove programs that are inconsistent with guidance required to be issued under section 112(l)(2). This might be read to suggest that the ''guidance'' referred to in section 112(l)(2) was intended to be a binding rule. Even under this interpretation, EPA does not believe that section 112(l) requires this rulemaking to be comprehensive. That is, it need not address every possible instance of approval under section 112(l). EPA has already issued regulations under section 112(l) that would satisfy any section 112(l)(2) requirement for rulemaking. Given the severe timing problems posed by impending deadlines set forth in ''maximum achievable control technology'' (MACT) emission standards under section 112 and for submittal of title V permit applications, EPA believes it is reasonable to read section 112(l) to allow for approval of programs to limit PTE prior to promulgation of a rule specifically addressing this issue. EPA is therefore approving the Alabama FESOP program and the Knox County FELOP program under section 112(l) of the CAA now so that these agencies may begin to issue permits limiting the PTE of HAP as soon as possible.

The Alabama FESOP program and the Knox County FELOP program meet the approval criteria specified in the June 28, 1989, **Federal Register** document and in section 112(l)(5) of the Act. Specific discussion of how Alabama's FESOP program meets the requirements for Federal enforceability may be found in the **Federal Register** document approving Alabama's FESOP program for criteria pollutant purposes. See 59 FR 52947. Specific discussion of how Knox County's FELOP program meets the requirements for Federal enforceability may be found in the **Federal Register** notice approving Knox County's FELOP program for criteria pollutant purposes. See 59 FR 54523.

Regarding the statutory criteria of section 112(l)(5) referred to above, EPA believes that the Alabama FESOP program and the Knox County FELOP program contain adequate authority to assure compliance with section 112 requirements because the third criterion of the June 28, 1989, document is met, that is, because the programs do not allow for the waiver of any section 112 requirement. Sources that become minor through a permit issued pursuant to this program would still be required to meet section 112 requirements applicable to non-major sources.

Regarding the requirement for adequate resources, EPA believes that Alabama and Knox County have demonstrated that ADEM and KCDAPC can provide for adequate resources to support the administration of both programs. EPA expects that resources will continue to be adequate to administer the Alabama FESOP program and the Knox County FELOP program since ADEM and KCDAPC have been administering operating permit programs for a number of years. EPA will monitor the implementation of both programs to ensure that adequate resources are in fact available. EPA also believes that the two programs provide for an expeditious schedule for assuring compliance with section 112 requirements. This program will be used to allow a source to establish a voluntary limit on PTE to avoid being subject to a CAA requirement applicable on a particular date. Nothing in either of these programs would allow a source to avoid or delay compliance with a CAA requirement if it fails to obtain an appropriate Federally enforceable limit by the relevant deadline. Finally, EPA believes it is consistent with the intent of section 112 and the CAA for states to provide a mechanism through which sources may avoid classification as a major source by obtaining a Federally enforceable limit on PTE.

Final Action

In this action, EPA is approving the use of Alabama's FESOP program for the issuance of FESOP for HAP regulated under section 112 of the CAA. EPA is also approving the use of Knox County's

FELOP program for the issuance of FELOP for HAP regulated under section 112 of the CAA. EPA is publishing this action without prior proposal because the EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective September 22, 1995 unless within 30 days of its publication, adverse or crtitcal comments are received. If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective September 22, 1995.

Under section 307(b)(1) of the CAA, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 22, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the CAA, 42 U.S.C. 7607 (b)(2).)

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated today does not include a Federal 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 Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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

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.

Dated: June 23, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95–17615 Filed 7–21–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 300

[FRL–5262–5]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of the Dakhue Sanitary Landfill Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Dakhue Sanitary Landfill site in Minnesota from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of Minnesota have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further response by responsible parties is appropriate. Moreover, EPA and the State of Minnesota have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: July 24, 1995.

FOR FURTHER INFORMATION CONTACT: Gladys Beard at (312) 886–7253, Associate Remedial Project Manager, Office of Superfund, U.S. EPA—Region V, 77 West Jackson Blvd., Chicago, IL 60604. Information on the site is available at the local information repository located at: Cannon Falls Public Library, 306 West Mill St., Cannon Falls, MN. Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office. The point of contact for the Regional Docket Office is Jan Pfundheller (H–7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–5821.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is the Dakhue Sanitary Landfill Site located in Cannon Falls, Minnesota. A Notice of Intent to Delete was published March 15, 1995 (60 FR 13944) for this site. The closing date for comments on the Notice of Intent to Delete was April 14, 1995. EPA received comments and therefore a Responsiveness Summary was prepared. The Responsiveness Summary and original comments are available in the public information repositories.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: July 14, 1995.

Valdas V. Adamkus,

Regional Administrator, U.S. EPA, Region V.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 9601–9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.; p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the Site ''MN . . . . . Dakhue Sanitary Landfill, Cannon Falls''.

[FR Doc. 95–18115 Filed 7–21–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 87

[GEN Docket No. 90–56; FCC 95–267]

Mobile-Satellite Service and Aeronautical Telemetry

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this *Second Report and Order* (*Second R&O*) the Commission reallocates the 1525–1530 MHz band to the mobile-satellite service (MSS) on a primary basis for space-to-Earth (downlink) transmissions. This action will increase the efficiency of MSS operations in the previously allocated 1530–1544 MHz band (downlink) and the 1626.5–1645.5 MHz band (Earth-to-space, or uplink) by equalizing the amount of spectrum available in each segment. This action implements a 1992 World Administrative Radio Conference (WARC–92) spectrum allocation and facilitates international coordination for use of this spectrum.

EFFECTIVE DATE: August 23, 1995.

FOR FURTHER INFORMATION CONTACT: Tom Mooring, Office of Engineering and Technology, (202) 776–1620.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Second R&O* in GEN Docket No. 90–56, adopted June 26, 1995, and released July 6, 1995. The complete *Second R&O* 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 duplication contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington DC 20037.

Summary of Second R&O

1. In the *First Report and Order*, 58 FR 34920 (June 30, 1993), the Commission allocated 14 megahertz of downlink spectrum at 1530–1544 MHz and 19 megahertz of uplink spectrum at 1626.5–1645.5 MHz to the MSS on a co-primary basis with the Maritime Mobile-Satellite Service (MMSS). The Commission also provided that MMSS distress and safety communications have priority access with real-time preemptive capability throughout the subject bands.

2. In the *Further Notice of Proposed Rule Making*, 58 FR 34404 (June 25, 1993), the Commission proposed to allocate five megahertz of spectrum at 1525–1530 MHz for MSS downlink use on a primary basis. The Commission indicated that this allocation would permit enhanced efficiency of future MSS operations in the 1.5/1.6 GHz spectrum range (L-band) by equalizing the amount of spectrum in the uplink and downlink bands available for MSS communications. Currently this spectrum is part of the 1435–1530 MHz band that is allocated to the mobile service on a primary basis for aeronautical telemetry. The Commission tentatively concluded that it does not appear to be technically feasible for aeronautical telemetry and MSS to operate in the 1525–1530 MHz band on a co-primary basis, and therefore proposed to reallocate this band on a primary basis to the MSS only. The Commission also proposed to permit aeronautical telemetry in the band on a secondary basis, with no grandfathering of existing aeronautical telemetry users.

3. All parties submitting comments in response to the *Further Notice of Proposed Rule Making* support the proposal to reallocate the 1525–1530 MHz band for MSS operations. In addition, the issue of whether MMSS distress and safety communications in the 1525–1530 MHz band should have priority access with real-time capability was raised.

4. The Commission finds that the reallocation of the 1525–1530 MHz band to the MSS on a primary basis would enhance the efficiency of satellite operations in the L-band by equalizing the amount of spectrum in the uplink and downlink band segments available for MMSS communications. The Commission disagrees with the argument that the 1525–1530 MHz band should be subject to the priority access and immediate availability requirements for MMSS distress and safety communications. The Commission is unable to identify any domestic need for additional global MMSS distress and safety spectrum. The Commission currently requires that MSS systems monitor nearby MMSS systems so that MMSS distress and safety communications receive priority access with real-time preemption in the 1626.5–1631.5 MHz and other bands. However, since the Commission is not licensing MMSS systems in the 1525–1530 MHz band, it is not necessary to extend this requirement to include the 1525–1530 MHz band.

5. The Commission also finds that the existing primary allocation for aeronautical telemetry in the 1525–1530 MHz band should be downgraded to a secondary service so as not to inhibit MSS operations. Since an MSS system would serve essentially all of the nation and aeronautical telemetry operations tend to affect relatively large geographic areas, the Commission believes that it would not be practical for those services to share the band on a co-primary basis. Accordingly, the 1525–1530 MHz band is allocated on a primary basis to the MSS and on a secondary basis to the mobile service for aeronautical telemetry, and footnote US78 is modified as set forth in the amendatory text. Finally, the Commission expects that the band will be in use by MSS systems by the end of 1995. Therefore, aeronautical telemetry users of the band should be aware that they may have to protect or receive interference from such operations.

6. Several of the commenting parties address issues of eligibility that were not raised in the *Further Notice of Proposed Rule Making.* The Commission is not addressing these issues herein, as they are outside the scope of this proceeding. Licensing issues, including eligibility standards and operating rules, will be the subject of a new proceeding that the Commission intends to initiate in the near future.

7. Accordingly, It Is Ordered; That Parts 2 and 87 of the Commission's Rules Are Amended as specified below, effective August 23, 1995. It Is Further Ordered; That the Request for Clarification filed by Loral Qualcomm Satellite Services, Inc. Is Granted to the extent discussed above and Is Denied in all other respects. This action is taken pursuant to Sections 4(i), 7(a), 302, 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 157(a), 302, 303(c), 303(f), 303(g), and 303(r).

List of Subjects

47 CFR Part 2

Radio.

47 CFR Part 87

Communications equipment, Radio

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Amendatory Text

Parts 2 and 87 of Title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for Part 2 continues to read:

Authority: Sec. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 302, 303, and 307, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended as follows:

a. In columns (4) through (7) of the 1435–1530 MHz band, divide the 1435–1530 MHz band into two new smaller bands, the 1435–1525 MHz band and the 1525–1530 MHz band, to read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

International table			United States table		FCC use designators	
			Government	Non-Government		
Region 1-allocation MHz	Region 2-allocation MHz	Region 3-allocation MHz	Allocation MHz	Allocation MHz	Rule part(s)	Special-use frequencies
(1)	(2)	(3)	(4)	(5)	(6)	(7)
*	*	*	*	*	*	*
			1435–1525 ..... MOBILE (aeronautical telemetry).	1435–1525 ..... MOBILE (aeronautical telemetry).	..... AVIATION (87)	
			722 US78	722 US78	.....	
1525–1530 ..... SPACE OPERATION (space-to-Earth). FIXED ..... MARITIME MOBILE-SATELLITE (space-to-Earth). Land Mobile-Satellite (space-to-Earth) 726B. Earth Exploration-Satellite. Mobile except aeronautical mobile 724.	1525–1530 ..... SPACE OPERATION (space-to-Earth). MOBILE-SATELLITE (space-to-Earth). Earth Exploration-Satellite. Fixed ..... Mobile 723	1525–1530 ..... SPACE OPERATION (space-to-Earth). FIXED ..... MOBILE-SATELLITE (space-to-Earth). Earth Exploration-Satellite. Mobile 723 724 ...	1525–1530 ..... MOBILE-SATELLITE (space-to-Earth). Mobile (aeronautical telemetry).	1525–1530 ..... MOBILE-SATELLITE (space-to-Earth). Mobile (aeronautical telemetry).	SATELLITE COMMUNICATION (25). Aviation (87).	
722 723B 725 726A 726D.	722 723A 726A 726D.	722 726A 726D ...	722 726A US78 ...	722 726A US78.		
*	*	*	*	*	*	*

b. Footnote US78 is revised to read as follows:

United States (US) Footnotes

* * * * *

US78 In the mobile service, the frequencies between 1435 and 1535 MHz will be assigned for aeronautical telemetry and associated telecommand operations for flight testing of manned or unmanned aircraft and missiles, or their major components. Permissible usage includes telemetry associated with launching and reentry into the earth's atmosphere as well as any incidental orbiting prior to reentry of manned objects undergoing flight tests. The following frequencies are shared with flight telemetry mobile stations: 1444.5, 1453.5, 1501.5, 1515.5, 1535.5 and 1525.5 MHz.

* * * * *

PART 87—AVIATION SERVICES

1. The authority citation in Part 87 continues to read:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–156, 301–609.

2. Section 87.187(p) is revised to read as follows:

§ 87.187 Frequencies

* * * * *

(p) The frequency band 1435.1525 MHz is available on a primary basis and the 1525–1535 MHz is available on a secondary basis for telemetry and telecommand associated with the flight testing of aircraft, missiles, or related major components. This includes launching into space, reentry into the earth's atmosphere and incidental orbiting prior to reentry. The following frequencies are shared with flight telemetry mobile stations: 1444.5, 1453.5, 1501.5, 1515.5, 1524.5 and 1525.5 MHz. See § 87.303(d).

Note: Aeronautical telemetry operations must protect mobile-satellite operations in the 1525–2535 MHz band and maritime mobile-satellite operations in the 1530–1535 MHz band.

* * * * *

3. Paragraphs (d)(1) and (d)(2) of § 87.303 are revised to read as follows:

§ 87.303 Frequencies.

* * * * *

(d)(1) Frequencies in the bands 1435–1525 MHz and 2310–2390 MHz are assigned primarily for telemetry and telecommand operations associated with the flight testing of manned or

unmanned aircraft and missiles, or their major components. The band 1525–1535 MHz is also available for these purposes on a secondary basis. Permissible uses of these bands include telemetry and telecommand transmissions associated with the launching and reentry into the earth's atmosphere as well as any incidental orbiting prior to reentry of manned or unmanned objects undergoing flight tests. In the 1435–1530 MHz band, the following frequencies are shared with flight telemetry mobile stations: 1444.5, 1453.5, 1501.5, 1515.5, 1524.5 and 1525.5 MHz. In the 2310–2390 MHz band, the following frequencies may be assigned on a co-equal basis for telemetry and associated telecommand operations in fully operational or expendable and re-usable launch vehicles whether or not such operations involve flight testing: 2312.5, 2332.5 2352.5, 2364.5, 2370.5 and 2382.5 MHz. In 2310–2390 MHz band, all other telemetry and telecommand uses are secondary.

Note: Aeronautical telemetry operations must protect mobile-satellite operations in the 1525–1535 MHz band and maritime mobile-satellite operations in the 1530–1535 MHz band.

(2) The authorized bandwidths for stations operating in the bands 1435.0–1525.0 MHz, 1525.0–1535.0 MHz and 2310.0–2390.0 MHz are normally 1, 3 or 5 MHz. Applications for greater bandwidths will be considered in accordance with the provisions of § 87.135. Each assignment will be centered on a frequency between 1435.5 MHz and 1534.5 MHz or between 2310.5 MHz and 2389.5 MHz, with 1 MHz channel spacing.

* * * * *

[FR Doc. 95–17509 Filed 7–21–95; 8:45 am]
BILLING CODE 6712–01–M

47 CFR Part 76

[MM Docket No. 92–264, FCC 95–21]

Cable Television

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: The Commission amends the cable television rules by permitting cable television operators to acquire satellite master antenna television (SMATV) systems within the cable television operator's service area so long as any SMATV system owned by a cable television operator within the operator's cable franchise area is operated in accordance with the terms and conditions of the local cable franchise agreement governing the cable television system. The Commission found that the prior rule which prohibited such acquisitions was inconsistent with the statutory provisions of section 11 of the Cable Television Consumer Protection and Competition Act of 1992 (1992 Cable Act). The Commission also affirms the regulatory framework implementing section 13 of the 1992 Cable Act that established a three-year holding requirement for cable systems and concludes, based on its experience with requests for waiver of the holding period, that such waiver requests generally will be looked on favorably unless the request raises serious concerns on its face or any objections to grant of the waiver provide evidence of other public interest bases for concern.

EFFECTIVE DATE: August 23, 1995.

FOR FURTHER INFORMATION CONTACT: Rebecca Dorch, Cable Services Bureau, (202) 416–0800.

SUPPLEMENTARY INFORMATION: In the Memorandum Opinion and Order on Reconsideration of the First Report and Order (MO&O) in MM Docket No. 92–264, adopted January 12, 1995 and released January 30, 1995, the Commission acts on petitions for reconsideration of the First Report and Order (FR&O) in MM Docket No. 92–264, Implementation of Sections 11 and 13 of the 1992 Cable Act (Horizontal and Vertical Ownership Limits, Cross-Ownership & Anti-Trafficking Provision), 8 FCC Rcd 6828 (1993), 58 FR 42013, August 6, 1993. All significant comments in the petitions for reconsideration are considered and analyzed in light of the Commission's statutory directives. The Commission adopts revisions to the rules which, to the extent possible, minimize the regulatory burdens placed on entities covered by the ownership and anti-trafficking provisions of the 1992 Cable Act and which aim to reduce unnecessary regulatory restrictions and promote competition within the multichannel video distribution marketplace.

The complete text of the MO&O 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 copy contractor, International Transcription Service, at (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Regulatory Flexibility Act: No significant impact.

Synopsis of the Memorandum Opinion and Order on Reconsideration of the First Report and Order

1. In this MO&O the Commission addresses petitions for reconsideration of the FR&O in this proceeding, 58 FR 42013, August 6, 1993, in which it adopted rules implementing the cross-ownership and anti-trafficking provisions of Sections 11 and 13 of the 1992 Cable Act. In the FR&O, the Commission adopted a rule that prohibited cable system operators from acquiring satellite master antenna television (''SMATV'') systems within their actual service areas. On reconsideration, the Commission finds that such a prohibition is inconsistent with the statutory provision upon which it was based. Consequently, the Commission revises that part of the rules that govern cable operators' ownership of SMATV systems within their franchise areas. The Commission believes its analysis and determination to revise the ownership rules adopted in the FR&O more accurately reflects the intent of Congress and comports with the meaning of Section 613(a)(2) of the Communications Act of 1934, as amended by the 1992 Cable Act (the ''Communications Act''). The Commission further affirms its decision in the FR&O to adopt a regulatory framework implementing the anti-trafficking provision of Section 13 of the 1992 Cable Act, finding that the rules fulfill Congress' mandate and are consistent with the goal of promoting competition in the multichannel video marketplace. The Commission takes the opportunity, however, to clarify the manner in which those rules apply to various transactions.

2. Section 11(a) of the 1992 Cable Act amended the Communications Act by adding an ownership provision restricting multichannel multipoint distribution service (''MMDS'') and SMATV ownership interests by cable operators. That provision, now Section 613(a)(2) of the Communications Act, prohibits a cable operator from holding a license for MMDS, or from offering SMATV service that is separate and apart from any franchised cable service, in any portion of the franchise area served by that cable operator's cable system. It grandfathers all such service in existence as of the date of enactment of the 1992 Cable Act, and authorizes the Commission to waive the requirements of the provision to the extent necessary to ensure that all significant portions of a franchise area are able to obtain video programming.

3. Section 13 of the 1992 Cable Act amended the Communications Act by

establishing a three-year holding requirement for cable systems (the ''anti-trafficking provision''). That provision, now Section 617 of the Communication Act, restricts the ability of a cable operator to sell or otherwise to transfer ownership in a cable system within thirty-six months following either the acquisition or initial construction of the system by such operator. It also delineates specific exceptions to the general rule and provides waiver authority to the Commission.

4. In this MO&O the Commission addresses the various petitions for reconsideration and/or clarification, oppositions and replies filed with respect to the FR&O and the rules adopted therein to implement the ownership and anti-trafficking provisions of the 1992 Cable Act. The Commission clarifies and modifies the regulations adopted in the FR&O in several respects. These modifications are in furtherance of the statutory objectives of the 1992 Cable Act, and are consistent with an intent to eliminate artificial regulatory barriers to competitive and efficient delivery of multichannel programming services to the American public. In addition to responding to the parties' petitions, the Commission clarifies several matters that have arisen during the course of its administration of those regulations.

5. First, with respect to the SMATV ownership rules, the Commission removes the prohibition against cable operators' acquisitions of SMATV systems within their actual service areas based upon a revised interpretation of the language of Section 11(a) of the 1992 Cable Act. Second, the Commission affirms that any SMATV system owned by a cable operator within the operator's franchise area must be operated in accordance with the terms and conditions of the local franchise agreement. The Commission concludes that the revised rules are more fully supported by the statute and Congressional statements of intent than were the rules adopted in the FR&O. The Commission further finds, based on the record, that the policy of promoting competition to traditional coaxial cable systems is at least as well served, if not better served, by the revisions.

6. With respect to anti-trafficking, the Commission first affirms the Commission's rules regarding action by franchise authorities on requests for approval of transfers or assignments of cable systems that have been held for three or more years. Second, the Commission clarifies certain aspects of FCC Form 394. Third, the Commission clarifies that a franchise authority may require approval of cable system transfers or assignments if so required by state or local law. Fourth, the Commission clarifies that the holding period does not recommence upon the consummation of a transaction that is exempt from the statutory three-year holding period. Fifth, the Commission clarifies certain aspects of calculating the holding period. Sixth, the Commission affirms the decision to grant a blanket waiver of the anti-trafficking rules to small systems. Finally, based on experience with waiver requests, the Commission concludes that it will generally look favorably on requests for waiver of the anti-trafficking rules unless the request raises serious concerns on its face or any objections received to grant of the waiver provide evidence of other public interest bases for concern.

7. The Commission first considers the statutory SMATV ownership restrictions. The Commission notes that SMATV systems (also known as ''private cable systems'') are multichannel video programming distribution systems are serve residential, multiple-dwelling units (''MDUs''), and various other buildings and complexes, that a SMATV system typically offers the same type of programming as a cable system, and that the operation of a SMATV system largely resembles that of a cable system—a satellite dish receives the programming signals, equipment processes the signals, and wires distribute the programming to individual dwelling units—with the primary difference between the two being that a SMATV system typically is an unfranchised, stand-alone system that serves a single building or complex, or a small number of buildings or complexes in relatively close proximity to each other. The Commission also notes that a SMATV system is defined under the Communications Act by means of an exception to the definition of a cable system: the term ''cable system'' means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment * * * but such term does not include * * * (B) a facility that serves only subscribers in 1 or more multiple unit dwellings under common ownership, control, or management, unless such facility or facilities uses any public right-of-way; * * *. Therefore, the Commission states that a SMATV system is different from a cable system only in that it does not use ''closed transmission paths'' to (a) serve buildings that are not commonly owned, controlled, or managed; or (b) use a public right-of-way.

8. The Commission notes that the distinction between a SMATV system and a cable system is based on the limited manner in which a SMATV system provides its services: that when the service is no longer so limited, the SMATV system ceases to be eligible for the statutory exception and becomes a cable system. The Commission notes that if a system's lines interconnect separately owned and managed buildings or if the system's lines use public rights of way, the system is a cable system for purposes of the Communications Act. The Commission states that closed transmission path interconnection of a cable system and a SMATV system will, therefore, cause the SMATV system to become a part of the cable system.

9. Noting the prohibition in the statute that makes it ''unlawful for a cable operator * * * to offer satellite master antenna television service separate and apart from any franchised cable service, in any portion of the franchise area served by that cable operator's cable system, ''the Commission observes that the FR&O interpreted this provision as restricting franchised cable operators from acquiring existing SMATV systems within their actual service areas, but not prohibiting all SMATV-cable cross-ownership within cable operators' actual service areas. In particular, the Commission had previously determined that cable operators are permitted to construct stand-alone or integrated SMATV systems in their actual service areas, provided such SMATV service is offered in accordance with the terms and conditions of agreements with the local franchise authorities; that common ownership of a SMATV system that itself qualifies as a ''cable system under Section 602(7)(B) of the Communications Act and a separate stand-alone SMATV system'' would also be permitted; that a cable operator is permitted to acquire, or build, a stand-alone SMATV system located in the unserved portions of the franchise area, provided such cable-owned SMATV system is operated in accordance with the terms and conditions of the cable franchise agreement; but that a cable operator would not be allowed to acquire existing SMATV facilities within the cable operator's actual service area for the purpose of providing cable service. In reaching this conclusion the Commission concluded that allowing cable operators to acquire existing SMATV facilities would undermine competition between cable operators and SMATV providers,

reinforce existing cable monopolies, and reduce competitive opportunities for SMATV providers within the cable service area.

10. The Commission reviews the arguments and positions of the petitioners for reconsideration, including those that argue that it was an error to prohibit cable operators from acquiring existing SMATV systems within their service areas. The Commission decides to modify the rules based upon a revised analysis of the language of Section 613(a)(2) and the Congressional intent underlying that provision. The Commission notes that the modified rules are consistent with the diversity and competitive considerations associated with the statutory ownership restriction. The Commission concludes that the statutory language means that cable operator may not offer SMATV service anywhere in its franchised service area unless such service is offered together with or as part of the cable service provided pursuant to its local cable franchise agreement. In other words, if a cable operator offers SMATV service to subscribers within its franchised service area, it must offer this otherwise unregulated multichannel video programming service to those subscribers pursuant to the same terms and conditions upon which the regulated cable television service is offered to subscribers within that same franchise. Thus, cable operators may not use facilities that meet the statutorily-created SMATV exception to the definition of a cable system to provide multichannel video programming service that does not comply with franchise obligations or the Commission's rules.

11. The Commission declines to adopt an interpretation of the statutory language that suggests that the statute requires the physical interconnection of commonly-owned cable systems and facilities that would otherwise qualify for the SMATV exception. Rather, the Commission concludes that the statutory ''separate and apart'' language refers to the service, not the delivery system, and are used to limit cable operators' ability to offer the unregulated SMATV service. Accordingly, the Commission states its belief that the statutory language requires cable operators to comply with all franchise requirements in their delivery of multichannel video programming without regard to whether any part of the facilities used might qualify as a SMATV system.

12. The Commission reviews the legislative history and concludes that in the context of the SMATV provision, Congress was unconcerned with the manner in which SMATV systems are obtained by cable operators and was mostly concerned with the manner in which such service is ''offered'' to subscribers in the cable operator's franchised service area; i.e., ''separate and apart from any franchised cable service.'' Accordingly, on further analysis the Commission concludes that revising the rule to eliminate the regulatory distinction between the acquisition and construction of SMATV systems accurately and appropriately interprets the statutory provision. The Commission further explains its belief that the revisions more closely comport with Congressional intent in enacting the SMATV ownership restriction.

13. The Commission also explains its belief that Congress's intent to preclude franchised cable operators from owning SMATV services in their franchise areas was not directed at the technology involved but rather at prohibiting cable operators from using the SMATV exception to offer service that does not comply with federal law and franchise obligations. The Commission notes that its interpretation ensures competitive opportunities for SMATV operators and is consistent with the interpretation proffered in the FR&O where it also required cable operators to comply with the terms and conditions of their franchise agreements if they offered multichannel video programming services through SMATV facilities in the unserved portions of their service areas. The Commission further believes that the revisions are consistent with the overall policy goals of the 1992 Cable Act.

14. The Commission finds that the record contains insufficient evidence on which to base an economic analysis as to the workings of the SMATV marketplace and on which to conclude with any degree of certainty that either the rule adopted in the FR&O or the revision would have particular economic consequences. Nevertheless, the Commission notes that the availability of capital necessary to construct a SMATV system is often dependent on the availability of exit strategies, and in particular on the ability to recoup sunk costs by being able to sell to a locally-franchised cable operator when that operator is the only potential buyer and that the revision would eliminate that constraint and level the competitive field for initial entry.

15. Accordingly, the Commission reconsiders the decision in the FR&O that cable operators may not acquire SMATV systems located within their service areas, and in this MO&O, modifies the rules by permitting cable operators to purchase SMATV systems located within their franchise areas, provided they operate such systems in accordance with the terms and conditions of their local franchise agreements. By this action the Commission notes that it eliminates the regulatory distinction drawn in the FR&O accorded disparate regulatory treatment based upon distinctions between the construction and acquisition of SMATV systems. The Commission concludes that the revised rule is more consistent with and more accurately and appropriately interprets the language of Section 613(a)(2) than the rule adopted in the First Report & Order.

16. The Commission next addresses cable operators' use of SMATV facilities within their franchise areas and rejects arguments that it lacks authority to require franchised cable operators to operate SMATV systems under their ownership, control or management within their franchise areas in accordance with their franchise obligations, that there are no public policy reasons for requiring cable operators to operate SMATV systems in accordance with their franchise obligations, and that the economies of providing SMATV service in an MDU are sufficiently different from those involved in providing franchise-wide cable service that a cable operator acquiring a cable system should not be required to operate the SMATV system in accordance with its franchise agreement requirements. The Commission notes that the decision to permit cable operators to acquire SMATV facilities within their service areas renders moot concerns regarding conveyances of access contracts and distribution facilities. The Commission further notes that in two separate *Erratum* to the FR&O the Mass Media Bureau corrected the relevant MMDS-cable and SMATV-cable cross-ownership rules to grandfather authorized combinations in existence as of October 5, 1992, as required by the statute. The Commission declines to also grandfather arrangements between private parties that were merely agreed to prior to December 4, 1992.

17. The Commission next addresses the anti-trafficking rules. Section 617 of the Communications Act establishes a three-year holding requirement for cable systems that, with certain exceptions, restricts the ability of a cable operator to sell or otherwise transfer ownership in a cable system within a thirty-six month period following either the acquisition or initial construction of the system. The statute expressly exempts from the

restriction: (1) any transfer of ownership interest in any cable system which is not subject to Federal income tax liability; (2) any sale required by operation of any law or any act of any Federal agency, any State or political subdivision thereof, or any franchising authority; and (3) any sale, assignment, or transfer, to one or more purchasers, assignees, or transfees controlled by, controlling, or under common control with, the seller, assignor, or transferor. Section 617 also authorizes the Commission to grant waivers in cases of default, foreclosure or other financial distress, and on a case-by-case basis where a waiver serves the public interest; provides that certain subsequent transfers of systems are not subject to the holding requirement; and imposes a 120-day time limit on local franchise authority action on a request for approval of a transfer of a cable system held for three or more years.

18. The Commission reviews the conclusions drawn and the rules adopted in the FR&O that: (a) Implemented the statutory anti-trafficking provision; (b) delineated specific instances where waiver requests will be favorably reviewed; and (c) instituted a blanket waiver for small systems. The Commission notes that in the FR&O it concluded that Congressional intent underlying the anti-trafficking provision was to restrict profiteering transactions and other transfers that are likely to adversely affect cable rates or service in the local franchise area, but not to inhibit investment in the cable industry or delay or disrupt legitimate cable transactions. In this MO&O the Commission recognizes that the use of the term ''profiteering'' is a misnomer in the context of anti-trafficking because the underlying concern is over speculative purchases and sales of cable systems made for the purpose of realizing quick profits from increases in values, which could overburden systems with debt and thereby lead to higher rates and reduced services for subscribers.

19. The Commission affirms the rules that provide local franchise authorities a 120-day period for review of transfer requests for cable systems held for three years and rejects arguments that the statute does not limit the information a franchising authority may require a cable operator to submit in connection with a request for approval of a sale or transfer, that the rules impermissible limit the amount and type of information the local franchise authority may obtain from the cable operator and the duration of local franchising authorities' power to disapprove cable system transfers, and that the 120-day period not commerce until the cable operator is affirmatively advised that the franchise authority has received all information it seeks. The Commission notes that the rules provide that the franchise authority shall have 120 days from the submission of a completed FCC Form 394 and any additional information required by the terms of the franchise agreement or applicable state or local law, to act upon the waiver request. Thus, the cable operator is on notice that information requirements may exist in three locations and that the submission of all such information is necessary for the franchise authority to be bound by the 120-day time period. To the extent the local franchise authority seeks additional information, as stated in the FR&O, cable operators are required to respond promptly by completely and accurately submitting all information reasonably requested by the franchise authority. The Commission believes that Congress sought to provide a degree of regulatory certainty to cable operators when it established the 120-day time period for franchise authority action on transfer requests pertaining to cable systems held for three or more years. The Commission also believes that submission of the information required by FCC Form 394, the franchise agreement and state or local law, is sufficient to commence the 120-day time period for local franchise authority action on the request. The Commission states that this conclusion provides a degree of certainty to the parties, comports with the legislative history and is consistent with our rulings with respect to franchise authority action on rate regulation matters.

20. The Commission rejects requests to revise FCC Form 394, but clarifies that transferees and assignees responding to the inquiry regarding their legal qualifications, in particular Question 5 of Section II pertaining to adverse findings or actions by courts and administrative bodies, should be guided by the charter qualification policy statements adopted by the Commission in 1986 and 1990. The Commission also clarifies that Form 394 is to be used to apply for franchise authority approval to assign or transfer control of a cable system owned for three or more years: it is not intended for use by a cable operator seeking local franchise authority approval of an assignment or transfer of a cable system held for less than three years.

21. The Commission acknowledges that franchise authorities' right to review transfer requests may arise from state or local law or ordinance and where local or state law requires franchise authority approval of cable system transfers or assignments, local franchise authorities may require cable operators to obtain their approval, regardless of whether the franchise agreement so requires. The Commission rejects a suggestion that certifications of compliance with the anti-trafficking rules should be filed with the Commission rather than the local franchise authority. The Commission affirms its prior determination to vest primary responsibility for enforcement of the statutory anti-trafficking provision with local authorities and reiterates that cable operators are obligated to submit anti-trafficking certifications to the local franchise authorities for all proposed transfers, assignments or sales of cable systems. The Commission also clarifies that if local franchise authority approval of an assignment or transfer of a cable system is not required and the system has been held for three or more years, the cable operator is not required to use FCC Form 394 solely for purposes of submission of the anti-trafficking certification. Rather, in that circumstance, the cable operator may submit its certification of compliance with the anti-trafficking provision as a separate document.

22. The Commission also clarifies that the three-year holding period does not commence anew when the transaction involves the transfer of a cable system that qualifies for one of the three exemptions. The Commission believes that no sound basis exists to require a new three-year holding period to begin after every pro forma transfer because a pro forma transfer is, by its terms, not a substantial change of control and such transactions do not raise the specter of speculation or exploitation of short-term ownership that concerned Congress when it adopted the anti-trafficking provision. Moreover, imposing a new holding period every time pro forma restructuring occurs would impose unnecessary burdens on the cable industry without providing any commensurate benefits. The Commission believes that unnecessarily costly and burdensome obligations would be imposed on those persons who acquire cable systems through involuntary transfer procedures if it were to require them to hold those systems for three years, or to obtain waivers of the statutory three-year holding period in order to sell those systems. With respect to tax exempt transactions, the Commission believes that applying the exemption to systems acquired pursuant to a tax exempt

transaction is consistent with Congress' intent regarding treatment of such transactions and notes that it sees no compelling basis to insist that such transactions be treated differently than pro forma and involuntary transfer transactions.

23. The Commission declines to reconsider its decision to provide favorable treatment to MSO waiver requests, but clarifies two aspects of the MSO transfer rules. Section 617(b) of the Communications Act provides that in the case of MSO transfers, if the terms of the sale require the buyer to subsequently transfer ownership of one or more such systems to one or more third parties, such transfers shall be considered a part of the initial transaction. The implementing rules specify that in order to qualify as part of the initial transaction, a request for approval of the subsequent transfer must be filed with the local franchise authority within ninety days of the closing date of the original transfer and the closing date of the subsequent transfer must be no later than ninety days following the grant of the transfer approval by the local franchise authority. If local franchise approval is not required, the rules specify that the subsequent transfer must be completed within 180 days of the date of the closing of the original transaction in order to qualify as part of the original transaction. The rules do not address the situation where the subsequent transfer involves multiple systems with differing franchise approval requirements. The Commission thus concludes that where a subsequent transfer involves both systems that require franchise approval and systems that do not, the original transferee must complete the subsequent transfers of all affected systems within 90 days of the date the last system involved receives franchise authority approval of the transfer.

24. The Commission also clarifies that the three-year holding period does not begin anew when the system extends lines into existing or new communities, or when the system integrates previously separate communities through line extension. The Commission believes this clarification renders the rules neutral as to system upgrades, and permits expansion and deployment of new technologies without potentially adverse regulatory consequences.

25. The Commission declines to revise its blanket waiver of the three-year holding requirement for small systems at this time, concluding that the decision in the FR&O that weighed and assessed costs and benefits was precisely the type of consideration of the public interest required under the Commission's waiver authority under the Communications Act.

26. Finally, the Commission notes that its experience to date with requests for waiver of the anti-trafficking rules has demonstrated that systems owned less than three years are not being transferred or assigned purely for purposes of quick economic gain. Rather, those waiver requests have been premised upon proposed transfers involving bankruptcy, systems barely over the subscriber limit established for the small system blanket waiver, a system with no change in de facto control and systems qualifying for treatment under our MSO transfer rules. The Commission believes that it is appropriate, after one year of strictly scrutinizing waiver requests, to revise its approach to waiver requests. Thus, the Commission announces that it generally will look favorably on waiver requests unless the transaction raises serious concerns on its face or any objections we receive to grant of the waiver provide other public interest bases for concern.

27. Accordingly, the Commission: (1) denies in part and grants in part the petitions for reconsideration of the FR&O filed by Wireless Cable Association International, Inc. (''WCA''), Multivision Cable TV Corp. and Providence Journal Company (''Multivision''), Time Warner Entertainment Company, L.P. (''Time Warner''), National Association of Telecommunications Officers and Advisors, the National League of Cities, the United States Conference of Mayors, and the National Association of Counties (collectively referred to as ''NATOA''), Oklahoma Western Telephone Company (''Oklahoma Western''), National Private Cable Association, MSE Cable Systems, Cable Plus and Metropolitan Satellite (collectively referred to as ''NPCA''); (2) adopts the MO&O; and (3) amends Section 76.501 and 76.502 of its rules.

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

47 CFR, Part 76, is amended as follows:

PART 76—CABLE TELEVISION SERVICE

1. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. §§ 152, 153, 154, 301, 303, 307, 308, 309, 532, 535, 542, 543, 552, 554.

2. Section 76.501 is amended by revising paragraphs (d) and (e); adding paragraph (f); transferring Notes 1 through 4 following paragraph (b) to the end of the section and adding Note 5 to read as follows:

§ 76.501 Cross-ownership.

* * * * *

(d) No cable operator shall offer satellite master antenna television service (''SMATV''), as that service is defined in § 76.5(a)(2), separate and apart from any franchised cable service in any portion of the franchise area served by that cable operator's cable system, either directly or indirectly through an affiliate owned, operated, controlled, or under common control with the cable operator.

(e) (1) A cable operator may directly or indirectly, through an affiliate owned, operated, controlled by, or under common control with the cable operator, offer SMATV service within its franchise area if the cable operator's SMATV system was owned, operated, controlled by or under common control with the cable operator as of October 5, 1992.

(2) A cable operator may directly or indirectly, through an affiliate owned, operated, controlled by, or under common control with the cable operator, offer service within its franchise area through SMATV facilities, provided such service is offered in accordance with the terms and conditions of a cable franchise agreement.

(f) The Commission will entertain requests to waive the restrictions in paragraphs (d) and (e) of this section when necessary to ensure that all significant portions of the franchise area are able to obtain multichannel video service. Such waiver requests should be filed in accordance with the special relief procedures set forth in § 76.7.

Note 1: * * *

* * * * *

Note 5: In applying the provisions of paragraphs (d) and (e) of this section, control and an attributable ownership interest shall be defined by reference to the definitions contained in Notes 1 through 4, provided however, that:

(a) The single majority shareholder provisions of Note 2(b) and the limited partner insulation provisions of Note 2(g) shall not apply; and

(b) The provisions of Note 2(a) regarding five (5) percent interests shall include all voting or nonvoting stock or limited partnership equity interests of five (5) percent or more.

3. Section 76.502 is revised to read as follows:

§ 76.502 Three-year holding requirement.

(a) Except as otherwise provided in this section, no cable operator may sell, assign, or otherwise transfer controlling ownership of a cable system within a three-year period following either the acquisition or initial construction of such cable system by such cable operator.

(b) For initially constructed cable systems, the three-year holding period shall be measured from the date on which service is activated to the system's first subscriber through the proposed effective date of the closing of the transaction assigning or transferring control of the cable system. The holding period for acquired systems shall be measured from the effective date of the closing of the transaction in which control of the cable system was acquired through the proposed effective date of the closing of the transaction assigning or transferring control of such cable system.

(c) A cable operator who seeks to assign or transfer control of a cable system is required to certify to the local franchise authority that the proposed assignment or transfer of control of such cable system will not violate the three-year holding requirement. Such certification shall be submitted to the franchise authority at the time the cable operator submits a request for transfer approval to the local franchise authority. If local transfer approval is not required by the terms of the franchise agreement, certification of compliance with the three-year holding requirement must be submitted to the franchise authority no later than 30 days in advance of the proposed closing dated of the transfer or assignment.

(1) Receipt by the local franchise authority of a certification containing a description of the transaction and indicating that the cable system has been owned for three or more years, or that the transferor has obtained or is seeking a waiver from the Commission, or that the transaction is otherwise exempt under this section, shall create a presumption that the proposed assignment or transfer of the cable system will comply with the three-year holding requirement.

(2) A franchise authority that questions the accuracy of a certification filed pursuant to this section must notify the cable operator within 30 days of the filing of such certification, or such certification shall be deemed accepted, unless the cable operator has failed to provide any additional information reasonable requested by the franchise authority within 10 days of such request.

(d) If an assignment or transfer of control involves multiple systems and the terms of the transaction require the buyer to subsequently transfer or assign one or more such systems to one or more third parties, such subsequent transfers shall be considered part of the original transaction for purposes of measuring the three-year holding period.

(1) In order to qualify as part of the original transaction, a request for approval of the subsequent transfer must be filed with the local franchise authority within 90 days of the closing date of the original transfer and the closing date of the subsequent transfer must be no later than 90 days following the grant of transfer approval by the local franchise authority.

(2) If local transfer approval is not required by the terms of the cable franchise agreement, then a subsequent transfer must be completed within 180 days of the date of the closing of the original transaction in order to qualify as part of the original transaction.

(3) If a subsequent transfer involves transfers of multiple systems to the same party, at least one of which requires local transfer approval and at least one of which does not require local transfer approval, the subsequent transfer must then be closed within 90 days of the date the last system involved in the subsequent transfer receives franchise authority approval of the transfer.

(e) Paragraph (a) of this section shall not apply to:

(1) Any assignment or transfer of control of a cable system that is not subject to Federal income tax liability under the Federal Income Tax Code;

(2) Any assignment or transfer of control of a cable system required by operation of law or by any act, order or decree of any Federal agency, any State or political subdivision thereof or any franchising authority;

(3) Any assignment or transfer of control to one or more purchasers, assignees or transferees controlled by, controlling, or under common control with, the seller, assignor or transferor.

(f) Paragraph (a) of this section shall not apply to any assignment or transfer of a cable system subject to paragraph (e) of this section.

(g) The Commission will consider requests for waivers from the three-year holding requirement and, consistent with the public interest, will grant waivers in appropriate cases of default, foreclosure and financial distress. Waiver requests under this section should be filed in accordance with the special relief procedures set forth in § 76.7. Waivers granted by the Commission will not become effective, however, unless local franchise authority approval of a transfer is obtained when such approval is required by the terms of the franchise agreement or state or local law.

(1) The Commission will look favorably upon waiver requests involving multiple system operators or transfers of multiple systems if at least two-thirds of the subscribers of the system being transferred are served by systems owned by the cable operator for three-years or more.

(2) Conditioned upon receipt of local franchise authority transfer approval, where such approval is required by the terms of the franchise agreement or applicable state or local law, transfers of cable systems serving 1,000 or fewer subscribers shall be subject to a blanket Commission waiver.

(h) A cable operator may seek Commission review of a franchise authority's decision regarding the application of the three-year holding period to a particular transaction pursuant to the special relief procedures set forth in § 76.7.

(i) A cable system operator seeking to assign or transfer a cable system it has held for three or more years must submit a completed copy of FCC Form 394 to the local franchise authority if franchise authority approval of the transfer is required by the terms of the franchise agreement.

(1) A franchise authority shall have 120 days from the date of submission of a completed FCC Form 394, together with all exhibits, and any additional information required by the terms of the franchise agreement or applicable state or local law to act upon such transfer request.

(2) If the franchise authority fails to act upon such transfer request within 120 days, such request shall be deemed granted unless the franchise authority and the requesting party otherwise agree to an extension of time.

[FR Doc. 95–17508 Filed 7–21–95; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 93–02; Notice 10]

RIN 2127–AF47

Federal Motor Vehicle Safety Standards; Compressed Natural Gas Fuel Containers

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule, petitions for reconsideration.

SUMMARY: This document responds to petitions for reconsideration of the final rule that established performance requirements for compressed natural gas (CNG) fuel containers. The final rule specified burst test safety factors of up to 3.33 for use in evaluating the strength of carbon fiber containers. In an initial notice responding to the petitions, a single, lower safety factor of 2.25 was adopted, subject to further consideration of that issue. This final rule reaffirms that decision. Today's document also responds to the other issues raised in the petitions.

DATES: *Effective Date:* August 23, 1995.

Petitions for Reconsideration: Any petition for reconsideration of this rule must be received by NHTSA no later than August 23, 1995.

ADDRESSES: Petitions for reconsideration of this rule should refer the Docket number referenced at the beginning of this document and should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Gary R. Woodford, NPS–01.01, Special Projects Staff, Office of Safety Performance Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (Telephone 202–366–4931) (FAX 202–366–4329).

SUPPLEMENTARY INFORMATION:

I. Final Rule Establishing FMVSS No. 304

On September 26, 1994, NHTSA published a final rule addressing the safe performance of compressed natural gas (CNG) containers [1] (59 FR 49010). The final rule established a new Federal motor vehicle safety standard (FMVSS) FMVSS No. 304, *Compressed Natural Gas Fuel Container Integrity*, that specifies pressure cycling, burst, and bonfire tests for the purpose of ensuring the durability, initial strength, and venting of CNG containers. The pressure cycling test evaluates a container's durability by requiring a container to withstand, without any leakage, 18,000 cycles of pressurization and depressurization. This requirement helps to ensure that a CNG container is capable of sustaining the cycling loads imposed on the container during refuelings over its entire service life. The burst test evaluates a container's initial strength and resistance to degradation over time. This requirement helps to ensure that a container's design and material are appropriately strong over the container's life. The bonfire test evaluates a container's ability to relieve internal pressure, primarily pressure due to temperature rise. In addition, the final rule specifies labeling requirements for CNG fuel containers. FMVSS No. 304 took effect on March 27, 1995.

The new FMVSS is patterned after the American National Standards Institute's (ANSI's) voluntary industry standard known as ANSI/NGV2. ANSI/NGV2 and FMVSS No. 304 specify detailed material and other requirements for four different types of containers. A Type 1 container is a metallic noncomposite container. A Type 2 container is a metallic liner over which an overwrap such as carbon fiber or fiberglass is applied in a hoop wrapped pattern over the liner's cylinder sidewall. A Type 3 container is a metallic liner over which an overwrap such as carbon fiber or fiberglass is applied in a full wrapped pattern over the entire liner, including the domes. A Type 4 container is a non-metallic liner over which an overwrap such as carbon fiber or fiberglass is applied in a full wrapped pattern over the entire liner, including the domes.

For each type of container, ANSI/NGV2 and FMVSS No. 304 specify a unique safety factor for determining the internal hydrostatic pressure that the container must withstand during the burst test. The safety factors range from 2.25 to 3.50, depending on the material and design involved. The higher the safety factor, the more material is needed to comply with the requirement. To satisfy this aspect of ANSI/NGV2 and FMVSS No. 304, a container must meet the applicable material and manufacturing requirements as well as the burst test.

While FMVSS No. 304 followed ANSI/NGV2 in most respects, it departed from ANSI/NGV2 in requiring that carbon fiber containers comply with the burst tests based on higher safety factors. Specifically, the final rule establishing FMVSS No. 304 specified a safety factor of 2.50 for Type 2 containers and 3.33 for Type 3 and Type 4 containers. In contrast, ANSI/NGV2 specifies a safety factor of 2.25 for all carbon fiber containers.

II. Petitions for Reconsideration

NHTSA received 133 petitions for reconsideration of the final rule that established FMVSS No. 304. The petitions were submitted by CNG container manufacturers, vehicle manufacturers, natural gas utilities, research and testing laboratories, and Canada and several of its provincial governments.

Most of the petitioners addressed the carbon fiber safety factors. Many of them stated that the levels specified by the agency in the final rule are higher

[1] When used as a motor fuel, natural gas is stored on-board a vehicle in cylindrical containers at a pressure of approximately 20,684 kPa (3,000 psi). Among the terms used to describe CNG fuel containers are tanks, containers, cylinders, and high pressure vessels. The agency will refer to them as ''containers'' throughout this document.

than warranted by safety considerations. They further stated that the higher safety factors will unduly increase the cost of carbon fiber containers and make them noncompetitive with other technologies. Some petitioners stated that NHTSA's safety factors are not harmonized with the Canadian Standards Association (CSA) standard (Canadian B51 Part II) or with the 1993 draft International Standards Organization (ISO) standard (ISO/TC 58/SC 3/WG 17), both of which specify a 2.25 safety factor for carbon fiber containers. On the other hand, only one commenter supported the 3.33 safety factor.

While the carbon fiber safety factors were the most controversial issue raised by petitioners, some petitioners requested changes to other aspects of the final rule. For example, some petitioners expressed concern that FMVSS No. 304 prohibits certain materials, such as new or different aluminum and steel alloys or other new materials. Some petitioners wanted FMVSS No. 304 to include additional safety requirements found in ANSI/NGV2. A number of petitioners requested the agency to delay or withdraw FMVSS No. 304 until the current revision of ANSI/NGV2 is completed. Petitioners also raised questions about the need for certain technical amendments to FMVSS No. 304.

NHTSA has responded to the petitions for reconsideration by issuing two different notices. The two-step approach to responding to the petitions was necessary to provide immediate regulatory relief by allowing the manufacture of carbon fiber containers, subject to a single safety factor of 2.25. This approach also provided NHTSA an opportunity to review and analyze all the information presented in the petitions for reconsideration.

III. December 1994 Final Rule Responding to Petitions for Reconsideration

In an initial notice responding to petitions for reconsideration published on December 28, 1994, the agency established a burst test safety factor of 2.25 for carbon fiber containers, and indicated that it would issue a final determination about the appropriate burst test safety factor pending completion of the reconsideration process. (59 FR 66773) That notice also responded to several other technical issues whose resolution did not necessitate extensive review or consideration. In today's notice, the agency sets forth a final determination about the safety factor for carbon fiber containers and responds to the balance of the issues in the petitions for reconsideration.

IV. Further Response to Petitions for Reconsideration

A. Carbon Fiber Safety Factors

In the September 1994 final rule, NHTSA departed from ANSI/NGV2 and established higher safety factors for carbon fiber containers. The agency made this determination because at that time the agency was not aware that these containers were being used extensively in motor vehicle applications. The agency stated that adopting more stringent safety factors is consistent with the longstanding approach taken by the Research and Special Programs Administration (RSPA)[2] to initially adopt conservative requirements in response to the uncertain level of risk posed by new technologies and subsequently modify the requirements if further real-world safety data become available supporting less stringent regulations. The agency indicated that it would consider reducing the safety factors for carbon fiber containers if data supporting a reduction ''are developed and become available on the use of carbon fiber containers in motor vehicle applications.''

In response to the final rule, CNG container manufacturers and other petitioners have submitted new test data and information indicating that carbon fiber containers at the lower 2.25 safety factor can provide a level of performance equal to that of other materials built to higher safety factors. This information also indicated that implementing higher safety factors for carbon fiber would make carbon fiber containers noncompetitive because of the higher costs associated with adding additional material to meet the higher safety factors. The data include information on tests and analyses of carbon fiber containers, the number of containers in use in motor vehicle applications, and cost and weight information.

Several petitioners, particularly Brunswick Technical Group and EDO Corp., submitted test data which indicate that carbon fiber containers that comply with ANSI/NGV2 are safe. Brunswick stated that it has qualified 26 different configurations of its carbon fiber containers under ANSI/NGV2 requirements and has destructively tested 500 carbon/fiberglass CNG containers.[3] That manufacturer further stated that there is no information indicating that carbon fiber containers that comply with ANSI/NGV2 requirements have failed in the field or that test data would indicate the likelihood of such failure. To illustrate its claim, Brunswick provided the results of tests recently performed by British Gas on its containers.

EDO also provided extensive testing information and analyses about its carbon fiber containers built to the 2.25 safety factor. EDO submitted an analysis showing how its container meets the requirements of a draft industry-wide guideline for the performance of CNG containers used in a motor vehicle environment. The guideline, which was developed by General Motors (GM) following failures of CNG containers on two GM pickup trucks in 1994, includes requirements for performance relative to contaminants, corrosives, crashworthiness, leak integrity, fire resistance, reliability, dependability, and accelerated aging. The results of the analysis indicate that EDO's carbon fiber containers built to the 2.25 safety factor comply with these requirements.

EDO also provided a detailed analysis, known as a Failure Modes and Effects Analysis (FMEA),[4] which it performed to determine the safety risks of its carbon fiber containers built to ANSI/NGV2 requirements. This analysis led EDO to conclude that no significant safety risk could be identified for the carbon fiber containers. Specifically, EDO cited the significantly long fatigue life and high resistance to stress rupture of carbon fiber, which are evaluated by the burst test. EDO also cited additional test data that it believes indicate that no further requirements are needed with respect to container strength.

Several petitioners supplied information favorably comparing the performance (under both real world and laboratory test conditions) of carbon fiber containers subject to the 2.25 safety factor with fiberglass containers. Based on an evaluation that Powertech conducted for Transport Canada, Powertech concluded that carbon fiber resists stress rupture, and

[2] RSPA is an administration within the United States Department of Transportation whose functions include regulating the transportation of hazardous materials.

[3] Brunswick's design uses carbon as the major load carrying fiber with a small layer of fiberglass outside.

[4] A FMEA sets out in writing each failure mode that is possible with a product along with the potential cause for the failure and the design control in place to counter the failure. RSPA sometimes requires a FMEA to be submitted when it evaluates a manufacturer's particular container design. NHTSA believes that FMEA is a valid technique for assessing the adequacy of a particular design, provided that other supporting information is presented.

environmental and fire effects better than fiberglass.

Several petitioners stated that carbon fiber containers subject to the 2.25 safety factor are being used safely in real world situations. Thomas Built Buses, Inc., reported that there have been several thousand carbon fiber CNG containers built to ANSI/NGV2 requirements, i.e., subject to a safety factor of 2.25. Brunswick and EDO stated that they have built over 5,000 carbon fiber containers to ANSI/NGV2 requirements (2,600 Brunswick and 2,500 EDO.) According to Brunswick, many of these containers have been in service for at least 18 months, including carbon fiber containers that have been used in buses in Sweden for over five years.

Petitioners further stated that the higher carbon fiber safety factors in FMVSS No. 304 are not harmonized with the standards being set by others. For instance, Canada's CSA standard for CNG vehicle fuel containers uses a 2.25 safety factor. Similarly, the draft ISO standard for CNG containers incorporates the 2.25 safety factor. Moreover, several organizations and States have incorporated ANSI/NGV2 into their standards for CNG vehicles, including the National Fire Protection Association, New York Department of Transportation, California Highway Patrol, Texas Railroad Commission, and the State of Nebraska.

Many petitioners contended that the higher safety factors for carbon fiber containers required by FMVSS No. 304 will make these containers noncompetitive by unnecessarily increasing their cost and weight, thereby inhibiting the growth of the natural gas vehicle market. They noted that for a CNG container of a given size, the increased safety factor not only increases the cost and weight, because of the increased carbon fiber needed, but also reduces container interior volume. The American Gas Association (AGA), the National Gas Vehicle Coalition (NGVC), Brunswick, EDO, and Thomas each indicated that these results have a significant impact on the motor vehicle applications, particularly for buses and small passenger vehicles, which are particularly weight sensitive.

These petitioners provided specific data on the cost and weight impacts. AGA and NGVC stated that the higher safety factors in FMVSS No. 304 will increase the cost of carbon fiber containers by 25 to 40 percent[5] and eliminate their weight advantage. EDO stated that the higher safety factor for one of its carbon fiber containers would result in a 38 percent (or $395) selling price increase and 32 percent weight increase (approximately 25 pounds) for the same container interior volume. EDO added that for a bus using 12 such containers, this would result in a price increase of $4,740 for the containers (excluding other costs such as OEM markup and changes to the mounting brackets). Similarly, Brunswick stated that the agency's Final Regulatory Evaluation (FRE) significantly understated the cost impact of the higher safety factors, particularly for buses. That manufacturer estimated that the incremental cost impact of the higher safety factors would be $5,461 per bus, not $1,240 to $2,483 as estimated by the agency. Thomas Built stated that the high strength, light-weight carbon fiber container has made its bus applications more practical by increasing passenger capacity by six persons over what is possible with steel/fiberglass containers, since a smaller carbon fiber CNG container has approximately the same internal capacity as a larger steel/fiberglass container.

Based on the information submitted in the petitions for reconsideration and other available information, NHTSA has determined that a 2.25 safety factor is more appropriate than the factors originally established in September 1994 for carbon fiber CNG containers. After analyzing this information, the agency believes that the lower safety factor adopted in December 1994 is adequate to ensure that carbon fiber CNG containers will have sufficient strength to perform in a motor vehicle environment. The test data and information on real-world experience supplied by the petitioners appear to support the agency's determination that a 2.25 safety factor is appropriate. During that time, there have been no known failures. NHTSA further notes that the 2.25 safety factor harmonizes with the value specified in ANSI/NGV2 and in the CSA standard. The agency also agrees with the petitioners that the higher safety factor adopted in the final rule would have significantly increased the cost and weight associated with carbon fiber containers, even though the 2.25 safety factor now appears adequate to ensure their safety. In conclusion, NHTSA has determined that adopting the 2.25 safety factor is sufficient to ensure safety. Thus, the safety factor or stress ratio, for each fiber material in a fuel container will be as defined in FMVSS No. 304 for that fiber, with the stress ratio for carbon fiber being 2.25.

B. Other Amendments

In the petitions for reconsideration, ten petitioners—Ford, Pressed Steel Tank (PST), Norris, Structural Composites Industries (SCI), Compressed Gas Association (CGA), NGV Systems, the Flxible Corp, Powertech Labs, Brunswick, and Chrysler—requested a variety of amendments to FMVSS No. 304. Each requested modification, along with the agency's analysis of the desirability of the requested modification, is discussed below.

1. Definitions for Burst Pressure

SCI recommended that the reference to temperature in the definition of burst pressure be in terms of ambient temperature, rather than 70 °F, since the current reference implies to the petitioner that the burst test must be performed at 70 °F. Section S4 defines burst pressure as ''* * * the highest internal pressure reached in a CNG fuel container during a burst test at a temperature of 21 °C (70 °F).''

NHTSA has decided not to adopt SCI's request to modify the definition for burst pressure. Neither NHTSA nor NGV2 specifies the temperature at which the burst test needs to be conducted. The agency further notes that SCI provided no other rationale to justify this modification, and no other petitioner commented that the definition was inappropriate. Further, the definition for burst pressure in S4 is consistent with that of ANSI/NGV2, which represents a consensus of the natural gas vehicle industry. Therefore, adopting the requested modification might cause confusion for manufacturers.

2. Container and Material Requirements

a. *NASA computer program.* NGV Systems, SCI, Powertech, and PST petitioned the agency to correct the name and statement about the availability of the National Aeronautics and Space Administration (NASA) computer program referenced in S5.5.1 and Part 571.5(b)(9).

NHTSA has adopted the requested amendments to S5.5.1 and Part 571.5(b)(9), since the agency, in the final rule, used an incorrect title and erroneously stated that it was available from NASA. The computer program's correct title is ''Computer Program for the Analysis of Filament-Reinforced Metal-Wound Pressure Vessels.'' The program is available from the National Technical Information Service,

[5] Assuming that each CNG carbon fiber container built to the 2.25 safety factor costs approximately $1,000, costs would increase between $250 and $400.

Springfield, Virginia as N67–12097 (NASA CR–72124).

b. *Autofrettage requirement.* Norris Cylinder Co. (Norris) petitioned the agency to amend FMVSS No. 304 to include an autofrettage [6] requirement. Norris stated that composite containers are usually produced by volumetric expansion (autofrettage) of the liner wrapped with continuous filament windings.

NHTSA has decided not to adopt Norris' request to include a requirement addressing autofrettage. The agency believes that the current requirements in FMVSS No. 304 such as the material designation requirements in S5.2 and the manufacturing processes for composite container requirements in S5.3 adequately ensure the safe performance of a CNG container. The agency further believes that this manufacturing process should be left to the discretion of the container manufacturer. Moreover, no other manufacturer raised this issue, and Norris offered no convincing rationale for amending FMVSS 304 to include such a requirement.

c. *Reference to S5.7.3.* SCI stated that S5.4.3 refers to a nonexistent S5.7.3, and therefore suggested that this reference be deleted or defined. NHTSA notes that SCI's statement is incorrect; there is a section S5.7.3, *Tensile Strength.*

d. *Container liner burst test.* SCI petitioned the agency to amend FMVSS No. 304 to add a new section S5.4.2.4 which would state that ''Wall thickness of a liner shall be such that the burst pressure of the liner without overwrap is at least 1.25 times the service pressure of the container.'' SCI stated compliance with this new requirement should be demonstrated by the addition of a liner burst test in S8. SCI further stated that these requirements are needed since the safety factors for Type 2 containers are based on the premise that the liner without the fiber overwrap will maintain service pressure without failure.

NHTSA has decided not to amend FMVSS No. 304 to add a wall thickness performance requirement. While SCI's assertion is true that the liner alone is to maintain service pressure, this fact is not relevant to its request for a new test. Moreover, SCI provided no compelling safety rationale as to why these new requirements should be added. Section S5.4.2 of the final rule currently specifies liner wall thickness based on liner stress requirements at various container pressures, which is consistent with ANSI/NGV2, the voluntary industry standard. The agency believes that there is no need to add these new requirements for the liner only, since the rule has burst, pressure cycling, and bonfire requirements which test the container as a whole after manufacturing.

e. *Check analysis tolerances for materials.* PST stated that the requirements for chemical analysis in S5.2, *Material designations,* are unreasonable unless the agency allows normal check analysis tolerances in addition to the stated chemical composition ranges. Normal check analysis tolerances are the slight variations found when verifying a metal's chemical composition. PST added that this is not seen as a problem with the rule, but only in the definition of NHTSA enforcement tests. According to the petitioner, since metal analysis is not absolutely precise, some allowance for non-repeatability in the analyses is necessary.

NHTSA has decided not to amend FMVSS No. 304 with respect to the chemical analysis of materials. The agency notes that the requirements specified in S5.2 already provide ranges for the chemical compositions of various elements. For example, copper is allowed to be between 0.15 to 0.60 percent in certain aluminum containers. Manufacturers seeking to ensure compliance could aim to hit the mid-point in each range. PST provided no data to support its claim that the specified ranges for chemical compositions, which are consistent with the ranges specified in NGV2, are inadequate. Moreover, no other manufacturer informed the agency that these chemical composition ranges posed a problem. NHTSA believes that absent a compelling reason to provide otherwise, FMVSS No. 304 should be consistent with ANSI/NGV2 since the manufacturers already comply with the industry standard. Moreover, the agency believes that it should not consider amending the requirement absent input from other manufacturers. Based on the above considerations, NHTSA has decided that it is not appropriate for the Standard to specify check analysis tolerances.

f. *Wall stress formula.* PST and Norris petitioned NHTSA to change the units which refer to pressure in the wall stress formula to make the units consistent. The petitioners state that the units are not consistent: on the left side of the equation, wall stress is in units of MPa (psi); while, on the right side of the equation, minimum hydrostatic test pressure is in Bar (psig). The equation is referenced in S5.4.1(b), Wall thickness, Type 1 containers. The petitioners state that this is also an error in ANSI/NGV2.

NHTSA has decided to amend FMVSS No. 304 to incorporate this change in the wall stress formula. The agency notes that the petitioners are correct that the minimum hydrostatic test pressure should be in units of MPa, and not in Bar (psig). This change will make the units in the formula consistent. The agency has docketed a memorandum describing a telephone conversation between agency personnel and a representative of the AGA in which AGA stated that this is a typographical error in ANSI/NGV2. AGA is serving as the secretariat for the Natural Gas Vehicle Fuel Cylinder Task Group, which is the industry group currently revising and updating ANSI/NGV2.

g. *Service pressure vs. Hydrostatic pressure in stress formula.* PST stated that the wall stress formula in S5.4.1(b) should be modified to refer to service pressure. The formula currently uses, as part of the equation, hydrostatic test pressure rather than service pressure to calculate wall stress. The petitioner also stated that the rule does not define test pressure.

NHTSA has decided not to adopt PST's request to amend the wall stress formula in S5.4.1(b). The agency notes that the petitioner provided no rationale as to why service pressure should be used in the formula rather than hydrostatic test pressure.[7] The agency notes that ANSI/NGV2, which represents the consensus of the natural gas vehicle industry, uses hydrostatic test pressure. Regarding the definition of hydrostatic pressure, the rule specifies the definition for hydrostatic pressure in S4, which is also consistent with the definition in ANSI/NGV2.

3. Performance Requirements

a. *Hydrostatic test.* CGA and Norris petitioned the agency to specify a hydrostatic test and test pressure. CGA stated that test pressure is commonly 1.5 times the service pressure, and that all similar containers worldwide are required to be tested to this level to establish that each one will withstand such pressure at the time of manufacture. CGA added that unsafe containers might enter the market if they are not tested at the time of manufacture.

[6] Autofrettage is a manufacturing process for composite containers in which the container is pressurized to the point where the metal liner begins to yield, thereby placing the liner in compression and the fiber overwrap in tension once pressure is released.

[7] The agency notes that the terms ''hydrostatic pressure,'' ''hydrostatic test pressure,'' and ''test pressure'' are all synonymous.

NHTSA has decided not to adopt the petitioner's request to include a hydrostatic test. While ANSI/NGV2 requires a hydrostatic pressure test be performed on each container, FMVSS No. 304 does not require such a test. Instead, the agency requires each manufacturer to certify that its containers comply with the burst test requirement. That test is based on the level of pressure reached at the safety factors, or stress ratios, specified in FMVSS No. 304. Further, since the burst test is more stringent than the hydrostatic test, the hydrostatic test would not provide any additional information about a container's strength, and therefore is not necessary.

b. *Burst pressure vs. Fiber stress ratio.* NGV Systems, Ford, PST, Brunswick, CGA, SCI and Chrysler petitioned the agency to amend FMVSS No. 304 to correct what they viewed as a conflict in the wording of S7.2.2. Specifically, the last sentence in S7.2.2 states that ''Burst pressure is calculated by multiplying the service pressure by the applicable fiber stress ratio set forth in Table Three.'' The petitioners claimed that this requirement is in error since burst pressure is not always directly proportional to fiber stress ratio, particularly for Type 2 and Type 3 containers where the liner carries some of the load. The petitioners further indicated that this statement is not in keeping with the intent of ANSI/NGV2 requirements or industry practice. Ford and PST suggested that the last sentence of S7.2.2 be deleted. SCI suggested other changes, such as changing the term ''stress ratio'' to ''pressure ratio'' in S7.2.2, and making other similar wording changes in the rule to reflect the last sentence in S7.2.2.

After reviewing the petitions, NHTSA has decided to amend FMVSS No. 304 by deleting the last sentence of S7.2.2. The agency agrees with the petitioners that the final rule did not reflect the fact that the liner carries some of the load. Today's modification recognizes the methods used to manufacture CNG containers and therefore makes the requirement more practicable than the requirement that was specified in the final rule. This modification corrects the wording conflict and makes FMVSS No. 304 consistent with ANSI/NGV2, which was the agency's intent. The agency has decided not to adopt SCI's suggested wording changes, which are not necessary given the agency's decision to delete the last sentence in S7.2.2. The agency further notes that SCI's requested modification would have made the final rule inconsistent with ANSI/NGV2.

c. *Fiberglass stress ratios: Type 2 containers.* Norris petitioned the agency to revise the safety factors for E-Glass and S-Glass Type 2 containers. Section S7.2.2 of Standard 304 specifies these at 2.65. Norris stated that considerable safe experience exists with the similar DOT FRP–2 cylinder design at a safety factor of 2.5, and that this should not be arbitrarily changed to 2.65. In addition, the CGA commented more generally that the stress ratios in Table 3 of S7.2.2 for some cylinder types are different from those used in industry practice, and suggested an open forum at NHTSA to discuss these points.

NHTSA has decided not to adopt Norris' request to lower the safety factor for E-Glass and S-Glass containers to 2.5. The agency believes that it would be inappropriate to make such a change based on DOT FRP–2, which is a RSPA requirement that regulates cylinders used in transport. In contrast, FMVSS No. 304 is a Federal motor vehicle safety standard that regulates the manufacture of CNG containers for use in motor vehicle applications. Although cylinders made to FRP–2 are similar in design to Type 2 containers, they are subject to a much different operating environment. For example, Type 2 containers, being in the automotive environment, are subject to many more pressurization cycles due to refueling. Based on these different applications, NHTSA believes the higher safety factor of 2.65 is justified. More generally, the fiber stress ratios which NHTSA has currently set in FMVSS No. 304 are the same as those of ANSI/NGV2, which represents a consensus of the CNG vehicle industry.

4. Labeling Requirements

a. *Letter height.* Ford, SCI, and Chrysler petitioned the agency to reduce the height of the required lettering on the container label specified in S7.4. Ford requested the lettering height be changed from 12.7 mm to 4 mm, stating that 4 mm is the same height required for VIN lettering. Ford stated that using letters 12.7 mm high will result in a label so large that, when it is applied to the container, not all parts of the label will be visible due to the label's wrapping around the container surface. SCI petitioned the agency to reduce the lettering height to 6.35 mm. SCI stated that if the lettering were 12.7 mm in height, the label might be so large that it could be impossible to read all the necessary information once the fuel container is installed. Chrysler stated that typical labeling uses a combination of 3 mm and 6 mm characters.

After reviewing these petitions for reconsideration, NHTSA has decided to amend FMVSS No. 304 to reduce the required lettering height since the lettering height in the final rule is too large to enable manufacturers to provide labels that fit appropriately on the CNG containers. Specifically, the agency has decided to amend S7.4 to specify that the lettering height be 6.35 mm (0.25 inch), which is consistent with the comments of Chrysler and SCI. The agency believes that Ford's request to reduce the lettering height still further, to 4 mm (0.157 inch), would be inappropriate since lettering of that height could be too small to be readily visible at various locations on CNG vehicles.

b. *Container label permanency.* SCI requested that NHTSA clarify how S7.4 should be interpreted, claiming that it is difficult for a container manufacturer to guarantee label permanency. That provision states that ''Each CNG fuel container shall be permanently labeled * * *.''

By ''permanent,'' NHTSA means that the label should remain in place and be legible for the manufacturer's recommended life of the container. For instance, a metal tag with embossed or raised letters riveted in place would be considered permanent. Similarly, a mylar label that is subsurface printed and is made of a material that is resistant to fade, heat, moisture and abrasion would typically be considered permanent (see Standard No. 129, section S5.4.3). To carry out this intent, NHTSA has modified section S7.4 to state that ''Any label affixed to the container in compliance with this section shall remain in place and be legible for the manufacturer's recommended life of the container.''

c. *Fill pressure.* Norris petitioned the agency to require that the container label indicate the maximum allowed fill pressure during refueling. Norris stated, without explanation, that information about fill pressure would be more useful than service pressure.

NHTSA has decided not to adopt Norris's request to include the fill pressure on the label. Section S7.4 of FMVSS No. 304 requires that the service pressure be specified on the container label. This is the pressure at which the container is designed to operate under normal conditions. At present, there are two basic service pressures for CNG containers: 3,000 psi and 3,600 psi. NHTSA did not propose and does not now believe there is a compelling reason to specify maximum fill pressure. The agency notes that Norris provided no safety rationale to justify such a requirement and that the current labeling requirement to specify service pressure is consistent with ANSI/NGV2,

which represents a consensus of the CNG fuel container industry.

d. *Service pressure.* SCI petitioned the agency to specify that ''Service pressure'' be on the container label, rather than ''Maximum service pressure'' as required by S7.4(c). Since ''Service pressure'' is defined in FMVSS No. 304, not ''Maximum service pressure,'' SCI stated that this revision to the label would retain consistent terminology.

NHTSA has decided to adopt SCI's request to specify ''service pressure'' on the container label. The agency notes that the term ''maximum service pressure,'' as required to be on the container label in FMVSS No. 304, was intended to mean the same as ''service pressure.'' Thus, the agency was using the two terms interchangeably, even though FMVSS No. 304 defines ''service pressure'' but not ''maximum service pressure.'' The agency believes that use of the two different terms in FMVSS No. 304 could be confusing. Specifically, the term ''maximum service pressure'' could be construed to mean a higher pressure than what was intended in FMVSS No. 304. Therefore, S7.4(c) has been revised to read:

''Service Pressure _____ kPa
(_____ psig).''

e. *Symbol ''DOT''.* Section S7.4(d) requires the symbol ''DOT'' to be placed on the container label as the manufacturer's certification that the container complies with all requirements of FMVSS No. 304. SCI stated that the container label symbol ''DOT'' is not meaningful and should be expanded to include the standard and effective date, ''DOT FMVSS–304–0395.''

NHTSA has decided not to adopt SCI's request to modify the labeling requirement related to the symbol ''DOT.'' The agency believes that the information requested by SCI would create additional confusion. The agency further notes that the use of the symbol ''DOT'' in FMVSS No. 304 is readily understood in the motor vehicle industry and is consistent with its use in other FMVSSs for items of motor vehicle equipment, such as FMVSS No. 106, *Brake Hoses*, and FMVSS No. 109, *New pneumatic tires.* The agency decided not to specify the version of the standard, since the agency typically does not reissue standards *en toto* every few years. Rather, at most, it periodically amends specific provisions in a standard. Therefore, the agency does not refer to its standards as the 1995 version of a particular standard.

f. *Service life.* SCI petitioned the agency to specify a 15 year service life for CNG containers since FMVSS No. 304's pressure cycling test of 18,000 cycles is based on 15 years (four refuelings per day, 300 days per year for 15 years).

NHTSA does not have the authority to regulate the length of time that the public uses an item of motor vehicle equipment, such as a CNG container. The agency does have authority to specify labeling requirements that address a CNG container's service life. The agency is currently reviewing comments on this matter in response to a December 1994 supplemental notice of proposed rulemaking (SNPRM) that proposed a container label requirement specifying a container life of 15 years or a time period specified by the manufacturer. (59 FR 65299, December 19, 1994). If the agency determines that labeling CNG containers with a service life is appropriate, it will do so in the context of that rulemaking.

g. *Qualification/batch test requirements.* Norris requested that FMVSS No. 304 define ''design family.'' It also stated that neither qualification nor batch test requirements are spelled out. Such a requirement would be consistent with RSPA's method of regulating CNG containers.

Norris' request for FMVSS No. 304 to include information about ''design family'' and other manufacturing considerations would be inconsistent with how Federal motor vehicle safety standards are generally promulgated. The manufacturer typically must certify that *each* container it manufactures complies with the standard. Therefore, to comply with FMVSS No. 304, each container must be capable of meeting the applicable requirements, such as the burst test, and be certified to meet them. In rare situations such as the flasher requirements in FMVSS No. 108, *Lamps, reflective devices, and associated equipment*, establishing compliance to the standard through batch testing is permitted.

Given that a batch testing requirement is typically disfavored by the agency and that the consequences for a failed CNG container are likely much more dangerous than a failed flasher, NHTSA believes that it is necessary for a CNG container manufacturer to certify the compliance of each CNG container.

NHTSA notes that in contrast to NHTSA's framework, RSPA authorizes batch testing so that each container need not be certified as complying with its requirements. Terms such as design family, qualification testing, or batch are used in ANSI/NGV2, and RSPA requirements for DOT cylinders. For example, ANSI/NGV2 requires qualification tests, such as the burst test, only when certain design changes are made to a particular design of CNG containers. In addition, manufacturer tests are sometimes done on batches or lots of 200 cylinders. Based on the above considerations, it would be inappropriate to require the information requested by Norris.

5. Test Conditions

a. *Diesel fuel in bonfire test.* NHTSA received two petitions for reconsideration to amend S8.3.6, which addresses the bonfire test's use of diesel fuel. Flxible petitioned the agency to allow the use of a wood-fueled bonfire test rather than diesel fuel. It stated that fire marshals and other authorities have placed restrictions on the use of diesel fuel. SCI stated that the use of diesel fuel would adversely affect the environment, but offered no alternative.

NHTSA has decided not to amend FMVSS No. 304 with respect to the bonfire test's fuel in today's notice. Instead, the agency is currently reviewing comments on this matter in response to a SNPRM that included a proposal to amend the bonfire test to allow alternative types of fuel given the potential environmental problems with using diesel fuel. If the agency determines that the bonfire test's fuel needs to be changed, it will do so in the context of that rulemaking.

b. *More detail in bonfire test.* PST requested that NHTSA define the bonfire test in more detail. Paragraph S8.3.10 states that, during the bonfire test, ''[t]he average wind velocity at the container is not to exceed 2.24 meters per second (5 mph).'' The petitioner stated that in some conditions, a 2.24 meters per second wind might preclude the container from being totally engulfed in flames. This consideration led PST to recommend that this requirement should instead read ''* * * 5 mph or less if necessary to achieve full impingement and engulfment.'' PST indicated that it uses a system of wind shields during its testing to assure full impingement or engulfment.

NHTSA has decided not to amend the bonfire test in FMVSS No. 304. The agency notes that since S8.3.2 and S8.3.3 specify full flame impingement or engulfment of the container during testing, allowing a wind speed of up to 2.24 meters per second will not preclude total flame impingement or engulfment. The agency notes that a manufacturer is not precluded from using wind shields to assure that full flame impingement or engulfment is achieved.

c. *Venting of container during bonfire test.* Section S7.3 specifies that during the bonfire test, the CNG container shall

either completely vent its contents through a pressure relief device or shall not burst while retaining its entire contents. PST stated that this requirement is unreasonable because it is difficult to verify and unnecessary. PST offered no alternative language, but stated that under certain conditions a small amount of gas can escape through seals around the pressure relief devices and leak small quantities of gas during the test. According to PST, this leakage is not harmful and should be allowed. PST further stated that if the intent of S7.3 is that the container vent completely through the pressure relief device, incidental leaks should be of no concern.

NHTSA believes that it would be inappropriate to amend FMVSS No. 304 based on PST's unsupported claim that under certain conditions a small amount of gas can leak through seals around the pressure relief device. PST provided no information showing that the burst requirement is inappropriate or that leakage around the seal is a problem in a properly constructed CNG container. The agency further notes that no other petitioner believed that this requirement is inappropriate or raised practicability problems. If such additional information is provided, NHTSA would consider whether further rulemaking is appropriate. As an alternative to seeking an amendment to the standard, PST could file a petition requesting the agency determine that such a noncompliance with the standard is inconsequential as it relates to safety under Part 556, *Exemption for Inconsequential Defect or Noncompliance.*

d. *Burst and pressure cycling test procedures.* PST stated that the allowable range of pressurization rates for the burst test is unreasonable, and that NHTSA should draft and publish methods for compliance testing which set a minimum pressurization rate of 100 psi per second. S8.2.2 specifies that pressurization throughout the burst test shall not exceed 200 psi per second. PST indicated that test results are a function of pressurization rate, and that very low rates can make the test overly stringent. Similarly, PST stated that the absence of a minimum cycling rate or test duration in the pressure cycling test, S8.1.3, is unreasonable, since fatigue cycle life is known to be sensitive to the cycling rate and test duration. Section S8.1.3 specifies a maximum cycling rate of 10 cycles per minute. PST stated that a minimum cycling rate of 5 cycles per minute is reasonable, or alternatively, a test duration of 60 hours. PST stated that it had previously commented on these issues.

NHTSA has decided not to adopt PST's request to modify the pressurization rates in the burst test. While PST is correct that pressurization rates do affect the test's severity, the agency notes that it is appropriate to specify the range because CNG containers in the real world will experience a variety of pressurizations. Therefore, it is in the interest of safety to specify such rates. In addition, specifying maximum pressurization and cycling rates in FMVSS No. 304 without specifying minimums is consistent with the voluntary industry standard, ANSI/NGV2. The agency specifically asked CGA and the NGVC about minimum pressurization and cycling rates, but neither organization was able to provide adequate rationale to include them in the final rule. PST has offered no new data to support the inclusion of a minimum rate for pressurization or cycling. Based on the above considerations, the agency believes that the rule should remain the same as those in NGV2 with no minimum pressurization and cycling rates.

6. Miscellaneous

a. *Withdraw or delay the effective date of FMVSS 304.* Several petitioners asked that the final rule be withdrawn, or delayed for a year or more. A number of them stated the rule does not reflect all of the safety requirements contained in ANSI/NGV2, and therefore is not comprehensive from a safety standpoint. They also stated that ANSI/NGV2 is currently being revised and updated by the industry, and indicated that a delay would allow incorporation of these new revisions.

NHTSA has determined that it would be inappropriate to withdraw the effective date of the September 1994 final rule, which took effect March 27, 1995. Even though the rule does not contain all of the requirements of ANSI/NGV2, NHTSA believes that it is better to have some requirements in place rather than none at all. Further, the agency is moving toward adding more requirements through the SNPRM that was published in December 1994. That notice proposes additional performance requirements, consistent with those in ANSI/NGV2, to evaluate a CNG fuel container's internal and external resistance to corrosion and acidic chemicals, brittle fracture, fragmentation, and external damage caused by incidental contact with road debris or mechanical damage during the vehicle's operation.

With regard to the revisions currently being made to ANSI/NGV2, NHTSA believes that it would be inappropriate for the same reason to delay the rule.

b. *Flexibility and adaptability of final rule.* Chrysler supported earlier comments submitted by the American Automobile Manufacturers Association (AAMA) which included the statement that the ANSI/NGV2 voluntary industry standard ''* * * lacks the flexibility and adaptability that should be part of a regulatory requirement * * *'' Those earlier comments were submitted by AAMA in response to the December 1993 SNPRM.

NHTSA notes that in the December 1993 SNPRM, the agency announced that it was considering the adoption of many of the requirements in ANSI/NGV2 for its final rule on CNG containers. The agency also laid out its rationale for this approach. After considering all of the comments, the agency based the rule on the voluntary industry standard, ANSI/NGV2. Chrysler offered no new arguments which the agency has not already considered and responded to in promulgating the rule.

c. *Chemical compositions.* NHTSA has decided to revise S5.2.2 to reflect new information provided by AGA in a telephone conversation with NHTSA staff members. The AGA advised the agency that there is a typographical error in S5.2.2 concerning the amount of magnesium in 6061 alloy aluminum. While FMVSS No. 304 specifies ''0.60 to 1.20 percent,'' AGA stated that the correct numbers are 0.80 to 1.20. The error is also present in the current version of ANSI/NGV2.

NGVSys submitted a letter dated February 16, 1995, requesting that the percent limits for lead and bismuth in aluminum alloy 6061 be revised. S5.2.2 of Standard 304 currently specifies these each at 0.003 percent maximum. NGVSys requested that the limits be revised to 0.01 percent maximum, indicating that the industry group currently revising ANSI/NGV2 has accepted this change for its 1995 revision. NGVSys enclosed with its request a copy of a letter from Alcoa, an aluminum supplier. The letter indicates that Alcoa's current limit for lead and bismuth in aluminum alloy 6061 is 0.010 percent each, and that further reductions in this limit would impact cost.

NHTSA has decided to deny NGV System's request. NGV Systems has provided no rationale to justify its request, nor has it provided any information on the safety implications of allowing the increased amounts of lead and bismuth. The agency notes that FMVSS No. 304's specifications for lead and bismuth are consistent with both

the current version of ANSI/NGV2 and the draft ISO standard for CNG containers.

IV. Rulemaking Analyses

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered this rulemaking action in connection with Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under E.O. 12866, ''Regulatory Planning and Review.'' This action has been determined to be ''nonsignificant'' under the Department of Transportation's regulatory policies and procedures. In conjunction with the September 1994 final rule, NHTSA prepared a Final Regulatory Evaluation (FRE) in which it estimated the rulemaking's costs. Today's rule simply reaffirms the December final rule in which the agency concluded that ''specify(ing) a 2.25 safety factor for carbon fiber containers would negate this cost increase to container manufacturers, as they currently manufacture containers to this value.'' As a result, manufacturers will not have to depart from current manufacturing practices and thus not incur additional costs. Most of the performance requirements in the standard are already being met by CNG fuel container manufacturers, who produce and test containers in accordance with ANSI/NGV2. The agency's reaffirmation of its December 1994 decision to specify a 2.25 safety factor for carbon fiber containers negates the cost increase faced by container manufacturers as a result of the higher factor in the September 1994 final rule. The manufacturers already manufacture containers to the lower factor. Since the agency has decided to adopt the same safety factor as that currently met by container manufacturers, there is no need to perform a new regulatory evaluation. The agency further notes that the various minor amendments being made in today's notice will collectively have only a negligible effect on costs.

B. Regulatory Flexibility Act

NHTSA has also considered the effects of this rulemaking action under the Regulatory Flexibility Act. Based upon the agency's evaluation, I certify that this rule will not have a significant economic impact on a substantial number of small entities. Information available to the agency indicates that businesses manufacturing CNG fuel containers are not small businesses. Further, as noted above, the amendments made in today's document will have a negligible effect on costs of compliance.

C. Executive Order 12612 (Federalism)

NHTSA has analyzed this rulemaking action in accordance with the principles and criteria contained in Executive Order 12612. NHTSA has determined that the rule will not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

D. National Environmental Policy Act

In accordance with the National Environmental Policy Act of 1969, NHTSA has considered the environmental impacts of this rule. The agency has determined that this rule will have no adverse impact on the quality of the human environment. On the contrary, because NHTSA anticipates that ensuring the safety of CNG vehicles will encourage their use, NHTSA believes that the rule will have positive environmental impacts. CNG vehicles are expected to have near-zero evaporative emissions and the potential to produce very low exhaust emissions as well.

E. Civil Justice Reform

This final rule does not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 571

Imports, Incorporation by reference, Motor vehicle safety, Motor vehicles.

PART 571—[AMENDED]

In consideration of the foregoing, 49 CFR Part 571 is amended as follows:

1. The authority citation for Part 571 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50.

§ 571.5 [Amended]

2. Section 571.5 is amended by removing paragraph (b)(9).

§ 571.304 [Amended]

3. Section 571.304 is amended by revising S5.2.2, S5.4.1(b), S5.5.1, S7.2.2, S7.4, S8.1.3, S8.2.2, and S8.3.10 to read as follows:

* * * * *

S5.2.2 *Aluminum containers and aluminum liners.* (Type 1, Type 2 and Type 3) shall be 6010 alloy, 6061 alloy, and T6 temper. The aluminum heat analysis shall be in conformance with one of the following grades:

TABLE TWO.—ALUMINUM HEAT ANALYSIS

Grade: Element	6010 alloy percent	6061 alloy percent
Magnesium ..	0.60 to 1.00 .	0.80 to 1.20.
Silicon	0.80 to 1.20 .	0.40 to 0.80.
Copper	0.15 to 0.60 .	0.15 to 0.40.
Chromium	0.05 to 0.10 .	0.04 to 0.35.
Iron	0.50 max	0.70 max.
Titanium	0.10 max	0.15 max.
Manganese ..	0.20 to 0.80 .	0.15 max.
Zinc	0.25 max	0.25 max.
Bismuth	0.003 max	0.003 max.
Lead	0.003 max	0.003 max.
Others, Each [1].	0.05 max	0.05 max.
Others, Total [1].	0.15 max	0.15 max.
Aluminum	Remainder ...	Remainder.

[1] Analysis is made only for the elements for which specific limits are shown, except for unalloyed aluminum. If, however, the presence of other elements is indicated to be in excess of specified limits, further analysis is made to determine that these other elements are not in excess of the amount specified. (Aluminum Association Standards and Data—Sixth Edition 1979).

* * * * *

S5.4.1 Type 1 Containers.

(a) * * *

(b) For minimum wall thickness calculations, the following formula is used:

$$S = \frac{P\left(1.3D^2 + 0.4d^2\right)}{\left(D^2 - d^2\right)}$$

Where:

S = Wall stress in MPa (psi).

P = Minimum hydrostatic test pressure in Mpa (psi).

D = Outside diameter in mm (inches).

d = Inside diameter in mm (inches).

* * * * *

S5.5.1 Compute stresses in the liner and composite reinforcement using National Aeronautics and Space Administration (NASA), *Computer Program for the Analysis of Filament Reinforced Metal-Wound Pressure*

Vessels, N67–12097 (NASA CR–72124) (May 1966), or its equivalent.

* * * * *

S7.2.2 Each Type 2, Type 3, or Type 4 CNG fuel container shall not leak when subjected to burst pressure and tested in accordance with S8.2. Burst pressure shall be no less than the value necessary to meet the stress ratio requirements of Table 3, when analyzed in accordance with the requirements of S5.5.1.

TABLE THREE.—STRESS RATIOS

Material	Type 2	Type 3	Type 4
E-Glass	2.65	3.5	3.5
S-Glass	2.65	3.5	3.5
Aramid	2.25	3.0	3.0
Carbon	2.25	2.25	2.25

* * * * *

S7.4. *Labeling.* Each CNG fuel container shall be permanently labeled with the information specified in paragraphs (a) through (d). Any label affixed to the container in compliance with this section shall remain in place and be legible for the manufacturer's recommended life of the container. The information specified in paragraphs (a) through (d) of this section shall be in English and in letters and numbers that are at least 6.35 mm (0.25 inch).

(a) The statement: ''If there is a question about the proper use, installation, or maintenance of this container, contact _____.'' inserting the *CNG fuel container manufacturer's name, address, and telephone number.*

(b) The statement: ''Manufactured in _____.'' inserting the month and year of manufacture of the CNG fuel container.

(c) Service Pressure _____ kPa (_____psig).

(d) The symbol DOT, constituting a certification by the CNG container manufacturer that the container complies with all requirements of this standard.

* * * * *

S8.1.3 The cycling rate for S8.1.1 and S8.1.2 shall be any value up to and including 10 cycles per minute.

* * * * *

S8.2.2 The pressurization rate throughout the test shall be any value up to and including 1,379 kPa (200 psi) per second.

* * * * *

S8.3.10 The average wind velocity at the container is any velocity up to and including 2.24 meters/second (5 mph).

* * * * *

Issued on July 18, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95–18109 Filed 7–19–95; 2:09 pm]

BILLING CODE 4910–59–P

49 CFR Part 571

[Docket No. 85–06; Notice 9]

RIN 2127–AF82

Federal Motor Vehicle Safety Standards, Passenger Car Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule; Response to petitions for reconsideration.

SUMMARY: In February 1995, NHTSA published a new Federal Motor Vehicle Safety Standard No. 135, *Passenger Car Brake Systems*, which replaces the existing Standard No. 105, *Hydraulic Brake Systems*, as it applies to passenger cars. The agency's action was part of its efforts to harmonize its standards with international standards. The agency received three petitions for reconsideration, each of which supported the new standard, but recommended one or more changes. This document provides NHTSA's response to those petitions. As part of its response, the agency is making several minor changes in the standard's test conditions. NHTSA is also making a number of correcting amendments to the new standard.

DATES: *Effective date.* The amendments made by this rule are effective August 23, 1995.

Petitions for reconsideration. Petitions for reconsideration must be received not later than August 23, 1995.

ADDRESSES: Petitions for reconsideration should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Ms. Terri Droneburg, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Room 5307, Washington, DC 20590. Phone: (202) 366–6617. Fax: (202) 366–4329.

SUPPLEMENTARY INFORMATION: On February 2, 1995, NHTSA published in the **Federal Register** (60 FR 6411) a final rule establishing Federal Motor Vehicle Safety Standard No. 135, *Passenger Car Brake Systems*. That standard will replace Standard No. 105, *Hydraulic Brake Systems*, as it applies to passenger cars.

NHTSA received petitions for reconsideration from General Motors (GM), the Japan Automobile Manufacturers Association (JAMA), and Mercedes-Benz. Each of the petitioners supported the establishment of the new standard, but identified one or more areas where they recommended changes. The issues raised by the petitioners are addressed below.

GM first identified several technical corrections to make in the text of Standard No. 135. NHTSA concurs with these corrections and has also identified several other corrections that need to be made. In this document, the agency is making those corrections.

GM next identified one substantive area of concern, involving the pedal force constraints for the hot and recovery performance tests (S7.14.3(c) and S7.16.3(c)). GM stated that NHTSA had explained in the final rule that Standard No. 135 is intended to ensure that faded brakes are capable of achieving both a minimum level of performance relative to cold effectiveness (i.e., at least 60 percent of cold effectiveness deceleration) and a minimum absolute level of performance (i.e., stopping distance less than or equal to 89 meters, from a speed of 100 km/h (62.1 mph)).

GM stated that, to make the relative performance a true comparison, it is necessary to constrain the hot stop pedal force to that which was used during the cold effectiveness stop. GM stated also that only by having similar pedal force profiles between the hot and cold stops is it possible to effectively compare hot and cold brake performance. That company cited the agency's statement in the final rule preamble that, ''(i)n order for that comparison to be meaningful, the test conditions for the two tests should be as close to identical as possible.''

GM argued, however, that the language adopted in the final rule does not facilitate test conditions for the cold and hot stops that are as close to identical as possible. GM said that the language instead precludes a legitimate comparison between hot and cold performance by forcing a significantly different pedal force on the hot stop. GM stated that a typical pedal force profile used during cold effectiveness testing shows an initial spike, followed by a lower, level force. That company stated that because the language of the final rule limits the peak hot stop pedal force to the *average* cold effectiveness pedal force, it precludes the use of an initial spike for the comparison hot stop. GM stated that this shortcoming can be easily corrected by amending the regulatory language to state that the

average hot stop pedal force cannot exceed the average cold effectiveness pedal force. GM also stated that the same analysis applies to the pedal force constraint for recovery performance.

NHTSA has evaluated GM's arguments and agrees that the suggested changes would make the test conditions for the cold, hot, and recovery stops more similar and thereby make the results more comparable. The agency is therefore adopting those suggested amendments.

GM also identified three areas for potential future rulemaking concerning Standard No. 135. First, that company stated that, even if the agency adopts its recommended changes concerning pedal force, two minor flaws will remain with the thermal test protocols. GM stated:

> First, a considerable amount of testing is performed between the cold effectiveness test (which serves as the baseline for thermal performance) and the thermal tests. These intervening tests can introduce distortions to the hot versus cold comparisons by virtue of brake and tire conditioning, changing environmental conditions, etc. Second, the pedal force spike input during the cold effectiveness test may be difficult to precisely replicate in the subsequent thermal tests. These two flaws could be corrected by adopting constant pedal force cold stops at the onset of the thermal test sequence to be used as the baseline comparison stops. The preamble to Notice 8 implies that the agency will not take action in this area until U.S. and European manufacturers come forward with a recommendation. GM requests that the agency initiate this process with either a Request for Comments or Advance Notice of Proposed Rulemaking.

While NHTSA has considered this request of GM, the agency does not believe that further rulemaking on this particular issue is warranted at this time. The agency notes that different manufacturers have significantly different views on this issue and that while GM believes it is an area where Standard No. 135 could be improved, that company has not provided information demonstrating that the current procedure creates any significant problems, e.g., compliance difficulties, effect on safety, etc. The agency also believes that the issue is only relevant for vehicles that do not have ABS. Since it is expected that nearly all passenger cars will soon have ABS, the issue will essentially become moot.

GM also noted that NHTSA is conducting rulemaking to amend Standards No. 105 and 135 to ensure their appropriateness for electric vehicles and electric brakes, and urged the agency to move as quickly as possible in this area. NHTSA notes that it is in the process of completing a new notice on that subject and expects to issue it shortly.

GM also recommended that the agency initiate rulemaking to extend Standard No. 135 to all hydraulically braked vehicles. The agency notes that it plans to conduct rulemaking to extend the standard to all vehicles with a GVWR of 10,000 pounds or less.

JAMA petitioned NHTSA to change the temperature range specified for initial brake temperature for the cold brake effectiveness test. While the final rule specifies a range of 50 °C to 100 °C, that petitioner recommended a range of 65 °C to 100 °C.

JAMA noted that its recommended range is similar to that specified in Standard No. 105. That organization argued that the wider range would impose increased cost burdens since vehicles must meet the requirements at all points within the range.

Upon reconsideration, NHTSA agrees that the lower limit of the initial brake temperature should be changed to 65 °C. This limit is nearly identical to that specified in Standard No. 105. Moreover, while some drafts of Regulation 13–H (the proposed harmonized regulation developed by the United Nations Economic Commission for Europe) included the 50 °C value, it was changed to 65 ° in 1991. Since the 65 ° value is consistent with both Standard No. 105 and the most recent draft of Regulation 13–H, and since it results in decreased variability in test results, NHTSA believes that this change recommended by JAMA should be made.

JAMA also recommended that the agency amend the definition of ''initial brake temperature'' to read ''* * * on the hottest brake,'' rather than ''* * * on the hottest axle.'' That organization stated that this change would eliminate a lack of international harmonization without any detriment to motor vehicle safety.

The agency has decided not to accept this recommendation of JAMA. NHTSA believes the initial brake temperature should be based on the hottest axle rather than the hottest brake, to ensure that one brake does not cause an unrealistically high value for the initial brake temperature.

Mercedes petitioned the agency to change Standard No. 135's requirements concerning indication of brake wear status. That company noted that the standard specifies that, if a separate indicator is used to indicate brake lining wear, the words ''Brake Wear'' must be used. Mercedes requested that the agency permit the use of the international symbol for brake wear. This symbol consists of a circle, with a dotted curved line on each side of the circle. That company argued that there are no data indicating a safety need for words versus an international symbol. Mercedes also stated that, when marketing a car in nearly 200 countries, it is highly impractical to use native language text.

NHTSA notes that Mercedes stated that it and other manufacturers can meet the requirements in this area by another alternative permitted by Standard No. 135, i.e., providing a means of visually inspecting brake pad thickness with the wheels removed. That company asserted that, as a result of complying with this alternative, ''(a)n in-dash brake wear warning lamp with an international symbol, not Standard 135 words, can be voluntarily provided, and is, therefore not prohibited by Standard 135.'' In support of its position, Mercedes stated that ''NHTSA's Chief Counsel has reiterated in numerous interpretations that, unless specifically prohibited, manufacturers may voluntarily provide more features or information than required by a Safety Standard.'' The petitioner stated, however, that even with such options available, it believes it is important that the final rule be amended to permit the international symbol. Among other things, Mercedes stated that future electric and hybrid cars may not be able to meet the relevant requirements of Standard No. 135 by providing a means of wheel removal and inspection, due to weight reduction and other critical design conflicts.

NHTSA has carefully considered Mercedes' request. For reasons discussed below, the agency has decided not to make the requested change at this time. However, the agency will consider that petitioner's request in a separate rulemaking proceeding which will more broadly address the use of symbols for brake system indicators.

The agency will begin its response to Mercedes by addressing that company's belief that, so long as a manufacturer provides a means of visually inspecting brake pad thickness with the wheels removed (in accordance with the alternative specified in S5.1.2(b) of Standard No. 135), it can voluntarily provide an in-dash brake wear warning lamp with an international symbol instead of the words specified by that standard. The agency concurs with this result, based on a reading of S5.1.2, S5.5.1, and S5.5.5 of Standard No. 135, as well as Standard No. 101.

Of particular significance, Standard No. 135's requirement to use specified

words for a brake wear indicator lamp (S5.5.5(d)(5)) is expressed as follows:

> If a separate indicator is provided to indicate brake lining wear-out as specified in S5.5.1(d), the words ''Brake Wear'' shall be used.

S5.5.1(d), which specifies one of the conditions for which a brake indicator must be activated, reads as follows:

> Brake lining wear-out, if the manufacturer has elected to use an electrical device to provide an optical warning to meet the requirements of S5.1.2(a).

Since S5.5.5(d)(5)'s wording requirement applies to a separate indicator provided to indicate brake lining wear-out ''as specified in S5.5.1(d),'' and since S5.5.1(d) only applies where a manufacturer has ''elected'' to use an electrical device to meet the standard's brake wear status requirement, it is NHTSA's interpretation that the wording requirement does not apply where a manufacturer has elected options other than an electrical device to provide an optical warning. Therefore, the agency concurs with the result suggested by Mercedes, although not necessarily with the petitioner's stated rationale.

NHTSA notes that Mercedes is correct that, unless specifically prohibited, manufacturers may voluntarily provide more features or information than required by a safety standard. The agency cautions, however, that this principle, by itself, does not necessarily mean that voluntarily provided safety features are not subject to particular requirements set forth in a safety standard. Such a result could be highly dependent on a specific factual situation and on the specific wording of a safety standard. If a manufacturer has a question about how a safety standard applies in a specific situation, it may, of course, request an interpretation from NHTSA's Chief Counsel.

NHTSA will now address Mercedes' request that Standard No. 135 be amended to permit use of the international symbol for worn brake linings instead of the words ''brake wear.'' The agency notes that Standard No. 135 specifies the use of words for several brake indicator functions, and that the international symbol for worn brake linings is part of a family of related symbols which address a number of brake functions. Therefore, Mercedes' request is part of a broader issue of whether Standard No. 135 should permit the use of symbols instead of words for the various brake indicator functions.

In the preamble to the February 1995 final rule, NHTSA stated:

> Notice 5 and this final rule (Section S5.5.5(a)) allow the use of ISO symbols in addition to the required labeling for the purpose of clarity. However, the agency has decided not to allow the ISO symbol alone to be used as a substitute for the required words. NHTSA believes that the ISO symbol can be ambiguous to some drivers since the ISO symbol, is not universally understood to represent brakes. The agency notes that the commenters did not provide any data showing that the ISO brake failure warning indicator is clearly understood by drivers in countries in which it is currently in use. Moreover, the meaning of the symbol is not readily apparent from its appearance, in contrast to some symbols, such as the one for horns, whose meaning is understandable on its face. 60 FR 6414, February 2, 1995.

NHTSA has decided to conduct a separate proceeding in which it will reconsider permitting the use of symbols for brake system indicators. The agency believes that, before making any change in this area, specific comment should be sought on each of the symbols in question and on what steps can be taken to ensure that drivers would learn the meaning of the symbols.

NHTSA is granting the petitions to the extent discussed above; the agency is otherwise denying the petitions.

The agency is making the amendments effective 30 days after publication of the final rule. NHTSA finds good cause for such an effective date. The amendments do not impose any new requirements or make existing requirements more stringent. The amendments instead either make corrections in the new standard or very minor changes in the test conditions specified by the standard.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

This notice was not reviewed under Executive Order 12866. NHTSA has examined the impact of this rulemaking action and determined that it is not ''significant'' within the meaning of the Department of Transportation's regulatory policies and procedures. NHTSA has further determined that the effects of this rulemaking are so minimal that preparation of a full regulatory evaluation is not warranted. The effects of today's rule are minimal because the rule makes only very minor changes in the test conditions specified by Standard No. 135. The rule will not have any quantifiable impact on testing costs or vehicle costs. The agency's detailed analysis of the economic effects of Standard No. 135, set forth in the Final Regulatory Evaluation prepared to accompany the February 1995 final rule establishing that standard, remains valid.

Regulatory Flexibility Act

NHTSA has also considered the impacts of this final rule under the Regulatory Flexibility Act. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. As explained above, today's final rule makes only very minor changes in the test conditions specified by Standard No. 135, and will not have any quantifiable impact on testing costs or vehicle costs. For these reasons, neither manufacturers of passenger cars, nor small businesses, small organizations or small governmental units which purchase motor vehicles, will be significantly affected by the rule. Accordingly, no regulatory flexibility analysis has been prepared.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (P.L. 96–511), NHTSA notes that there are no requirements for information collection associated with this final rule.

National Environmental Policy Act

NHTSA has also analyzed this final rule under the National Environmental Policy Act and determined that it will not have a significant impact on the human environment.

Executive Order 12612 (Federalism)

Finally, NHTSA has analyzed this rule in accordance with the principles and criteria contained in E.O. 12612, and has determined that this rule will not have significant federalism implications to warrant the preparation of a Federalism Assessment.

Civil Justice Reform

This final rule does not have any retroactive effect. Under 49 U.S.C. 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, 49 CFR Part 571 is amended as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for Part 571 of Title 49 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50.

2. Section 571.135 is amended by revising S6.1.1, S6.5.3.3, S7, S7.1, S7.1.3(a), heading of S7.2.3, S7.2.3(a), S7.2.3(c)(3), S7.2.4(d), S7.4.3(a), S7.4.3(e), S7.4.4(b), introductory text of S7.4.4(h), S7.4.5, S7.5.2(a), S7.5.2(c), S7.5.3(a), S7.5.3(b), S7.6.2(a), S7.6.2(c), S7.6.3, S7.7.3(a), S7.7.3(c), S7.8.2(a), S7.9.2(a), introductory text of S7.9.3, S7.10.1, S7.10.3(a), S7.10.3(c), S7.10.3(f), introductory text of S7.10.4, S7.11, S7.11.3(a), S7.11.3(h), S7.12, S7.12.2(d), S7.13.3(a)(1), S7.13.3(d)(1), introductory text of S7.14.3(c), S7.14.3(c)(1), S7.14.3(i), S7.15.3(d), S7.16.3(c), and redesignating S6.5.4.3 as S6.5.4.1 and republishing it, to read as follows:

§ 571.135 Standard No. 135; Passenger car brake systems.

* * * * *

S6.1.1. *Ambient temperature.* The ambient temperature is any temperature between 0 °C (32 °F) and 40 °C (104 °F).

* * * * *

S6.5.3.3. In the stopping distance formulas given for each applicable test (such as $S \leq 0.10V + 0.0060V^2$), S is the maximum stopping distance in meters, and V is the test speed in km/h.

* * * * *

S6.5.4.1. The vehicle is aligned in the center of the lane at the start of each brake application. Steering corrections are permitted during each stop.

* * * * *

S7. *Road test procedures and performance requirements.* Each vehicle shall meet all the applicable requirements of this section, when tested according to the conditions and procedures set forth below and in S6, in the sequence specified in Table 1:

TABLE 1.—ROAD TEST SEQUENCE

Testing order	Section No.
Vehicle loaded to GVWR:	
1 Burnish	S7.1
2 Wheel lock sequence	S7.2

TABLE 1.—ROAD TEST SEQUENCE—Continued

Testing order	Section No.
Vehicle loaded to LLVW:	
3 Wheel lock sequence	S7.2
4 ABS performance	S7.3
5 Torque wheel	S7.4
Vehicle loaded to GVWR:	
6 Torque wheel	S7.4
7 Cold effectiveness	S7.5
8 High speed effectiveness	S7.6
9 Stops with engine off	S7.7
Vehicle loaded to LLVW:	
10 Cold effectiveness	S7.5
11 High speed effectiveness	S7.6
12 Failed antilock	S7.8
13 Failed proportioning valve	S7.9
14 Hydraulic circuit failure	S7.10
Vehicle loaded to GVWR:	
15 Hydraulic circuit failure	S7.10
16 Failed antilock	S7.8
17 Failed proportioning valve	S7.9
18 Power brake unit failure	S7.11
19 Parking brake	S7.12
20 Heating Snubs	S7.13
21 Hot Performance	S7.14
22 Brake cooling	S7.15
23 Recovery Performance	S7.16
24 Final Inspection	S7.17

S7.1. *Burnish.*

* * * * *

S7.1.3. * * *

(a) IBT: ≤100 °C (212 °F).

* * * * *

S7.2.3. *Test Conditions and Procedures.*

(a) IBT: ≥65 °C (149 °F), ≤100 °C (212 °F).

* * * * *

(c) * * *

(3) The pedal is released when the second axle locks, or when the pedal force reaches 1kN (225 lbs), or 0.1 seconds after first axle lockup, whichever occurs first.

* * * * *

S7.2.4. * * *

(d) If any one of the three valid runs on any surface results in neither axle locking (i.e., only one or no wheels locked on each axle) before a pedal force of 1kN (225 lbs) is reached, the vehicle shall be tested to the torque wheel procedure.

* * * * *

S7.4.3. * * *

(a) IBT: ≥65 °C (149 °F), ≤100 °C (212 °F).

* * * * *

(e) Number of runs: With the vehicle at LLVW, run five stops from a speed of 100 km/h (62.1 mph) and five stops from a speed of 50 km/h (31.1 mph), while alternating between the two test speeds after each stop. With the vehicle at GVWR, repeat the five stops at each test speed while alternating between the two test speeds.

* * * * *

S7.4.4. * * *

(b) For each brake application under S7.4.3 determine the slope (brake factor) and pressure axis intercept (brake hold-off pressure) of the linear least squares equation best describing the measured torque output at each braked wheel as a function of measured line pressure applied at the same wheel. Only torque output values obtained from data collected when the vehicle deceleration is within the range of 0.15g to 0.80g are used in the regression analysis.

* * * * *

(h) Plot f_1 and f_2 obtained in (g) as a function of z, for both GVWR and LLVW load conditions. These are the adhesion utilization curves for the vehicle, which are compared to the performance requirements in S7.4.5. shown graphically in Figure 2:

* * * * *

S7.4.5. *Performance requirements.* For all braking ratios between 0.15 and 0.80, each adhesion utilization curve for a rear axle shall be situated below a line defined by z=0.9k where z is the braking ratio and k is the PFC.

* * * * *

S7.5.2. * * *

(a) IBT: ≥65 °C (149 °F), ≥100 °C (212 °F).

* * * * *

(c) Pedal force: ≥65N (14.6 lbs), ≥500N (112.4 lbs).

* * * * *

S7.5.3. * * *

(a) Stopping distance for 100 km/h test speed: ≥70m (230 ft).

(b) Stopping distance for reduced test speed: $S \geq 0.10V + 0.0060V^2$.

* * * * *

S7.6.2. * * *

(a) IBT: ≥65 °C (149 °F), ≥100 °C (212 °F).

* * * * *

(c) Pedal force: ≥65N (14.6 lbs), ≥500N (112.4 lbs).

* * * * *

S7.6.3. *Performance requirements.*

Stopping distance: $S \geq 0.10V + 0.0067V^2$.

* * * * *

S7.7.3. * * *

(a) IBT: ≥65 °C (149 °F), ≥100 °C (212 °F).

* * * * *

(c) Pedal force: ≥65N (14.6 lbs), ≥500N (112.4 lbs).

* * * * *

S7.8.2. * * *

(a) IBT: ≥65 °C (149 °F), ≥100 °C (212 °F).

* * * * *

S7.9.2. * * *

(a) IBT: ≥65 °C (149 °F), ≥100 °C (212 °F).

* * * * *

S7.9.3. *Performance requirements.* The service brakes on a vehicle equipped with one or more variable brake proportioning systems, in the event of any single functional failure in any such system, shall continue to operate and shall stop the vehicle as specified in S7.9.3(a) or S7.9.3(b).

* * * * *

S7.10.1. *General information.* This test is for vehicles manufactured with or without a split service brake system.

* * * * *

S7.10.3. * * *

(a) IBT: ≥65 °C (149 °F), ≥100 °C (212 °F).

* * * * *

(c) Pedal force: ≥65N (14.6 lbs), ≥500 N (112.4 lbs).

* * * * *

(f) Alter the service brake system to produce any one rupture or leakage type of failure other than a structural failure of a housing that is common to two or more subsystems.

* * * * *

S7.10.4. *Performance requirements.* For vehicles manufactured with a split service brake system, in the event of any rupture or leakage type of failure in a single subsystem, other than a structural failure of a housing that is common to two or more subsystems, and after activation of the brake system indicator as specified in S5.5.1, the remaining portions of the service brake system shall continue to operate and shall stop the vehicle as specified in S7.10.4(a) or S7.10.4(b). For vehicles not manufactured with a split service brake system, in the event of any one rupture or leakage type of failure in any component of the service brake system and after activation of the brake system indicator as specified in S5.5.1, the vehicle shall by operation of the service brake control stop 10 times consecutively as specified in S7.10.4(a) or S7.10.4(b). Each of the 10 stops shall meet the applicable stopping distance requirement.

* * * * *

S7.11. *Brake power unit or brake power assist unit inoperative (System depleted).*

* * * * *

S7.11.3. * * *

(a) IBT: ≥65 °C (149 °F), ≤100 °C (212 °F).

* * * * *

(h) If the brake power unit or power assist unit operates in conjunction with a backup system and the backup system is automatically activated in the event of a primary power service failure, the backup system is operative during this test.

* * * * *

S7.12. *Parking brake.*

* * * * *

S7.12.2. * * *

(d) Parking brake applications: 1 application and up to 2 reapplications, if necessary.

* * * * *

S7.13.3. * * *

(a) * * *

(1) Establish an IBT before the first brake application (snub) of ≥55 °C (131 °F), ≤65 °C (149 °F).

* * * * *

(d) * * *

(1) Maintain a constant deceleration rate of 3.0 m/s^2 (9.8 fps^2).

* * * * *

S7.14.3. * * *

(c) Pedal force:

(1) The first stop is done with an average pedal force not greater than the average pedal force recorded during the shortest GVWR cold effectiveness stop.

* * * * *

(i) Immediately after completion of the second hot performance stop, drive 1.5 km (0.93 mi) at 50 km/h (31.1 mph) before the first cooling stop.

* * * * *

S7.15.3. * * *

(d) Deceleration rate: Maintain a constant deceleration rate of 3.0 m/s^2 (9.8 fps^2).

* * * * *

S7.16.3. * * *

(c) Pedal force: The average pedal force shall not be greater than the average pedal force recorded during the shortest GVWR cold effectiveness stop.

* * * * *

Issued on July 18, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95–18106 Filed 7–21–95; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 950710176–5176–01; I.D. 061295A]

RIN 0648–AE50

Foreign Fishing Regulations; Approval of Preliminary Management Plan (PMP) for Atlantic Herring and Modification of Subpart C of the Foreign Fishing Regulations

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

ACTION: Interim final rule.

SUMMARY: NMFS announces the approval of the PMP for Atlantic herring and issues this interim final rule to modify the foreign fishing regulations pertaining to the Northwest Atlantic Ocean fishery. In accordance with the PMP, Atlantic herring is removed from the list of species prohibited for possession by foreign vessels and is added to the allocated species list for the exclusive economic zone (EEZ). This rule also removes the foreign fishing regulations pertaining to Atlantic hakes. The PMP sets the initial specifications for Atlantic herring and this rule provides a mechanism for modifying the initial specifications for that species. This rule also removes silver hake and red hake from the allocated species list and adds them, along with several other multispecies finfish, to the prohibited species list. The intended effect of this rule is to encourage the U.S. harvest of an underutilized segment of the stock of Atlantic herring by allowing the issuance of permits to foreign vessels to receive herring from U.S. vessels.

DATES: Effective July 21, 1995. Public comments are invited through August 23, 1995 and should be sent to Dr. Andrew A. Rosenberg, (see **ADDRESSES** below).

ADDRESSES: Copies of the PMP/Environmental Assessment supporting this action may be obtained from Dr. Andrew A. Rosenberg, Regional Director, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe, NMFS, Fishery Policy Analyst, 508–281–9272.

SUPPLEMENTARY INFORMATION: The U.S. Atlantic coastal herring resource has grown rapidly from less than 100,000 metric tons (mt) (220 million lb (m lb))

in 1981 to an estimated 2.8 million mt (6.2 billion lb) at the beginning of 1992. This increase is due largely to the recovery of the Georges Bank/Nantucket Shoals component of the stock, which supported a large foreign fishery during the 1960's and early 1970's, but collapsed in the early 1970's due to overexploitation. Currently, the stock is large and considerably underutilized, and may increase in size even further in the near future under current rates of exploitation.

Well over 90 percent of the total commercial harvest for Atlantic herring is taken from the Gulf of Maine in weirs and stop seines (fixed gear) and with purse seines and mid-water trawls (mobile gear). More recently, sales of adult herring to foreign processing vessels operating in internal waters (IWPs) have been conducted after having been approved by the Governors of Massachusetts, Maine, Rhode Island, New York, and New Jersey under section 306(c) of the Magnuson Fishery Conservation and Management Act. The IWPs have provided new market opportunities for nearshore U.S. fishermen.

Atlantic herring was managed on the U.S. east coast pursuant to an agreement between the States of Maine, New Hampshire, Massachusetts, and Rhode Island. This agreement was adopted in 1983 and endorsed by the Atlantic States Marine Fisheries Commission (ASMFC). The agreement replaced the Federal Fishery Management Plan for the Atlantic Herring Fishery (Atlantic Herring FMP) that was developed by the New England Fishery Management Council (NEFMC) and implemented on March 19, 1979 (44 FR 17186). The Atlantic Herring FMP was subsequently withdrawn by the Secretary of Commerce on January 5, 1983 (48 FR 416), once it became clear that catch quotas for herring in the Gulf of Maine were not going to be enforced in State waters. In the absence of an Atlantic Herring FMP, the species was placed on the prohibited species list. This action had the effect of prohibiting all foreign directed fisheries and joint ventures with foreign nationals for Atlantic herring in the EEZ.

With the development of IWP fisheries in the mid-1980's, it became clear that the 1983 interstate agreement was no longer adequate to manage the U.S. Atlantic herring resource. The dramatic growth of the stock, particularly offshore and in southern New England and mid-Atlantic coastal waters, prompted more states to declare their interests in IWP opportunities and in management of the resource. In 1993, a memorandum of understanding was circulated among the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey, which demonstrated the intent of these States to manage Atlantic herring cooperatively in State waters. The affected states, working through the ASMFC Atlantic Herring section, developed an IWP allocation process among the states, which was incorporated into a new interstate FMP that was adopted by the ASMFC in May 1994.

Since neither the 1983, nor the 1993, agreement was comprehensive enough to manage the U.S. Atlantic herring resource, ASMFC's new FMP established management objectives, defined overfishing, affirmed the existing IWP allocation procedures, and laid the groundwork for future management of domestic fishing activity by the ASMFC and the NEFMC.

The trend toward increasing IWP landings is likely to continue, especially if fishers are forced to reduce the number of days spent trawling for groundfish and turn to underutilized species such as herring, and if foreign nations have an interest in making vessels available to process herring in state waters.

A joint ASMFC and Federal Atlantic Herring FMP would better ensure compatible regulations for Atlantic herring in State waters and the EEZ, throughout the range of the stock (New Brunswick to Cape Hatteras) in U.S. waters. Federal management could also provide joint venture opportunities in Federal waters (outside 3 miles (5.6 km)). Until a Federal FMP is prepared and approved, limitations on IWP landings by U.S. fishers in State waters and an approved PMP that would manage the foreign fisheries in the EEZ are the only means by which exploitation of the resource can be authorized and controlled throughout the range.

On April 5, 1995, the NEFMC requested that NMFS allow for a joint venture fishery on the appropriate stock component of Atlantic herring, suggesting that a PMP be developed in accordance with the requirements of the Magnuson Fishery Conservation and Management Act (Magnuson Act). Shortly thereafter, NMFS received two applications for foreign joint ventures for Atlantic herring (60 FR 27492, May 24, 1995, and 60 FR 28389, May 31, 1995). In response to these foreign fishing permit applications for joint ventures, NMFS, the ASMFC, and the States of Maine and Massachusetts developed an Atlantic Herring PMP, and NMFS subsequently approved it. To effect this PMP, Atlantic herring must be removed from the list of species prohibited for foreign fishing by the foreign fishing regulations (50 CFR Part 611). In order to allow foreign vessels to retain Atlantic herring received from U.S. vessels, this rule removes Atlantic herring from the classification of prohibited species and adds Atlantic herring to the list of allocated species.

This rule also removes silver hake and red hake from the allocated species list and adds them to the prohibited species list in § 611.50, and removes § 611.51 in its entirety, which pertains to the hake fishery. Silver and red hakes have been managed under the Northeast Multispecies FMP since May 31, 1991. Additionally, § 611.51 should have been removed from the foreign fisheries regulations, but was not. This rule updates 50 CFR part 611 and also adds the following northeast multispecies finfish to the prohibited species list of the foreign fisheries regulations: Witch flounder, American plaice, ocean pout, winter flounder, windowpane flounder, and white hake. There have been no foreign fisheries or permits issued for these species over this period.

Finally, this rule adds § 611.52. Section 611.52(b) establishes procedures and provides a mechanism for adjusting initial specifications under the Atlantic Herring PMP. It is based on procedures contained in 50 CFR 655.22(e), (f), and (g).

The PMP establishes the following specifications for the Atlantic Herring Fishery of the Northwestern Atlantic:

Species	Herring, Atlantic
Species Code	202
Optimum Yield (OY)	89,220 mt (197 m lb)
Domestic Annual Harvest (DAH).	89,220 mt (197 m lb)
Domestic Annual Processing (DAP).	49,220 mt (109 m lb)
Joint Venture Processing (JVP).	40,000 mt (88 m lb)
Reserve	0
Total Allowable Foreign Fishing (TALFF).	0

The OY for Atlantic herring is derived from the maximum sustainable yield (MSY) as modified by considering relevant social and economic factors, as well as ecological factors. The economic factors include the accrued benefits to U.S. herring inshore fishermen from IWPs by foreign vessels that are approved by coastal State Governors. The ecological factors include the recent Canadian harvests of the shared stock complex and uncertainties in stock abundance that argue for a risk-averse approach to herring management, and social factors are mainly related to the protection of current and future

investments by U.S. fishermen and processors in the herring fishery.

The difference between MSY (385,200 mt) less the combined removals resulting from the Canadian catch (34,200 mt) and IWPs (68,000 mt) would leave 283,000 mt. The MSY would be further modified to provide a measure of confidence in achieving a risk-averse approach to management of the herring stock, given variations and fluctuations in abundance, and result in an OY of 89,220 mt. The OY represents the estimated DAH which is further expressed as an estimated DAP of 49,220 mt, with the remaining DAH of 40,000 mt available to JVP. The difference between the herring amount remaining (193,780 mt) after the Canadian catch and IWPs, less OY, represents the uncertainty indicated above. It has been determined that this OY will result in the greatest overall benefit to the nation by stimulating further development of an underutilized fishery and diverting effort away from other overfished fisheries.

The PMP establishes permit conditions and restrictions for foreign vessels that participate in the joint venture processing fisheries. These conditions are necessitated by conservation and management requirements. Such conditions and restrictions will be included in each permit issued and those that pertain to management area restrictions, including the areas and periods for which foreign processing vessels may participate in JVP operations, are described in detail in the PMP.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds there is good cause to waive providing prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B). Providing prior notice and opportunity for public comment is impracticable and contrary to the public interest due to the need to provide timely opportunity for joint ventures to occur this summer in an underutilized fishery. Because this rule relieves a restriction, under 5 U.S.C. 553(d)(1) there is no need to delay its effectiveness for 30 days.

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

A section 7 consultation conducted by the Northeast Region of NMFS concluded that the level and type of fishing in the fishery provided for under this PMP/rule is not likely to adversely affect endangered or threatened species or critical habitat. This consultation decision is based on the PMP/rule provisions and does not constitute consultation on the herring fishery.

List of Subjects in 50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

Dated: July 18, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 611 is amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for part 611 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 971 *et seq.*, 22 U.S.C. 1971 *et seq.*, and 16 U.S.C. 1361 *et seq.*

2. In § 611.50, paragraphs (b)(4)(i) and (b)(4)(ii) are revised to read as follows:

§ 611.50 Northwest Atlantic Ocean fishery.

* * * * *

(b) * * *

(4) * * *

(i) The other allocated species, namely: Short-finned squid, long-finned squid, Atlantic herring, Atlantic mackerel, river herring (includes alewife, blueback herring, and hickory shad), and butterfish; and

(ii) The prohibited species, namely: American plaice, American shad, Atlantic cod, Atlantic menhaden, Atlantic redfish, Atlantic salmon, all marlin, all spearfish, sailfish, swordfish, black sea bass, bluefish, croaker, haddock, ocean pout, pollock, red hake, scup, sea turtles, sharks (except dogfish), silver hake, spot, striped bass, summer flounder, tilefish, yellowtail flounder, weakfish, white hake, windowpane flounder, winter flounder, witch flounder, Continental Shelf fishery resources, and other invertebrates (except nonallocated squids).

* * * * *

§ 611.5 [Removed and Reserved]

3. Section 611.51 is removed and reserved.

4. Section 611.52 is added to subpart C to read as follows:

§ 611.52 Atlantic herring fishery.

(a) *Initial specifications.* The initial specifications of OY, DAH, DAP, JVP, TALFF, and reserve (if any) have been established by the PMP for Atlantic herring approved on July 6, 1995. These annual specifications will remain in effect unless adjusted pursuant to the provisions specified in paragraph (b) of this section.

(b) *Procedures to adjust initial specifications.* NMFS may adjust these initial specifications upward or downward to produce the greatest overall benefit to the United States at any time prior to or during the fishing years for which the initial specifications are set by publishing a notice in the **Federal Register** with the reasons for such adjustments. Any notice of adjustment may provide for public comment. Adjustments to the initial specifications may take into account the following information:

(1) The estimated domestic processing capacity and extent to which it will be used;

(2) Landings and catch statistics;

(3) Stock assessments; and

(4) Relevant scientific information.

[FR Doc. 95–18075 Filed 7–21–95; 8:45 am]

BILLING CODE 3510–22–W

50 CFR Part 661

[I.D. 042095A]

RIN 0648–AH79

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California; 1995 Management Measures; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document contains a correction of a final regulation (I.D. 042095A) that was published on Wednesday, May 3, 1995 (60 FR 21746). The regulation established the 1995 management measures for the Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California.

EFFECTIVE DATE: July 21, 1995.

FOR FURTHER INFORMATION CONTACT: William D. Chappell, 301-713-2341.

SUPPLEMENTARY INFORMATION: On May 3, 1995 (60 FR 21746), NMFS published final management measures for the ocean salmon fishery. This action published applicable management measures effective May 1, 1995, off the West Coast. The action included two complex tables which laid out the management measures for the commercial and recreational salmon fisheries (Tables 1 and 2, respectively) in management areas bounded by prominent landmarks along the coast. The tables provided for direct inclusion in the **Federal Register** inadvertently included errors which replaced the degree symbol (°) with ''E'', the minutes

symbol (′) with ''N'', and the seconds symbol (″) with ''NN'' for latitudes (lat.) identifying those points. The latitudes of the landmarks were correctly identified in the document under the heading ''Geographical Landmarks.'' This notice corrects the management area divisions by correctly describing them in Tables 1 and 2 of the document.

Correction of Publication

Accordingly, the publication on May 3, 1995, (60 FR 21746), of the final management measures (I.D. 042095A), that were the subject of FR Doc. 95–10804, are corrected as follows:

Table 1 and 2 [Corrected]

On pages 21751–21752 and 21754–21755 respectively, Part A to *Table 1. Commercial management measures for 1995 ocean salmon fisheries*, and Part A to *Table 2. Recreational management measures for 1995 ocean salmon fisheries* are corrected to read as follows:

BILLING CODE 3510–22–F

Table 1. Commercial management measures for 1995 ocean salmon fisheries.

(Note: This table contains important restrictions in Parts A, B, C, D, and E which must be followed for lawful participation in the fishery. Areas on the map are not proportional to actual geographic areas.)

A. SEASONS, SUBAREA QUOTAS, AND SPECIES (Shaded areas represent closures.)

MAY	JUNE	JULY	AUGUST	SEPT/OCT	
U.S.-CANADA BORDER				U.S.-CANADA BORDER	
			8/5 thru earliest of 9/15 or 18,750 coho quota (E.1.) or 160,000 pink guideline. All salmon except chinook. Cycle of 4 days open/3 days closed. Possession and landing limit of 80 coho per opening. Legal gear limited to flashers with barbless, bare, blued hooks or flashers with barbless hooks and pink hoochies 3 inches (7.6 cm) or less. See D.1.		Neah Bay
			CARROLL ISLAND 48°00′18″ N. lat.		La Push
					Westport Ilwaco/Astoria
CAPE FALCON 45°46′00″ N. lat.				CAPE FALCON 45°46′00″ N. lat.	
5/1 thru 6/30. All salmon except coho. No more than 4 spreads per line. Closed in Control Zone 2, mouth of Tillamook Bay, in June (C.5.).			8/1 thru 10/31. All salmon except coho. No more than 4 spreads per line. Open only 0 to 3 miles (4.8 km) of shore north of Cape Lookout (45°20′15″ N. lat.) in September. Closed in Control Zone 2, mouth of Tillamook Bay, in August and September (C.5.).		Garibaldi Cape Lookout Newport
FLORENCE SOUTH JETTY 44°01′00″ N. lat.				FLORENCE SOUTH JETTY 44°01′00″ N. lat.	Florence
5/1 thru 6/30. All salmon except coho. No more than 4 spreads per line.			8/1 thru earlier of 8/31 or 14,000 chinook quota (E.2.). All salmon except coho. No more than 4 spreads per line.	9/1 thru 10/31. All salmon except coho. No more than 4 spreads per line.	Coos Bay Charleston
CAPE ARAGO 43°18′20″ N. lat.				CAPE ARAGO 43°18′20″ N. lat.	
5/1 thru earlier of 6/30 or 13,500 chinoook quota (E.3.). All salmon except coho. No more than 4 spreads per line.				9/1 thru earlier of 10/31 or 10,000 chinook quota (E.3.). All salmon except coho. No more than 4 spreads per line.	Port Orford
HUMBUG MOUNTAIN 42°40′30″ N. lat.				HUMBUG MOUNTAIN 42°40′30″ N. lat.	

Table 1. Commercial management measures for 1995 ocean salmon fisheries (continued).

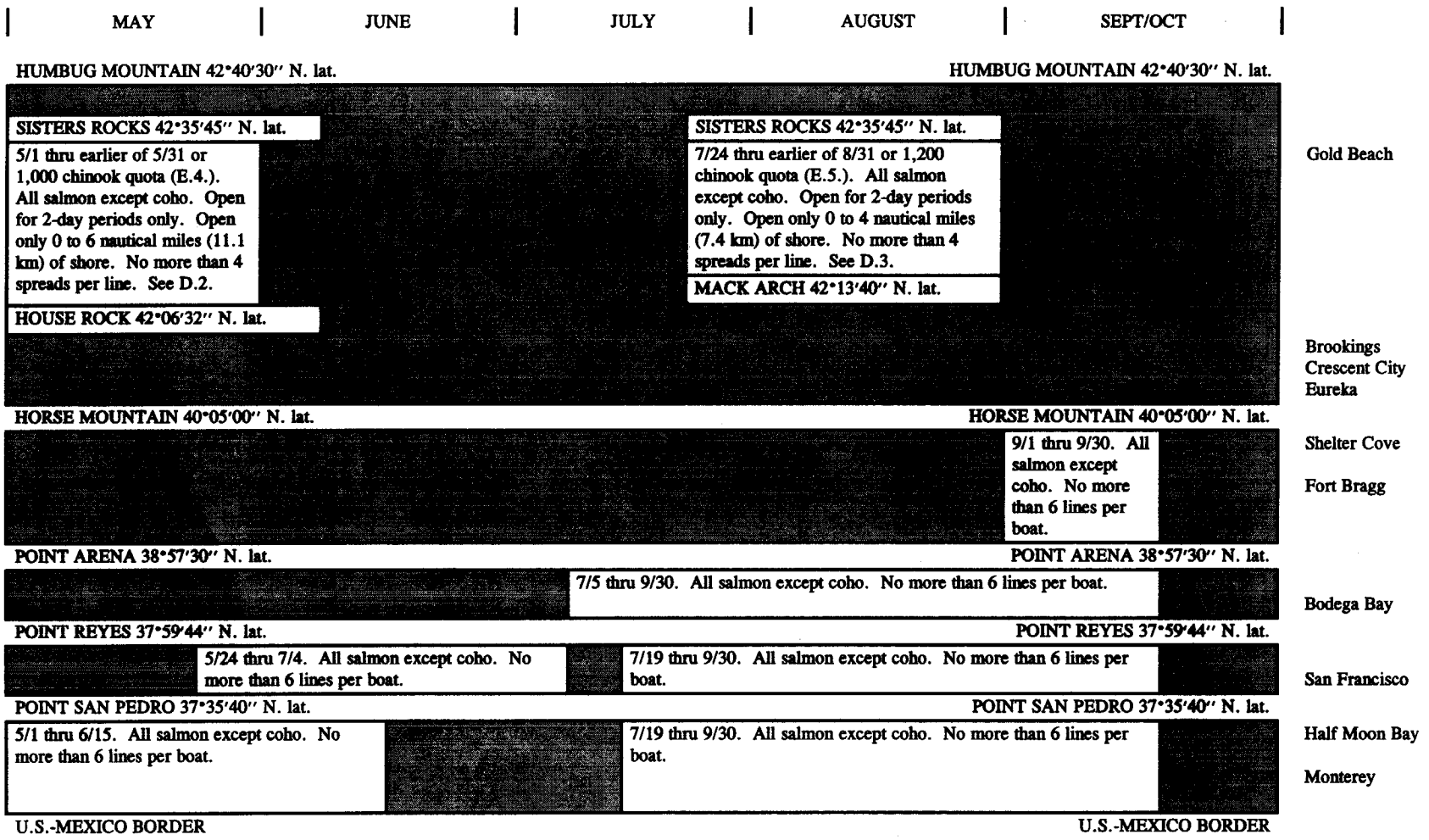

Table 2. Recreational management measures for 1995 ocean salmon fisheries.

(Note: This table contains important restrictions in Parts A, B, C, and D which must be followed for lawful participation in the fishery. Areas on the map are not proportional to actual geographic areas.)

A. SEASONS, SUBAREA QUOTAS, SPECIES AND BAG LIMITS (Shaded areas represent closures.)

FEB/MAR/APR	MAY	JUNE	JULY	AUGUST	SEPT/OCT/NOV	
U.S.-CANADA BORDER					U.S.-CANADA BORDER	
				8/1 thru earlier of 9/28 or 5,850 coho subarea quota (D.1.). Open 7 days per week. All salmon except chinook. 2 fish per day. Closed 0 to 3 miles (4.8 km) of shore south of Skagway Rock (48°21'58" N. lat.). Inseason management may be used to maintain season length.		Neah Bay
CAPE ALAVA 48°10'00" N. lat.					CAPE ALAVA 48°10'00" N. lat.	
				8/1 thru earlier of 9/28 or 1,460 coho subarea quota (D.1.). Open Sunday thru Thursday only. All salmon except chinook. 2 fish per day. Closed 0 to 3 miles (4.8 km) of shore. Inseason management may be used to maintain season length.		La Push
QUEETS RIVER 47°31'42" N. lat.					QUEETS RIVER 47°31'42" N. lat.	
				7/24 thru earlier of 9/28 or 20,800 coho subarea quota (D.1.). Open Sunday thru Thursday only. All salmon except chinook. 2 fish per day. No more than 4 fish in 7 consecutive days. Closed 0 to 3 miles (4.8 km) of shore. Inseason management may be used to maintain season length.		Westport
LEADBETTER POINT 46°38'10" N. lat.					LEADBETTER POINT 46°38'10" N. lat.	
				7/24 thru earlier of 9/28 or 28,125 coho subarea quota (D.1.). Open Sunday thru Thursday only. All salmon except chinook. 2 fish per day. No more than 4 fish in 7 consecutive days. Closed 0 to 3 miles (4.8 km) of shore and in Control Zone 1, Columbia River mouth (C.3.). Inseason management may be used to maintain season length.		Ilwaco/Astoria
CAPE FALCON 45°46'00" N. lat.					CAPE FALCON 45°46'00" N. lat.	
	5/1 thru 6/30. All salmon except coho. 2 fish per day. No more than 6 fish in 7 consecutive days. See gear restriction C.2. Closed in Control Zone 2, mouth of Tillamook Bay, in June (C.4.).					Garibaldi Pacific City Newport Florence Coos Bay
HUMBUG MOUNTAIN 42°40'30" N. lat.					HUMBUG MOUNTAIN 42°40'30" N. lat.	

Table 2. Recreational management measures for 1995 ocean salmon fisheries (continued).

FEB/MAR/APR	MAY	JUNE	JULY	AUGUST	SEPT/OCT/NOV	
HUMBUG MOUNTAIN 42°40'30'' N. lat.						Gold Beach Brookings
	5/17 thru earlier of 7/8 or 10,600 chinook quota (D.2.). Open Wednesday thru Saturday only. All salmon except coho. 1 fish per day. If quota exceeded by more than 10%, the amount over 10% will be deducted from the August quota.			8/16 thru earlier of 8/31 or 900 chinook quota (D.2.). Open Wednesday thru Saturday only. All salmon except coho. 1 fish per day. Closed in Control Zone 3, Klamath River mouth (C.5.).	9/1 thru 9/9. All salmon except coho. 1 fish per day. No more than 6 fish in 7 consecutive days.	Crescent City Eureka
HORSE MOUNTAIN 40°05'00'' N. lat.						
2/18 (nearest Saturday to 2/15) thru 4/30. All salmon. 2 fish per day. 5/1 thru 6/30. All salmon except coho. 2 fish per day. In 1996, the season will open 2/17 (nearest Saturday to 2/15) thru 4/30 for all salmon except coho; 2 fish per day.				8/1 thru 11/12 (nearest Sunday to 11/15). All salmon except coho. 2 fish per day.		Shelter Cove Fort Bragg
POINT ARENA 38°57'30'' N. lat.						
3/4 (nearest Saturday to 3/1) thru 4/30. All salmon. 2 fish per day. 5/1 thru 10/29 (nearest Sunday to 11/1). All salmon except coho. 2 fish per day. In 1996, the season will open 3/2 (nearest Saturday to 3/1) thru 4/30 for all salmon; 2 fish per day. If evaluation indicates low coho abundance in 1996, inseason action may be taken to prohibit retention of coho. In 1996, Control Zone 4, near the mouth of San Francisco Bay, will be closed from 3/2 thru 3/31 (C.6.).						Bodega Bay San Francisco Half Moon Bay Monterey
U.S.-MEXICO BORDER						

Dated: July 13, 1995.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 95–18073 Filed 7–21–95; 8:45 am]

BILLING CODE 3510–22–C

Proposed Rules

Federal Register
Vol. 60, No. 141
Monday, July 24, 1995

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

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 162

RIN 1515–AB72

Search Warrants; Correction

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This document makes a correction to the document which was previously published in the **Federal Register** proposing to amend the Customs Regulations by removing a regulation limiting the authority of Customs officers to whom search warrants are issued.

FOR FURTHER INFORMATION CONTACT: Janet L. Johnson, Attorney, Regulations Branch, (202) 482–6930.

SUPPLEMENTARY INFORMATION:

Background

On July 12, 1995, Customs published in the **Federal Register** (60 FR 35881) a document proposing to amend the Customs Regulations by deleting section 162.14 (19 CFR 162.14) in order to make the regulations consistent with the current state of the law.

This document corrects an error contained in that document. The error concerns the statement ''This document does meet the criteria for a 'significant regulatory action' as specified in Executive Order 12866.'' The word ''not'' was inadvertently omitted from the sentence. The document does not meet the criteria for a ''significant regulatory action'' as specified in Executive Order 12866. Accordingly, this document corrects that error.

Correction of Publication

Accordingly, the publication of July 12, 1995 of the notice of proposed rulemaking (60 FR 35881) is corrected as follows:

On page 35881, in the third column under the heading ''The Regulatory Flexibility Act and Executive Order 12866'', the last paragraph is corrected to read ''This document does not meet the criteria for a 'significant regulatory action' as specified in Executive Order 12866.''

Dated: July 14, 1995.

Harold M. Singer,

Chief, Regulations Branch.

[FR Doc. 95–17985 Filed 7–21–95; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 820

[Docket No. 90N–0172]

RIN No. 0905–AD59

Medical Devices; Working Draft of the Current Good Manufacturing Practice (CGMP) Final Rule; Notice of Availability; Request for Comments; Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability and announcement of public meeting.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a working draft of a final rule on the revision of the current good manufacturing practice (CGMP) regulation for devices (quality system regulation). The quality system regulation includes requirements related to the methods used in and the facilities and controls used for: Designing, purchasing, manufacturing, packaging, labeling, storing, installing, and servicing of medical devices intended for human use. The working draft contains a number of changes made in response to the many comments received on the proposal to amend the CGMP regulation, and it represents the agency's view of the necessary elements of a CGMP regulation. In this document, FDA is also announcing a public meeting to be held on the working draft. At a later time, FDA will announce a meeting of the Device Good Manufacturing Practice Advisory Committee. The publication of this document is intended to make the working draft of the quality system regulation available to the public in order to give those who will attend the public meetings the opportunity to be informed of the agency's current thinking on the final rule and to allow interested parties an additional opportunity to comment before a final regulation is issued.

DATES: The public meeting will be held on Wednesday, August 23, 1995, from 9 a.m. to 4:30 p.m. Should more time be needed, Thursday, August 24, 1995, has been set aside for this purpose. Interested persons, whether or not they are able to attend, may submit written comments on the issues described in this notice by October 23, 1995. Submit written notices of participation on or before August 8, 1995. Any final regulation that may issue, after a thorough review of the comments received on this working draft, will become effective 180 days following its publication in the **Federal Register**. A transcript of the meeting will be available from the Dockets Management Branch (address below).

ADDRESSES: The meeting will be held at the Parklawn Bldg, conference room D, 5600 Fishers Lane, Rockville, MD. There is no registration fee for this meeting. Submit written requests to make a presentation at the meeting to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857. Submit written requests for single copies of the working draft of the quality system regulation to the Division of Small Manufacturers Assistance (HFZ–220), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self-addressed adhesive labels to assist that office in processing your request. Submit written comments on the working draft to the Dockets Management Branch (HFA–305) (address above). Requests and comments should be identified with the docket number found in brackets in the heading of this document. A copy of the working draft and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. Copies of a facsimile of the working draft, totaling approximately 230 pages (approximately 190 pages of draft preamble and 40 pages of draft regulation), are available from CDRH

Facts on Demand (1-800-899-0381). Copies of the revision may also be obtained from the electronic docket administered by the Division of Small Manufacturers Assistance and are available to anyone with a video terminal or personal computer (1-800-252-1366).

FOR FURTHER INFORMATION CONTACT: Kimberly A. Trautman, Office of Compliance, Center for Devices and Radiological Health (HFZ–341), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301–594–4648.

SUPPLEMENTARY INFORMATION:

I. Background

Manufacturers establish and follow quality systems to help ensure that their products consistently meet applicable requirements and specifications. The quality systems for FDA regulated products (food, drugs, biologics, and devices) are known as CGMP's. CGMP requirements for devices (part 820 (21 CFR part 820)) were first authorized by section 520(f) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(f)), which was among the authorities added to the act by the Medical Device Amendments of 1976 (Pub. L. 94–295). The Safe Medical Devices Act (the SMDA) of 1990 (Pub. L. 101–629), enacted on November 28, 1990, amended section 520(f) of the act, providing FDA with the explicit authority to add preproduction design validation controls to the CGMP regulation. The SMDA also added a new section 803 to the act (21 U.S.C. 383) which, among other things, encourages FDA to work with foreign countries toward mutual recognition of CGMP requirements. –

FDA undertook the revision of the CGMP regulation in part to add the design controls authorized by the SMDA to the CGMP regulation, and in part because the agency believes that it would be beneficial to the public, as well as the medical device industry, for the CGMP regulation to be consistent, to the extent possible, with the requirements for quality systems contained in applicable international standards, namely, the International Organization for Standards (ISO) 9001:1994 ''Quality Systems—Model for Quality Assurance in Design, Development, Production, Installation, and Servicing'' (Ref. 1), and the ISO working draft revision of ISO/DIS 13485 ''Quality Systems—Medical Devices—Supplementary Requirements to ISO 9001'' (Ref. 2), among others. The preamble to the November 23, 1993, proposal contained a detailed discussion of the history of the device CGMP regulation, from the agency's initial issuance of the regulation through FDA's decision to propose revising the regulation.–

The agency's working draft embraces the same ''umbrella'' approach to CGMP regulation that is the underpinning of the existing CGMP regulation. Thus, because this regulation must apply to so many different types of devices, the regulation does not prescribe in detail how a manufacturer must produce a specific device. Rather, the regulation lays the framework that all manufacturers must follow, requiring that the manufacturer develop and follow procedures, and fill in the details, that are appropriate to a given device according to the current state-of-the-art manufacturing for that specific device. FDA has made further changes to the proposed regulation, as the working draft evidences, to provide manufacturers with even greater flexibility in achieving the quality requirements.

II. Decision to Make a Working Draft Available for Comment

On November 23, 1993 (58 FR 61952), the agency issued the proposed revisions to the CGMP regulation, entitled ''Medical Devices; Current Good Manufacturing Practice (CGMP) Regulations; Proposed Revisions; Request for Comments,'' and public comment was solicited. After the proposal issued, FDA met with the Global Harmonization Task Force (GHTF) Study Group in early March 1994, in Brussels, to compare the provisions of the proposal with the provisions of ISO 9001:1994 and European National (EN) standard EN 46001 ''Quality Systems—Medical Devices—Particular Requirements for the Application of EN 29001.'' The GHTF includes: Representatives of the Canadian Ministry of Health and Welfare; the Japanese Ministry of Health and Welfare; FDA; and industry members from the European Union, Australia, Canada, Japan, and the United States. The participants at the GHTF meeting favorably regarded FDA's effort toward harmonization with international standards. The GHTF submitted comments, however, noting where FDA could more closely harmonize to achieve consistency with quality system requirements worldwide. Since the proposal published, FDA has also attended numerous industry and professional association seminars and workshops, including ISO Technical Committee 210 ''Quality Management and Corresponding General Aspects for Medical Devices'' meetings, where the proposed revisions were discussed.

The original period for comment on the proposal closed on February 22, 1994, and was extended until April 4, 1994. Because of the heavy volume of comments and the desire to increase public participation in the development of the quality system regulation, FDA decided to publish this notice of availability in the **Federal Register** to allow comment on the working draft, to be followed by two public meetings, as described below, before issuing a final regulation.

This working draft represents the agency's current views on how it would respond to the many comments received, and on how the agency believes a final rule should be framed. FDA solicits public comment on this working draft to determine if the agency has adequately addressed the many comments received and whether the agency has framed a final rule that achieves the public health goals to be gained from implementation of quality systems in the most efficient manner.

III. Opportunity for Public Meeting

FDA intends to hold two public meetings on the revision of the quality system regulation. One meeting, which will be held pursuant to 21 CFR part 10.65(b), is scheduled for August 23, 1995. Interested persons who wish to participate in the public meeting may, on or before August 8, 1995 submit a written notice of participation to the Dockets Management Branch (address above). All notices submitted should be identified with the docket number found in brackets in the heading of this document and should be clearly marked ''Notice of Participation.'' The notice should also contain the name, address, telephone number, business affiliation of the person requesting to make a presentation, a brief summary of the presentation, and the approximate time requested for the presentation.

Individuals or groups having similar interests are requested to consolidate their comments and present them through a single representative. FDA may require joint presentations by persons with common interests. FDA will allocate the time available for the meeting among the persons who properly submit a written notice of participation. The meeting is informal, and the rules of evidence do not apply.

Because of the complexity of the issues to be discussed at the public meeting, FDA has concluded that it would not be beneficial to the meeting participants or the agency to devote the entire meeting to public presentations. Therefore, after reviewing the notices of

participation and accompanying information, FDA will schedule each appearance and notify each participant by mail or telephone of the time allotted to the person and the approximate time the person's presentation is scheduled to begin. Each presentation will be limited in time in order to provide sufficient time for prepared presentations by the agency followed by a discussion period. The schedule of the public meeting will be available at the meeting, and later it will be placed on file in the Dockets Management Branch (address above).

Individuals and organizations that do not submit a notice of participation but would like to testify will have the opportunity, if time permits. A transcript of the proceedings of the public meeting, as well as all data and information submitted voluntarily to FDA during the public meeting to discuss the working draft, will become part of the administrative record and will be available to the public under 21 CFR 20.111 from the Dockets Management Branch (address above).

While oral presentations from specific individuals and organizations will be limited during the public meeting, the written comments submitted as part of the administrative record may contain a discussion of any issues of concern. All relevant data and documentation should be submitted with the written comments.

There will also be a public meeting with the Device GMP Advisory Committee, established under section 520(f)(1)(B) of the act, on the working draft. That meeting will be governed by part 14 (21 CFR part 14) of FDA's administrative practices and procedures regulations, which specifies the requirements for filing notices of appearance. The tentative dates for the meeting are September 13 and 14, 1995. A notice of the exact dates, time, and place for the meeting will appear in a future issue of the **Federal Register**. After considering the written comments and the views expressed at the public meeting and at the September advisory committee meeting, FDA will publish a final rule in the **Federal Register**.

IV. References

The following information has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday:

(1) ISO 9001:1994 ''Quality Systems—Model for Quality Assurance in Design, Development, Production, Installation, and Servicing.''

(2) ISO working draft revision of ISO/DIS 13485 ''Quality Systems—Medical Devices—Supplementary Requirements to ISO 9001.''

V. Comments

Interested persons may, on or before October 23, 1995, submit to the Dockets Management Branch (address above), written comments regarding this working draft. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The working draft and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 18, 1995.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 95–18080 Filed 7–19–95; 1:36 pm]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL–5260–2]

Approval of Existing Federally Enforceable State and Local Operating Permit Programs To Limit Potential To Emit for Air Toxics; State of Alabama; Knox County, Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes approval of the State of Alabama's Federally enforceable state operating permits program (FESOP) under section 112(l) of the Clean Air Act as amended in 1990 (CAA). EPA proposes approval of the Knox County, Tennessee Federally enforceable local operating permit program (FELOP) under section 112(l) of the CAA. EPA is proposing approval of both of these requests under section 112(l) of the CAA for purposes of limiting potential to emit (PTE) for hazardous air pollutant (HAP) sources. In the final rules section of this **Federal Register**, EPA is approving Alabama and Knox County, Tennessee's submittals as a direct final rule without prior proposal because the EPA views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: To be considered, comments must be received by August 23, 1995.

ADDRESSES: Written comments should be addressed to Scott Miller of the EPA Regional office listed below.

Copies of the material submitted by both agencies may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365.

Alabama Department of Environmental Management, Air Division, 1751 Congressman W.L. Dickinson Drive, Montgomery, Alabama 36109.

Knox County Department of Air Pollution Control, City/County Building, Suite 339, 400 West Main Street, Knoxville, Tennessee 37902.

FURTHER INFORMATION CONTACT: Scott Miller, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365. The telephone number is 404/347–2864.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: June 23, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95–17614 Filed 7–21–95; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 95

RIN 0970–AB46

Reduction of Reporting Requirements for the State Systems Advance Planning Document (APD) Process

AGENCY: Administration for Children and Families, HHS.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: These proposed rules would decrease the reporting burden on States relative to the State systems advanced planning document (APD) process by increasing the threshold amounts above which APDs and related procurement documents need to be submitted for Federal approval. The APD process is the procedure by which States obtain approval for Federal financial participation in the cost of acquiring automatic data processing equipment and services. Additionally, these proposed rules would eliminate the requirement for State submittal of biennial security plans for Federal review in order to approve and ensure timely Departmental action on State funding requests.

DATES: Interested parties are invited to comment on these proposed rules. Comments must be received on or before September 22, 1995.

FOR FURTHER INFORMATION CONTACT: Bill Davis, State Data Systems Staff, 370 L'Enfant Promenade SW., Washington, DC 20447, telephone (202) 401–6404.

ADDRESSES: Comments should be submitted in writing to the Assistant Secretary for Children and Families, Attention: Mr. Mark Ragan, Office of Information Systems Management, room 300 E, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201. Comments may be inspected between 8 a.m. and 4:30 p.m. during regular business days by making arrangement with the contact person identified above.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

These proposed rules would reduce current information collection activities and, therefore, no approvals are necessary under section 3504(h) of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).

We estimate that the paperwork burden associated with advance planning document reporting requirements would be reduced by 20 percent and that a further reduction would result from the impact this regulation would have on Request for Proposals (RFP) and contract reporting requirements. Additionally, this proposed regulation would eliminate all reporting burden previously associated with submission of biennial security reports.

Statutory Authority

These proposed regulations are published under the general authority of sections 402(a)(5), 452(a)(1), 1902(a)(4), and 1102 of the Social Security Act (the Act).

Background and Description of Regulatory Provisions

State public assistance agencies acquire automatic data processing (APD) equipment and services for computer operations which support the Aid to Families with Dependent Children, Adult Assistance, Child Support Enforcement, Medicaid, Child Welfare, and Refugee Resettlement programs. Currently any competitive acquisition over $500,000 or any sole source acquisition over $100,000 in total State and Federal costs which will be matched at the regular Federal financial participation (FFP) rate requires written prior approval of an APD. Project cost increases of more than $300,000 require the submission of an APD Update. Also, most procurement documents (Request for Proposals (RFPs) and contracts) over $300,000, and contract amendments over $100,000 must be approved by the Federal funding agencies.

Experience since these thresholds have been in place shows that the total costs of all regular match State acquisitions under $5 million account for a small percentage of the total of all State systems development and operations costs, but that they account for a disproportionate share of the documents submitted for Federal review. In order to reduce the reporting burden on States and to better use Federal resources, we are proposing to raise the threshold amounts for regular match acquisitions. We would continue to require written prior approval for all equipment and services acquired at an enhanced matching rate.

To further the goal of reduced burden and increased efficiency, these rules also propose to eliminate the requirement for submitting biennial security reports to HHS. In the four years that biennial security reports have been required under this subpart, it has been our experience that the submission and review of these reports by HHS components has been of minimal value to assuring that States have adequate security programs. Ultimately, the adequacy of these programs rests with the States. For this reason, we are proposing to eliminate this reporting requirement, but to continue requirements that States must perform security reviews and be responsible for maintaining review reports. These reports would then be available for inspection by HHS staff during on-site reviews where their content could be compared to actual operations.

We are also proposing to change the rules to provide prompt Department action on State funding requests. On average the Department takes 30 to 60 days to respond to State submissions. Delayed responses to States can cause project delays and increased costs to all parties including the Department. From its experience, the Department has determined that response can and should be made within 60 days. In recognition of that experience and our partnership and commitment to State projects which support our programs, we are proposing to establish a provision whereby, if the Department has not provided a State written approval, disapproval, or a request for information within 60 days of issuing an acknowledgement of receipt of a State's request, the request would be deemed to have provisionally met the prior approval requirements. In this way, States would have a firmer basis upon which to establish project timeframes, including the need to obtain HHS approvals, and the incidence of increased project costs due to delays in Departmental action on State funding requests would be reduced.

Provisional approval would not absolve a State from meeting all Federal requirements which pertain to the computer project or acquisition. Such projects would continue to be subject to Departmental audit and review, and the determinations made from such audits and reviews. Even written prior approval by the Department does not guarantee absolutely that there will be no subsequent determination of violation of the pertinent Federal statutes and regulations. States which are confident that their project is in compliance would be able, however, to proceed after the 60-day period has expired without further delay awaiting Federal approval.

These proposed rules would revise 45 CFR 95.611(a)(1), which provides that States must obtain prior written approval for APD equipment or services anticipated to have total acquisition costs of $500,000 or more in Federal and State funds, to increase the $500,000 threshold amount to $5 million or more. Similarly, paragraph (a)(4), which requires prior written approval with respect to State plans to acquire noncompetitively from a nongovernmental source, APD equipment and services, with a total acquisition cost of greater than $100,000, is proposed to be revised to require that a State obtain prior approval of its justification for a sole source acquisition with total State and Federal costs of more than $1 million but no more than $5 million and would

provide that noncompetitive acquisitions of greater than $5 million continue to be subject to the requirements of paragraph (b), which provides specific prior approval requirements.

The Department expects that justifications for sole source acquisitions of between $1 million and $5 million would address pertinent Federal and State requirements. For example, the justification should include a description of the proposed acquisition, the circumstances identified at 45 CFR part 74, Appendix G under which a grantee may undertake a noncompetitive acquisition, and assurances that the sole source acquisition meets the requirements of State laws, regulations and other relevant guidelines. Contracts which results from sole source acquisitions of greater than $1 million are subject to prior approval in accordance with 45 CFR 95.611(b)(1)(iii).

We are also proposing to eliminate paragraph (a)(3), which provides a separate threshold amount for acquisitions in support of State Medicaid systems funded at the 75 percent FFP rate. The Health Care Financing Administration (HCFA) would apply the new thresholds of Title XIX funded projects and these rules would be described in an upcoming revision to Part 11 of the *State Medicaid Manual.* Additionally, we are proposing to modify paragraph (a)(2) to delete a reference to paragraph (a)(3) and to redesignate paragraphs (a)(4) through (a)(7) as paragraphs (a)(3) through (a)(6). We are also proposing to revise paragraph (a)(4), as redesignated, to change the reference from (a)(6) to (a)(5).

Paragraph (b)(1)(iii), which provides that unless specifically exempted by the Department, approval must be received prior to release of a Request for Proposal (RFP) or execution of a contract where costs are anticipated to exceed $300,000, is proposed to be revised to increase the threshold to $5 million with respect to competitive procurements and $1 million for noncompetitive acquisitions from nongovernment sources. As proposed, this paragraph would provide that States may be required to submit RFPs and contracts under the threshold amounts on an exception basis or if the procurement strategy is not adequately described and justified.

With respect to contract amendments, we are proposing to revise 45 CFR 95.611(b)(1)(iv) is revised to provide that prior approval is needed, unless specifically exempted by the Department, prior to execution of a contract amendment involving cost increases of greater than $1 million or time extensions of more than 120 days. In addition, States would be required to submit for approval contract amendments under these threshold amounts on an exception basis or if the contract amendment was not adequately described and justified in the APD.

As indicated, with respect to both proposed changes to paragraph (b), HHS would retain the right to review and approve all RFPs, contracts, and contract amendments, regardless of dollar amount, on an exception basis. This could include instances where new program requirements or technology are involved, as in electronic benefits transfer, or when adequate description and justification has not been provided in the APD.

Paragraph (c)(1), which provides specific approval requirements with respect to regular FFP requests, is also proposed to be revised to provide increased thresholds. First, under (c)(1)(i), the $1 million threshold with respect to the need for written approval from the Department of Annual Advanced Planning Document Updates (APDU) would be increased to $5 million. In paragraph (c)(1)(ii)(A), the threshold with respect to the requirement for approval of an ''as needed'' APDU of projected cost increases would be raised from a lesser of $300,000 or 10 percent of the project cost, to projected cost increases of $1 million or more.

We are also proposing to revise 45 CFR 95.611 to provide prompt Federal action on State funding requests. Accordingly, paragraph (d) would be revised to provide that, if the Department has not provided written approval, disapproval, or a request for information within 60 days of issuing an acknowledgement of receipt of a State's request, the request would be provisionally deemed to have met the prior approval requirements.

Finally, we are proposing to amend 45 CFR 95.621(f)(6), which requires States to submit biennial security reports for Federal review and approval, to require that such reports be maintained by States for on-site review by HHS in the future.

Regulatory Impact Analysis

Executive Order 12866 requires that regulations be reviewed to ensure that they are consistent with the priorities and principles set forth in the Executive Order. The Department has determined that this rule is consistent with these priorities and principles. No costs are associated with this rule as it merely decreases reporting burden on States.

Regulatory Flexibility Act

Consistent with the Regulatory Flexibility Act (Pub. L. 96–354), which requires the Federal government to anticipate and reduce the impact of rules and paperwork requirements on small businesses and other small entities, the Secretary certifies that this rule has no significant effect on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required.

List of Subjects in 45 CFR Part 95

Claims, Computer technology, Grant programs—health, Grant programs, Social programs, Social Security.

(Catalog of Federal Domestic Assistance Program Numbers 93.645 Child Welfare Services-State Grants; 93.658, Foster Care Maintenance; 93.659, Adoption Assistance; 93.563, Child Support Enforcement Program; 93.174, Medical Assistance Program; 93.570, Assistant Payments-Maintenance Assistance)

Dated: November 29, 1994.

Mary Jo Bane,

Assistant Secretary for Children and Families.

Approved: March 30, 1995.

Donna E. Shalala,

Secretary.

For the reasons set forth in the preamble, 45 CFR is proposed to be amended as follows:

PART 95—GENERAL ADMINISTRATION—GRANT PROGRAMS (PUBLIC ASSISTANCE AND MEDICAL ASSISTANCE)

1. The authority citation for part 95, subpart F continues to read as follows:

Authority: Secs. 402(a)(5), 452(a)(1), 1102, and 1902(a)(4) of the Social Security Act, 42 U.S.C. 602(a)(5), 652(a)(1), 1302, 1396a(a)(4); 5 U.S.C. 301 and 8 U.S.C. 1521.

2. Section 95.611 is amended by revising paragraphs (a)(1), (a)(2), (b)(1)(iii), (b)(1)(iv), (c)(1)(i), (c)(1)(ii) (A) and (d) and by removing paragraph (a)(3) and redesignating paragraphs (a)(4) through (a)(7) as (a)(3) through (a)(6) and revising newly redesignated paragraphs (a)(3) and (a)(4) to read as follows:

§ 95.611 Prior approval conditions.

(a) * * * (1) A State shall obtain prior written approval from the Department as specified in paragraph (b) of this section, when the State plans to acquire APD equipment or services with proposed FFP at the regular matching rate that it anticipates will have total acquisition costs of $5,000,000 or more in Federal and State funds.

(2) A State shall obtain prior written approval from the Department as specified in paragraph (b) of this

section, when the State plans to acquire APD equipment or services with proposed FFP at the enhanced matching rate authorized by 45 CFR 205.35, 45 CFR part 307 or 42 CFR part 433, subpart C, regardless of the acquisition cost.

(3) A State shall obtain prior written approval from the Department of its justification for a sole source acquisition, when it plans to acquire noncompetitively from a nongovernmental source APD equipment or services, with proposed FFP at the regular matching rate, that has a total State and Federal acquisition cost of more than $1,000,000 but no more than $5,000,000. Noncompetitive acquisitions of more than $5,000,000 are subject to the provisions of paragraph (b) of this section.

(4) Except as provided for in paragraph (a)(5) of this section, the State shall submit requests for Department approval, signed by the appropriate State official, to the Director, Administration for Children and Families, Office of Information Management Systems. The State shall send to ACF one copy of the request for each HHS component, from which the State is requesting funding, and one for the State Data Systems Staff, the coordinating staff for these requests. The State must also send one copy of the request directly to each Regional program component and one copy to the Regional Director.

* * * * *

(b) * * *

(1) * * *

* * * * *

(iii) For the Request for Proposal and Contract, unless specifically exempted by the Department, prior to release of the RFP or prior to the execution of the contract when the contract is anticipated to or will exceed $5,000,000 for competitive procurement and $1,000,000 for noncompetitive acquisitions from nongovernmental sources. States will be required to submit RFPs and contracts under these threshold amounts on an exception basis or if the procurement strategy is not adequately described and justified in an APD.

(iv) For contract amendments, unless specifically exempted by the Department, prior to execution of the contract amendment involving contract cost increases exceeding $1,000,000 or contract time extensions of more than 120 days. States will be required to submit contract amendments under these threshold amounts on an exception basis or if the contract amendment is not adequately described and justified in an APD.

* * * * *

(c) * * *

(1) * * *

(i) For an annual APDU for projects with a total acquisition cost of more than $5,000,000, when specifically required by the Department.

(ii) For an ''As Needed APDU'' when changes cause any of the following:

(A) A projected cost increase of $1,000,000 or more.

* * * * *

(d) *Prompt action on requests for prior approval*. The ACF will promptly send to the approving components the items specified in paragraph (b) of this section. If the Department has not provided written approval, disapproval, or a request for information within 60 days of the date of the Departmental letter acknowledging receipt of a State's request, the request will automatically be deemed to have provisionally met the prior approval conditions of paragraph (b) of this section.

3. Section 95.621 is amended by revising paragraph (f)(6) to read as follows:

§ 95.621 APD reviews.

* * * * *

(f) * * *

(6) The State agency shall maintain reports of their biennial APD system security reviews, together with pertinent supporting documentation, for HHS on-site review.

[FR Doc. 95–18070 Filed 7–21–95; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. 95–51; Notice 1]

Passenger Automobile Average Fuel Economy Standards; Proposed Decision To Grant Exemption

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Proposed decision.

SUMMARY: This proposed decision responds to a petition filed by Rolls-Royce Motors, Ltd. (Rolls-Royce) requesting that it be exempted from the generally applicable average fuel economy standard of 27.5 miles per gallon (mpg) for model year 1997, and that a lower alternative standard be established. In this document, NHTSA proposes that the requested exemption be granted and that an alternative standard of 15.1 mpg be established for MY 1997 for Rolls-Royce.

DATES: Comments on this proposed decision must be received on or before September 7, 1995.

ADDRESSES: Comments on this proposal must refer to the docket number and notice number in the heading of this notice and be submitted, preferably in ten copies, to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, DC 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Orron Kee, Office of Market Incentives, NHTSA, 400 Seventh Street, SW, Washington, DC 20590. Mr. Kee's telephone number is: (202) 366–0846.

SUPPLEMENTARY INFORMATION:

Statutory Background

Pursuant to 49 U.S.C. section 32902(d), NHTSA may exempt a low volume manufacturer of passenger automobiles from the generally applicable average fuel economy standards if NHTSA concludes that those standards are more stringent than the maximum feasible average fuel economy for that manufacturer and if NHTSA establishes an alternative standard for that manufacturer at its maximum feasible level. Under the statute, a low volume manufacturer is one that manufactured (worldwide) fewer than 10,000 passenger automobiles in the second model year before the model year for which the exemption is sought (the affected model year) and that will manufacture fewer than 10,000 passenger automobiles in the affected model year. In determining the maximum feasible average fuel economy, the agency is required under 49 U.S.C. 32902(f) to consider:

(1) Technological feasibility

(2) Economic practicability

(3) The effect of other Federal motor vehicle standards on fuel economy, and

(4) The need of the Nation to conserve energy.

The statute at 49 U.S.C. 32902(d)(2) permits NHTSA to establish alternative average fuel economy standards applicable to exempted low volume manufacturers in one of three ways: (1) A separate standard for each exempted manufacturer; (2) a separate average fuel economy standard applicable to each class of exempted automobiles (classes would be based on design, size, price, or other factors); or (3) a single standard for all exempted manufacturers.

Background Information on Rolls-Royce

Rolls-Royce is a small company concentrating wholly on the production of high quality, prestigious cars. Rolls-Royce markets cars under the Bentley and Rolls-Royce nameplates and currently seeks an exemption for both Bentley and Rolls-Royce cars. The annual production rate for these cars is approximately 1,600 automobiles, of which one-third are sold in the United States. The corporate philosophy concentrates on this limited production as the only way to maintain their reputation for producing what is widely perceived as the best car in the world. It believes that its customers will continue to demand substantial cars, craftsman-built, using traditional materials and equipped to the highest standards. Rolls-Royce operates as an independent unit within the Vickers group of companies and is required to generate its own financial resources. The limited financial resources of this small company and its market position preclude Rolls-Royce from improving fuel economy by any means involving significant changes to the basic concept of a Rolls-Royce car.

Fuel economy improvements are particularly difficult in the short run. Rolls-Royce manufactures its own engine and bodies and is a very low volume manufacturer. Because of this integration of component manufacturing and low volume, model changes are much less frequent than with larger manufacturers. Rolls-Royce may manufacture a body shell for fifteen years before making a major change. The opportunities for improving fuel economy through changing the model mix are also quite limited as Rolls-Royce manufactures only one basic model in different configurations and all have similarly low fuel economy.

Roll's Royce's ability to make long term fuel economy improvements is also very limited. Any change in the basic concept of its cars to reduce size or downgrade the specifications would not, according to the petitioner, be acceptable to its customers.

Nevertheless, Rolls-Royce states that it is making every effort to achieve the lowest possible fuel consumption consistent with meeting emission, safety, and other standards while maintaining customer expectations of its product. In the 17-year period from 1978, when Federal fuel economy standards were introduced, Rolls-Royce has achieved a fuel economy improvement of approximately 30 percent by substituting lighter weight components and tuning its powertrain while leaving basic features of the vehicles unchanged.

Rolls-Royce states that technical innovation and switching to lighter weight materials should result in worthwhile improvements in its vehicles. The company believes that it has been conscious of the need for weight saving for many years, and since the introduction of the Silver Shadow, has made many parts of aluminum. These include the engine block and cylinder heads, transmission and axle casings, doors, hood and deck lid.

In addition to discussing opportunities for weight reduction, Rolls-Royce also included in its petition discussions of improving its fuel economy through mix shifts, engine improvements, and drive train and transmission improvements.

Rolls-Royce's Petition

On November 30, 1994, Rolls-Royce petitioned NHTSA for an exemption from the average fuel economy standards for vehicles to be manufactured by Rolls-Royce in model year (MY) 1997. A number of petitions have been filed by Rolls-Royce covering all model years from 1978. The last was submitted October 1992, which resulted in Rolls-Royce being granted an exemption from the generally applicable fuel economy standard for MYs 1995 through 1996.

Methodology Used to Project Maximum Feasible Average Fuel

Economy Level for Rolls-Royce

Baseline Fuel Economy

To project the level of fuel economy which could be achieved by Rolls-Royce in MY 1997, the agency considered whether there were technical or other improvements that would be feasible for these Rolls-Royce vehicles, whether or not the company currently plans to incorporate such improvements in those vehicles. The agency reviewed the technological feasibility of any changes and their economic practicability.

NHTSA interprets ''technological feasibility '' as meaning that technology which would be available to Rolls-Royce for use on its MY 1997 automobiles, and which would improve the fuel economy of those automobiles. The areas examined for technologically feasible improvements were weight reduction, engine improvements, and drive line improvements.

The agency interprets ''economic practicability'' as meaning the financial capability of the manufacturer to improve its average fuel economy by incorporating technologically feasible changes to its MY 1997 automobiles. In assessing that capability, the agency has always considered market demand since it is an implicit part of the concept of economic practicability. Consumers need not purchase what they do not want.

In accordance with the concerns of economic practicability, NHTSA has considered only those improvements which would be compatible with the basic design concepts of Rolls-Royce automobiles. NHTSA assumes that Rolls-Royce will continue to produce a five-passenger luxury car. Hence, design changes that would make the cars unsuitable for five adult passengers with luggage or would remove items traditionally offered on luxury cars, such as air conditioning, automatic transmission, power steering, and power windows, were not examined. Such changes to the basic design could be economically impracticable since they might well significantly reduce the demand for these automobiles, thereby reducing sales and causing significant economic injury to the low volume manufacturer.

Mix Shift

Rolls-Royce has little opportunity for improving fuel economy by changing the model mix since it makes only one basic model in various configurations, all with similarly low fuel economy. The differences in fuel economy values among the different models available in MY 1997 will likewise be small. For the 1997 model year, Rolls-Royce and Bentley cars will fall into five fuel economy configurations, three from the naturally aspirated engine family and two from the turbocharged engine family with the range of curb weights from 5,360 lbs to 6,100 lbs. The differences in fuel economy values between the different models are small, and the models with the lower projected fuel economies have significantly lower projected volumes. The Rolls-Royce model mix is essentially fixed by the market demand, and variations in sales percentages between the models would produce negligible improvement in CAFE.

Weight Reduction

Rolls-Royce is conscious of the need to improve automotive fuel economy of its passenger vehicles. Work had begun to design a lighter and more fuel efficient model which included new features such as a lighter bodyshell, engine, transmission, suspension, and other components. However, the company's financial resources are limited compared to other manufacturers, therefore its plans had to be re-evaluated.

In addition, Rolls-Royce had to modify its passenger cars to accommodate a number of safety standards and environmental regulations which resulted in an increase in vehicle weight. A front passenger air bag was introduced to comply with the requirements of FMVSS No. 208 for passive restraints. The air conditioning system was substantially revised to enable the use of HC 134a refrigerant in place of the previously used CFC 12.

Rolls-Royce, being a small manufacturer of prestigious automobiles, cannot afford to change the design of its cars by downsizing since its customers desire traditional size cars.

Engine Improvements

The current petition from Rolls-Royce restates past efforts to improve fuel economy in addressing engine improvements. Past developmental activities include test and evaluation of various technologies applied to the Rolls-Royce engine. These included the Texaco Controlled Combustion system, the Honda Compound Vortex Controlled Combustion system, diesel engines, cylinder disablement, increased engine displacement (to reduce NO emissions and permit timing for improved fuel economy), the May ''Fireball'' combustion chamber, and overall downsizing of the engine and car incorporating all new features including bodyshell, engine, transmission, and suspension. Each of these approaches was discarded in turn as failing to provide a feasible option for simultaneously meeting fuel economy and emission requirements, and exacting customer expectations.

For MY 1994, Rolls-Royce introduced a package of engine and emission system improvements. The principal feature was a revised induction system incorporating a multi-point sequentially pulsed fuel injection system, and an advanced ignition system with an individual coil for each cylinder. Both systems are controlled by a central engine management microprocessor. The fuel injection system improves control and precision of fuel metering for improved emission control and fuel economy during warm-up. The ignition system improvements anticipate regulatory requirements for emission control diagnostics.

Transmission and Drive Train Improvements

Rolls-Royce uses the General Motors 4L80–E four-speed automatic transmission with torque converter lockup clutch on all models beginning in MY 1992. Use of the fourth gear as an overdrive ratio has shown the capability of improving fuel economy by approximately 14 percent under highway driving conditions. The rear axle ratio was reduced on the Bentley Turbo R and Bentley Continental R, thereby improving the top gear engine-to-vehicle speed ratio from 28.5 rpm/mph to 24.9 rpm/mph. This improved the highway fuel economy of this model by about 5 percent.

Effect of Other Motor Vehicle Standards

The Rolls-Royce petition cites exhaust emission standards as having the greatest effect on fuel economy, and for this reason the company considers the fuel economy program to be an integral part of its emission control program. It states that, historically, emission standards have placed a severe strain on its limited technical resources; and only with the introduction of new emission control techniques such as oxidation and three way catalysts has the trend to higher fuel consumption been reversed.

As a small volume manufacturer, Rolls-Royce was not subject to the recently agreed upon stringent California emission standards until the 1995 model year. The more stringent Federal Clean Air Act Amendment standards will not apply until the 1996 model year.

Of the Federal regulations having an adverse effect on fuel economy, Rolls-Royce considers the most significant ones to be 49 CFR Part 581 (energy absorbing bumpers), FMVSS 214 (side intrusion beam in doors), and FMVSS 208 (passive restraints). The passive restraint systems (air bags) forced some models to move into the 6,000 lbs and 6,500 lbs inertia weight classes. The effect of these regulations increased vehicle weight despite efforts to reduce weight. Rolls-Royce is a small company and engineering resources are limited and priority must be given to meeting mandatory standards in order to remain in the marketplace. Conflict often exists between the priority of meeting standards and the need to remain competitive.

The Need of the Nation To Conserve Energy

The agency recognizes there is a need to conserve energy, to promote energy security, and to improve balance of payments. However, as stated above, NHTSA has tentatively determined that it is not technologically feasible or economically practicable for Rolls-Royce to achieve an average fuel economy in MY 1997 above 15.1 mpg. Granting an exemption to Rolls-Royce and setting an alternative standard at that level would result in only a negligible increase in fuel consumption and would not affect the need of the Nation to conserve energy. In fact, there would not be any increase since Rolls-Royce cannot attain those generally applicable standards. Nevertheless, for illustrative purposes the agency estimates that the additional fuel consumed by operating the MY 1997 fleet of Rolls-Royce vehicles at the company's projected CAFE of 15.1 mpg (compared to an hypothetical 27.5 mpg fleet) over 106,952 miles is 36,378 bbls. of fuel. This averages about 8.30 bbls. of fuel per day over the 12-year period that these cars will be an active part of the fleet. Obviously, this is insignificant compared to the daily fuel used by the entire motor vehicle fleet which amounts to some 4.90 million bbls. per day for passenger cars in the U.S. in 1993.

Maximum Feasible Average Fuel Economy for Rolls-Royce

This agency has tentatively concluded that it would not be technologically feasible and economically practicable for Rolls-Royce to improve the fuel economy of its MY 1997 automobiles above an average of 15.1 mpg, that compliance with other Federal automobile standards would not adversely affect achievable fuel economy beyond the amount already factored into Rolls-Royce's projections, and that the national effort to conserve energy would not be affected by granting the requested exemption and establishing an alternative standard. Consequently, the agency tentatively concludes that the maximum feasible average fuel economy for Rolls-Royce in MY 1997 is 15.1 mpg.

Proposed Level and Type of Alternative Standard

The agency proposes to exempt Rolls-Royce from the generally applicable standard of 27.5 mpg and to establish an alternative standard for Rolls-Royce for MY 1997 at its maximum feasible average fuel economy of 15.1 mpg. NHTSA tentatively concludes that it would be appropriate to establish a separate standard for Rolls-Royce for the following reasons. The agency has already received a petition and published a proposal (60 FR 31937, June 19, 1995) for an alternate standard for MedNet, Inc. for MY's 1996, 1997, and 1998 seeking an alternate standard for that company of 17.0 mpg. Therefore, the agency cannot use the second (class standards) or third (single standard for all exempted manufacturers) approaches for MY 1997.

Regulatory Impact Analyses

NHTSA has analyzed this proposal and determined that neither Executive Order 12866 nor the Department of Transportation's regulatory policies and procedures apply. Under Executive Order 12866, the proposal would not establish a ''rule,'' which is defined in the Executive Order as ''an agency statement of general applicability and future effect.'' The proposed exemption is not generally applicable, since it would apply only to Rolls-Royce, Inc., as discussed in this notice. Under DOT regulatory policies and procedures, the proposed exemption would not be a ''significant regulation.'' If the Executive Order and the Departmental policies and procedures were applicable, the agency would have determined that this proposed action is neither major nor significant. The principal impact of this proposal is that the exempted company would not be required to pay civil penalties if its maximum feasible average fuel economy were achieved, and purchasers of those vehicles would not have to bear the burden of those civil penalties in the form of higher prices. Since this proposal sets an alternative standard at the level determined to be Rolls-Royce's maximum feasible level for MY 1997, no fuel would be saved by establishing a higher alternative standard. NHTSA finds that because of the minuscule size of the Rolls-Royce fleet, that incremental usage of gasoline by Rolls-Royce's and customers would not affect the nation's need to conserve gasoline. There would not be any impacts for the public at large.

The agency has also considered the environmental implications of this proposed exemption in accordance with the National Environmental Policy Act and determined that this proposed exemption if adopted, would not significantly affect the human environment. Regardless of the fuel economy of the exempted vehicles, they must pass the emissions standards which measure the amount of emissions per mile traveled. Thus, the quality of the air is not affected by the proposed exemption and alternative standard. Further, since the exempted passenger automobiles cannot achieve better fuel economy than is proposed herein, granting this proposed exemption would not affect the amount of fuel used.

Interested persons are invited to submit comments on the proposed decision. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential business information has been deleted, should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed under the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 531

Energy conservation, Gasoline, Imports, Motor vehicles.

In consideration of the foregoing, 49 CFR part 531 would be amended as follows:

PART 531—[AMENDED]

1. The authority citation for part 531 would be revised to read as follows:

Authority: 49 U.S.C. 32902; delegation of authority at 49 CFR 1.50.

§ 531.5 [Amended]

2. In section 531.5, the introductory text of paragraph (b) is republished for the convenience of the reader and paragraph (b)(2) would be revised to read as follows:

§ 531.5 Fuel economy standards.

* * * * *

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

* * * * *

(2) Rolls-Royce Motors, Inc.

Model year	Average fuel economy standard (miles per gallon)
1978	10.7
1979	10.8
1980	11.1
1981	10.7
1982	10.6
1983	9.9
1984	10.0
1985	10.0
1986	11.0
1987	11.2
1988	11.2
1989	11.2
1990	12.7
1991	12.7
1992	13.8
1993	13.8
1994	13.8
1995	14.6
1996	14.6
1997	15.1

* * * * *

Issued on: July 18, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–18044 Filed 7–21–95; 8:45 am]

BILLING CODE 4910–59–P

49 CFR Part 571

[Docket No. 95–57; Notice 01]

RIN 2127–AF72

Air Brake Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Request for comments.

SUMMARY: This notice requests comments about devices that remove water and other contaminants from air brake systems. These devices include automatic drain valves and air dryers. If it appears from the agency's analysis of the comments that such devices are a cost-effective method of improving heavy vehicle safety, the agency would issue a notice proposing to amend Standard No. 121, *Air brake systems,* to require such equipment.

DATES: Comments must be received by September 7, 1995.

ADDRESSES: Comments should refer to the docket and notice numbers set forth above and be submitted to the Docket Section, NHTSA, Room 5109, 400 Seventh Street, SW, Washington, DC 20590 (Docket hours are from 9:30 a.m. to 4 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, (202) 366–5274.

SUPPLEMENTARY INFORMATION: Federal Motor Vehicle Safety Standard No. 121, *Air Brake Systems,* establishes braking performance requirements for vehicles equipped with air brake systems. The standard also requires these vehicles to be equipped with certain braking equipment, including a ''condensate drain valve that can be manually operated.'' (see S5.1.2.4 for trucks and buses and S5.2.1.3 for trailers). The condensate drain valve allows contaminants, such as water, oil, and dirt to be drained from the brake system's reservoirs. The requirement for air reservoirs to be equipped with a drain valve that can be manually operated became effective in 1971 and has remained unchanged. (36 FR 3817; February 27, 1971)

On July 28, 1994, Domenic F. Coletta, M.D., the Deputy Medical Examiner of Salem County, New Jersey, submitted a petition for rulemaking requesting that Standard No. 121 be amended to require condensate drain valves that automatically purge the contaminants from the air supply reservoir. He stated that currently available automatic drain valves would better ensure safety since reservoirs equipped with manual drain valves are not usually drained on a regular basis. As a result, he contends that contaminants are present in reservoirs, a situation which leads to the unsafe operation of trucks and buses. The petitioner referenced conversations with truck drivers and New Jersey State police to support his contention that manual drain valves are typically not being used to remove contaminants from the reservoirs. However, he supplied no data about the extent to which requiring automatic drain valves would enhance motor vehicle safety.

On February 21, 1995, NHTSA granted Dr. Colleta's petition to consider amending Standard No. 121 to require automatic drain valves. The agency has determined that it is desirable to issue today's notice requesting comments about automatic drain valves and the effects of contaminants in air brake systems before proceeding further with a rulemaking to amend the standard.

Manufacturers of heavy vehicles and heavy vehicle users believe that it is important to ensure that an air brake system is clean and dry. If water is present, valves in the air brake systems may freeze, which may cause the brakes to fail. More generally, contaminants may enter relay valves, causing their intake and exhaust seals not to seal properly. This will result in air leakage and in turn degrade brake performance. This is particularly likely to be a problem for valves used with antilock systems since they have smaller orifice sizes and therefore are more sensitive to contaminants. Notwithstanding these potential safety problems, the predominant effect of contaminants in an air brake system appears to be shortened component life rather than a significant causal factor in heavy vehicle accidents. The Truck Maintenance Council of the American Trucking Associations has been working with the vehicle manufacturers to achieve longer component life for the fleet owners.

To keep air brake systems, particularly the air reservoirs, dry and free from contaminants, manufacturers have installed certain equipment in the air brake systems. These include drain valves and air dryer systems. Maintenance personnel and truck drivers are encouraged to keep air brake systems dry and clean, by opening the reservoir drain valve and inspecting the brake hoses.

There are two types of drain valves: Manual and automatic. Both types of valves serve to purge the reservoir of water and other contaminants. With a manual drain valve, it is necessary for the truck driver or maintenance person to open the valve and drain the reservoir. While ideally this should be done each morning before the vehicle is started, some drivers do not do so. With an automatic drain valve, the reservoir is drained without the need for human intervention.

Air dryers also serve to reduce the amount of water and other contaminants in an air brake system by cleaning and drying the air. There are two types of air dryers, desiccant style systems and ''after-cooler'' systems. In a typical desiccant style system, the incoming air is routed into the air dryer at the bottom end of the unit, which contains an area called a sump. The rapid swirling of the incoming air into the sump causes a large portion of the oil and water mist to fall to the bottom of the sump. This partially cleaned air then goes through an oil separator which is placed directly above the sump area. Next the air, which is still moist with both oil and water vapor, is passed through a ''drying bed'' of desiccant material that removes the remaining moisture. These dryers are equipped with an automatic drain valve that periodically purges water and contaminants from the air system and are mounted directly after the compressor. In contrast, in a typical ''after-cooler'' system, which uses an air cleaner only, not all the moisture is removed, since the air is not passed through a drying bed of desiccant material. Each type of dryer may be equipped with built-in heaters to prevent the purge valves from freezing in cold weather. The heaters are standard equipment on some models and optional on others.

In its October 1993 fleet study on antilock brake systems, NHTSA concluded that while fleets equipped with after-cooler style air dryers experienced leaky valves, other fleets equipped with desiccant style air dryers ''have not experienced leaking relay valves.'' [1] Over 80 percent of new air braked heavy trucks are being built with air dryers, according to AlliedSignal. That brake manufacturer estimates that more than 90 percent of the dryers are the desiccant type. Moreover, that company predicted that in five years almost all air braked vehicles will be equipped with an air cleaning and drying system.

To assist NHTSA in determining whether to initiate a rulemaking to require equipping air braked vehicles with automatic drain valves or desiccant type air dryers, the agency seeks responses to the following questions:

1. Do contaminants in air brake systems cause a significant safety problem? Are any data available to support the existence of such a problem? How many vehicle crashes per year can be attributed to being caused by air contaminants of the type that would be eliminated by the mandatory installation of automatic drain valves? How many deaths and injuries, and how much property damage, result from these crashes?

2. What is the experience of manufacturers, vehicle operators, and maintenance personnel with automatic drain valves and desiccant type air dryers? How effective is each device in removing water and other contaminants from an air brake system? Are both automatic drain valves and desiccant type air dryers being installed on the same air braked vehicle?

3. Is it necessary or appropriate to require air braked vehicles to be

[1] An ''In-Service Evaluation of the Performance, Reliability, Maintainability, and Durability of Antilock Braking Systems (ABSs) for Semitrailers'' (DOT HS 808 059, Final Report, October 1993)

equipped with both desiccant style air dryers and automatic drain valves as well?

4. Based on its preliminary analysis, NHTSA estimates that the cost to the customer at retail for automatic drain valves ranges from $75 to $400 per reservoir depending upon the type of system . AlliedSignal manufactures an automatic drain valve costing approximately $75 per unit, installed at retail, while the $400 unit would include a desiccant type system with a heater. Stop Enterprises, the company referenced by the petitioner, manufactures an automatic drain valve costing approximately $100 per unit. This compares to approximately $15 for a manual drain valve installed at retail. The agency requests comments about whether these estimated costs for automatic and manual drain valves are accurate.

5. The cost to the vehicle manufacturer of desiccant style air dryers is estimated to be $160 per unit (exclusive of installation). The agency requests comments about the costs associated with this device.

Rulemaking Analyses

This notice was not reviewed under E.O. 12866. NHTSA has analyzed this notice and determined that it is not ''significant'' within the meaning of the Department of Transportation's regulatory policies and procedures. While a full regulatory evaluation is not required because the notice merely requests comments on a potential rule, the agency estimates that such a requirement would have the following effect.

Approximately 397,500 vehicles are manufactured each year that are subject to Standard No. 121. Of these, approximately, 189,000 are trailers. According to estimates by the agency and the Truck Trailer Manufacturers Association (TTMA), manual drain valves are installed on approximately 99 percent of the units. The other one percent have automatic drain valves. Of the annual production of air braked vehicles, approximately 60,900 vehicles are comprised of single unit trucks (including school bus chassis), and transit and intercity buses. The agency estimates that 75 percent are equipped with automatic drain valves. The remaining 25 percent have manual drain valves. The balance of the production in air braked vehicles are truck tractors averaging approximately 147,600 vehicles annually. These vehicles have the highest installation rates of automatic drain valves and are presently estimated to be installed on approximately 85 percent of the vehicles built new. Industry sources estimate the remaining 15 percent of the truck tractors not built with automatic purge valves will be so equipped in the next five years. It is expected that the installation rate will be in conjunction with the phasing in of antilock brake systems on heavy vehicles.

NHTSA estimates that the installed cost at retail of adding automatic drain valves to trailers would range from $75 to $150 depending upon the number of air reservoirs. Considering that approximately 99 percent of the trailers built new would require the addition of these units, the estimated cost would range from $15.5 million on single reservoir trailers with no heater to $31 million for single reservoir trailers with heated valves. On double reservoir trailers, the costs would be double, if automatic drain valves are installed on both air tanks. On straight trucks, bus chassis, and other buses, the additional 25 percent (approximately 15,225 units) which would require automatic drain valves would represent an additional cost ranging from $1.2 to $6.1 million depending upon the choice of system (i.e., ranging from a very basic automatic system with no heater or dryer to a full desiccant style system with heater). Approximately 85 percent of truck tractors are equipped with automatic drain valves including air dryers and thus would require an expenditure ranging from $1.7 million to $8.8 million, depending on the type of system selected.

Based on the above analysis, NHTSA estimates that the total incremental cost at retail level, resulting from requiring automatic drain valves ranges from $18.4 to $76.9 million, depending upon the system being selected.

Public Comments

Interested persons are invited to submit comments on the notice. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the notice will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Issued on: July 18, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–18107 Filed 7–21–95; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AD22

Endangered and Threatened Wildlife and Plants; Proposed Change from Subspecies to Vertebrate Population Segment for Virgin River Chub in Virgin River and Notice of Status Review for Virgin River Chub in Muddy River

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule and notice of status review.

SUMMARY: Recent taxonomic work concluded that specific rank is warranted for the Virgin River chub (*Gila robusta seminuda = G. seminuda*), a federally endangered species found in the Virgin River system of Arizona, Nevada, and Utah. Moreover, these researchers concluded that the chub in the Muddy (= Moapa) River of Nevada, is conspecific with the Virgin River chub. Previously this distinctive

population of Virgin River chub, a category 2 candidate for Federal listing, was considered a separate, unnamed subspecies of roundtail chub (*G. robusta*), and was referred to as the Moapa roundtail chub.

Because of this recent taxonomic work, the U.S. Fish and Wildlife Service (Service) accepts that specific rank is warranted for the Virgin River chub and proposes to change the listing of the Virgin River chub in the Virgin River from a subspecies to a vertebrate population segment in the List of Endangered and Threatened Wildlife. In addition, the Service hereby initiates a status review of the Virgin River chub in the Muddy River to determine whether this vertebrate population segment warrants listing as a threatened or endangered species under the Endangered Species Act of 1973, as amended (Act).

DATES: Comments from all interested parties must be received by September 22, 1995. Public hearing requests must be received by September 7, 1995.

ADDRESSES: Comments and materials concerning this proposal and notice should be sent to Mr. Carlos H. Mendoza, Acting State Supervisor, U.S. Fish and Wildlife Service, 4600 Kietzke Lane, Building C–125, Reno, Nevada 89502–5093 (facsimile: 702–784–5870). Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Selena Werdon, Fish and Wildlife Biologist, at the above address (telephone: 702–784–5227).

SUPPLEMENTARY INFORMATION:

Background

Discovered in the early 1870's, the Virgin River chub was described by Edward Drinker Cope and Harry Crecy Yarrow as a full species, *Gila seminuda,* in 1875. Later, Max M. Ellis (1914) considered the Virgin River chub to be intermediate between the roundtail chub (*G. robusta*) and bonytail chub (*G. elegans*), and reduced the fish to a subspecies of roundtail chub (*G. robusta seminuda*). The fish was believed to be restricted to the Virgin River between Hurricane, Utah, and its confluence with the Colorado River.

In a recent taxonomic study of *Gila* using morphological and genetic characters, DeMarais and others (1992) concluded that the prior treatment of the Virgin River chub as a subspecies of the roundtail chub was inappropriate and arbitrary. The authors asserted that specific rank is warranted for *G. seminuda,* which likely arose through introgressive hybridization involving *G. robusta* and *G. elegans* (DeMarais *et al.* 1992). Moreover, DeMarais et al. (1992) included the chub in the Muddy River, a Virgin River tributary, within *G. seminuda.* These conclusions were accepted by the American Fisheries Society and the American Society of Ichthyologists and Herpetologists Fish Names Committee (Joseph S. Nelson, *in litt.*, 1993). The Service also accepts these conclusions.

The Service and other authorities (Holden and Stalnaker 1970, Minckley 1973, Smith *et al.* 1977) have treated the chubs within the Muddy River as a separate, unnamed subspecies of roundtail chub (= Moapa roundtail chub). The Service also has considered this chub to be a category 2 candidate for Federal listing since 1982 (47 FR 58455, 54 FR 556, 56 FR 58804, and 59 FR 58982). Category 2 species are taxa for which information now in the possession of the Service indicates that proposing to list as endangered or threatened is possibly appropriate, but for which sufficient data on biological vulnerability and threat are not currently available to support proposed rules. Though genetically allied to the chub within the Virgin River and apparently of hybrid origin, the Muddy River population of *G. seminuda* is ''distinctive'' (DeMarais *et al.* 1992; Bruce DeMarais, pers. comm. June 29, 1994). Moreover, despite access to Lake Mead, no migration between the Virgin River and Muddy River populations has been verified (Allan and Roden 1978). As a result of the distinctiveness and reproductive isolation of the two populations, the Service concludes that the Virgin River chub consists of two vertebrate population segments.

The decline of chub in the Muddy River was first documented in the 1960's (Wilson *et al.* 1966, Deacon and Bradley 1972). By 1964, the abundance of chub at a 1938 collection site had decreased more than 83 percent; a similar decrease (approximately 92 percent) was documented at a 1942 collection site (Wilson *et al.* 1966). Between 1964 and 1968, Deacon and Bradley (1972) noted an upstream shift in the distribution of the Muddy River population. By 1974–1975, the chub had been completely eliminated from the lower Muddy River and were further reduced in abundance in the middle portion of the river (Cross 1976). The decline may have been related to cumulative effects of parasitism (Wilson *et al.* 1966), changes in flow, water quality, and substrate (Deacon and Bradley 1972, Cross 1976), channelization (Cross 1976), and the establishment of nonnative fish species (Deacon *et al.* 1964, Hubbs and Deacon 1964, Deacon and Bradley 1972, Cross 1976).

The Service has carefully assessed the best scientific and commercial information available regarding the Virgin River population of Virgin River chub in determining to propose this rule. Based on this evaluation and especially recent taxonomic work, the preferred action is to change the listing of the Virgin River chub in the Virgin River in the List of Endangered and Threatened Wildlife (50 CFR 17.11(h)) from an endangered subspecies throughout its entire range to an endangered vertebrate population segment in the Virgin River in Utah, Arizona, and Nevada. As a result, the Virgin River chub in the Virgin River will remain listed as endangered in the same area as it was prior to this taxonomic work, while the Virgin River chub in the Muddy River will remain unlisted. In addition, the Service hereby initiates a status review of the Virgin River chub in the Muddy River to determine whether this population segment warrants listing as threatened or endangered under the Act. The limited information and data currently available to the Service indicate that the chub in the Muddy River remain reduced in abundance from historical levels, and that the species has been eliminated from the lower Muddy River. This decline is likely a result of a combination of habitat degradation, interactions with nonnative species, and parasitism.

Public Comments Solicited

The Service intends that any final action resulting from this proposal or that any listing proposal eventually resulting from this notice be as accurate and effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of this proposed rule and notice are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to Virgin River chub in the Muddy River;

(2) The location of any additional populations of the species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of the Muddy River population segment;

(4) Current or planned activities in the Moapa Valley and their possible impacts on the species;

(5) Additional information concerning the taxonomy of Virgin River chub; and

(6) Data on chub movement (or lack thereof) between the Virgin and Muddy Rivers.

Final promulgation of the regulation changing the Virgin River chub from a subspecies to a population listing will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal. In addition, the Service will use the best available scientific and commercial data to evaluate the status of the Muddy River population segment and, if deemed appropriate, prepare a listing proposal. If listing is deemed warranted, the Service will publish a proposed rule in the **Federal Register** for public comment and will include a review of materials used in its preparation. Critical habitat will be addressed in any proposed rule.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be received by September 7, 1995. Such requests must be made in writing (includes FAX) and addressed to the Acting State Supervisor, U.S. Fish and Wildlife Service (see **ADDRESSES** action).

National Environmental Policy Act

The Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

A complete list of all references cited herein, as well as others, is available upon request from the office listed in the **ADDRESSES** section above.

Author

The primary author of this notice is Selena Werdon (see **ADDRESSES**).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Proposed Regulation Promulgation

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. Section 17.11(h) is amended by revising the entry for ''Chub, Virgin River'' under FISHES to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*		*
FISHES							
*	*	*	*	*	*		*
Chub, Virgin River	*Gila seminuda (=G. robusta seminuda).*	U.S.A. (AZ, NV, UT) ..	Virgin River	E	361,	NA	NA
*	*	*	*	*	*		*

Dated: March 22, 1995.

Mollie H. Beattie,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 95–18046 Filed 7–21–95; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 654

[Docket No. 950710177–5177–01; I.D. 060295A]

RIN 0648–AI07

Stone Crab Fishery of the Gulf of Mexico; Control Date

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

ACTION: Advance notice of proposed rulemaking; consideration of a control date.

SUMMARY: This document announces that the Gulf of Mexico Fishery Management Council (Council) is considering whether there is a need to impose additional management measures limiting entry in the stone crab fishery in the exclusive economic zone (EEZ) in the Gulf of Mexico off Florida, and if there is a need, what management measures should be imposed. If it is determined that there is a need to impose additional management measures, the Council may initiate a rulemaking to do so. Possible measures include the establishment of a limited entry program to control participation or effort in the fishery. If a limited entry program is established, the Council is considering July 24, 1995, as a possible control date. Consideration of a control date is intended to discourage new entry into the fishery based upon economic speculation during the Council's deliberation on the issues.

DATES: Comments must be submitted by August 23, 1995.

Comments should be directed to the Gulf of Mexico Fishery

ADDRESSES: Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609.

FOR FURTHER INFORMATION CONTACT: Georgia Cranmore, 813–570–5305.

SUPPLEMENTARY INFORMATION: The stone crab fishery is managed under the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico (FMP) that was developed by the Council, approved by NMFS, and implemented through final regulations

at 50 CFR part 654 under the authority of the Magnuson Fishery Conservation and Management Act. The management measures applicable to the EEZ portion of the fishery generally conform to the management measures applicable to the waters managed by Florida.

The fishery has more participants and stone crab traps than are necessary to harvest the optimum yield from the fishery. The number of commercial vessels has increased by 261 percent and the number of traps by 257 percent since the 1977–78 season. Currently, there are more than 700,000 traps deployed in the stone crab fishery, primarily in Florida waters. The Council has concluded that an increasingly significant portion of the landings are now coming from the EEZ, especially off the Florida Keys. Additional fishing effort would lead to harvesting inefficiencies, more management constraints, and increased conservation risks.

The Council's industry advisory panel requested the development of limited access alternatives. A control date of January 15, 1986, was previously established by the Council (51 FR 5714, January 15, 1986), but efforts to develop limited access alternatives for industry review were delayed. During 1995, the Florida Legislature passed a bill placing a moratorium, effective July 1, 1995, on the issuance of additional permits to participate in the stone crab fishery in State waters while industry formulates the provisions of an effort limitation program.

In order to have an effort limitation program approved and implemented for the fishery in the EEZ, the Council will be required to prepare an FMP amendment. Publication of a proposed rule with a public comment period, NMFS' approval of the amendment, and issuance of a final rule would also be required.

As the Council considers management options, including limited entry or access-controlled management regimes, some fishermen who do not currently harvest stone crab, and have never done so, may decide to enter the fishery for the sole purpose of establishing a record of commercial landings of stone crab. When management authorities begin to consider use of a limited access management regime, this kind of speculative entry often is responsible for a rapid increase in fishing effort in fisheries that are already fully developed. The original fishery problems, such as overcapitalization or overfishing, may be exacerbated by the entry of new participants.

If management measures to limit participation or effort in the fishery are determined to be necessary, the Council is considering July 24, 1995, as the control date. After that date, anyone entering the fishery may not be assured of future participation if a management regime is developed and implemented limiting the number of fishery participants.

Consideration of a control date does not commit the Council or NMFS to any particular management regime or criteria for entry into the stone crab fishery. Fishermen are not guaranteed future participation in the stone crab fishery regardless of their date of entry or intensity of participation in the fishery before or after the control date under consideration. The Council may subsequently choose a different control date, or it may choose a management regime that does not make use of such a date. The Council may choose to give variably weighted consideration to fishermen in the fishery before and after the control date. Other qualifying criteria, such as documentation of commercial landings and sales, may be applied for entry. The Council also may choose to take no further action to control entry or access to the fishery in which case the control date may be rescinded.

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

Dated: July 18, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 95–18074 Filed 7–21–95; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 60, No. 141
Monday, July 24, 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

Animal and Plant Health Inspection Service

[Docket No. 95–023–2]

Availability of Determination of Nonregulated Status for Genetically Engineered Cotton

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that the Monsanto Company's cotton lines designated as 1445 and 1698 that have been genetically engineered for tolerance to the herbicide glyphosate are no longer considered regulated articles under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by the Monsanto Company in its petition for a determination of nonregulated status, an analysis of other scientific data, and our review of comments received from the public in response to a previous notice announcing our receipt of the Monsanto Company petition. This notice also announces the availability of our written determination document and its associated environmental assessment and finding of no significant impact.

EFFECTIVE DATE: July 11, 1995.

ADDRESSES: The determination, an environmental assessment and finding of no significant impact, the petition, and all written comments received regarding the petition 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 those documents are asked to call in advance of visiting at (202) 690–2817.

FOR FURTHER INFORMATION CONTACT: Dr. Sivramiah Shantharam, Biotechnology Permits, BBEP, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1237; (301) 734–7612. To obtain a copy of the determination or the environmental assessment and finding of no significant impact, contact Ms. Kay Peterson at (301) 734–7612.

SUPPLEMENTARY INFORMATION:

Background

On February 14, 1995, the Animal and Plant Health Inspection Service (APHIS) received a petition (APHIS Petition No. 95–045–01p) from the Monsanto Company (Monsanto) of St. Louis, MO, seeking a determination that cotton lines designated as 1445 and 1698 that have been genetically engineered for tolerance to the herbicide glyphosate do not present a plant pest risk and, therefore, are not regulated articles under APHIS' regulations in 7 CFR part 340.

On March 30, 1995, APHIS published a notice in the **Federal Register** (60 FR 16428–16430, Docket No. 95–023–1) announcing that the Monsanto petition had been received and was available for public review. The notice also discussed the role of APHIS, the Environmental Protection Agency, and the Food and Drug Administration in regulating the subject cotton lines and food products derived from them. In the notice, APHIS solicited written comments from the public as to whether the subject cotton lines posed a plant pest risk. The comments were to have been received by APHIS on or before May 30, 1995.

APHIS received a total of 10 comments on the Monsanto petition, from universities, cooperative extension service offices, agricultural experiment stations, a council representing cotton interests, and a State department of agriculture. All the commenters supported the Monsanto petition for nonregulated status for the subject cotton lines.

Analysis

Cotton lines 1445 and 1698 contain the gene for CP4 EPSPS (5-enolpyruvylshikimate-3-phosphate synthase) isolated from *Agrobacterium* sp. strain CP4, which encodes an enzyme conferring tolerance to glyphosate, the active ingredient in Roundup® herbicide. The subject cotton lines also contain the *nptII* gene, which encodes the selectable marker neomycin phosphotransferase II. Cotton lines 1445 and 1698 were produced through the use of *Agrobacterium tumefaciens* transformation.

The subject cotton lines were considered regulated articles because they contain certain gene sequences (vectors, vector agents, promoters, and terminators) derived from plant pathogens. However, evaluation of field data reports from field tests of the subject cotton lines conducted under APHIS permits or notifications since 1992 indicates that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of the subject cotton plants' release into the environment.

Determination

Based on its analysis of the data submitted by Monsanto and a review of other scientific data, comments received from the public, and field tests of the subject cotton lines, APHIS has determined that cotton lines 1445 and 1698: (1) Exhibit no plant pathogenic properties; (2) are no more likely to become weeds than cotton developed by traditional breeding techniques; (3) are unlikely to increase the weediness potential for any other cultivated or wild species with which they can interbreed; (4) will not harm other organisms, such as bees, that are beneficial to agriculture; and (5) should not cause damage to processed agricultural commodities. APHIS has also concluded that there is no reason to believe that new progeny cotton varieties derived from cotton lines 1445 and 1698 will exhibit new plant pest properties, i.e., properties substantially different from any observed for the cotton lines 1445 and 1698 already field tested, or those observed for cotton in traditional breeding programs.

The effect of this determination is that cotton lines designated as 1445 and 1698 are no longer considered regulated articles under APHIS' regulations in 7 CFR part 340. Therefore, the notification requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of cotton lines 1445 and 1698 or their progeny. However, the importation of the subject cotton lines or seeds capable of propagation is still subject to the

restrictions found in APHIS' foreign quarantine notices in 7 CFR part 319.

National Environmental Policy Act

An environmental assessment (EA) has been prepared to examine the potential environmental impacts associated with this determination. The EA was prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that cotton lines 1445 and 1698 and lines developed from them are no longer regulated articles under its regulations in 7 CFR part 340. Copies of the EA and the FONSI are available upon request from the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Done in Washington, DC, this 14th day of July 1995.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–18071 Filed 7–21–95; 8:45 am]

BILLING CODE 3410–34–P

Rural Utilities Service

South Mississippi Electric Power Association; Finding of No Significant Impact

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS) has made a finding of no significant impact (FONSI) with respect to its action related to the construction of the 230 kV Waynesboro-Missionary Transmission Line Project by South Mississippi Electric Power Association (SMEPA). The FONSI is the conclusion of an Environmental Assessment prepared by RUS. The Environmental Assessment is based on a environmental analysis submitted to RUS by SMEPA. RUS conducted an independent evaluation of the environmental analysis and concurs with its scope and content.

FOR FURTHER INFORMATION CONTACT: Lawrence R. Wolfe, Chief, Environmental Compliance Branch, Electric Staff Division, RUS, South Agriculture Building, Ag Box 1569, Washington, DC 20250, telephone (202) 720–1784.

SUPPLEMENTARY INFORMATION: The 230 kV Waynesboro-Missionary Transmission Line Project consists of the construction of 36 miles of 230 kV transmission line. The project will originate at the existing West Waynesboro Substation located in Wayne County, Mississippi, traverse through the southwest corner of Clarke County, Mississippi, and terminate at the proposed Missionary Substation to be located in the eastern part of Jasper County, Mississippi.

The transmission will be designed and constructed for 230 kV operation but, will be initially operated at 161 kV. It will be supported by H-frame structures. The proposed width of the right-of-way is 125 feet. The maximum span between transmission line support structures will be 1,200 feet. Most poles used for tangent structures will be either pressure-treated wood or concrete. Steel poles may be used for inaccessible areas or where unusually tall or high strength structures will be needed. Angle support structures will be a three-pole design and will be made of concrete or steel.

The West Waynesboro Substation will be upgraded to accommodate the new transmission line. This upgrade will involve the installation of one 161 kV circuit breaker, two 161 kV group-operated switches, 161 kV lightning arresters, associated steel support structures, bus conductors, and relaying equipment.

The proposed Missionary Substation will be designed and constructed for 230 kV operation but, will initially be operated at 161 kV. The low side of the substation will be designed and constructed for 69 kV operation. The major equipment to be included at the substation will be two 30/40/50 MVA autotransformers, two 230 kV gas circuit breakers, a control house, and a self-supporting communication tower. Approximately 12 acres of land will be cleared and fenced to accommodate this substation.

Also to be included as part of this project will be the extension of an existing communications system to allow data and voice communications between the Missionary Substation and SMEPA's Headquarters Control Center located in Hattiesburg, Mississippi. The main features of this extension will be the installation of a 270-foot self-supporting tower, a 9 by 15 foot communications shelter, and a small liquid propane gas powered stand-by generator. This expansion will be within the boundaries of Southern Pine Electric Power Association's Heildlberg Substation located in Heidleberg, Mississippi. It will take up about 0.15 acres of the existing 3.7 acre substation site.

The alternatives of no action, upgrading existing substations with a new capacitor configuration, construction of another substation and transmission line in addition to the one proposed, and alternative transmission line routes were considered.

Copies of the environmental assessment and FONSI are available for review at, or can be obtained from, RUS at the address provided herein or from Mr. Joey Ward, South Mississippi Electric Power Association, P.O. Box 15849, Hattiesburg, Mississippi, telephone (601) 268–2083. Interested parties wishing to comment on the adequacy of the Environmental Assessment should do so within 30 days of the publication of this notice. RUS will take no action that would approve clearing or construction activities related to this transmission line project prior to the expiration of the 30-day comment period.

Dated: July 17, 1995.

Adam M. Golodner,

Deputy Administrator, Program Operations.

[FR Doc. 95–18066 Filed 7–21–95; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket A (32b1)–12–95]

Foreign-Trade Zone 9—Honolulu, HI, Subzone 9E, Chevron U.S.A. Products Company (Crude Oil Refinery); Request for Modification of Restrictions

A request has been submitted to the Foreign-Trade Zones Board (the Board) by the Hawaii Department of Business, Economic Development & Tourism, on behalf of the State of Hawaii, grantee of FTZ 9, pursuant to § 400.32(b)(1) of the Board's regulations, for modification of the restrictions in FTZ Board Order 415 authorizing Subzone 9E at the crude oil refinery of Chevron U.S.A. Products Company (Chevron) in Ewa, Oahu, Hawaii. The request was formally filed on July 14, 1995.

The Board Order in question was issued subject to certain standard restrictions, including one that required the election of privileged foreign status on incoming foreign merchandise. The zone grantee has requested that the latter restriction be modified so that Chevron would have the option

available under the FTZ Act to choose non-privileged foreign (NPF) status on foreign refinery inputs used to produce certain petrochemical feedstocks and by-products, including the following: benzene, toluene, xylenes, other hydrocarbon mixtures, distillates/residual fuel oils, kerosene, naphthas, liquified petroleum gas, ethane, methane, propane, butane, ethylene, propylene, butylene, butadiene, petroleum coke, asphalt, sulfur, and sulfuric acid.

The request cites the FTZ Board's recent decision in the Amoco, Texas City, Texas case (Board Order 731, 60 FR 13118, 3/10/95) which authorized subzone status with the NPF option noted above. In the Amoco case, the Board concluded that the restriction that precluded this NPF option was not needed under current oil refinery industry circumstances.

Public comment on the proposal is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 23, 1995.

A copy of the application and accompanying exhibits will be available for public inspection at the following location: Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th & Pennsylvania Avenue NW., Washington, DC 20230.

Dated: July 17, 1995.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 95–18135 Filed 7–21–95; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–122–047]

Elemental Sulphur From Canada; Preliminary Results of Antidumping Finding Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Antidumping Finding Administrative Review.

SUMMARY: In response to a request by a U.S. producer, the Department of Commerce (the Department) is conducting an administrative review of the antidumping finding on elemental sulphur from Canada. The review covers 15 manufacturers/exporters of the subject merchandise to the United States and the period December 1, 1991 through November 30, 1992.

As a result of the review, we have preliminarily determined that dumping margins exist for certain of these respondents. If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs to assess antidumping duties at the prescribed rates.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 24, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas O. Barlow, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–0410.

SUPPLEMENTARY INFORMATION:

Background

On December 17, 1973, the Department of the Treasury published in the **Federal Register** (38 FR 34655) an antidumping finding with respect to elemental sulphur from Canada. On December 4, 1992, the Department published a notice of ''Opportunity to Request an Administrative Review'' of this antidumping finding for the period December 1, 1991 through November 30, 1992 (57 FR 57419). We received a timely request from Pennzoil Sulphur Company (Pennzoil), a domestic producer of elemental sulphur, for review of the finding with respect to Alberta Energy Co., Ltd. (Alberta), Allied Corporation (Allied), Brimstone Export (Brimstone), Burza Resources (Burza), Canamex, Delta Marketing (Delta), Drummond Oil & Gas, Ltd. (Drummond), Fanchem, Husky Oil, Ltd. (Husky), Mobil Oil Canada, Ltd. (Mobil), Norcen Energy Resources (Norcen), Petrosul International (Petrosul), Real International (Real), Saratoga Processing Co., Ltd. (Saratoga), and Sulbow Minerals (Sulbow). Pennzoil is a producer of elemental sulphur, and, thus, an ''interested party'' as defined by 771(9)(C) of the Tariff Act of 1930, as amended (the Act) and § 353.2(k)(3) of the Department's regulations. This review was initiated on February 23, 1993 (58 FR 11026) with respect to all 15 of the companies listed above. On March 25, 1993, the Department issued antidumping sales questionnaires to respondents. On June 23, 1993, Pennzoil filed allegations of sales below the cost of production (COP) against Mobil, Husky, and Petrosul. On December 3, 1993, the Department initiated cost investigations of these three respondents and issued COP questionnaires on December 6, 1993. The Department is conducting this review in accordance with section 751 of the Act.

Scope of the Review

The period of review (POR) is December 1, 1991 through November 30, 1992. Imports covered by this review are shipments of elemental sulphur from Canada. This merchandise is classifiable under Harmonized Tariff Schedule (HTS) subheadings 2503.10.00, 2503.90.00, and 2802.00.00.

The HTS subheading is provided for convenience and for U.S. Customs purposes. The written description of the scope of this order remains dispositive as to product coverage.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

United States Price (USP)

The Department has calculated a dumping margin only for Husky. (see explanations below for analyses of remaining firms.)

In calculating USP for Husky, the Department used purchase price as defined in section 772(b) of the Act, because the merchandise was sold to unrelated U.S. purchasers prior to importation. Husky sold primarily liquid sulphur to the United States during the POR but also had sales of bagged and powdered elemental sulphur.

We calculated purchase price based on an ex-factory f.o.b. Canadian plant, or customer's specific delivery point bases. We made adjustments, where applicable, for discounts and movement expenses in accordance with section 772(d)(2) of the Act.

Foreign Market Value (FMV)

Husky did not have a viable home market during the POR. Therefore, Husky reported third-country sales of formed (*e.g.*, prilled) elemental sulphur. Section 773(a)(4)(C) of the Act provides that a difference-in-merchandise (DIFMER) allowance may be made when a product on which FMV is based is not identical to that exported to the United States. Section 353.57 of the Department's regulations provides that the allowance will normally be based on differences in cost of production, but may be based on differences in market value. The Department makes DIFMER adjustments on the basis of precise physical differences. In addition, the cost differences which form the adjustment must be related to those physical differences and not to

extraneous factors. Further, when the DIFMER is greater than twenty percent of the U.S. product's total cost of manufacture (COM), the Department resorts to constructed value (CV) to establish FMV. *See Differences in Merchandise; 20% Rule,* Import Administration Policy Bulletin: Number 92.2, July 29, 1992 (''Policy Bulletin No. 92.2''). For purposes of these preliminary results, we determined that variable manufacturing cost differences of formed elemental sulphur exceeded twenty percent of the total average cost of manufacture, on a model-specific basis, of the product exported to the United States (liquid, powdered and bagged). Therefore, in accordance with Department policy and section 773(a)(2) of the Act, we calculated FMV based on the CV of the merchandise sold in the United States.

In accordance with section 773(e) of the Act, CV includes the costs of materials and fabrication, general expenses, profit, and, where relevant, packing for shipment to the United States. We adjusted Husky's reported COM by disallowing the offset of processing income against operating costs and increasing depreciation by basing it on a cost basis allocation methodology as opposed to a net-realizable value allocation methodology (*See COP and CV Calculation Adjustment Memo for the Preliminary Determination of Elemental Sulphur From Canada—Husky Oil Ltd.*, July 7, 1995). We used Husky's third-country selling expenses pursuant to section 773(e)(1)(B) of the Act. We used Husky's actual general expenses as they were greater than the statutory minimum of ten percent of COM but applied the statutory eight percent for profit to COP.

We made circumstance-of-sale adjustments for differences in credit and royalty expenses.

No other adjustments were claimed or allowed.

Non-Shippers

Based on the information on the record, the Department has determined that Allied, Alberta, and Norcen had no shipments to the United States during the POR. Because these firms have never been subject to a review and, therefore, do not have their own rates in place, entries of their merchandise will continue to enter under the ''All Others'' category.

Best Information Available

As a result of our review, we have preliminarily determined to apply best information available (BIA) to various firms. (See company specific descriptions below.)

Section 776(c) of the Act requires the Department to use BIA ''whenever a party or any other person refuses or is unable to produce information requested in a timely manner or in the form required, or otherwise significantly impedes an investigation.''

Department regulations provide that ''[t]he Secretary will use the best information available whenever the Secretary (1) [d]oes not receive a complete, accurate, and timely response to the Secretary's request for factual information; or (2) [i]s unable to verify, within the time specified, the accuracy and completeness of the factual information submitted.'' 19 CFR 353.37(a).

In deciding what to use as BIA, the Department's regulations provide that the Department may take into account whether a party refuses to provide requested information. 19 CFR 353.37(b). Prior Department practice has been to determine, on a case-by-case basis, what constitutes BIA. This can be a decision to apply total BIA to a respondent or partial BIA (the selective use of individual pieces of data to substitute for missing or unreliable data in a dumping analysis).

In *Allied-Signal Aerospace Co.* v. *United States*, 996 F.2d 1185, 1191–92 (Fed. Cir. 1993), the Court of Appeals for the Federal Circuit held that it is within the Department's discretion to decide what constitutes BIA in a particular case and that this decision must be afforded considerable deference. In exercising this discretion, the Department has established two tiers of BIA in situations where it is unable to use a company's response for purposes of determining that company's dumping margin and applies each tier based on whether the respondent cooperated or failed to cooperate in the proceeding.

- For first-tier BIA, applied when a company refuses to cooperate with the Department or significantly impedes the proceeding, the Department has used as BIA the higher of (1) the highest of the rates found for any firm for the same class or kind of merchandise in the same country of origin in the less than fair value (LTFV) investigation or prior administrative reviews, or (2) the highest rate found in this review for any firm for the same class or kind of merchandise in the same country of origin.
- For second-tier BIA, applied when a company substantially cooperates with the Department's requests for information but fails to provide the information requested in a timely manner or in the form required, or the Department is unable to verify the accuracy and completeness of the information submitted, the Department has used as BIA the higher of (1) the highest rate (including the ''All Others'' rate) ever applicable to the firm for the same class or kind of merchandise from either the LTFV investigation or a prior administrative review, or (2) the highest calculated rate in this review for the class or kind of merchandise for any firm from the same country of origin.

The Department's two-tiered BIA methodology also was upheld by the court in *Allied-Signal. Id.*

Mobil

Mobil did not have a viable home market during the POR. Therefore, Mobil reported third-country sales of formed (e.g., prilled) elemental sulphur. During this administrative review, Mobil cooperated with the Department's requests for information, including participating in verification of its responses. However, during verification at Mobil, the Department discovered significant discrepancies in Mobil's submissions to the Department and company records, which are outlined in detail in the sales verification report. *See Verification of Sales Questionnaire Response of Mobil Oil Canada Ltd.*, November 22, 1994 (*Verification Report*) (*see also* Memorandum to Joseph A. Spetrini, from Holly A. Kuga, re: Use of Best Information Available for Mobil Oil Canada, Ltd., in 1991–92 Administrative Review of Antidumping Finding on Elemental Sulphur from Canada (May 10, 1995)). Therefore, because we were unable to verify Mobil's response as required by 776(b) of the Act, the Department determined that the use of total BIA is appropriate. However, because Mobil substantially cooperated in this segment of the proceeding by responding to the Department's requests for information and participating in verification, the Department determined that the second tier of BIA as described above should be applied to Mobil for the preliminary results of review. The highest rate previously applicable to Mobil is 5.56 percent. Therefore, the rate calculated for Husky, the highest calculated rate in this review, shall apply to Mobil as this rate is higher than the rate previously applicable to Mobil.

Petrosul

Petrosul, a reseller of elemental sulphur, had a viable home market during the POR and had home-market and U.S. sales of liquid sulphur.

Pennzoil alleged that Petrosul made home market sales at prices below the cost of producing the elemental sulphur. Based on this allegation, the Department found reasonable grounds to believe or

suspect that Petrosul's sales were below cost and initiated a cost investigation pursuant to 772(b) of the Act. The statute is concerned specifically with the cost of production of the merchandise, and Petrosul does not itself produce the elemental sulphur it sells. Department practice in such situations is to compare the production costs of the producer (Petrosul's supplier/producers), plus the producer's SG&A, plus the SG&A of the seller (Petrosul), to the seller's home market sales to determine whether home market sales were made below the COP. *See Final Determination of Sales at Less Than Fair Value: Fresh and Chilled Atlantic Salmon from Norway* 56 FR 7661 (February 25, 1991); *Final Results of Antidumping Duty Administrative Reviews: Oil Country Tubular Goods from Canada* 56 FR 38408 (August 13, 1991). Therefore, on May 3, 1994, the Department requested cost of production information from the producers of the merchandise sold by Petrosul. However, these producers refused to supply that information. Because Petrosul's suppliers did not provide their production costs, the only cost data on the record is Petrosul's SG&A. Because the Department could not identify any other source of data that would provide a reasonable surrogate for the missing supplier-producers' cost of producing elemental sulphur, the only alternative open to the Department is to apply total BIA to Petrosul. See Memorandum to Joseph A. Spetrini, from Holly A. Kuga, re: 1991–92 Antidumping Administrative Review of the Antidumping Finding on Elemental Sulphur from Canada: Use of Best Information Available for Petrosul International Due to Lack of Any Useable Cost of Production Information (July 11, 1995).

However, during this administrative review, Petrosul responded to the Department's requests for information, including the initial and supplementary sales questionnaires, as well as the request for limited COP data. Given Petrosul's attempts to fully cooperate in this review, the Department determined that second tier of BIA as described above be applied to Petrosul for the preliminary results of review. The rate previously applicable to Petrosul is zero percent. Therefore, the rate calculated for Husky, the highest calculated rate in this review, shall apply to Petrosul as this is higher than the rate previously applicable to Petrosul.

Non-Responders/Untimely Responders

Based on a failure to respond or an untimely response to the Department's questionnaire, we have determined that Brimstone, Burza, Sulbow, Canamex, Delta, Drummond, Real, Fanchem, and Saratoga failed to cooperate in this proceeding and, therefore, we have been assigned them margins based on BIA. Furthermore, consistent with the Department's two-tiered BIA methodology, the Department has determined that first-tier BIA, as described above, applies to each of these companies. The highest rate applicable to a firm is 28.9 percent. Therefore, this rate shall apply to each of these respondents.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margins exist for the period December 1, 1991, through November 30, 1992:

Manufacturer/exporter	Percent margin
Husky Oil Ltd.	5.66
Mobil Oil Canada, Ltd.	[1] 5.66
Petrosul	[1] 5.66
Alberta	[2]
Allied	[2]
Norcen	[2]
Brimstone	[3] 28.9
Burza	[3] 28.9
Canamex	[3] 28.9
Delta	[3] 28.9
Drummond	[3] 28.9
Fanchem	[3] 28.9
Real	[3] 28.9
Saratoga	[3] 28.9
Sulbow	[3] 28.9

[1] Cooperative BIA rate.
[2] No shipments or sales subject to this review. The firm has no individual rate from any segment of this proceeding.
[3] Non-cooperative BIA rate.

Interested parties may request disclosure within 5 days of the date of publication of this notice and may request a hearing within 10 ten days of the date of publication. Any hearing, if requested, will be held as early as convenient for the parties but not later than 44 days after the date of publication or the first work day thereafter. Case briefs and/or other written comments from interested parties may be submitted not later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, limited to issues raised in case briefs and written comments, may be filed not later than 37 days after the date of publication of this notice. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any such written comments.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentages stated above. Upon completion of the review, the Department will issue appraisement instructions on each exporter directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of elemental sulphur, entered or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be those rates established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, or the less-than-fair-value (LTFV) investigation, the cash deposit rate will be the ''new shipper'' rate established in the first review conducted by the Department in which a ''new shipper'' rate was established, as discussed below.

On May 25, 1993, the Court of International Trade (CIT) in *Floral Trade Council* v. *United States,* 822 F.Supp. 766 (CIT 1993) and *Federal-Mogul Corporation and The Torrington Company* v. *United States,* 822 F.Supp. 782 (CIT 1993) decided that once an ''All Others'' rate is established for a company it can only be changed through an administrative review. The Department has determined that in order to implement these decisions, it is appropriate to reinstate the ''All Others'' rate from the LTFV investigation (or that rate as amended for correction or clerical errors as a result of litigation) in proceedings governed by antidumping duty orders. In proceedings governed by antidumping findings, unless we are able to ascertain the ''All Others'' rate from the Treasury LTFV investigation, the Department has determined that it is appropriate to adopt the ''new shipper'' rate established in the first final results of administrative review published by the Department (or that rate as amended for correction or clerical errors as a result of litigation) as the ''All Others'' rate for the purposes of establishing

cash deposits in all current and future administrative reviews.

Because this proceeding is governed by an antidumping finding, and we are unable to ascertain the ''All Others'' rate from the Treasury LTFV investigation, the ''All Others'' rate for the purposes of this review would normally be the ''new shipper'' rate established in the first notice of final results of administrative review published by the Department. However, a ''new shipper'' rate was not established or ascertainable in that notice. Therefore, for the purposes of this review, we have drawn the ''All Others'' rate of 5.56 percent from the final results of administrative review of this finding conducted by the Department generally for the period December 1, 1980 through November 30, 1982. *See Elemental Sulphur from Canada; Final Results of Administrative Review of Antidumping Finding,* 48 FR 53592 (November 28, 1983).

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: July 17, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–18136 Filed 7–21–95; 8:45 am]

BILLING CODE 3510–DS–P

[A–570–840]

Amended Preliminary Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Manganese Metal From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: July 24, 1995.

FOR FURTHER INFORMATION CONTACT: David Boyland or Sue Strumbel, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–4198 and 482–1442, respectively.

Scope of Investigation

The scope of this investigation, manganese metal, is fully described in the preliminary determination (*see Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Manganese Metal from the People's Republic of China* 60 FR 3182, (June 14, 1995)).

Case History

On June 6, 1995, the Department of Commerce (the Department) made its affirmative preliminary determination of sales at less than fair value in the above-cited investigation concerning subject merchandise from the People's Republic of China. On June 20, 1995, respondents in this investigation, China National Electronics Import & Export Hunan Company (CEIEC), China Hunan International Economic Development Corporation (HIED), China Metallurgical Import & Export Hunan Corp. (CMIECHN), and Minmetal Precious & Rare Minerals Import & Export Co. (Minmetal), alleged that the Department made two ministerial errors in the preliminary determinations and requested that the Department correct these ministerial errors accordingly.

Amendment of Preliminary Determination

Since a preliminary determination only establishes estimated margins, which are subject to verification and which may change at the final determination, the Department does not routinely amend preliminary determinations. However, the Department has stated that it will amend a preliminary determination to correct significant ministerial errors (*see Amendment to Preliminary Determination of Sales at Less Than Fair Value: Certain Welded Stainless Steel Pipes from Taiwan,* 57 FR 33492 (July 29, 1992).)

In the preliminary determination of this investigation, the calculation of HIED's foreign market value (FMV) double counted material input costs. Additionally, with respect to HIED and the other companies for which margins were calculated, the Department added freight to the input cost of manganese ore. (Note: the addition of freight was despite the fact that the Department determined that freight costs were already reflected in the input cost of manganese ore (*see* June 6, 1995 concurrence memorandum to the Deputy Assistant Secretary)).

The Department considers the above-referenced errors to be ministerial errors pursuant to 19 CFR 353.28(d) (*see* June 29, 1995 Clerical Error Memorandum to the Deputy Assistant Secretary). With respect to HIED's original margin at the preliminary determination, the correction of these errors results in a change which is (1) greater than 5 absolute percentage points, and is (2) greater than 25 percent of the margin at the preliminary determination. Accordingly, these errors are considered significant ministerial errors. The ministerial errors alleged by respondents that relate to all other companies are not significant and therefore will not be corrected in this amended preliminary notice.

At the preliminary determination, HIED's margin was the highest calculated margin and was higher than the highest margin in the petition, as recalculated by the Department. Accordingly, HIED's margin was used as the PRC-wide rate. Because Minmetal's margin is now the highest calculated margin and is higher than the highest margin in the petition, as recalculated by the Department, Minmetal's margin is now the PRC-wide rate.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, the Department will direct the U.S. Customs Service to continue to require a cash deposit or posting of bond on all entries of subject merchandise from the People's Republic of China at the rates indicated below, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The suspension of liquidation will remain in effect until further notice. The revised company-specific rate for HIED and the PRC-wide rate, as well as those rates which have not changed are as follows:

Manufacturer/producer/exporter	Margin percent
CEIEC	132.22
CMIECHN/CNIECHN	82.44
HIED	57.18
Minmetal	148.24
PRC-Wide Rate	148.24

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of the amended preliminary determination. If our final determination is affirmative, the ITC will determine whether imports of the subject merchandise are materially injuring, or threaten material

injury to, the U.S. industry, before the later of 120 days after the date of the original preliminary determination (June 6, 1995) or 45 days after our final determination.

This notice is published pursuant to section 733(f) of the Act and 19 CFR 353.15(a)(4).

Dated: July 17, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–18138 Filed 7–21–95; 8:45 am]

BILLING CODE 3510–DS–P

[A–401–603]

Stainless Steel Hollow Products From Sweden: Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review, and Intent To Revoke Order In Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of initiation and preliminary results of changed circumstances antidumping duty administrative review, and intent to revoke order in part.

SUMMARY: In response to a request from AL Tech Specialty Steel Corporation (AL Tech) and the United Steelworkers of America (USWA), the only petitioners in this proceeding who are involved in the production of seamless stainless steel hollow products (SSHP), the Department of Commerce (the Department) is initiating a changed circumstances antidumping duty administrative review and issuing an intent to revoke in part the antidumping duty order on SSHP from Sweden, the scope of which currently includes both seamless and welded SSHP. AL Tech and USWA requested that the Department revoke the order in part as to imports of seamless SSHP. AL Tech also requested that this partial revocation of seamless SSHP be retroactive to the beginning of the 1990/1991 administrative review (i.e., December 1, 1990). Based on the fact, that this order is no longer of interest to domestic parties, we intend to partially revoke this order.

EFFECTIVE DATE: July 24, 1995.

FOR FURTHER INFORMATION CONTACT: Amy S. Wei or Zev Primor, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–5253.

SUPPLEMENTARY INFORMATION:

Background

On October 9, 1987, the Department published the final determination in the less-than-fair-value (LTFV) investigation (52 FR 37810), which covered both seamless and welded SSHP. The International Trade Commission (ITC) found no injury due to imports of welded SSHP (52 FR 45256, November 25, 1987), and subsequently, the Department published an antidumping duty order and amended final determination, which included only seamless SSHP (52 FR 45985, December 3, 1987).

Following the negative injury determination concerning welded SSHP, the petitioners filed suit against the ITC in the Court of International Trade (CIT), and the CIT remanded the negative determination to the ITC. Upon remand, the ITC did find injury with respect to welded SSHP, and issued an amended final affirmative injury determination for welded SSHP, which the CIT affirmed on November 11, 1990, and which the Court of Appeals for the Federal Circuit upheld on September 8, 1992. Subsequently, the Department published an amended antidumping duty order to include welded SSHP in the scope of the order (57 FR 52761, November 5, 1992).

On February 9, 1995, AL Tech and USWA requested that the Department conduct a changed circumstances administrative review to determine whether to partially revoke the order with regard to seamless SSHP. The order with regard to imports of welded SSHP is not affected by this request. In addition, the petitioners informed the Department that they have canvassed interested parties known to them to be actively involved in the production of seamless SSHP in the United States, and did not find any opposition to the revocation of the order with regard to seamless SSHP. Furthermore, AL Tech and USWA requested that the partial revocation on seamless SSHP be effective retroactive to December 1, 1990, which is the beginning of the period for the currently pending fourth and fifth administrative reviews.

Scope of Review

The merchandise covered by this changed circumstances review are seamless stainless steel hollow products including pipes, tubes, hollow bars, and blanks of circular cross section, containing over 11.5 percent chromium by weight. This merchandise is currently classified under subheadings 7304.41.00 and 7304.49.00 of the Harmonized Tariff Schedule (HTS). The HTS numbers are provided for convenience and Customs purposes. The written description remains dispositive.

This changed circumstance administrative review covers all manufacturers/exporters of seamless SSHP from Sweden.

Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review, and Intent To Revoke Order In Part

Pursuant to section 751(d)and 782(h) of the Tariff Act of 1930, as amended (the Act), the Department may partially revoke an antidumping duty order based on a review under section 751(b) of the Act (i.e., a changed circumstances review). Section 751(b)(1) of the Act requires a changed circumstances administrative review to be conducted upon receipt of a request containing sufficient information concerning changed circumstances.

The Department's regulations at 19 CFR 353.25(d)(2) permit the Department to conduct a changed circumstances administrative review under § section 353.22(f) based upon an affirmative statement of no interest from the petitioner in the proceeding. Section 353.25(d)(1)(i) further provides that the Department may revoke an order or revoke an order in part if it determines that the order under review is no longer of interest to interested parties. In addition, in the event that the Department concludes that expedited action is warranted, § 353.22(f)(4) of the regulations permits the Department to combine the notices of initiation and preliminary results.

Therefore, in accordance with sections 751(d) and 782(h) of the Act and 19 CFR 353.25(d) and 353.22(f), based on an affirmative statement of no interest in the proceeding by AL Tech and USWA, we are initiating this changed circumstances administrative review. Further, based on the representation made by the petitioners that other U.S. producers and potential producers of this merchandise have no interest in the order regarding seamless SSHP, we have determined that expedited action is warranted, and we have preliminarily determined that the order regarding seamless SSHP no longer is of interest to domestic interested parties. Because we have concluded that expedited action is warranted, we are combining these notices of initiation and preliminary results. Therefore, we are hereby notifying the public of our intent to revoke in part the antidumping duty order as to imports of seamless SSHP from Sweden.

In the event that this revocation becomes final, the effective date of the revocation will be December 1, 1990, which is the beginning of the currently pending fourth administrative review.

If final revocation in part occurs, we intend to instruct the U.S. Customs Service (Customs) to liquidate without regard to antidumping duties and to refund any estimated antidumping duties collected for all unliquidated entries of subject merchandise made on or after the effective date of partial revocation, in accordance with 19 CFR 353.25(d)(5). We will also instruct Customs to refund interest for entries made on or after December 1, 1990, in accordance with section 778 of the Act. The current requirement for a cash deposit of estimated antidumping duties will continue until publication of the final results of this changed circumstances review.

Public Comment

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice and any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held no later than 28 days after the date of publication of this notice, or the first workday thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 14 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, limited to the issues raised in those comments, may be filed not later than 21 days after the date of publication of this notice. All written comments shall be submitted in accordance with 19 CFR 353.31(e) and shall be served on all interested parties on the Department's service list in accordance with 19 CFR 353.31(g). Persons interested in attending the hearing should contact the Department for the date and time of the hearing. The Department will publish the final results of this changed circumstances review, including the results of its analysis of issues raised in any written comments.

This notice also serves as a preliminary reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is in accordance with sections 751(b)(1) and (c) of the Act and § 353.22(a)(5), 353.22(f), and 353.25(d) of the Department's regulations.

Dated: July 14, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–18137 Filed 7–21–95; 8:45 am]

BILLING CODE 3510–DS–P

Minority Business Development Agency

Business Development Center Applications: Raleigh-Durham, North Carolina

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625 and 15 U.S.C. 1512, the Minority Business Development Agency (MBDA) is soliciting competitive applications from organizations to operate the Raleigh-Durham Minority Business Development Center (MBDC).

The purpose of the MBDC Program is to provide business development services to the minority business community to help establish and maintain viable minority businesses. To this end, MBDA funds organizations to identify and coordinate public and private sector resources on behalf of minority individuals and firms; to offer a full range of client services to minority entrepreneurs; and to serve as a conduit of information and assistance regarding minority business. The MBDC will provide service in the Raleigh-Durham, North Carolina Metropolitan Area. The award number of the MBDC will be 04–10–96001–01.

DATES: The closing date for applications is August 24, 1995. Applications must be received in the MBDA Headquarters' Executive Secretariat on or before August 24, 1995. A pre-application conference will be held on August 8, 1995, at 10:00 a.m., at the Atlanta Regional Office, 401 W. Peachtree Street NW., suite 1715, Atlanta, Georgia 30308–3516, (404) 730–3300.

Proper identification is required for entrance into any Federal building.

ADDRESSES: Completed application packages should be submitted to the U.S. Department of Commerce, Minority Business Development Agency, Executive Secretariat, 14th and Constitution Avenue NW., Room 5073, Washington, DC 20230.

FOR FURTHER INFORMATION AND AN APPLICATION PACKAGE, CONTACT: Robert Henderson at (404) 730–3300.

SUPPLEMENTARY INFORMATION: Contingent upon the availability of Federal funds, the cost of performance for the first budget period (13 months) from November 1, 1995 to November 30, 1996, is estimated at $198,971. The total Federal amount is $169,125 and is composed of $165,000 plus the Audit Fee amount of $4,125. The application must include a minimum cost share of 15%, $29,846 in non-federal (cost-sharing) contributions for a total project cost of $198,971. Cost-sharing contributions may be in the form of cash, client fees, third party in-kind contributions, non-cash applicant contributions or combinations thereof.

The funding instrument for this project will be a cooperative agreement. If the recommended applicant is the current incumbent organization, the award will be for 12 months. For those applicants who are not incumbent organizations or who are incumbents that have experienced closure due to a break in service, a 30-day start-up period will be added to their first budget period, making it a 13-month award. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

Applications will be evaluated on the following criteria: the knowledge, background and/or capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (45 points), the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (25 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to each evaluation criteria category to be considered programmatically acceptable and responsive. Those applications determined to be acceptable and responsive will then be evaluated by the Director of MBDA. Final award selections shall be based on the number of points received, the demonstrated responsibility of the applicant, and the determination of those most likely to further the purpose of the MBDA program. Negative audit findings and recommendations and unsatisfactory performance under prior Federal awards may result in an application not being considered for award. The applicant with the highest point score will not necessarily receive the award. Periodic

reviews culminating in year-to-date evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the total discretion of MBDA based on such factors as the MBDC's performance, the availability of funds and Agency priorities.

The MBDC shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist in this effort, the MBDC may charge client fees for services rendered. Fees may range from $10 to $60 per hour based on the gross receipts of the client's business.

Anticipated processing time of this award is 120 days. Executive order 12372, ''Intergovernmental Review of Federal Programs,'' is not applicable to this program. Federal funds for this project include audit funds for non-CPA recipients. In event that a CPA firm wins the competition, the funds allocated for audits are not applicable. Questions concerning the preceding information can be answered by the contact person indicated above, and copies of application kits and applicable regulations can be obtained at the above address. The collection of information requirements for this project have been approved by the Office of Management and Budget (OMB) and assigned OMB control number 0640–0006.

Awards under this program shall be subject to all Federal laws, and Federal and Departmental regulations, policies, and procedures applicable to Federal financial assistance awards.

Pre-Award Costs—Applicants are hereby notified that if they incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that an applicant may have received, there is no obligation on the part of the Department of Commerce to cover pre-award costs.

Outstanding Account Receivable—No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either the delinquent account is paid in full, repayment schedule is established and at least one payment is received, or other arrangements satisfactory to the Department of Commerce are made.

Name Check Policy—All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury or other matters which significantly reflect on the applicant's management honesty or financial integrity.

Award Termination—The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the award recipient has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are failure to meet cost-sharing requirements; unsatisfactory performance of the MBDC work requirements; and reporting inaccurate or inflated claims of client assistance. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

False Statements—A false statement on an application for Federal financial assistance is grounds for denial or termination of funds, and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Primary Applicant Certifications—All primary applicants must submit a completed Form CD–511, ''Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying.''

Nonprocurement Debarment and Suspension—Prospective participants (as defined at 15 CFR Part 26, Section 26.105) are subject to 15 CFR Part 26, ''Nonprocurement Debarment and Suspension'' and the related section of the certification form prescribed above applies.

Drug Free Workplace—Grantees (as defined at 15 CFR Part 26, Section 26.605) are subject to 15 CFR Part 26, Subpart F, ''Governmentwide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies.

Anti-Lobbying—Persons (as defined at 15 CFR Part 28, Section 28.105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000 or the single family maximum mortgage limit for affected programs, whichever is greater.

Anti-Lobbying Disclosures—Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR Part 28, Appendix B.

Lower Tier Certifications—Recipients shall require applications/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form, SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to DOC. SF–LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

Buy American-made Equipment or Products—Applicants are hereby notified that they are encouraged, to the extent feasible, to purchase American-made equipment and products with funding provided under this program in accordance with Congressional intent as set forth in the resolution contained in Public Law 103–121, Sections 606 (a) and (b).

11.800 Minority Business Development Center

(Catalog of Federal Domestic Assistance)

Dated: July 18, 1995.

Donald L. Powers,

Federal Register Liaison Officer, Minority Business Development Agency.

[FR Doc. 95–18084 Filed 7–21–95; 8:45 am]

BILLING CODE 3510–21–P

National Oceanic and Atmospheric Administration

Monterey Bay National Marine Sanctuary Advisory Council Meeting

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Monterey Bay National Marine Sanctuary Advisory Council open meeting.

SUMMARY: The Advisory Council was established in December 1993 to advise NOAA's Sanctuaries and Reserves Division regarding the management of the Monterey Bay National Marine Sanctuary. The Advisory Council was convened under the National Marine Sanctuaries Act.

Time and Place: Friday, July 28, 1995, from 8:30 until 4:30. The meeting will be held at

the Fort Ord Reuse Authority Conference Room, 100 12th Street, Building 2820, Marina, California.

Agenda: General issues related to the Monterey Bay National Marine Sanctuary are expected to be discussed, including an update from the Sanctuary Manager, reports from the working groups, an update on the Sanctuary license plate marketing program, and a presentation on the Piedras Blancas Elephant Seal Viewing Area.

Public Participation: The meeting will be open to the public. Seats will be available on a first-come, first-served basis.

For Further Information Contact: Jane Delay at (408) 647–4246 or Elizabeth Moore at (301) 713–3141.

Federal Domestic Assistance Catalog Number 11.429
Marine Sanctuary Program

Dated: July 14, 1995.

David L. Evans,

Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 95–18091 Filed 7–21–95; 8:45 am]

BILLING CODE 3510–08–M

National Technical Information Service

Government-Owned Inventions Notice of Availability for Licensing

The inventions listed below are owned by agencies of the U.S.Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Licensing information may be obtained by writing to: National Technical Information Service (NTIS), Office of Federal Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151 or by telephoning (703) 487–4738. All patent applications may be purchased, specifying the serial number for the patent applications listed below, by writing NTIS, 5285 Port Royal Road, Springfield, Virginia 22161 or by telephoning the NTIS Sales Desk at (703) 487–4650. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Director, Office of Federal Patent Licensing.

Department of Interior

Patent Applications

8–088,509	Method for Removing Copper from Molten Metal with a Molten Slag and for Recovering the Copper from the Slag.
8–091,582	Method of Delivery of Accurate and Filtered Liquid Samples.
8–091,855	Disposable Device for Delivery of Accurate and Filtered Liquid Samples.
8–105,573	Improved Method for Controlling Microorganisms Without Degradation of Membrane Equipment with 2-Step Water Disinfection by Chlorination and Chloramination.
8–181,159	Process for Introducing a Gas into an Ally by High Energy Mechanical Milling.
8–187,995	Cable Handling Unit for an Extended Cut Mining Machine.
8–188,863	Process for Removing Thorium and Recovering Vanadium from Titanium Chlorinator Waste.
8–192,534	A Method for Producing Microcomposite Powders Using a Soap Solution.
8–201,449	Rotary Seismic Shear-Wave Source.
8–242,900	Process for Treating AB_5 Nickel-Metal Hydride Battery Scrap.
8–253,979	Bulk Backfill in Situ Liner for Hard Rock Environment.
8–272,070	Zeolite-Hydraulic Cement Containment Medium.
8–285,451	Coal Air-Lift Hydrochoist.
8–285,676	Separation of Scandium from Tantalum Residue Using Fractional Liquid-Liquid Extraction.
8–290,572	Labyrinth Seal Coal Injector.
8–291,793	Method for Producing Titanium Aluminide Weld Rod.
8–294,125	Video Photometric Color System for Processing Color Specific Streams.
8–317,050	Method for Removing Magnesium from Aluminum-Magnesium Alloys with Engineered Scavenger Compound.
8–323,325	Apparatus and Method for Controlling Physical Properties of a Material.
8–326,299	Flotation of Lead Sulfides Using Rapesseed Oil.
8–326,300	Shotgun Cartridge Rock Breaker.
8–326,301	Method and Apparatus for Monitoring the Thickness of a Coal Rib During Rib Formation.
8–336,120	Method of Determining Elastic and Plastic Mechanical Properties of Ceramic Materials using Spherical Indenters.
8–341,227	Process for Producing Advanced Ceramics.
8–344,590	Expandable Mixing Section Gravel and Cobble Educator.
8–344,591	Ultrasonic Transit Time Mine Air Velocity and Methane Monitor.
8–348,932	Process for Casting Hard-Faced, Lightweight Camshafts and Other Cylindrical Products.
8–352,752	Capacitor Discharge Process for Welding Braided Cable.
8–352,753	Flat Plate Fish Screen System.
8–363,119	Solution Mining of Precious Metals Using Aqueous, Sulfur-Bearing Solutions at Elevated Temperatures.
8–403,605	Electrolyte Circulation Manifold for Copper Electrowinning Cells Which use the Ferrous/Ferric Anode Reaction.
8–408,606	Concrette Step Embankment Protection.
8–408,796	A Noncontact Lateral Control System for use in a Levitation-Type Transport System.
8–408,797	Corridor Guided Transport System Utilizing Permanent Magnet Levitation.
8–416,562	Method and Apparatus for Concentration of Minerals by Froth Flotation.

Patents

5,322,800	Method and Device for Safely Preserving Aqueous Field Samples Using Acid or Base.
5,323,133	Method and Apparatus for Making Electrical Connection with a movable Member.
5,324,394	Recovery of LI from Alloys of AL-LI and LI-AL Using Engineered Scavenger Compounds.
5,324,491	Enzymatic Reduction and Precipitation of Uranium.
5,332,509	Chemical Process for Removing Organometallic Compounds from Water.
5,335,977	Double Acting Bit Holder.

5,366,571	High Pressure-Resistant Nonincendive Emulsion Explosive.
5,366,817	Process for Mitigating Corrosion and Increasing the Conductivity of Steel Studs in Soderberg Anodes of Aluminum Reduction Cells.
5,368,105	Cryogenci Slurry for Extinguishing Underground Fires.
5,372,195	Method for Directional Hydraulic Fracturing.
5,387,273	Process for Removing Copper in a Recoverable Form From Solid Scrap Metal.
5,395,426	Device for the Removal and Concentration of Organic Compounds from the Atmosphere.
5,404,834	Temperature Indicating Device.
5,404,946	Wireline-Powered Inflatable-Packer System for Deep Wells.
5,407,253	Water Spray Ventilator System for Continuous Mining Machines.

[FR Doc. 95–18067 Filed 7–21–95; 8:45 am]

BILLING CODE 3510–04–M

THE COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY

Notice of Meeting

The fourth in a series of monthly meetings of the Commissioners of the Commission on Protecting and Reducing Government Secrecy. Pursuant to title IX of Pub. Law 103–236, dated April 30, 1994, the Commission consists of twelve members, four appointed by the President, two each by the Speaker of the House and the House Minority Leader and two each by the Senate Majority and Minority Leaders. The Commission will remain in effect for two years from the date of its first meeting.

Time and Date: 3:00 p.m., July 27, 1995

Place: S–116, Committee on Foreign Relations Hearing Room, The Capitol.

Status: Open.

Agenda: 1. Overview of personnel security issues and policies; speakers from the Department of Justice and the National Security Council.

2. Presentation of Commission Work Plan.

Contact Person for More Information: Eric Biel, Staff Director, Commission on Protecting and Reducing Government Secrecy (202) 857–0002; FAX: (202) 776–8773.

Eric Biel,

Staff Director, Commission on Protecting and Reducing Government Secrecy.

[FR Doc. 95–18129 Filed 7–21–95; 8:45 am]

BILLING CODE 6820–ER–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of an Import Limit for Certain Wool Products Produced or Manufactured in Honduras

July 18, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: July 21, 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. For information on categories on which consultations have been requested, call (202) 482-3740.

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).

A notice published in the **Federal Register** on May 23, 1995 (60 FR 27275) announces that if no solution is agreed upon in consultations between the Governments of the United States and Honduras on Category 435 the Committee for the Implementation of Textile Agreements may establish a limit at a level of not less than 14,400 dozen for the twelve-month period beginning on April 24, 1995 and extending through April 23, 1996.

Inasmuch as no agreement was reached during the consultation period on a mutually satisfactory solution, the United States Government has decided to control imports in Category 435 for the period beginning on April 24, 1995 and extending through April 23, 1996 at a level of 14,400 dozen.

This action is taken in accordance with the Uruguay Round Agreement on Textiles and Clothing and the Uruguay Round Agreements Act.

The United States remains committed to finding a solution concerning Category 435. Should such a solution be reached in consultations with the Government of Honduras, further notice will be published in the **Federal Register**.

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).

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 18, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing; and in accordance with the provisions of Executive Order 11651 of March 30, 1972, as amended, you are directed to prohibit, effective on July 21, 1995, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 435, produced or manufactured in Honduras and exported during the period beginning on April 24, 1995 and extending through April 23, 1996, in excess of 14,400 dozen [1].

Import charges will be provided at a later date.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of 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. 95–18081 Filed 7–21–95; 8:45 am]

BILLING CODE 3510–DR–F

Establishment of an Import Limit for Certain Wool Products Produced or Manufactured in Hong Kong

July 18, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

[1] The limit has not been adjusted to account for any imports exported after April 23, 1995.

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit.

EFFECTIVE DATE: July 25, 1995.

FOR FURTHER INFORMATION CONTACT: Anne Novak, 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. For information on categories on which consultations have been requested, call (202) 482-3740.

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).

A notice published in the **Federal Register** on May 23, 1995 (60 FR 27274) announces that if no solution is agreed upon in consultations between the Governments of the United States and Hong Kong on Category 440 the Committee for the Implementation of Textile Agreements may establish a limit at a level of not less than 5,428 dozen for the twelve-month period beginning on April 27, 1995 and extending through April 26, 1996.

Inasmuch as no agreement was reached during the consultation period on a mutually satisfactory solution, the United States Government has decided to control imports in Category 440 for the period beginning on April 27, 1995 and extending through Decmeber 31, 1995 at a level of 3,688 dozen. Category 440 shall remain subject to the Group II Limit.

This action is taken in accordance with the Uruguay Round Agreement on Textiles and Clothing and the Uruguay Round Agreements Act.

The United States remains committed to finding a solution concerning Category 440. Should such a solution be reached in consultations with the Government of Hong Kong, further notice will be published in the **Federal Register**.

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).

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 18, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing; and in accordance with the provisions of Executive Order 11651 of March 30, 1972, as amended, you are directed to prohibit, effective on July 25, 1995, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 440, produced or manufactured in Hong Kong and exported during the period beginning on April 27, 1995 and extending through December 31, 1995, in excess of 3,688 dozen [1].

Category 440 shall remain subject to the Group II limit established in directives dated March 30 and May 22, 1995 for the period beginning on January 1, 1995 and extending through December 31, 1995.

Textile products in Category 440 which have been exported to the United States prior to April 27, 1995 shall not be subject to the limit established in this directive.

Import charges will be provided at a later date.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of 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. 95–18082 Filed 7–21–95; 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 Mauritius

July 18, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: July 25, 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 this limit, 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 limit for Categories 340/640 is being increased for swing and carryforward. The limit for Categories 647/648/847 is being reduced to account for the swing applied.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 59 FR 65531, published on December 20, 1994). Also see 60 FR 17333, published on April 5, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, 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

July 18, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on March 30, 1995, 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 textiles and textile products, produced or manufactured in Mauritius and exported during the twelve-month period which began on January 1, 1995 and extends through December 31, 1995.

Effective on July 25, 1995, you are directed to amend the directive dated March 30, 1995 to adjust the limits for the following categories, as provided under the terms of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

[1] The limit has not been adjusted to account for any imports exported after April 26, 1995.

Category	Adjusted twelve-month limit [1]
Levels not in a group	
340/640	579,600 dozen of which not more than 343,549 dozen shall be in Categories 340–Y/640–Y [2].
647/648/847	484,476 dozen.

[1] The limit has not been adjusted to account for any imports exported after December 31, 1994.

[2] Category 340–Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640–Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

The Committee for the Implementation of Textile Agreements has determined that this action falls 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. 95–18083 Filed 7–21–95; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to the Office of Management and Budget (OMB) for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and OMB Control Number: DoD FAR Supplement, Part 239, Acquisition of Information Resources, and Related Clauses at 252.239

Type of Request: Revision.

Number of Respondents: 5,175.

Responses Per Respondent: 1.

Annual Responses: 5,175.

Average Burden Per Response: 26 hours.

Annual Burden Hours: 132,745.

Needs and Uses: The information collected hereby, is utilized to ensure contractor compliance with established requirements related to security and privacy for computer systems, acquisition of automatic data processing equipment, as well as acquisition of telecommunications services and maintenance of telecommunications security.

Affected Public: Businesses or other for-profit; not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Peter N. Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DoD Clearance Officer: Mr. William Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated July 19, 1995.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–18103 Filed 7–21–95; 8:45 am]

BILLING CODE 5000–04–P

Department of the Army

Army Science Board; Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 20 July 1995.

Time of Meeting: 0800–1630.

Place: USASSDC—Huntsville, AL.

Agenda: The Army Science Board's Missile Defense Subgroup will meet for continued discussions on Kinetic Energy Hit-To-Kill (HTK) interceptor technology and performance against weapons of mass destruction. The meeting will address the physical requirements associated with HTK lethality and how to relate the requirements to a system level optimum performance. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of these meetings. For further information, please contact Michelle Diaz at (703) 695–0781.

Michelle P. Diaz,

Acting Administrative Officer, Army Science Board.

[FR Doc. 95–18057 Filed 7–21–95; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Notice of Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 24–26 July 1995.

Time of Meeting: 24 July 1995, 0900–1700, 25 July 1995, 1300–1600, 26 July 1995, 0800–1200.

Place: 24 July 1995—Ft. Benning, GA; 25 & 26 July 1995—Rock Island, IL.

Agenda: The Army Science Board (ASB) Independent Assessment Panel on Lead-based Paint Management will visit two Army sites to observe application of Federal, DoD, and Army policies and regulations concerning the management of lead-based paint and lead-based paint hazards at Army installations. These meetings will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. For further information, please call Michelle Diaz at (703) 695–0781.

Michelle P. Diaz,

Acting Administrative Officer, Army Science Board.

[FR Doc. 95–18061 Filed 7–21–95; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Notice of Closed Meeting:

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 1 August 1995.

Time of Meeting: 0800–1630.

Place: Aberdeen Proving Ground, MD.

Agenda: The Army Science Board Independent Assessment on ''AH64D Vulnerability to Debris'' will meet to review data collected from static and dynamic testing against the AH64D Mast-Mounted Assembly (MMA). Effects of debris from high-explosive impacts on aircraft survivability will be discussed. Army Research Laboratory and Army Materiel Systems Analysis Activity will brief results and analysis to date. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of this meeting. For further information, please contact Michelle Diaz at (703) 695–0781.

Michelle P. Diaz,

Acting Administrative Officer, Army Science Board.

[FR Doc. 95–18060 Filed 7–21–95; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF THE ARMY

Army Science Board; Notice of Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 8 August 1995.

Time of Meeting: 0900–1700.

Place: Ft. Belvoir, VA.

Agenda: The Army Science Board (ASB) Research and Advanced Concepts Issue Group will meet to address the Objective Individual Combat Weapon program and its relation to the Decisive Infantry Weapons study. This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. For further information, please contact Michelle Diaz at (703) 695–0781.

Michelle P. Diaz,

Acting Administrative Officer, Army Science Board.

[FR Doc. 95–18059 Filed 7–21–95; 8:45 am]

BILLING CODE 3710–08–M

Department of the Army

Army Science Board; Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–453), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 15 and 16 August 1995.

Time of Meeting: 0800–1700, 15 August 1995, 0800–1400, 16 August 1995.

Place: Pentagon, Washington, DC.

Agenda: The Army Science Board Ad Hoc Study on ''Tank Modernization'' will meet in closed session for briefings and discussions will focus on the Future Main Battle Tank. These meetings will be closed to the public in accordance with Section 55b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matter to be discussed is so inextricably intertwined so as to preclude opening any portions of these meetings. For further information, please contact Michelle Diaz at (703) 695–0781.

Michelle P. Diaz,

Acting Administrative Officer, Army Science Board.

[FR Doc. 95–18058 Filed 7–21–95; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Notice of Public Hearing for the Draft Environmental Impact Statement for Construction and Operation of a Relocatable Over the Horizon Radar, Puerto Rico

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, as implemented by the Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), and the Common wealth of Puerto Rico Public Law Number Nine, Section 4(c), the Department of Navy, has prepared and filed with the US Environmental Protection Agency the Draft Environmental Impact Statement (DEIS) for the construction and operation of a Relocatable Over the Horizon Radar (ROTHR) system in Puerto Rico.

The ROTHR is a land-based, wide area surveillance, high frequency (HF), radar system, which permits detection and tracking of illegal drug activity. The installation of the ROTHR in Puerto Rico is proposed as an addition to the national and local counter-narcotic strategy by focusing detection and enforcement efforts at the source countries. It will complement existing ROTHR systems in Virginia and Texas by providing coverage of the northern portion of South America.

The ROTHR system has three components; Transmitter, Receiver, and an Operation Control Center. The proposed action would locate a Transmitter on Vieques Island and a Receiver in southwestern Puerto Rico, The Operation Control Center functions will be performed at a currently existing facility in Chesapeake, Virginia.

The Transmitter will require approximately 50 acres of land and will consist of 35 antennas, 14 equipment shelters, and a 6,500 square foot building. The towers would range in height from 71 feet to 125 feet.

The Receiver will require an area of about 100 acres and would contain 372 pairs of 19-foot high aluminum monopole antennas, each about six inches in diameter, and 17 equipment shelters. This 100-acre area would be accessed and used only by the Navy. An additional area of about 850 acres would be required to serve as a buffer from development that could produce radio interference. One hundred acres of the 850-acre area would be subject to height restrictions. Farming and grazing could continue in the buffer area.

Alternatives for both the Transmitter and Receiver sites, including the no action alternative, have been addressed in the DEIS. Three Transmitter site alternatives are located on Navy property on Vieques Island; two in the Camp Garcia area and one site, the preferred site, is located north of Playa Grande. Two alternative Receiver sites in the Valle de Lajas have been addressed in the DEIS. The preferred alternative for the Receiver site is located on private property in the Valle de Lajas, northwest of the Enseda Community, Guanica and southwest of the town of Lajas.

The DEIS has been prepared to address the environmental consequences of construction and operation of the ROTHR on Puerto Rico. Potential impacts addressed include, but are not limited to, land use, wetlands, threatened and endangered species, historic and pre-historic cultural resources, water resources, and electromagnetic effects.

The DEIS has been distributed to various federal, Commonwealth, and local agencies, elected officials, special interest groups, and libraries. The DEIS is available for review at the following locations: Town Hall, Municipality of Vieques, Vieques Island, PR; Public Library, Municipality of Lajas, PR; and Mayor's Office, Lajas, PR.

The Department of the Navy will hold two public hearings to inform the public of the DEIS findings and to solicit comments. Hearings will be held on August 8, 1995 from 6:30 PM to 9:30 PM at the Municipal Theater, Lajas, PR; and August 10, 1995 from 6:30 PM to 9:30 PM at the Town Hall Community Center, Vieques, PR.

Following a brief overview of the proposed action (presented in both English and Spanish at each public hearing), comments will be heard. Each attendee will be requested to indicate when registering whether he/she intends to deliver oral comments at the hearing. Comments may be made in either English or Spanish. In the interest of available time, each speaker will be asked to limit oral comments to five minutes. All federal, Commonwealth, local agencies, and interested persons are invited and encouraged to attend one or both of these hearings or to submit comments in writing as described below.

Written statements and/or comments regarding the DEIS should be mailed to: Department of the Navy, Commander, Atlantic Division, Naval Facilities Engineering Command, 1510 Gilbert Street, Norfolk, VA 23511–2699 (Attn. Ms. Linda Blount, Code 2032LB). Questions may be directed to Ms. Linda Blount, (804) 322–4892 or Sr. Jose Negron, Commander Fleet Air, Caribbean, (809) 865–4429. All comments must be postmarked no later

than September 5, 1995 to become part of the official record.

Dated: July 19, 1995.

W.A. Miller,

CDR, JAGC, USN, Acting Federal Register Liaison Officer.

[FR Doc. 95–18110 Filed 7–21–95; 8:45 am]

BILLING CODE 3810–FF–M

DEPARTMENT OF EDUCATION

Indian Education National Advisory Council; Meeting

AGENCY: National Advisory Council on Indian Education, Education.

ACTION: Notice of Public Hearing.

SUMMARY: The National Advisory Council on Indian Education invites the public to attend a one-day full Council meeting and two one-day hearings. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

DATE AND TIME: Full council meeting on Tuesday, July 25, 1995 from 9:00 a.m. to 5:00 p.m. and Public Hearings on Wednesday, July 26 and Friday, July 28, 1995 from 9:00 a.m. to 5:00 p.m. both days.

ADDRESSES: The one-day Council meeting and public Hearings #1 will be held at the Albuquerque Marriott, 2101 Louisiana Blvd. NE., Albuquerque, New Mexico 87110. Telephone: (505) 837–6641, tax (505) 881–1780. Public Hearing #2 will be held in Shawnee, Oklahoma at the Gordon Cooper Vocational Technical College, 4801 North Harrison Shawnee, Oklahoma 74804, (405) 273–7493, Fax (405) 273–6354. Additional hearing date is scheduled for Tuesday August 8, in Green Bay, Wisconsin at the Radisson Hotel.

FOR FURTHER INFORMATION CONTACT: John W. Cheek, Acting Director, National Advisory Council on Indian Education, 600 Independence Avenue S.W., The Portals Building Suite 6211, Washington, DC 20202–7556 Telephone: 202/205–8353, Fax (202) 205–9446.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under section 9151 of Title IX, of the Indian Education Act of 1965, as amended (20 U.S.C. 7871). The Council is established to, among other things, assist the Secretary of Education in carrying out responsibilities under this Title and to advise Congress and the Secretary of Education with regard to responsibilities under this Title to advise Congress and the Secretary of Education regarding federal education programs in which Indian children or adults participate or from which they can benefit.

The Chairman of the National Advisory Council on Indian Education has called for a series of emergency hearings in several regions of the country to inform the public of the current issues affecting programs offered by the Indian Education Act. Specifically, the Office of Indian Education is being proposed for elimination in FY 1996. NACIE is conducting these public hearings in order to provide the public with the latest and most factual information available on the proposed action. Representatives from the Department of Education's Office of Indian Education will be available to inform the public of the impact on current and future Indian education projects. NACIE is also interested in obtaining written documentation on project effectiveness at the local level and is requesting examples of these in writing. NACIE also welcomes written and/or oral testimony from the public, particularly Indian parents who have children participating in Indian Education Act programs during any of the proposed hearing dates. Individuals wishing to participate in any of the public hearings will need to sign in and submit any documents. In anticipation of a large number of individuals providing testimony, oral presenters should limit their remarks to five minutes. Written testimony may be submitted during the open hearing on Wednesday, July 26, 1995 or may be sent to: NACIE, 600 Independence Ave. S.W., The Portals, Suite 6211, Washington, DC 20202–7556. Findings from the hearing will be made available to the Secretary of Education, the U.S. Congress and the public in the coming weeks. Testimony can also be faced to the NACIE office at (202) 205–9446. Additional hearing locations are being proposed and can be obtained by calling the NACIE office at (202) 205–8353.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Indian Education located at 1250 Maryland Avenue SW., The Portals Building, Suite 6211, Washington, DC 20202–7556 from the hours of 9:00 to 4:30 p.m. Monday through Friday.

Dated: July 18, 1995.

John W. Cheek,

Acting Director, National Advisory Council on Indian Education.

[FR Doc. 95–18193 Filed 7–21–95; 8:45 am]

BILLING CODE 4000–01–M

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board.

ACTION: Amendment to published notice of National Assessment Governing Board meeting.

SUMMARY: Notice is hereby given of an amendment to the notice of a meeting of the National Assessment Governing Board scheduled for August 3–5, 1995 published on July 17, 1995, FR60, page 36406. The time of the closed session on Friday, August 4, for the Achievement Levels presentation has been extended one-half hour to accommodate an additional presentation on the subject to be delivered by the Associate Commissioner of the National Center for Education Statistics. This closed session of the full Board meeting will conclude at 3:00 p.m.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 95–18090 Filed 7–21–95; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Arms Control and Nonproliferation Policy; Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed ''subsequent arrangement'' under the Additional Agreement for Cooperation between the Government of the United States of America and the Government of the Republic of Korea concerning Civil Uses of Atomic Energy, as amended, and the Agreement for Cooperation between the Government of the United States of America and the Government of Canada concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/CA(KO)-3, for the transfer of 52.5 kilograms of uranium containing 1.185 kilograms of the isotope uranium-235 (2.25 percent enrichment) from the Republic of Korea to Canada for a performance test of canflex fuel bundles.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner that fifteen days after the date of publication of this notice.

Edward T. Fei,

Acting Director, International and Regional Security Division, Office of Arms Control and Nonproliferation.

[FR Doc. 95–18140 Filed 7–21–95; 8:45 am]

BILLING CODE 6450–01–P

Office of Arms Control and Nonproliferation Policy; Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed ''subsequent arrangement'' under the Agreement for Cooperation between the Government of the United States of America and the Government of Switzerland concerning the Civil Uses of Atomic Energy, as amended, and the Agreement for Cooperation between the Government of the United States of America and the Government of Austria concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/AT(SD)-1, for the transfer of 31.05 grams of uranium containing 6.164 grams of the isotope uranium-235 (19.85 percent enrichment) in the form of 16 MTR-LEU elements (U3Si2) from Switzerland to Austria for the purpose of refuelling the reactor ASTRA.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Edward T. Fei,

Acting Director, International and Regional Security Division, Office of Arms Control and Nonproliferation.

[FR Doc. 95–18141 Filed 7–21–95; 8:45 am]

BILLING CODE 6450–01–P

Office of Arms Control and Nonproliferation Policy; Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed ''subsequent arrangement'' under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation between the Government of the United States of America and the Government of the Republic of Korea concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/KO(EU)-4, for the transfer of 8.8 grams of uranium containing 0.176 grams of the isotope uranium-235 (2.00 percent enrichment) in the form of UO2; 1.8 grams of uranium containing 0.052 grams of the isotope uranium-235 (2.90 percent enrichment) in the form of uranium solution; and 0.7 grams of uranium containing 0.020 grams of the isotope uranium-235 (2.85 percent enrichment) in the form of uranium solution from EURATOM to Korea for use in the Safeguards Laboratory Measurement Evaluation Programme.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner that fifteen days after the date of publication of this notice.

Edward T. Fei,

Acting Director, International and Regional Security Division, Office of Arms Control and Nonproliferation.

[FR Doc. 95–18142 Filed 7–21–95; 8:45 am]

BILLING CODE 6450–01–P

Building a Polymer Extrusion Facility for Processing and Disposal of Radioactive-Hazardous Wastes

AGENCY: Department of Energy, Idaho Operations Office.

ACTION: Notice of Intent.

SUMMARY: The U.S. Department of Energy's (DOE) Office of Environmental Management through the DOE Idaho Operations Office intends to negotiate and award on a noncompetitive basis, Cooperative Agreement No. DE–FC07–95ID13372 to Envirocare of Utah, Incorporated (Recipient). The award has an estimated overall total value of $2,310,883, of which DOE's share will be approximately $1,000,000. The award will allow the Recipient to build a polymer extrusion facility for processing radioactive-hazardous waste.

FOR FURTHER INFORMATION CONTACT:

Dallas L. Hoffer, Contract Specialist, (208) 526–0014; U.S. Department of Energy, Idaho Operations Office, 850 Energy Drive, Mail Stop 1221, Idaho Falls, Idaho 83401–1563.

SUPPLEMENTARY INFORMATION: It is anticipated the award will benefit the public in three ways. First, technology developed by DOE will be transferred to private industry for commercial use, second, disposal of mixed radioactive-hazardous wastes using macroencapsulation technology will be demonstrated, and third, inventories of mixed radioactive-hazardous wastes will be reduced. The work anticipated under the new award is expected to have a significant impact towards meeting those goals. The non-competitive award justification is Criteria (B) and (D) of 10 CFR 600.7(b)(2)(i), as follows:

(B) The activity(ies) is (are) being or would be conducted by the applicant using its own resources or those donated or provided by third parties; however, DOE support of that activity would enhance the public benefits to be derived and DOE knows of no other entity which is conducting or is planning to conduct such an activity(ies).

(D) The applicant has exclusive domestic capability to perform the activity successfully, based upon unique equipment, proprietary data, technical expertise, or other such unique qualifications. The Statutory Authority for the new award is Public Law 95–224 and Public Law 97–258. Also, the award complies with Public Law 102–386, because large quantities of mixed radioactive-hazardous wastes being stored in U.S. could be treated and disposed.

Procurement Request Number: 07–95ID13372.000.

Dated: July 13, 1995.

R. Jeffrey Hoyles,

Director, Procurement Services Division.

[FR Doc. 95–18143 Filed 7–21–95; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. ER94–1578–003, et al.]

American Power Exchange, Inc., et al.; Electric Rate and Corporate Regulation Filings

July 14, 1995.

Take notice that the following filings have been made with the Commission:

1. American Power Exchange, Inc.

[Docket No. ER94–1578–003]

Take notice that on July 5, 1995, American Power Exchange, Inc. filed certain information as required by the Commission's October 19, 1994, order in Docket No. ER94–1578–000. Copies of American Power Exchange, Inc. informational filing are on file with the Commission and are available for public inspection.

2. Incorporated County of Los Alamos, New Mexico v. Public Service Company of New Mexico

[Docket No. EL95–63–000]

Take notice that on July 5, 1995, Incorporated County of Los Alamos, New Mexico tendered for filing a complaint against the Public Service Company of New Mexico for rate relief, pursuant to Section 206 of the Federal Power Act.

Comment date: August 14, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. Southwestern Electric Power Company

[Docket No. ER95–1301–000]

Take notice that on June 30, 1995, Southwestern Electric Power Company (SWEPCO), submitted a Service Agreement, dated May 22, 1995, establishing NorAm Energy Services, Inc. (NorAm) as a customer under the terms of SWEPCO's Coordination Sales Tariff CST–1 (CST–1 Tariff).

SWEPCO requests an effective date of May 22, 1995, and accordingly, seeks waiver of the Commission's notice requirements. Copies of this filing were served upon NorAm Energy Services, Inc. and the Louisiana Public Service Commission.

Comment date: July 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

4. Southern California Edison Company

[Docket No. ER95–1302–000]

Take notice that on June 30, 1995, Southern California Edison Company tendered for filing a Letter Agreement (Letter Agreement) between Edison and the City of Riverside (Riverside). The Letter Agreement modifies the Rated Capability referenced in the Supplemental Agreement to the 1990 Integrated Operations Agreement for the integration of Riverside's entitlement in the Intermountain Power Project and the associated Firm Transmission Service Agreement with Riverside, Commission Rate Schedules No. 250.7 and No. 250.8, respectively.

The Letter Agreement modifies the Rated Capability and associated Capacity Credits for Riverside's entitlement in the Intermountain Power Project. Edison is requesting waiver of the Commission's 60-day notice requirements and is requesting an effective date of July 1, 1995.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: July 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. Southern California Edison Company

[Docket No. ER95–1303–000]

Take notice that on June 30, 1995, Southern California Edison Company tendered for filing a Letter Agreement (Letter Agreement) between Edison and the City of Anaheim (Anaheim). The Letter Agreement modifies the Rated Capability referenced in the Supplemental Agreement to the 1990 Integrated Operations Agreement for the integration of Anaheim's entitlement in the Intermountain Power Project and the associated Firm Transmission Service Agreement with Anaheim, Commission Rate Schedules No. 246.7 and No. 246.8, respectively.

The Letter Agreement modifies the Rated Capability and associated Capacity Credits for Anaheim's entitlement in the Intermountain Power Project. Edison is requesting waiver of the Commission's 60-day notice requirements and is requesting an effective date of July 1, 1995.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: July 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. Louisville Gas and Electric Company

[Docket No. ER95–1306–000]

Take notice that on June 30, 1995, Louisville Gas and Electric Company tendered for filing copies of service agreements between Louisville Gas and Electric Company and Louis Dreyfus Electric Power Inc. under Rate GSS.

Comment date: July 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

7. Louisville Gas and Electric Company

[Docket No. ER95–1307–000]

Take notice that on June 30, 1995, Louisville Gas and Electric Company tendered for filing copies of service agreements between Louisville Gas and Electric Company and Louis Dreyfus Electric Power Inc. under Rate GSS.

Comment date: July 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

8. Louisville Gas and Electric Company

[Docket No. ER95–1308–000]

Take notice that on June 30, 1995, Louisville Gas and Electric Company tendered for filing copies of service agreements between Louisville Gas and Electric Company and Electric Clearinghouse, Inc. under Rate GSS.

Comment date: July 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

9. Louisville Gas and Electric Company

[Docket No. ER95–1309–000]

Take notice that on June 30, 1995, Louisville Gas and Electric Company tendered for filing copies of service agreements between Louisville Gas and Electric Company and Electric Clearinghouse, Inc. under Rate GSS.

Comment date: July 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

10. Louisville Gas and Electric Company

[Docket No. ER95–1310–000]

Take notice that on June 30, 1995, Louisville Gas and Electric Company tendered for filing copies of service agreements between Louisville Gas and Electric Company and Louis Dreyfus Electric Power, Inc. under Rate GSS.

Comment date: July 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

11. Louisville Gas and Electric Company

[Docket No. ER95–1311–000]

Take notice that on June 30, 1995, Louisville Gas and Electric Company tendered for filing copies of service agreements between Louisville Gas and Electric Company and ENRON Power Marketing, Inc. under Rate GSS.

Comment date: July 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

12. Louisville Gas and Electric Company

[Docket No. ER95–1312–000]

Take notice that on June 30, 1995, Louisville Gas and Electric Company tendered for filing copies of service agreements between Louisville Gas and Electric Company and Enron Power Marketing, Inc. under Rate GSS.

Comment date: July 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

13. Louisville Gas and Electric Company

[Docket No. ER95–1313–000]

Take notice that on June 30, 1995, Louisville Gas and Electric Company tendered for filing copies of service agreements between Louisville Gas and Electric Company and South Mississippi Electric Power Association under Rate GSS.

Comment date: July 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

14. Appalachian Power Company

[Docket No. ER95–1315–000]

Take notice that on June 30, 1995, American Electric Power Service Corporation (AEPSC), tendered for filing on behalf of Appalachian Power Company (APCO): 1) a transmission service agreement (TSA); and 2) an amendment to an electric service agreement (ESA) between APCO and the City of Bedford, Virginia (Bedford), previously designated as APCO Rate Schedule FERC No. 121. The TSA, executed by Bedford and APCO, provides for transmission service to be made available to Bedford pursuant to the AEPSC FERC Electric Tariff Original Volume No. 1. The ESA accommodates the power and energy to be transmitted pursuant to the TSA. Waiver of Notice requirements was requested to accommodate an effective date of July 1, 1995.

A copy of the filing was served upon Bedford, the Virginia State Corporation Commission and the West Virginia Public Service Commission.

Comment date: July 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

15. Northeast Utilities Service Company

[Docket No. ER95–1317–000]

Take notice that on June 30, 1995, Northeast Utilities Service Company (NUSCO) on behalf of the Northeast Utilities System Companies (The Connecticut Light and Power Company (CL&P), Western Massachusetts Electric Company (WMECO), Holyoke Water Power Company (including Holyoke Power and Electric Company) (HWP), and Public Service Company of New Hampshire (PSNH) tendered for filing pursuant to Section 205 of the Federal Power Act and Section 35.13 of the Commission's Regulations, proposed rate schedule changes and other agreements embodying an agreement among the various Northeast Utilities System Companies, The City of Groton, Connecticut Department of Utilities (Groton) and the Bozrah Light and Power Company (BL&P) reflecting the acquisition of BL&P's power supply by the Connecticut Municipal Electric Energy Cooperative (CMEEC), a municipal joint-action agency.

NUSCO states that the proposed arrangements accomplish the following: (i) The assignment by BL&P of certain existing power supply contracts with the NU Companies to CMEEC, so that BL&P receives its power supply from CMEEC as a new CMEEC participant, (ii) the modification of the NU Companies' existing transmission arrangement with CMEEC to provide for the transmission of firm power to BL&P as a new CMEEC participant in a manner consistent with the existing arrangements among CMEEC, the NU Companies and other CMEEC participants; and (iii) the modification of the NU Companies' existing interruptible power supply arrangement with BL&P to provide for the elimination of a ratchet provision for administrative, production and transmission related services.

Because the new arrangement replaces arrangements currently in place between the parties, NUSCO has also filed a Notice of Termination of a System Power Sales Agreement between NUSCO and BL&P dated April 21, 1994 (FERC Rate Schedule Nos. CL&P 540, WMECO 424, HWP 64 and PSNH 170), an Interconnection Agreement between CL&P and BL&P dated March 1, 1989 (FERC Rate Schedule No. CL&P 379), the Tariff No. 1 Service Agreement between CL&P and the NU Companies and PSNH associated with sales under the Bulk Power Supply Service Agreement and the Tariff No. 5 Service Agreement between NUSCO, the NU Companies and PSNH.

NUSCO requests an effective date of July 1, 1995 for the proposed arrangements and termination and seeks waiver of the Commission's notice requirements and any applicable Commission Regulations.

Comment date: July 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

16. El Paso Electric Company

[Docket No. ES85–5–001]

Take notice that on July 13, 1995, El Paso Electric Company (El Paso) made a filing requesting that the Commission amend the authorization granted in Docket No. ES85–5–000.

By letter order dated November 27, 1984 (29 FERC ¶ 62,270), El Paso was authorized:

(A) To assume liability for the payment of not more than $150 million of pollution control refunding bonds (PCRB) to be issued by the Maricopa County, Arizona Pollution Control Corporation (the ''Authority'') for the purpose of financing the costs to El Paso of the acquisition and construction of pollution control facilities at the Palo Verde Nuclear Generating Station in Maricopa, Arizona, including the refunding of outstanding short-term pollution control bonds theretofore issued on behalf of El Paso by the Authority;

(B) To issue second mortgage bonds in principal amount equal to the principal amount of pollution control bonds to be issued by the Authority, such second mortgage bonds to be issued as collateral security for El Paso's obligation of payment of such pollution control bonds; and

(C) To take all such action and execute and deliver all such instruments, documents, agreements and indentures as shall be necessary or appropriate in order to consummate the financing.

In original application contemplated that, as a condition to the issuance and sale of the PCRBs, a national banking association would be required to issue and deliver to the Trustee of the PCRBs, an irrevocable letter of credit as a financial support facility for El Paso's payment obligation under the PCRBs. Pursuant to the Commission's Order, Westpac Banking Corporation (Westpac) issued a ten-year letter of credit concurrent with the issuance of the PCRBs. The letter of credit is due to expire on August 29, 1995.

In its July 13, 1995 amendment, El Paso requests authorization to enter into extensions of the existing letter of credit issued by Westpac, or to enter into replacement letters of credit with the same or different financial institutions, through the remaining term of the Maricopa County Pollution Control Revenue Refunding Bonds, 1985 Series A ($59,235,000 principal amount), and to undertake any necessary and appropriate action in connection with any such extensions or replacements for the letter of credit. El Paso also requests that the amendment be exempted from

the Commission's competitive bidding and negotiated placement requirements.

Comment date: July 26, 1995, in accordance with Standard Paragraph E at the end of this notice.

17. Louisville Gas and Electric Company

[Docket No. ER95–1304–000]

Take notice that on June 30, 1995, Louisville Gas and Electric Company tendered for filing copies of service agreements between Louisville Gas and Electric Company and Rainbow Energy Marketing Corporation under Rate GSS.

Comment date: July 28, 1995, in accordance with Standard Paragraph E at the end of this notice.

18. Louisville Gas and Electric Company

[Docket No. ER95–1305–000]

Take notice that on June 30, 1995, Louisville Gas and Electric Company tendered for filing copies of service agreements between Louisville Gas and Electric Company and Rainbow Energy Marketing Corporation under Rate GSS.

Comment date: July 28, 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.

Lois D. Cashell,

Secretary.

[FR Doc. 95–18092 Filed 7–21–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. ER93–465–018, et al.]

Florida Power & Light Co., et al.; Electric Rate and Corporate Regulation Filings

July 17, 1995.

Take notice that the following filings have been made with the Commission:

1. Florida Power & Light Company

[Docket No. ER93–465–018]

Take notice that on July 3, 1995, Florida Power & Light Company tendered for filing its compliance filing in the above-referenced docket.

Comment date: July 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. Gulf Power Company

[Docket No. ER95–351–000]

Take notice that on June 30, 1995, Gulf Power Company tendered for filing an amendment in the above-referenced docket.

Comment date: July 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. Gulf Power Company

[Docket No. ER95–352–000]

Take notice that on June 30, 1995, Gulf Power Company tendered for filing an amendment in the above-referenced docket.

Comment date: July 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

4. Midwest Energy, Inc.

[Docket No. ER95–590–000]

Take notice that on July 10, 1995, Midwest Energy, Inc. tendered for filing an amendment to its February 10, 1995, filing of initial rates for wholesale sales service and wholesale transmission service. The instant amendment is in response to an April 11, 1995 letter order requiring Midwest to submit general cost support for its rates, a fuel adjustment tariff and to demonstrate that comparable transmission service is available under its tariffs.

The instant amendment includes a fuel adjustment tariff, new open access network, and point-to-point transmission tariffs based on the *pro forma* transmission service tariffs included in the Commission's Notice of Proposed Rulemaking in Docket No. RM95–8–000. Cost support is included for each of the rates reflected in the tariffs filed on February 10, 1995 as well as for the initial rates set forth in the Network Transmission Tariff and Point-to-Point Transmission Tariff.

Midwest also submits a new signed serviced agreement with Sunflower to be accepted for filing with the Commission waiving the prior notice requirement and requesting an effective date of July 1, 1995. A copy of this filing has been served on the Kansas Corporation Commission and each wholesale customer.

Comment date: July 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. Florida Power Corporation

[Docket No. ER95–634–001]

Take notice that on June 30, 1995, Florida Power Corporation (FPC) made its compliance filing pursuant to the Commission's order issued May 31, 1995. FPC's filing includes revised tariff sheets that reflect the provision of network contract demand transmission service and firm point to point transmission service on an hourly and daily basis and conform the methodology for the computation of expansion costs to the Commission's ''or'' pricing policy.

Comment date: July 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. Maine Public Service Company

[Docket No. ER95–836–000]

Take notice that on June 30, 1995, Maine Public Service Company tendered for filing its compliance filing in the above-referenced docket.

Comment date: July 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

7. CINergy Services, Inc.

[Docket Nos. ER95–1101–000, ER95–1102–000 ER95–1178–000]

Take notice that CINergy Services, Inc. (CIN), on July 5, 1995, tendered for filing on behalf of its operating companies, The Cincinnati Gas & Electric Company (CG&E) and PSI Energy, Inc. (PSI), amended Exhibit B's in the FERC Filings in Docket Nos. ER95–1101–000, ER95–1102–000 and ER95–1178–000 to comply with a FERC Staff Request.

Copies of the filing were served on Stand Energy Corporation, InterCoast Power Marketing Company, NorAm Energy Services Inc., the Iowa State Utilities Board, the Kentucky Public Service Commission, the Public Utilities Commission of Ohio, the Indiana Utility Regulatory Commission, and the Texas Public Utility Commission.

Comment date: July 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

8. Public Service Company of Oklahoma

[Docket No. ER95–1318–000]

Take notice that on June 30, 1995, Public Service Company of Oklahoma (PSO) submitted for filing an amendment to Service Schedule DP–TS to the Interconnection and Power Supply Agreement between PSO and

the Oklahoma Municipal Power Authority (OMPA) to add a new delivery point to that Service Schedule to provide for service for the account of OMPA to the Town of Manitou, Oklahoma.

Copies of the filing were served on the Oklahoma Corporation Commission, the Town of Manitou and the OMPA.

Comment date: July 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

9. Atlantic City Electric Company

[Docket No. ER95–1319–000]

Take notice that on June 30, 1995, Atlantic City Electric Company (Atlantic Electric) submitted for filing six copies of an amended Transmission Service Agreement between Atlantic Electric and the City of Vineland, New Jersey, designated as FERC Rate Schedule No. 22.

Copies of the filing were served on the Vineland and New Jersey Board of Public Utilities.

Comment date: July 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

10. Idaho Power Company

[Docket No. ER95–1321–000]

Take notice that on July 3, 1995, Idaho Power Company (IPC) tendered for filing with the Federal Energy Regulatory Commission a Service Agreement under Idaho Power Company FERC Electric Tariff, Second Revised, Volume No. 1 between Grant County Public Utility District and Idaho Power Company.

Comment date: July 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

11. Idaho Power Company

[Docket No. ER95–1322–000]

Take notice that on July 3, 1995, Idaho Power Company (IPC) tendered for filing with the Federal Energy Regulatory Commission a Service Agreement under Idaho Power Company FERC Electric Tariff, Second Revised, Volume No. 1 between Koch Power Services, Inc. and Idaho Power Company and a Certificate of Concurrence.

Comment date: July 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

12. Idaho Power Company

[Docket No. ER95–1323–000]

Take notice that on July 3, 1995, Idaho Power Company (IPC) tendered for filing with the Federal Energy Regulatory Commission a Draft Transmission Services Agreement with PacifiCorp.

Comment date: July 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

13. PacifiCorp

[Docket No. ER95–1324–000]

Take notice that on July 3, 1995, PacifiCorp tendered for filing in accordance with 18 CFR Part 35 of the Commission's Rules and Regulations, a Notice of Termination for PacifiCorp's Rate Schedule FERC No. 259.

Copies of this filing were supplied to Idaho Power Company, Montana Power Company, the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: July 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

14. Ohio Edison Company

[Docket No. ER95–1325–000]

Take notice that on July 3, 1995, Ohio Edison Company, tendered for filing a Power Purchase and Sale Agreement with Electric Clearinghouse, Inc., dated June 28, 1995. This initial rate schedule will enable the parties to purchase or sell capacity and energy in accordance with the terms and conditions set forth herein.

Comment date: July 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

15. Virginia Electric and Power Company

[Docket No. ER95–1327–000]

Take notice that on July 3, 1995, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreement between Coastal Electric Services 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 Coastal Electric Services Company under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of the applicable Service Schedules 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 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

16. Virginia Electric and Power Company

[Docket No. ER95–1328–000]

Take notice that on July 3, 1995, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreement between Central Illinois Public Service Company and Virginia Power, dated April 28, 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 Central Illinois Public Service Company under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of the applicable Service Schedules 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 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

17. Virginia Electric and Power Company

[Docket No. ER95–1329–000]

Take notice that on July 3, 1995, Virginia Electric and Power Company (Virginia Power) tendered for filing a Service Agreement between Engelhard Power Marketing, Inc. 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 Engelhard Power Marketing, Inc. under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of the applicable Service Schedules 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 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

18. Gordon J. Davis

[Docket No. ID–2912–000]

Take notice that on July 10, 1995, Gordon J. Davis (Applicant) tendered for filing an application under Section 305(b) of the Federal Power Act to hold the following positions:

Trustee—Consolidated Edison Company of New York

Director—Phoenix Home Life

Comment date: July 31, 1995, in accordance with Standard Paragraph E at the end of this notice.

19. InterCoast Power Marketing Company

[Docket No. ER95–1326–000]

Take notice that on July 3, 1995, InterCoast Power Marketing Company tendered for filing pursuant to the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR 35.13 changes to its Rate Schedule No. 1. These changes are made to conform InterCoast's Rate Schedule No. 1 with the Commission's Order granting InterCoast Marketer status in Docket No. ER94–6–000.

Comment date: July 31, 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, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–18093 Filed 7–21–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. RP95–173–004]

Koch Gateway Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

July 18, 1995.

Take notice that on July 12, 1995, Koch Gateway Pipeline Company (Koch Gateway) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets effective September 1, 1995:

Substitute Second Revised Sheet No. 403
2nd Sub Third Revised Sheet No. 502
2nd Sub Second Revised Sheet No. 1409
Substitute Third Revised Sheet No. 2700
Substitute Third Revised Sheet No. 2701
Substitute Second Revised Sheet No. 2800
Substitute Second Revised Sheet No. 5200

Koch Gateway states that the active parties in this proceeding and the Commission Staff addressed the outstanding issues at a May 31, 1995 technical conference. Koch Gateway states that it has revised these tariff sheets to reflect the results of this process, all as more fully set forth in the application that is on file with the Commission.

Koch Gateway also states that the tariff sheets are being mailed to all parties on the official service list created by the Secretary in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Regulations. All such protests should be filed on or before July 25, 1995. Protests will be considered by the Commission in determining appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–18077 Filed 7–21–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–105–008]

Ozark Gas Transmission System; of Compliance Filing

July 18, 1995.

Take notice that on July 14, 1995, Ozark Gas Transmission System (Ozark) tendered for filing, in compliance with the order issued in the above-captioned proceeding on May 4, 1995, and the settlement approved in that order, the following revised tariff sheet to its FERC Gas Tariff, Original Volume No. 1:

Tenth Revised Sheet No. 4
Second Revised Sheet No. 24
First Revised Sheet No. 25
First Revised Sheet No. 26
First Revised Sheet No. 27
Third Revised Sheet No. 37
First Revised Sheet No. 39
Third Revised Sheet No. 85B
Second Revised Sheet No. 87
First Revised Sheet No. 88

Ozark states that the effective date of the revised tariff sheets is July 1, 1995.

Ozark states that the tariff sheets conform to the pro forma sheets included as attachments to the settlement and approved in the Commission's order, except for two minor housekeeping changes. First, consistent with its tariff, Ozark updated its Master Receipt Point List on Sheet Nos. 24–27. Second, Ozark changed its business address, listed on Sheet No. 88, to provide the correct current address.

Ozark also states that copies of its filing were served on all affected customers.

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 18 CFR 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before July 25, 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.

Lois D. Cashell,

Secretary.

[FR Doc. 95–18078 Filed 7–21–95; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5261–9]

Clean Water Act; Contractor Access to Confidential Business Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intended transfer of confidential business information to contractors.

SUMMARY: The Environmental Protection Agency (EPA) intends to transfer to EPA contractors and subcontractors, technical and financial confidential business information (CBI) collected under EPA's contract for the commodities industries including the pulp and paper industry, pharmaceutical industry, industrial laundries industry and transportation equipment cleaning industry. EPA also intends to transfer to EPA contractors and subcontractors, technical and financial CBI collected under EPA contracts for the pesticide industry and the oil and gas industry. Transfer of the information will allow the contractors and subcontractors to assist EPA in developing effluent limitations guidelines and standards under the Clean Water Act (CWA) for the industries mentioned. The information being transferred was collected under the authority of section 308 of the Clean Water Act. Interested persons may submit comments on this intended transfer of information to the address noted below.

DATES: Comments on the transfer of data are due August 3, 1995.

ADDRESSES: Comments may be sent to Janet Goodwin, Engineering and Analysis Division (4303), Environmental Protection Agency, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Janet Goodwin at the above address or at (202) 260–7152.

SUPPLEMENTARY INFORMATION: EPA is today noticing the transfer of confidential business information (CBI) under six new contracts to support the Agency in the collection and evaluation of technical data to support effluent guidelines regulations. These six contracts replace three contracts which were supporting the *1. Commodities Industries* (including the pulp and paper, pharmaceutical, industrial laundries, and transportation equipment cleaning industries), *2. Pesticides Industry,* and *3. Oil and Gas Industry.* The commodities industries contract has been broken into four industry specific contracts. The following discussion describes the information currently held by contractors under the three existing contracts and to whom this information will be transferred for the six new contracts.

1. Commodities Industries. EPA has previously transferred to its contractor Radian Corporation of Herndon, Virginia (and subcontractors) information, including confidential business information (CBI), concerning the pulp and paper, pharmaceutical, industrial laundries, transportation equipment cleaning, and pesticides industries collected under the authority of the Clean Water Act section 308.

The information transferred includes the following:

Pulp and Paper. Data collected through questionnaires mailed to almost 600 pulp and paper facilities in 1990 which requested data on production, production processes water usage and wastewater treatment, were transferred to EPA's engineering contractor. Also transferred were the results obtained from sampling and site visits conducted at pulp and paper facilities and treatability studies conducted on pulp and paper wastewaters from 1988 to the summer of 1994, including data provided to EPA through a trade association. EPA also transferred all public comments submitted in response to the proposed rule for pulp and paper published in the **Federal Register** on December 17, 1993 as well as any data that was submitted with or subsequent to the comments.

Pharmaceutical. Data collected through screener questionnaires mailed to 1,163 pharmaceutical facilities in 1989, and 280 detailed questionnaires mailed in 1991, requesting data on production, production processes, water usage and wastewater treatment were transferred to the contractor. Also transferred were data and information collected by the financial and economic portion of this questionnaire. EPA also transferred the results obtained from sampling and site visits conducted at pharmaceutical facilities and treatability studies conducted on pharmaceutical wastewaters from 1991 through 1994 to Radian Corp.

Industrial Laundries. EPA has transferred data collected through detailed questionnaires were mailed to 254 industrial laundry facilities and 100 screener questionnaires mailed to hotels, hospitals and prisons in 1993 and 1994 and requested information on laundry practices, water usage and wastewater treatment. Also transferred were the responses to the economic and financial portion of the questionnaire. Data collected through site and sampling visits to industrial laundry facilities collected from 1992 through 1995 has also been transferred. This included information collected on the characteristics of wastewaters generated by industrial laundries and the technologies used to treat industrial laundries wastewater.

Transportation Equipment Cleaning. Data collected through a screener questionnaire sent to 4,000 transportation equipment cleaning facilities in 1994 has been transferred to Radian Corp. This data includes limited information about the water use and subsequent wastewater treatment, commodities cleaned from transportation equipment, the organizational structure and financial data of transportation equipment cleaning facilities. Also transferred were data collected through site visits and sampling visits to transportation equipment facilities conducted from 1994 through 1995. Data collected through the current data collection with a detailed questionnaire that has been mailed to about 300 facilities and will be transferred to Radian under their new contract with EPA to support the Transportation Equipment Cleaning Industry rulemaking development as the responses are received.

EPA determined that this transfer was necessary to enable the contractor and subcontractors to perform their work under EPA Contract No. 68–C0–0032 and related subcontracts by assisting EPA in developing effluent limitations guidelines and standards for these four industries. Notice to this effect was provided to the affected companies at the time the data was collected or through **Federal Register** notice.

Today, EPA is giving notice that it has entered into four new contracts, as follows:

The following contracts replace the Commodities Industries Contract, contract number 68–C0–0032:

Pulp and Paper: New Contract No. 68–C5–0013, with Radian Corporation of Herndon, Virginia. Subcontractors are DynCorp—EENSP; Eastern Research Group, Inc.; Amendola Engineering, Inc.; and N. McCubbin Consultants, Inc. The effective date for this contract is June 13, 1995.

Pharmaceutical: New Contract No. 68–C5–0025, with Radian Corporation of Herndon, Virginia. Subcontractors are DynCorp—EENSP; Westat, Inc.; ECG, Inc.; and Neal A. Jannelle. The effective date for this contract is May 24, 1995.

Industrial Laundries: New Contract No. 68–C5–0032, with Radian Corporation of Herndon, Virginia. Subcontractors are DynCorp—EENSP; Cambodie, Limited; Eastern Research Group, Inc.; GeoLogics Corporation; SJV Consultants; and TN and Associates, Inc. The effective date for this contract is June 22, 1995.

Transportation Equipment Cleaning: New Contract 68–C5–0033, with Radian Corporation of Herndon, Virginia. Subcontractors are DynCorp—EENSP; Eastern Research Group, Inc.; TN and Associates, Inc.; and GeoLogics Corporation. The effective date for this contract is June 19, 1995.

In each of these contracts, Radian Corp. will provide technical and engineering support such as completion of the technical portions of the public docket for the proposed rulemaking and completion of the work on the draft proposed technical development document. The contractor shall also provide support on post proposal efforts, including assisting with public meetings, assisting EPA in responding to comments on technical issues, such as estimates of costs or loadings, filling data gaps that arise through comments on the proposed rule, and assisting with the assembly of the rulemaking record for the final rule.

In accordance with 40 CFR part 2, subpart B, the previously collected information described above (including confidential business information) will be transferred to Radian Corp. under each of these new contracts. EPA has determined that this transfer is necessary to enable the contractors to perform their work under the EPA Contracts listed above.

2. Pesticides Industry. EPA has transferred data collected to support two rulemaking efforts, the pesticide manufacturing industry which was promulgated on September 28, 1993,

and the pesticide formulating, packaging and repackaging industry which was proposed on April 14, 1994, to Radian Corp. under Contract No. 68–C0–0081. The data transferred include the questionnaires sent to 90 pesticide active ingredient manufacturing facilities in 1988 to collect information about the production, production processes, water usage and wastewater treatment and discharge practices. Another questionnaire sent to about 700 pesticide formulating, packaging and repackaging facilities in 1990 and requested information on production processes, water usage and wastewater discharge and treatment practices has also been transferred to Radian. Also included in this transfer are financial and economic data collected in the same pesticide formulating, packaging and repackaging questionnaire. EPA has also transferred data collected through site visits and sampling visits conducted at pesticide manufacturing and pesticide formulating, packaging and repackaging facilities during 1988 through 1995. These visits collected information on production processes, water usage and wastewater generation, pollution prevention practices in use and wastewater characteristics and wastewater treatment performance. Also transferred are data and information collected through treatability studies, data submitted in support of comments on proposed rules and data submitted post-promulgation in support of litigation.

EPA has entered into a new contract to support the continuation of the pesticide industry rulemaking development. The new contract is Contract No. 68–C5–0023 with Radian Corp. of Herndon, Virginia. Radian Corp. will continue to support EPA on the pesticides rulemaking development along with their subcontractors including: DynCorp—EENSP; Westat, Inc.; GeoLogics Corporation; and Chemical Consultants International, Inc. The effective date of this contract is June 2, 1995.

3. Oil and Gas Industry. Data collected through questionnaires mailed to 361 Coastal Oil and Gas facilities in 1992 and collected information on production, drilling, wastewater generation, and wastewater treatment and disposal practices were transferred to EPA's engineering contractor SAIC under Contract No. 68–C0–0044. Also transferred were data collected through sampling and site visits at coastal oil and gas facilities and treatability studies conducted on coastal oil and gas wastewaters. In addition all data included as part of the rulemaking record for the Offshore Oil and Gas industry was transferred to EPA's engineering contractor.

EPA has entered into a new contract to support the continuation of the oil and gas rulemaking development and litigation support. The new contract is Contract No. 68–C5–0035 with Avanti Corporation of Vienna, Virginia. Avanti will support EPA on the oil and gas rulemaking efforts along with their subcontractors: Radian Corp.; DynCorp—EENSP; Louisiana State University and as a consultant Dr. Michael Kavanaugh. The effective date of this contract is June 2, 1995.

Anyone wishing to comment on the above matters must submit comments to the address given above by August 3, 1995.

Dated: July 13, 1995.

Robert Perciasepe,

Assistant Administrator for Water.

[FR Doc. 95–18119 Filed 7–21–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5262–6]

Intent To Grant BP Chemicals, Inc. a Modification of an Exemption from the Land Disposal Restrictions of the Hazardous and Solid Waste Amendments of 1984 (HSWA) Regarding Injection of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Grant BP Chemicals, Inc. (BPCI), of Cleveland, Ohio, a Modification of an Exemption for the Injection of Certain Hazardous Wastes.

SUMMARY: The United States Environmental Protection Agency (EPA or Agency) is today proposing to grant a modification to the exemption from the ban on disposal of certain hazardous wastes through injection wells to BPCI for its site at Lima, Ohio. On May 7, 1992, the Agency issued BPCI an exemption for injection of certain hazardous wastes after determining that there is a reasonable degree of certainty that BPCI's injected wastes will not migrate out of the injection zone within the next 10,000 years. On August 19, 1993, BPCI was granted an exemption to allow use of waste disposal well (WDW) No. 4 at the facility for the disposal of the same wastes injected through the original three wells. If granted, the proposed modification would allow BPCI to inject additional Resource Conservation and Recovery Act (RCRA) regulated wastes, identified by codes: P030, P069, P101, P120, U007, U056, U149, U191, U219, and D035 (when it is banned from injection) through four waste disposal wells numbered: 1, 2, 3, and 4. A new process facility, owned and operated by Hampshire Chemical Corporation, has been established at the BPCI facility to produce specialty chemicals based on hydrogen cyanide which is co-produced with acrylonitrile. Some of the waste codes which this proposed modification would add to those already exempted are associated with wastes generated by the Hampshire facility. The Hampshire Chemicals' waste stream is currently disposed of through off-site injection and BP would like to dispose of it on site.

DATES: The EPA is requesting public comments on its proposed decision to exempt the wastes listed above. Comments will be accepted until September 11, 1995. Comments postmarked after the close of the comment period will be stamped ''Late''. A public information meeting and a public hearing to allow comment on this action have been scheduled. If the USEPA does not receive written comments indicating substantial public interest, thereby warranting a public hearing on this action, the tentatively scheduled hearing and meeting will be canceled.

ADDRESSES: Submit written comments, by mail, to: United States Environmental Protection Agency, Region 5, Underground Injection Control Section (WD–17J), 77 West Jackson Street, Chicago, Illinois 60604, Attention: Richard J. Zdanowicz, Chief.

FOR FURTHER INFORMATION CONTACT: Harlan Gerrish, Lead Petition Reviewer, UIC Section, Water Division; Office Telephone Number: (312) 886–2939; 17th Floor Metcalfe Building, 77 West Jackson Street, Chicago, Illinois.

SUPPLEMENTARY INFORMATION:

I. Background

A. *Authority*—The Hazardous and Solid Waste Amendments of 1984 (HSWA), enacted on November 8, 1984, impose substantial new responsibilities on those who handle hazardous waste. The amendments prohibit the land disposal of untreated hazardous waste beyond specified dates, unless the Administrator determines that the prohibition is not required in order to protect human health and the environment for as long as the waste remains hazardous (RCRA Sections 3004(d)(1), (e)(1), (f)(2), (g)(5)). The statute specifically defined land disposal to include any placement of hazardous waste in an injection well (RCRA Section 3004(k)). After the effective date of prohibition, hazardous

waste can be injected only under two circumstances:

(1) When the waste has been treated in accordance with the requirements of Title 40 of the Code of Federal Regulations (40 CFR) Part 268 pursuant to Section 3004(m) of RCRA, (the EPA has adopted the same treatment standards for injected wastes in 40 CFR Part 148, Subpart B); or

(2) When the owner/operator has demonstrated that there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. Applicants seeking this ''no-migration'' exemption from the ban must demonstrate to a reasonable degree of certainty that hazardous waste will not leave the injection zone until either:

(a) The waste undergoes a chemical transformation within the injection zone through attenuation, transformation, or immobilization of hazardous constituents so as to no longer pose a threat to human health and the environment; or

(b) The fluid flow is such that injected fluids will not migrate vertically upward out of the injection zone, or laterally to a point of discharge or interface with an USDW, for a period of 10,000 years.

The EPA promulgated final regulations on July 26, 1988, (53 FR 28118) which govern the submission of petitions for exemption from the disposal prohibition (40 CFR Part 148). Most companies seeking exemption have opted to demonstrate waste confinement (option (b) above) rather than waste transformation (option (a) above). A time frame of 10,000 years was specified for the confinement demonstration not because migration after that time is of no concern, but because a demonstration which can meet a 10,000 year time frame will likely provide containment for a substantially longer time period, and also to allow time for geochemical transformations which would render the waste immobile. The Agency's confinement standard thus does not imply that leakage will occur at some time after 10,000 years, rather, it is a showing that leakage will not occur within that time frame and probably much longer.

The EPA regulations at 40 CFR § 148.20(f) provide that any person who has been granted an exemption to the land disposal restrictions may request that the Agency modify the exemption to include additional wastes. If the EPA determines, to a reasonable degree of certainty, that the new wastes will behave hydraulically and chemically in a manner similar to previously exempted wastes and that injection thereof will not interfere with the containment capability of the injection zone, the modification may be granted.

Neither the existing exemption from the restrictions of the HSWA to RCRA nor this modification exempts BPCI from the duty to comply with other laws or regulations.

B. *Facility Operation and Process*—The BPCI facility in Lima, Ohio, produces acrylonitrile and associated products. The process combines propylene, ammonia, and air in the presence of a catalyst to form acrylonitrile, acetonitrile, and hydrogen cyanide. Process waste waters, laboratory wastes, contaminated product, wash water, cleaning solutions, contaminated ground and storm waters, scrubber water, ammonia blowdown, and waters from the unloading sump are managed through a deep well disposal system.

The waste stream is currently injected into WDWs No. 1, 2, 3, and 4 which are Class I hazardous-waste injection wells completed for the disposal of liquid wastes in one or more of the Middle Run, Mt. Simon, and Eau Claire Formations which are found between the depths of 3,223 and 2,430 feet in WDW No. 4. Injection of wastewater averages 435 gallons per minute (gpm); recently, BPCI has disposed of 150 to 250 million gallons per year.

The Hampshire Chemical process reacts hydrogen cyanide to produce nitrilotriacetonitrile (NTAN), iminodiacetonitrile (IDAN), ethylendiamine tetracetonitrile (EDTN), propylendiamine tetracetonitrile (PDTN), dimethylhydantoin (DMH), methylethylhydantoin (MEH), and oleoylsacosinate. The processes also produce water and result in waste streams which are hazardous as a result of corrosivity (D002) and contain acetone cyanohydrin which, if commercially produced and then land disposed, would be a restricted waste bearing the code P069.

In addition to waste constituents for which BPCI has already received or requested exemption, the Hampshire waste stream contains methyl ethyl ketone which will be banned from underground injection as a result of promulgation of the final Phase III Land Disposal Restrictions rule which is expected in January of 1996. In order to promote efficiency, Region 5 has reviewed BPCI's demonstration of the ability of the injection zone to contain migration of methyl ethyl ketone. Based on this review, Region 5 has determined that if the health-based limit for methyl ethyl ketone remains at a level as low as 0.6 mg/l, then U.S. EPA will process a final modification granting the exemption for methyl ethyl ketone as D035 on or before the ban date established by the final Phase III rule. If the health-based limit is reduced from 0.6 mg/l, modification of the exemption must be reconsidered.

Although acrylamide in the waste is deemed exempted as a constituent of the process wastes which carry K011, K013, and K014 codes, BPCI requested clarification of its exemption to specifically include acrylamide because the migration of this constituent at hazardous levels defines the extent of the waste-plume. BPCI requested that a modification of the exemption to include P030, P101, U056, and U219 because it wanted to dispose of possible spills of such laboratory chemicals on site. The remaining waste codes which are the subject of BPCI's modification request allow BPCI flexibility to dispose of wastestreams from new process lines which use raw materials or by-products of the principal processes.

C. *Exemption*—The existing exemption allows BPCI to dispose of wastes through its four wells. The specific waste codes are listed in the **Federal Register** notice dated March 12, 1993 (57 FR 8753). This modification will simply add a number of waste codes to the existing exemption, so that BPCI may also dispose of the wastes containing the following constituents when denoted by the respective RCRA waste codes: cyanide salts, P030; acetone cyanohydrin, P069; propionitrile, P101; vanadium pentoxide, P120; acrylamide, U007; cyclohexanone, U056; malononitrile, U149; 2 methyl pyridine, U191; and thiourea, U219. A final modification allowing disposal of methyl ethyl ketone (D035) upon the date of its restriction from underground injection will be processed as described above.

D. *Submission*—On July 13, 1994, February 10, 1995, and June 12, 1995, BPCI submitted requests and supporting documentation to modify its existing exemption from the land disposal restrictions on hazardous waste disposal. The submissions were reviewed by staff at the EPA. Although BPCI requested on May 9, 1995, that the modification include all D-coded wastes which would become restricted by a forthcoming rule, this request was withdrawn on June 7, 1995.

II. Basis for Determination

A. *Waste Description and Analysis*—Compatibility testing showed that the wastes are chemically compatible although some mixtures do cause formation of precipitates. This will be controlled to some extent through the

maintenance of pH above 3, and filtration will remove any particles which are formed.

Testing of the waste's effects on well components indicated that the well components exposed to the waste will not deteriorate as a result of contact.

B. *Model Demonstration of No Migration*—The grant of an exemption from the land disposal restrictions imposed by the HSWA of RCRA is based on a demonstration that disposed wastes will not migrate out of the waste management unit, which is defined in the background section of the final notice of the decision to grant BPCI an exemption from the HSWA, for a period of 10,000 years. The no migration demonstration is made through use of computer simulations which use geological information collected at the site or which is found to be appropriate for the site and mathematical models which have been proven to be capable of simulating natural responses to injection. The simulator is calibrated by matching simulator results against observations at the site.

In 1992, BPCI used the SWIFT II simulator to locate the greatest lateral extent of movement by the waste plume, defined at the 0.01 concentration level, due to advective flow during the wells' operational lives. The result, 14,325 feet, was multiplied by 1.2 to 17,190 feet in order to ensure that the plume would be bounded. Additional movement of waste constituents at hazardous levels was determined by calculating the extent of natural groundwater movement, including dispersion, and movement of hazardous molecules for the 10,000 year post operating period. The worst case for movement was determined by comparing the starting concentration and health-based limits for each constituent and calculating the reduction factor needed to bring the original concentration to the health-based limit. The greatest reduction factor was for acrylamide and the total distance of travel from the wells' centroid required to reduce the concentration of acrylamide to its health-based limit was 28,580 feet. This estimate does not take into account either adsorption of acrylamide to lithic materials or chemical transformations which might reduce the level of hazard associated with the wastes. The lateral extent of migration was shown to be significantly less than distances to features which might allow discharge of hazardous waste constituents into USDWs.

The limit of vertical movement was determined by a similar process. Although evidence exists that no waste has migrated upward beyond the lowermost Eau Claire just above 2,800 feet, it was assumed that it may have reached 2,640 feet and that depth was used as a starting point to calculate the distance to the health-based limit accounting for molecular diffusion through 10,000 years. This exercise found that the mobility and concentration of hydrogen cyanide in the waste stream make it the most conservative molecule to use in estimating the maximum vertical limits for the hazardous-waste plume. The depth at which the assumed maximum concentration of hydrogen cyanide would be reduced to its health-based limit was decreased from 2,484 (1992) feet to 2,456 (1994) feet due to an adjustment in the maximum concentration of hydrogen cyanide permitted in the injectate from 8,000 to 5,300 ppm. This adjustment was made because of a reduction in the health-based limit from 0.7 to 0.02 ppm. This vertical plume was contained with the waste management unit defined for BPCI's four injection wells. Therefore, the Agency accepted the demonstration and granted an exemption in 1992.

A modification of an existing exemption to allow injection of additional hazardous waste constituents must show that the waste constituents denoted by the codes for which the modification is requested behave similarly to those constituents for which the original demonstration of no migration was made. In this case, the new constituents are mostly organic molecules which are generally similar to those for which the original exemption was granted. The waste here proposed for exemption is similar to that currently exempted from land disposal restrictions although the concentrations of constituents in the injectate will be affected by the combination of waste streams. The plume boundary defined laterally by acrylamide and vertically by hydrogen cyanide in the exemption already granted will not be affected by the waste streams proposed for this modification. Accordingly, U.S. EPA proposes to grant the modification to the exemption as requested.

III. Conditions of Petition Approval

The existing exemption was granted with conditions. All of the original conditions remain in force. No new conditions are attached to this modification to the exemption.

Dated: July 10, 1995.

Richard J. Zdanowicz,

Acting Director, Water Division, Region 5, U.S. Environmental Protection Agency.

[FR Doc. 95–18118 Filed 7–21–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5263–2]

Public Meeting on Drinking Water Paperwork Burden Reduction

Notice is hereby given that the U.S. Environmental Protection Agency (EPA) is holding a public meeting to solicit ideas on reducing the ''paperwork'' burden associated with the National Primary Drinking Water Regulations (NPDWR) and the Public Water System Supervision Program, on August 14, 1995, from 12:00 pm to 5:00 pm at the Washington Information Center (WIC), in Conference Room 17. The WIC is located on the mall level of the Environmental Protection Agency, 401 M Street, Washington, DC, 20460.

The Office of Ground Water and Drinking Water has held a number of public meetings over the past few months to solicit ideas, suggestions and options for proceeding with or modifying various aspects of the drinking water program. The public meeting announced today is being held to solicit ideas, suggestions, and options for reducing the current ''paperwork'' burden placed on public water systems and State primacy agencies as a result of the National Primary Drinking Water Regulations.

In general, ''paperwork'' burden is any workload or cost associated with providing EPA or the State Primacy agency with data, information, or reports that are required by the federal regulations. This includes not only the burden associated with reporting the information but any burden associated with obtaining or collecting that information if it is not already available. For example, 40 CFR 141.31(a) requires public water systems to ''report to the State the results of any test measurement or analysis required by this part'' (40 CFR 141). The paperwork burden associated with reporting these results to the State includes the cost and burden of collection and analyses, as well as that of reporting. Likewise, the paperwork burden created by 40 CFR 142.15(a)(1), which requires States to report ''new violations by public water systems'' to EPA, includes the cost to the State of collecting the analytical information and calculating compliance as well as reporting non-compliance results to EPA. Paperwork burden does not, however, include the costs or burdens associated with installation of any treatment necessary to remedy non-compliance.

Other public meetings that have already been held have addressed some aspects of paperwork burden reduction. For example, there has been a public meeting to solicit ideas on EPA's current

chemical monitoring requirements. There has also been a public meeting to solicit alternatives to EPA's current requirements on water systems to notify the public whenever the system has violated a monitoring or maximum contaminant level (MCL) requirement. Many ideas were offered on alternative chemical monitoring and public notification requirements which would reduce the paperwork burden created by the existing federal regulations. Further, other public meetings have been held to solicit opinions about potential future federal drinking water regulations. The public meeting announced today is not intended to duplicate those prior meetings. The meeting announced today will be limited to existing regulations and burdens. Further, we would prefer that the focus be on the areas of paperwork burden that were not addressed through other public meetings—for example, burdens associated with the lead and copper, total coliform, surface water treatment requirements. We will not reject any ideas or opinions, however, that participants wish to offer on the paperwork burdens created by the current chemical monitoring or public notification requirements.

Following the public meeting, EPA intends to provide meeting summaries to senior EPA managers to oversee the development of an action plan consistent with available resources. Final decisions concerning any paperwork reduction will be made Assistant Administrator for Water, Robert Perciasepe.

Alternatively, or in addition to the public meeting, members of the public may submit written comments to EPA for up to fifteen days after the meeting. These comments to EPA should be sent to Raymond Enyeart, EPA, Office of Ground Water and Drinking Water, Drinking Water Implementation Division (4604), 401 M Street SW., Washington, DC 20460. Members of the public who wish to attend the meeting should call Raymond Enyeart on (202) 260–5551.

A limited number of telephone lines have been reserved for members of the public wishing to participate in the August 14, 1995 meeting by telephone. Anyone wishing to participate in the meeting via telephone should contact Raymond Enyeart on (202) 260–5551. EPA will cover the long distance telephone charges for the reserved telephone lines. General questions about the meeting process and telephone participation should also be directed to Raymond Enyeart with EPA's Office of Ground Water and Drinking Water at (202) 260–5551.

Dated: July 18, 1995.

Peter L. Cook,

Acting Director, Office of Ground Water and Drinking Water.

[FR Doc. 95–18114 Filed 7–21–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5261–8]

Meeting of the Local Government Advisory Committee

The Local Government Advisory Committee will conduct its next meeting on August 10 and 11, 1995. The purpose of the meeting is to solicit input from the Committee on several Agency local government initiatives, such as Project XL and Sustainable Development Challenge Grants, and on the role of local governments as environmental program implementation is devolved to the states.

The meeting will be held at the Madison Hotel located at 15th and M Streets, NW. in Washington, DC. The meeting will begin at 8:30 a.m. on Thursday, August 10th and conclude at 5 p.m. on the 11th.

The Designated Federal Officer (DFO) for this Committee is Denise Zabinski Ney. She is the point of contact for Information concerning any Committee matters and can be reached by calling (202) 260–0419 or by writing to 401 M Street, SW. (1502), Washington, DC 20460.

This is an open meeting and all interested persons are invited to attend. Meeting minutes will be available within thirty days after the meeting and can be obtained by written request from the DFO. Members of the public are requested to call the DFO at the above number if planning to attend so that arrangements can be made to comfortably accommodate attendees as much as possible. However, seating will be on a first-come, first-served basis.

Richard Brozen,

Acting Associate Administrator, Office of Regional Operations and State/Local Relations.

[FR Doc. 95–18112 Filed 7–21–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5262–1]

Risk Assessment and Risk Management Commission; Public Meetings—1995

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Risk Assessment and Risk Management Commission, established as an Advisory Committee under Section 303 of the Clean Air Act Amendments of 1990, will meet on the following dates in 1995 to hear from Agency and regional representatives/stakeholders; discuss risk assessment/risk management issues. This amends an earlier notice in the **Federal Register**. Dates and locations in some cases have been changed due to scheduling conflicts. The new mailing address for the Commission staff is: National Press Building, 529 14th Street, NW., room 452, Washington, DC 20045. Please call for information and copies of agendas. The new phone number is: 202–233–9537. Be sure to leave your fax number along with your name and phone number. The meetings are open to the public.

August 17 and 18

Cancelled.

September 14

2 pm–7 pm Capitol Hill Hotel, 200 C Street, SE., Board Room #108, Washington DC 20003.

September 15

8:30 am–3 pm Capitol Hill Hotel, 200 C Street, SE., Capitol Hill Confer. Room, Washington DC 20003.

October 26

10 a.m.–6 pm The Rockefeller University, 1230 York Avenue at 66th Street, Weiss Research Building, 17th Floor, New York, New York 10021.

October 27

8 a.m.–12 noon The Rockefeller University, 1230 York Avenue at 66th Street, Cohn Library, New York, New York 10021.

November 17

8 am–3 pm Capitol Hill Hotel, 200 C Street, SE., Capitol Hill Room, Washington DC 20003.

December 14

3 p.m.–7 p.m. The Breakers Hotel, One South County Road, Palm Beach, Florida 33480.

Please call 202–233–9537 for single copies of background documents as well as agendas, charters, rosters, etc. If additional information is needed, please call Joanna Foellmer, at 202–233–9535.

Dated: July 11, 1995.

Gail Charnley,

Executive Director, Commission on Risk Assessment and Risk Management.

[FR Doc. 95–18120 Filed 7–21–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5263–4]

Notice of Proposed Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act

AGENCY: Environmental Protection Agency.

ACTION: Notice; Request for Public Comment.

SUMMARY: In accordance with Section 122 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (''CERCLA''), 42 U.S.C. 9622, notice is hereby given that a proposed purchaser agreement associated with the Middletown Airfield Superfund site (the ''Site'') located in Middletown, Pennsylvania, was executed by the Agency on June 21, 1995 and is subject to final approval by the United States Department of Justice. The Purchaser Agreement would resolve certain potential EPA claims under Sections 107 and 106 of CERCLA, 42 U.S.C. 9606 and 9607, against First Industrial Harrisburg, L.P., a Delaware limited Partnership (''FIH''), the prospective purchaser (''The purchaser''). The settlement would require the purchaser to pay a total of $75,000 to the Hazardous Substances Superfund, provide unlimited Site access, cooperate fully with all response activities, and exercise due care to protect the public health and safety at the Site.

For thirty (30 days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement. The Agency's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107.

DATES: Comments must be submitted on or before August 23, 1995.

AVAILABILITY: The proposed agreement and additional background information relating to the settlement are availability for public inspection at the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. A copy of the proposed agreement may be obtained from Suzanne Canning, U.S. Environmental Protection Agency, Regional Docket Clerk (3RC00), 841 Chestnut Building, Philadelphia, PA 19107. Comments should reference the ''Middletown Airfield Superfund Site'' and ''EPA Docket No. III–95–48–DC'' and should be forwarded to Suzanne Canning at the above address.

FOR FURTHER INFORMATION CONTACT: Rodney Travis Carter (3RC21), Senior Assistant Regional Counsel, U.S. Environmental Protection Agency, 841 Chestnut Building, Philadelphia, PA 19107, (215) 597–3176.

Dated: July 14, 1995.

Stanley L. Laskowski,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region III.

[FR Doc. 95–18111 Filed 7–21–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5263–1]

Ash From Municipal Solid Waste Combustion

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of availability of guidance document.

SUMMARY: The U.S. Environmental Protection Agency announces the availability of the guidance document entitled ''Guidance for the Sampling and Analysis of Municipal Waste Combustion Ash for the Toxicity Characteristic.'' The Agency developed this guidance to assist generators of ash from municipal solid waste combustors in determining whether their ash exhibits the Toxicity Characteristic (TC). On June 23, 1994 (59 FR 32427), the Agency announced the availability of, and requested comment on, a draft version of this manual. The Agency's responses to comments on the draft version can be found in the background document entitled ''Response to Public Comments Regarding Draft Guidance for the Sampling and Analysis of Municipal Waste Combustion Ash for the Toxicity Characteristic,'' which is located in the official record for this notice [Docket No. F–95–MRIF-FFFFF].

The document ''Guidance for the Sampling and Analysis of Municipal Waste Combustion Ash for the Toxicity Characteristic'' is organized into six sections. Section One provides an introduction and describes the purpose of the manual; Section Two discusses the development of a sampling plan; Section Three describes analysis using the TCLP, Method 1311 of ''Test Methods for Evaluating Solid Waste'' (SW–846); Section Four discusses the importance of quality assurance/quality control (QA/QC) procedures; Section Five describes the criteria for evaluating data to determine if a waste is hazardous for the TC; and Section Six provides a listing of resources available to aid in the development of a sampling and analysis plan.

ADDRESSES: Copies of ''Guidance for the Sampling and Analysis of Municipal Waste Combustion Ash for the Toxicity Characteristic'' (23 pages, Docket No. F–95–MRIF–FFFFF) are available from the RCRA Information Center (RIC), located in room M2616, U.S. EPA, 401 M Street SW., Washington, DC 20460; and may be reached by telephone at 202–260–9327. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, except for Federal Holidays. The comment response document is also available from the RIC at Docket No. F–95–MRIF–FFFFF. The public must make an appointment to view docket materials by calling 202–260–9327. Copies cost $0.15/page. Charges under $25.00 are waived. In addition, the manual is available through the RCRA/Superfund Hotline, which can be reached by calling 1–800–424–9346. Callers to the RIC or the RCRA/Superfund Hotline should ask for: ''Guidance for the Sampling and Analysis of Municipal Waste Combustion Ash for the Toxicity Characteristic,'' dated June 1995, PB No. EPA530–R–95–036.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA Hotline at 1–800–424–9346 (toll free) or call 703–412–9810; or, for the hearing impaired, call TDD 1–800–553–7672 or TDD 703–412–3323. For technical information, contact the Methods Information Communication Exchange (MICE) at 703–821–4690; or contact Gail Hansen (5304) at 202–260–4761, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Dated: July 13, 1995.

Elizabeth A. Cotsworth,

Acting Director, Office of Solid Waste.

[FR Doc. 95–18117 Filed 7–21–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

July 17, 1995.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, International Transcription

Service, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800. For further information on this submission contact Dorothy Conway, Federal Communications Commission, (202) 418–0217 or via internet at DConway@FCC.GOV. Persons wishing to comment on this information collection should contact Timothy Fain, Office of Management and Budget, Room 10214 NEOB, Washington, DC 20503, (202) 395–3561.

OMB Number: 3060–0613.

Title: Expanded Interconnection with Local Telephone Company Facilities, CC Docket No. 91–141, Transport Phase II (Third R&O).

Form No.: N/A.

Action: Revision to a currently approved collection.

Respondents: Businesses or other for-profit.

Frequency of Response: On occasion.

Estimated Annual Burden: 64 responses; 13 hours burden per response; 832 hours total annual burden.

Needs and Uses: Tier 1 local exchange carriers (except NECA members) are required to make tariff filings to provide certain signalling information to interested parties so that those parties can provide tandem switching services. Tandem switching providers are required to provide certain billing information to those Tier 1 local exchange carriers. The tariffs and cost support information accompanying them are used by the FCC staff to ensure that the tariff rates are paid for signalling information are just, reasonable and nondiscriminatory, as Sections 201 and 202 of the Communications Act requires. Without this information the FCC would be unable to determine whether the rates for these services are just, reasonable, nondiscriminatory, and otherwise in accordance with the law. PIU and billing allocation information are used by LECs to bill IXCs properly for interstate and intrastate access.

OMB Number: 3060–0370.

Title: Part 32 Uniform System of Accounts for Telecommunications Companies.

Form No.: N/A.

Action: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Frequency of Response: On occasion.

Estimated Annual Burden: 239 responses; 1,2686 hours burden per response; 3,031,868 hours total annual burden.

Needs and Uses: The Uniform System of Accounts is a historical financial accounting system which reports the results of operational and financial events in a manner which enables both management and regulators to assess these results with a specified accounting period. Subject respondents are telecommunications companies. Entities having annual revenue from regulated telecommunications operations of less than $100 million are designated as Class B companies and are subject to a less detailed accounting system than those designated as Class A companies.

OMB Number: N/A.

Title: Accounting and Reporting Requirements for Video Dailtone Service (RAO Letter 25).

Form No.: N/A.

Action: New collection.

Respondents: Business or other for profit.

Frequency of Response: On occasion.

Estimated Annual Burden: 10 recordkeepers; 850 hours burden per respondent; 8,500 hours total annual burden.

Needs and Uses: Carriers offering video dialtone service are required to establish two sets of subsidiary accounting records; one to capture the investment expense and revenue wholly dedicated to video dialtone, the other to capture the investment, expense and revenue shared between video dailtone and other services. This requirement is necessary to ensure that the subsidiary records maintained by the carriers include all relevant data and to ensure that the data is auditable.

OMB Number: 3060–0065.

Title: Application for New or Modified Radio Station Authorization Under Part 5 of FCC Rules - Experimental Radio Service (Other than Broadcast).

Form No.: FCC 442.

Action: Revision of currently approved collection.

Respondents: Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Governments.

Frequency of Response: On occasion.

Estimated Annual Burden: 700 responses; 4 hours burden per respondent; 2,800 hours total annual burden.

Needs and Uses: FCC Form 442 is required to be filed by Section 5.55(a), (b) and (c) of the FCC Rules and Regulations by applicants requiring an FCC license to operate a new or modified experimental radio station. The data is used to determine: (1) if the applicant is eligible for an experimental license; (2) the purpose of the experiment; (3) compliance with the requirements of Part 5 and (4) if the proposed operation with cause interference with existing operations.

OMB Number: N/A.

Title: Section 64.1100 Policies and Rules Concerning Changing Long Distance Carriers (CC Docket No. 96–64).

Form No.: N/A.

Action: New Collection.

Respondents: Business or other for profit.

Frequency of Response: On occasion.

Estimated Annual Burden: 75 responses; 1.2 hours burden per response; 93 hours total annual burden.

Needs and Uses: This requirements require IXCs that generate orders for long distance service by telemarketing to perform one of four alternative verification procedures before placing the end user's primary interexchange carrier (PIC) change order with the LEC. IXC's with generate customer PIC change orders through telemarking must independently verify, by one of four alternatives that customers have agreed to change their long distance service before submitting these requests to the LECs. The IXC must first: (1) obtain a letter of authorization from the customer; (2) obtain the customer's electronic authorization by means of a toll-free phone number; (3) utilize an independent third-party to obtain the customer's oral authorization or (4) within three business days of the customer's request for a PIC change send each new customer an information package that contains information concerning the requested change and a postpaid postcard which the customer can use to deny, cancel, or confirm the order.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–18102 Filed 7–21–95; 8:45 am]

BILLING CODE 6712–01–F

FEDERAL RESERVE SYSTEM

Mercantile Bankshares Corporation, 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 17, 1995.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Mercantile Bankshares Corporation, Baltimore, Maryland; to acquire 100 percent of the voting shares of The Sparks State Bank, Sparks, Maryland

B. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Beaman Bancshares, Inc., Beaman, Iowa; to acquire an additional 20.10 percent, for a total of 24.98 percent of the voting shares of Producers Savings Bank, Green Mountain, Iowa.

2. F&M Bancorporation, Inc., Kaukauna, Wisconsin; to acquire 90 percent of the voting shares of Peoples State Bank of Bloomer, Bloomer, Wisconsin.

3. Philipps Investment Company Limited Partnership, Spring Hill, Florida; to acquire 52.74 percent of the voting shares of Gratiot Bancshares, Inc., Gratiot, Wisconsin, and thereby indirectly acquire Gratiot State Bank, Gratiot, Wisconsin.

C. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. UB&T Financial Corporation, Dallas Texas, and UB&T Delaware Financial Corporation, Dover, Delaware; to acquire 100 percent of the voting shares of Southeast Bancshares, Inc., Dallas, Texas, and thereby indirectly acquire Commercial National Bank, Dallas, Texas.

Board of Governors of the Federal Reserve System, July 18, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-18088 Filed 7-21-95; 8:45 am]

BILLING CODE 6210-01-F

UMB Financial Corporation; 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 August 7, 1995.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. UMB Financial Corporation, Kansas City, Missouri; to engage *de novo* through UMB Consulting Services, Inc., Kansas City, Missouri, in management consulting to depository institutions, pursuant to § 225.25(b)(11) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, July 18, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-18089 Filed 7-21-95; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency for Health Care Policy and Research; General Reorganization; Statement of Organization, Functions, and Delegations of Authority

Part H, Public Health Service (PHS), Chapter HP (Agency for Health Care Policy and Research), of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (55 FR 12286–89, April 2, 1990, as amended at 58 FR 16534, March 29, 1993) is amended to reflect organizational changes within the Agency for Health Care Policy and Research.

Agency for Health Care Policy and Research

Under heading *Section HP–20, Organization and Functions*, beginning with the title, *Office of the Administrator (HPA)*, delete all titles and statements and substitute the following:

Office of the Administrator (HPA). Directs the activities of the Agency for Health Care Policy and Research to ensure the achievement of strategic objectives. Specifically: (1) Determines that Agency programs support Administration goals and objectives; (2) plans, directs, coordinates, and evaluates the administrative policies and procedures, the research and training programs, and the dissemination activities of the Agency; (3) manages the Equal Employment Opportunity programs; (4) maintains the scientific integrity of the research program and the staff; (5) establishes Agency program and budget priorities; (6) represents the Agency within the Public Health Service, at the highest levels of Government, and to the public; (7) makes recommendations to the Secretary on Federal reimbursement programs with respect to health care technologies and health care policies and research.

Office of Management (HPA6). Directs and coordinates Agency-wide administrative activities. Specifically: (1) Manages and coordinates the human resource activities of the Agency

including personnel operations and the allocation of personnel resources; (2) provides organizational and management analysis, develops policies and procedures, and implements Agency management policies; (3) coordinates the Agency Federal Managers' Financial Integrity Act and Privacy Act activities; (4) plans and directs financial management activities including budget formulation, presentation, and execution functions and supports the linking of the budget and planning process; (5) conducts all business management aspects of the review, negotiation, award and administration of Agency grants and contracts; (6) manages the analysis, selection, and implementation of the information resource management and telecommunication systems; (7) provides Agency support services including the acquisition, management, and maintenance of supplies, equipment, and space.

Office of Planning and Evaluation (HPA7). Directs and coordinates the strategic planning, program evaluation, and legislative activities of the Agency. Specifically: (1) Directs and coordinates program planning activities of the Agency and prepares the strategic plan; (2) plans and manages the program evaluation activities of the Agency including evaluations of dissemination, training, and research programs; (3) plans and coordinates Agency research activities that focus on special populations and initiatives; (4) coordinates the legislative activities of the Agency including the development of legislative proposals and analysis of Federal health legislative initiatives; (5) manages and coordinates development and clearance of proposed regulations, reports, and program announcements; (6) represents the Agency in meetings with other Public Health Service and Department planning, evaluation, and legislative offices.

Office of Policy Analysis (HPA8). Provides support to the Administrator and technical assistance to the Public Health Service and other Department components in the formulation and analysis of national health care policy. Specifically: (1) Reviews Agency research plans and programs to determine their relevance to national policy issues; (2) analyzes health policy issues of national and regional significance using data and research produced by the Agency; (3) synthesizes research findings on policy and program issues of concern to the Administrator; (4) conducts and supports special projects or studies to inform health policy; (5) develops and manages an extramural centers program designed to provide timely studies of immediate health policy issues; (6) represents the Agency in meetings with components of the Public Health Service, the Department, and other government agencies and with private organizations on health policy issues.

Office of Scientific Affairs (HPA9). Directs the scientific review process for grants and contracts, the assignment of projects to Agency Centers, manages Agency research training programs, and evaluates the medical and scientific contribution of proposed and on-going research, demonstrations, and evaluations. Specifically: (1) Directs the process for selecting, reviewing, and funding grants and reviewing contracts for scientific merit and program relevance; (2) assigns grant proposals to Centers for administrative action; (3) manages the process for making funding decisions for grants; (4) directs Agency research training programs and implementation of the National Research Service Award authority; (5) manages the scientific integrity processes for the intramural and extramural programs of the Agency; (6) represents the Agency in meetings with experts and organizations on issues related to the administration of the scientific program.

Center for Information Technology (HPH). Conducts and supports studies of health information systems, computerized patient record systems, and medical decision analysis. Specifically: (1) Manages and conducts research, demonstrations, and evaluations of computerized health care information systems; (2) directs studies of data standards, security, efficiency, and linkages; (3) directs studies of medical decision making and decision support systems; (4) directs studies of provider adoption and implementation of automated medical records, information, and decision systems; (5) represents the Agency in meetings with international and domestic experts and organizations concerned with developing and using medical information systems.

Office of the Forum for Quality and Effectiveness in Health Care (HPJ). Arranges for the development and evaluation of clinical practice guidelines. Specifically: (1) Supports the development and evaluation of clinical practice guidelines dealing with the prevention, diagnosis, and treatment of illness; (2) provides national leadership on guideline development and assessment of methodologies; (3) supports development of medical review criteria, performance measures, and standards of quality; (4) conducts and supports studies of the economic impact of Agency guidelines; (5) represents the Agency in meetings with experts and organizations involved in producing, implementing, and evaluating clinical practice guidelines.

Center for Health Care Technology (HPK). Conducts and supports a comprehensive program of health care technology assessment. Specifically: (1) Manages and conducts studies of the safety, efficacy, effectiveness, and cost-effectiveness of health technologies; (2) prepares recommendation on whether specific technologies should be paid for by Federal programs that provide or reimburse for health services including recommendations that such payment be subject to specific conditions, requirements, or limitation; (3) maintains liaison with other public and private organizations and entities with regard to assessment strategies, priorities, and methodologies; (4) represents the Agency in meetings with international and domestic experts and organizations concerned with health technology assessment.

Center for Outcomes and Effectiveness Research (HPB). Conducts and supports studies of the outcomes and effectiveness of diagnostic, therapeutic, and preventive health care services and procedures. Specifically: (1) Manages and conducts research, evaluations, and demonstrations of the effectiveness of clinical interventions in terms of patient outcomes; (2) directs an extramural research centers program on medical effectiveness and patient outcomes; (3) directs and supports a program of clinical research on the effectiveness of diagnostic and therapeutic approaches to illness; (4) manages and conducts research and related activities to improve methods and measures for effectiveness research; (5) represents the Agency in meetings with domestic and international experts and organizations concerned with medical effectiveness and outcomes research.

Center for Delivery Systems Research (HPL). Conducts and supports studies of the structure, behavior, and performance of acute and long term health care systems. Specifically: (1) Manages and conducts studies of trends in the use and cost of care provided by public and private health care systems; (2) directs epidemiological studies of patterns of care and changes in the treatment of illness; (3) designs and manages large administrative data sets produced by states or claims processors for intramural and extramural research including policy and methodological studies; (4) conducts and supports research, demonstrations, and evaluations of institutional and

community based long term care; (5) represents the Agency in meetings with international and domestic experts and organizations involved in developing analytic data sets and analyzing patterns of treatment and regional and institutional differences in care.

Center for Health Expenditures and Insurance Studies (HPM). Conducts and supports studies of expenditures and sources of payment for personal health care services and the development of large primary data sets for policy research and analyses. Specifically: (1) Plans and manages national medical expenditure surveys; (2) plans and directs surveys of employers and other sources of insurance coverage and health benefits; (3) plans and conducts policy research on patterns of health expenditures, insurance coverage, and use of personal health services; (4) develops microsimulation models for policy research; (5) conducts and supports statistical and methodological research on survey design, sampling and estimation techniques, and data quality; (6) provides statistical support to the Agency; (7) represents the Agency in meetings with Federal agencies and experts on health policy issues especially issues related to health expenditures and insurance and Federal and state health care programs.

Center for Cost and Financing (HPN). Conducts and supports studies of the cost and financing of health care services. Specifically: (1) Manages and conducts research, demonstrations and evaluations of the cost of medical care and the performance of health care markets; (2) directs studies of the productivity of health providers, managed care organizations, and insurers; (3) directs analyses of the legal and economic consequences of malpractice insurance; (4) directs studies of the use, cost, and financing of care for HIV; (5) represents the Agency in meeting with international and domestic experts and organizations concerned with the cost and financing of health care and care for patients with HIV.

Center for Quality Measurement and Improvement (HPP). Conducts and supports research on the measurement and improvement of the quality of health care. Specifically: (1) Conducts and supports research, demonstrations, and evaluations of the quality of health care; (2) designs, conducts, and supports consumer surveys to assess the quality of and satisfaction with health care services and systems; (3) develops and tests measures and methods for evaluating the quality of care; (4) provides technical assistance and gathers information on the use of quality measures and consumer information and the resulting effects; (5) represents the Agency in meetings with domestic and international experts and organizations concerned with measuring and evaluating the quality of care.

Center for Primary Care Research (HPO). Conducts and supports studies of primary care, and clinical, preventive and public health policies and systems. Specifically: (1) Manages and conducts research, demonstrations, and evaluations of primary care settings and systems; (2) manages and conducts studies of rural health care services and systems: (3) directs studies of the care of special populations; (4) directs studies of the effectiveness of education, supply, and distribution of the health care workforce; (5) represents the Agency in meetings with international and domestic experts and organizations concerned with primary care.

Center for Health Information Dissemination (HPG). Designs, develops, implements, and manages programs for disseminating the results of Agency activities. Specifically: (1) Conducts and supports research on the techniques of providing information to the health care industry, health care providers, consumers, policy makers, researchers, and the media; (2) manages the editing, publication, and information distribution processes of the Agency; (3) provides the administrative support for reference services and the distribution of technical information to Agency staff; (4) manages the public affairs activities of the Agency, an Agency clearinghouse for responding to requests for information and technical assistance, and a consumer information program; (5) directs a user liaison program to provide health care research and policy findings to Federal, state and local public officials, providers, payers, business, and the health care industry; (6) evaluates the effectiveness of Agency dissemination strategies and implements changes indicated by such evaluations; (7) represents the Agency in meetings with Department and Public Health Service representatives on press releases, media events, and publication clearance.

Under the heading *Section HP–30, Delegations of Authority,* delete the statement and retitle as *Section HP–30, Order of Succession* and add the following: During the absence or disability of the Administrator, or in the event of a vacancy in that office, the first official listed below who is available shall act as Administrator, except during planned periods of absence, when the Administrator may specify a different order of succession. The order of succession will be:

(1) Deputy Administrator

(2) Executive Officer

(3) Director, Office of Scientific Affairs

(4) Director, Office of Planning and Evaluation

(5) Director, Office of Policy Analysis

Insert heading *Section HP–40, Delegations of Authority* and add the following: All delegations and redelegations of authority to officers and employees of the Agency for Health Care Policy and Research which were in effect immediately prior to the effective date of this reorganization shall continue in effect pending further redelegation, provided they are consistent with this reorganization.

Dated: July 14, 1995.

Donna E. Shalala,

Secretary, Department of Health and Human Services.

[FR Doc. 95–17978 Filed 7–21–95; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–110–95–6350–00]

Medford District Resource Management Plan and Record of Decision

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability, Medford District Resource Management Plan and record of decision.

SUMMARY: In accordance with the National Environmental Policy Act of 1969 (40 CFR 1550.2), and the Federal Land Policy and Management Act of 1976, (43 CFR 1610.2 (g)), the Department of the Interior, Bureau of Land Management (BLM), Medford District provides notice of availability of the Approved Resource Management Plan (ARMP) and Record of Decision (ROD) for the Medford District. The Approved RMP will provide the framework to guide land and resource allocations and management direction for the next 10 to 20 years in the Medford District. This ARMP supersedes the existing Josephine and Jackson/Klamath management framework plans and other related documents for managing BLM administered lands and resources in the subject area. The Medford District is responsible for management of BLM administered lands and minerals in all or portions of Jackson, Josephine,

Douglas, Curry, and Coos Counties. These counties are located in southwestern Oregon. The Medford District is responsible for management of approximately 866,278 acres of surface and an additional 4,672 acres of subsurface (split-estate) lands.

ADDRESSES: Copies of the ARMP/ROD are available upon request by contacting the Medford District Office, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon, 97504. The telephone number is 503–770–2200. This document has been sent to all those individuals and groups who were on the mailing list for the Medford District Proposed Resource Management Plan/ Final Environmental Impact Statement. Copies of the Approved RMP are also available for inspection in the public room at the BLM Oregon/Washington State Office, 1515 SW Fifth St. Portland, Oregon; and Jackson and Josephine County libraries during normal office hours.

FOR FURTHER INFORMATION CONTACT: Dave Jones, District Manager, Medford District Office, Bureau of Land Management, 3040 Biddle Road, Medford, Oregon, 97504. He can also be reached by telephone number at 503–770–2200 or by FAX at 503–770–2400.

SUPPLEMENTARY INFORMATION: The Medford District Approved RMP/ROD is essentially the same as the Medford District Proposed Resource Management Plan presented in the October, 1994 Proposed Resource Management Plan/ Final Environmental Impact Statement (PRMP/FEIS). No significant changes have been made from the Proposed RMP.

However, some minor changes and clarifying language has been made in response to protests the BLM received on the PRMP/FEIS and as a result of staff review. Minor changes include: changes to the visual resource management class and rural interface area designation in the Cobleigh Road area; clarification of the timber harvest deferral in the Cascade/Siskiyou Ecological Emphasis Area; language revisions made to tighten the link between the approved RMP and the 1994 Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (or Northwest Forest Plan/ROD); and finally, revisions were made that incorporate guidelines issued by the Regional Ecosystem Office since the issuance of the 1994 Record of Decision named above. Such guidelines may clarify or interpret the 1994 Record of Decision. Seven alternatives that encompass a spectrum of realistic management options were considered in the planning process. The final plan is a mixture of the management objectives and actions that, in the opinion of the BLM, best resolve the issues and concerns that originally drove the preparation of the plan and also meet the plan elements or adopt decisions made in the 1994 Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (or Northwest Forest Plan/ROD). The Northwest Forest Plan/ROD was signed by the Secretary of the Interior who directed the BLM to adopt it in its Resource Management Plans for western Oregon. Further, those decisions were upheld by the United States District Court for the Western District of Washington on December 21, 1994. Following is a summary of some of the major decisions made through this planning effort.

Ecosystem Management and Forest Product Production: The BLM administered lands are allocated to Riparian Reserves, Late-Successional Reserves, Administratively Withdrawn Areas, Congressional Reserves, Applegate Adaptive Management Area, and Matrix (Connectivity/Diversity Blocks and General Forest Management Areas). An Aquatic Conservation Strategy will be applied to all lands and waters under BLM administration. An allowable sale quantity for commercial forest products is established. A process for monitoring, evaluating and amending or revising the plan is described.

Areas of Critical Environmental Concern (ACEC): The plan designates or redesignates the following 30 areas as ACECs, Research Natural Areas, Outstanding Natural Areas or a combination thereof: Eight Dollar Mountain (1,247 public acres), King Mountain Rock Garden (67 public acres), Table Rocks (1,240 public acres), Bill Creek (40 public acres), Bobby Creek-ACEC (428 public acres), Cedars of Beaver Creek (39 public acres), Crooks Creek (149 public acres), Baker Cypress (10 public acres), French Flat (656 public acres), Hole-in-the-Rock (63 public acres), Hoxie Creek (255 public acres), Iron Creek (286 public acres), Jenny Creek (966 public acres), Moon Prairie (91 public acres), Pilot Rock (544 public acres), Poverty Flat (29 public acres), Rough and Ready Creek (1164 public acres), Sterling Mine Ditch (141 public acres), Tin Cup (84 public acres), Bobby Creek-RNA (1,702 public acres), Brewer Spruce Enlargement (1,384 public acres), Grayback Glade (1,069 public acres), Holton Creek (423 public acres), Lost Lake (384 public acres), North Fork Silver Creek (499 public acres), Old Baldy (166 public acres), Oregon Gulch (1,047 public acres), Pipe Fork (529 public acres), Round Top Butte (604 public acres), Scotch Creek (1,797 public acres). Management direction for the individual ACECs is prescribed in the ARMP/ROD, but may be supplemented or clarified in coordinated resource management activity plans, watershed analyses or other applicable interagency and/or multi-program decision documents. The ACECs have been designated to protect or enhance a wide variety of natural values or processes or to protect the public from natural hazards or provide for research natural areas as components of the Oregon Natural Heritage system. Restricted or prohibited uses are described in the ARMP and are designed to meet the management objectives for each area. Prescriptions typically include restrictions on the use of prescribed fire or fire suppression techniques, restrictions on motor vehicle use or the removal of vegetative materials, no-surface-occupancy clauses for mineral or energy leases or permits, prohibition of new rights-of-way, etc.

Wild and Scenic Rivers: Big Windy Creek (6.8 miles), East Fork of Big Windy Creek (3.6 miles), Dulong Creek (1.7 miles), and Howard Creek (7.0 miles) have been determined to be administratively suitable for designation as a component of the national Wild and Scenic Rivers System under a wild river classification. All administratively suitable or eligible (pending further study) river segments will be managed under BLM interim management guidelines pending further legislative or administrative consideration, as applicable. In addition, all other potentially eligible, free-flowing rivers or streams adjacent to BLM administered lands in the subject planning area were reviewed.

Off-Highway-Vehicle (OHV) Use: the ARMP/ROD makes the following designations for OHV management in the Medford District/Area: 391,400 acres will be open; 441,700 acres will be restricted to designated existing roads and trails and/or seasonally closed; and 25,200 acres will be closed to all use, except for specified administrative or emergency uses. In addition, the ARMP/

ROD provides for road closures to meet ecosystem management objectives. Such closures may be permanent or seasonal, and by use of signs, gates, barriers or total road de-construction and site restoration.

Land Tenure Adjustment: The ARMP/ROD identifies approximately 292,100 acres of BLM administered lands which will be retained in public ownership, 558,800 acres of BLM lands which may be considered for exchange under prescribed circumstances, and 7,600 acres of BLM-administered land which may be available for sale or disposal under other authorized processes. The ARMP also provides criteria for the acquisition of lands, or interests in lands, where such acquisition would meet objectives of the various resource programs. The plan allocates 71,100 acres as right-of-way exclusion areas and 819,300 acres as right-of-way avoidance areas.

Special Recreation and Visual Resource Management Areas: The plan identifies 5 new or existing Special Recreation Management Areas. They are the Hyatt Lake-Howard Prairie SRMA (17,000 acres), The Pacific Crest National Scenic Trail SRMA (12, 086 acres), Rogue National Wild and Scenic River SRMA (14,277 acres) Lost Creek Lake SRMA (9,492 acres), and the Galesville Lake SRMA (3,977 acres). The plan allocates 1,800 acres of BLM administered lands for 40 existing or potential recreation sites. The plan also allocates lands for 30 existing or potential trails, totaling 240 miles. The plan also identifies management objectives for four visual resource management classifications.

Mineral and Energy Resource Management: Approximately 845,500 areas or 97 percent of BLM administered lands remain open to leasable energy/mineral leasing, and 829,000 acres or 96 percent are available for hardrock mineral mining claim location.

Dated: July 17, 1995.

Wayne Kuhn,

Acting District Manager, Medford District.

[FR Doc. 95–18063 Filed 7–21–95; 8:45 am]

BILLING CODE 6350–00–M

Bureau of Reclamation

South Bay Water Recycling Project, San Jose, CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability and notice of public hearings on the draft environmental impact statement.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969 (as amended), the Bureau of Reclamation (Reclamation) has prepared a draft environmental impact statement (DEIS) for the South Bay Water Recycling Project (SBWRP). The DEIS is based on a 1992 environmental impact report (EIR) prepared by the City of San Jose (City). The SBWRP would divert treated freshwater effluent from South San Francisco Bay through a water reclamation program. This would include construction of pump stations and recycled distribution pipelines. Reclamation would provide a grant of up to 25 percent of the total project cost to the City to support the SBWRP. A public hearing will be held to receive written or verbal comments on the DEIS from interested organizations and individuals on the environmental impacts of the proposal.

DATES: The DEIS will be available on August 1, 1995 for a 60-day public review period.

A public hearing on the DEIS will be held on August 23, 1995 at 4:00 p.m. at the San Jose Convention Center, First Floor, Room L, 150 West San Carlos Street, San Jose, CA 95113.

ADDRESSES: Written comments on the DEIS and requests for copies of the DEIS should be addressed to Mona Jefferies-Soniea, Bureau of Reclamation, Division of Resources Management Planning, 2800 Cottage Way, Sacramento, CA 95825; telephone: (916) 979–2297.

Copies of the DEIS are also available for public inspection and review at the following locations:

- Bureau of Reclamation, Mid-Pacific Regional Liaison, 1849 C Street NW., Washington, DC 20240; telephone: (202) 208–6274
- Bureau of Reclamation, Regional Director, Attn: MP–720 2800 Cottage Way, Sacramento, CA 95825–1898; telephone: (916) 979–2297
- Bureau of Reclamation, Mid-Pacific Regional Library, 2800 Cottage Way, Sacramento, CA 95825–1898; telephone: (916)979–2462
- City of San Jose, Environmental Services Department, Tech. Support Division., 700 Los Esteros Road, San Jose, CA 95134; telephone: (408)945–5300

Libraries

Copies will also be available for inspection at public libraries located in San Jose (Main, Alviso, Berryessa, East San Jose, Carnegie, and Empire Branches)

FOR FURTHER INFORMATION CONTACT: Ms. Jefferies-Soniea at the above address and telephone.

SUPPLEMENTARY INFORMATION: The SBWRP, formerly known as the San Jose Nonpotable Reclamation Project, was developed in response to an order from the Environmental Protection Agency (EPA) and San Francisco Regional Water Quality Control Board in order to re-establish salinity levels of the salt water marsh in the southern tip of San Francisco Bay. In addition to protecting the South Bay habitat, the program also develops nonpotable water supply for the Santa Clara Valley, which can be used in place of potable water for appropriate purposes. Funding will come from loans from the State Water Resources Control Board and EPA, a grant from Reclamation, and local funding.

The SBWRP would be implemented in two phases: Phase I would consist of installing facilities to supply up to 9,000 acre-feet/year of nonpotable water for landscape irrigation, agriculture and industrial uses. Phase II would consist of installing facilities to supply an additional up to 27,000 acre-feet/year for either nonpotable or potable use.

The City completed a final EIR for the SBWRP in November 1992. At that time, Reclamation had not been involved and therefore no compliance with NEPA was needed. The EIS will be based on this final EIR. The EIR analyzed Phase I in detail and analyzed Phase II programmatically.

The proposed action (Phase I) is to construct pump stations, storage tanks, 48.5 miles of 6 to 54-inch diameter pipeline and appurtenant facilities in the cities of San Jose, Santa Clara, and Milpitas. There would also be minor modifications of the existing San Jose/Santa Clara Water Pollution Control Plant to provide additional chlorination.

Alternatives to the proposed action include:

- Pipeline Alignment Alternative, to avoid construction of pipelines near residences.
- Flow Allocation Alternative, which would allocate most of the reclaimed water for potable uses. The water would be used for groundwater recharge, mainly using percolation basins.
- Habitat Enhancement Alternative, to also supply water to riparian restoration areas along creeks and rivers in the study area, as well as for potable and other nonpotable purposes.
- No Action.

Hearing Process Information

Written comments, for inclusion in the hearing record, from those unable to attend the hearing or wishing to supplement their oral presentation should be received at the Bureau of Reclamation by September 6, 1995.

Note: If special assistance is required, contact Mona Jefferies-Soniea at (916) 979–2297. Please notify Ms. Jefferies-Soniea as far in advance of the hearings as possible and not later than 1 week prior to the hearing date to enable Reclamation to secure the needed services. If a request cannot be honored, the requester will be notified.

Dated: July 17, 1995.

Dan M. Fults,

Acting Regional Director.

[FR Doc. 95–18085 Filed 7–21–95; 8:45 am]

BILLING CODE 4310–94–P

DEPARTMENT OF JUSTICE

Notice of Lodging a Final Judgment by Consent Pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)

Notice is hereby given that on July 10, 1995, a proposed consent decree in *United States v. Alumet Partnership, et al.,* Civ. A. No. 95–C–1718, was lodged with the United States District Court for the District of Colorado. The complaint in this action seeks recovery of costs under Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99–499, 42 U.S.C. 9606, 9607(a). This action involves the Lowry Landfill Superfund Site in Arapahoe County, Colorado.

The consent decree is a ''cash-out'' decree which requires a payment of $7.28 million and resolves the United States' cost claims against the Alumet Partnership and certain of that partnership's present and/or former general partners.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *United States* v. *Alumet Partnership, et al.,* DOJ Reference No. 90–11–2–93H. In accordance with Section 7003(d) of RCRA, 42 U.S.C. § 6973(d), commenters may request a public meeting in the affected areas.

The proposed consent decree may be examined at the Office of the United States Attorney for the District of Colorado, 1961 Stout Street, Suite 1100, Denver, Colorado 80294; the Region VIII office of the Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado 80202; and at the Consent Decree Library, 1120 ''G'' Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of each proposed decree may be obtained in person or by mail from the Consent Decree Library at the address listed above. In requesting a copy, please refer to the referenced case and number, and enclose a check in the amount of $7.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

Acting Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 95–18069 Filed 7–21–95; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Attestations Filed by Facilities Using Nonimmigrant Aliens as Registered Nurses

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is publishing, for public information, a list of the following health care facilities that have submitted attestations (Form ETA 9029 and explanatory statements) to one of four Regional Offices of DOL (Boston, Chicago, Dallas and Seattle) for the purpose of employing nonimmigrant alien nurses. A decision has been made on these organizations' attestations and they are on file with DOL.

ADDRESSES: Anyone interested in inspecting or reviewing the employer's attestation may do so at the employer's place of business.

Attestations and short supporting explanatory statements are also available for inspection in the U.S. Employment Service, Employment and Training Administration, Department of Labor, Room N–4456, 200 Constitution Avenue NW., Washington, DC 20210.

Any complaints regarding a particular attestation or a facility's activities under that attestation, shall be filed with a local office of the Wage and Hour Division of the Employment Standards Administration, Department of Labor. The address of such offices are found in many local telephone directories, or may be obtained by writing to the Wage and Hour Division, Employment Standards Administration, Department of Labor, Room S–3502, 200 Constitution Avenue NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Regarding the Attestation Process: Chief, Division of Foreign Labor Certifications, U.S. Employment Service. Telephone: 202–219–5263 (this is not a toll-free number).

Regarding the Complaint Process: Questions regarding the complaint process for the H–1A nurse attestation program will be made to the Chief, Farm Labor Program, Wage and Hour Division. Telephone: 202–219–7605 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Immigration and Nationality Act requires that a health care facility seeking to use nonimmigrant aliens as registered nurses first attest to the Department of Labor (DOL) that it is taking significant steps to develop, recruit and retain United States (U.S.) workers in the nursing profession. The law also requires that these foreign nurses will not adversely affect U.S. nurses and that the foreign nurses will be treated fairly. The facility's attestation must be on file with DOL before the Immigration and Naturalization Service will consider the facility's H–1A visa petitions for bringing nonimmigrant registered nurses to the United States. 26 U.S.C. 1101(a)(15)(H)(i)(a) and 1181(m). The regulations implementing the nursing attestation program are at 20 CFR part 655, subpart D, and 29 CFR part 504 (January 6, 1994). The Employment and Training Administration, pursuant to 20 CFR 655.310(c), is publishing the following list of facilities which have submitted attestations which have been accepted for filing.

The list of facilities is published so that U.S. registered nurses, and other persons and organizations can be aware of health care facilities that have requested foreign nurses for their staff. If U.S. registered nurses or other persons wish to examine the attestation (on Form ETA 9029) and the supporting documentation, the facility is required to make the attestation and documentation available. Telephone numbers of the facilities chief executive officer also are listed to aid public inquiries. In addition, attestations and explanatory statements (but not the full supporting documentation) are available for inspection at the address for the Employment and Training Administration set forth in the **ADDRESSES** section of this notice.

If a person wishes to file a complaint regarding a particular attestation or a facility's activities under the attestation, such complaint must be filed at the

address for the Wage and Hour Division of the Employment Standards Administration set forth in the **ADDRESSES** section of this notice.

Signed at Washington, DC, this 18th day of July 1995.

John M. Robinson,

Deputy Assistant Secretary, Employment and Training Administration.

DIVISION OF FOREIGN LABOR CERTIFICATIONS, HEALTH CARE FACILITY ATTESTATIONS

[FORM ETA–9029]

CEO-Name/Facility Name/Address	State	Action date
ETA REGION 1 05/15/95 TO 05/21/95		
Gary Caserta, Barnett Multi-Health Care, 28 75 Main Street, Bridgeport, CT 06606, 203–336–0232 ETA CONTROL NUMBER—1/219629 ACTION—ACCEPTED	CT	05/19/95
John Morosco, Cove Manor Convalescent, 36 Morris Cove Road, New Haven, CT 06512, 203–467–6357 ETA CONTROL NUMBER—1/219741 ACTION—ACCEPTED	CT	05/19/95
Faroog H. Khan, Montowese Healthcare & Rehab Ctr., 163 Quinnipiac Avenue, North Haven, CT 06473, 203–624–3303. ETA CONTROL NUMBER—1/219632 ACTION—ACCEPTED	CT	05/19/95
Frank Fumai, Cathedral Health Care System, Inc., 155 Jefferson St., Newark, NJ 07105, 201–465–2721 ETA CONTROL NUMBER—1/219630 ACTION—ACCEPTED	NJ	05/19/95
Keith McLaughlin, Raritan Bay Medical Center, 530 New Brunswick Ave., Perth Amboy, NJ 08861, 908–442–3700 .. ETA CONTROL NUMBER—1/219635 ACTION—ACCEPTED	NJ	05/19/95
Janice Marchelle, Whiting Healthcare Center, 3000 Hilltop Road, Whiting, NJ 08759, 908–849–4400 ETA CONTROL NUMBER—1/219523 ACTION—ACCEPTED	NJ	05/15/95
Mildred Pearl, Brookhaven Beacch H.R.F., 250 Beach 17th Street, Far Rockaway, NY 11691, 718–471–7500 ETA CONTROL NUMBER—1/219538 ACTION—ACCEPTED	NY	05/15/95
Leticia Matias, Professional Care & Consultants, 205–07 Hillside Ave., Suite 28, Hollis, NY 11423, 718–740–0123 ... ETA CONTROL NUMBER—1/219638 ACTION—ACCEPTED	NY	05/19/95
ETA REGION 1 05/29/95 TO 06/04/95		
Manuel P. De Ramos, Onell Profes'l Healthcare Recruit., 6750 Doti Point Drive, San Diego, CA 92139, 619–475–4346. ETA CONTROL NUMBER—1/220015 ACTION—ACCEPTED	CA	06/02/95
Gerry E. Goodrich, Irvington General Hospital, 832 Chancellor Avenue, Irvington, NJ 07111, 201–399–6131 ETA CONTROL NUMBER—1/219806 ACTION—ACCEPTED	NJ	06/01/95
Magdy Elamir, Jersey City Neurological Center, 550 Summit Avenue, Jersey City, NJ 07306, 201–653–0022 ETA CONTROL NUMBER—1/219842 ACTION—ACCEPTED	NJ	06/01/95
Shirley Lawler, Professional Nurse Recruitment, 211 Main Avenue, Passaic, NJ 07055–5402, 201–779–1479 ETA CONTROL NUMBER—1/219811 ACTION—ACCEPTED	NJ	06/01/95
Earnest Ragin, Glen Island Care Center, 490 Pelham Road, New Rochelle, NY 10805, 914–636–2800 ETA CONTROL NUMBER—1/220068 ACTION—ACCEPTED	NY	06/02/95
Ruth Malave, Nephro-Care, Inc., West, 358–362 4th Avenue, Brooklyn, NY 11215, 718–858–6675 ETA CONTROL NUMBER—1/219895 ACTION—ACCEPTED	NY	06/01/95
Paul C. Maggio, Patchogue Nursing Center, 25 Schoenfeld Blvd., Patchogue, NY 11772, 516–289–7700 ETA CONTROL NUMBER—1/219810 ACTION—ACCEPTED	NY	06/01/95
Mr. Barbara Lerro, Shore Front Jewish Geriatric Ctr., 3015 West 29th Street, Brooklyn, NY 11224, 718–851–3700 ... ETA CONTROL NUMBER—1/219841 ACTION—ACCEPTED	NY	06/01/95
Rose M. Ortiz, Southern Westchester Dialysis Ctr., 44 Vark Street, Yonkers, NY 10701, 914–965–0200 ETA CONTROL NUMBER—1/219894 ACTION—ACCEPTED	NY	06/01/95
Rosalinda Amodia, United Homecare, Inc., 179–35 90th Avenue, Jamaica, NY 11432, 718–657–8676, ETA CONTROL NUMBER—1/219896 ACTION—ACCEPTED	NY	06/01/95
ETA REGION 10 06/19/95 TO 06/25/95		
Vicki McAllister, Plaza Healthcare, 1475 North Granite Reef Road, Scottsdale, AZ 85257, 520–874–5361 ETA CONTROL NUMBER—10/207407 ACTION—ACCEPTED	AZ	06/21/95
Phoebe Dinsmore, Alden Terrace Convalescent Hosp., 1240 South Hoover Street, Los Angeles, CA 90006, 213–389–6900. ETA CONTROL NUMBER—10/207408 ACTION—ACCEPTED	CA	06/21/95
David Friedman, Burlington Convalescent Hospital, 845 S. Burlington Avenue, Los Angeles, CA 90057, 213–381–5585. ETA CONTROL NUMBER—10/207409 ACTION—ACCEPTED	CA	06/21/95
David Friedman, Casa Bonita Convalescent Hospital, 535 E. Bonita Avenue, San Dimas, CA 91773, 818–967–2117 ETA CONTROL NUMBER—10/207411 ACTION—ACCEPTED	CA	06/21/95
Teresa Guzman, Chelvan's International, 16420 Halsted Street, North Hills, CA 91343, 818–893–5358 ETA CONTROL NUMBER—10/207494 ACTION—ACCEPTED	CA	06/22/95
David Friedman, Colonial Care Center, 1913 E. 5th Street, Long Beach, CA 94802, 310–432–5751 ETA CONTROL NUMBER—10/207412 ACTION—ACCEPTED	CA	06/21/95
Norma L. Abenoja, Colony Park Care Center, 159 East Orangeburg, Modesto, CA 95350, 209–526–2811	CA	06/22/95

DIVISION OF FOREIGN LABOR CERTIFICATIONS, HEALTH CARE FACILITY ATTESTATIONS—Continued
[FORM ETA–9029]

CEO-Name/Facility Name/Address	State	Action date
ETA CONTROL NUMBER—10/207404 ACTION—ACCEPTED		
Julieta Cortez, Excellence International, 5410 Wilshire Boulevard, Suite 241, Los Angeles, CA 90036, 213–939–7538.	CA	06/22/95
ETA CONTROL NUMBER—10/207493 ACTION—ACCEPTED		
David Friedman, Green Acres Lodge, 8101 E. Hill Drive, Rosemead, CA 91770, 818–280–5682	CA	06/21/95
ETA CONTROL NUMBER—10/207414 ACTION—ACCEPTED		
David Friedman, Imperial Care Center, 11441 Ventura Blvd., Studio City, CA 91604, 213–877–7077	CA	06/21/95
ETA CONTROL NUMBER—10/207415 ACTION—ACCEPTED		
David Friedman, Longwood Manor Convalescent Hosp., 4853 W. Washington Blvd., Los Angeles, CA 90016, 213–935–1157.	CA	06/21/95
ETA CONTROL NUMBER—10/207417 ACTION—ACCEPTED		
David Friedman, Magnolia Gardens Convalescent Hosp., 17922 San Fernando Mission, Granada Hills, CA 91344, 818–360–1864.	CA	06/21/95
ETA CONTROL NUMBER—10/207418 ACTION—ACCEPTED		
Evangeline Mercado, Marina Convalescent Center, 3201 Fernside Boulevard, Alameda, CA 94501, 510–523–2363 ..	CA	06/22/95
ETA CONTROL NUMBER—10/207513 ACTION—ACCEPTED		
Evangeline Mercado, Mission Blvd Convalescent Hospital, 38650 Mission Boulevard, Fremont, CA 94536, 510–793–3000.	CA	06/22/95
ETA CONTROL NUMBER—10/207513 ACTION—ACCEPTED		
Linda Luikart, Mission Terrace Convalescent Hosp., 623 West Junipero Street, Santa Barbara, CA 93105, 805–682–7443.	CA	06/22/95
ETA CONTROL NUMBER—10/207495 ACTION—ACCEPTED		
David Friedman, Monterey Care Center, 1267 San Gabriel Blvd., Rosemead, CA 91770, 213–283–9040	CA	06/21/95
ETA CONTROL NUMBER—10/207419 ACTION—ACCEPTED		
David Friedman, Northridge Care Center, 7836 Reseda Blvd., Reseda, CA 91335, 818–881–7414	CA	06/21/95
ETA CONTROL NUMBER—10/207420 ACTION—ACCEPTED		
Phoebe Dinsmore, Park Anaheim Health Care Center, 3435 West Ball Road, Anaheim, CA 92804, 213–389–6900 ...	CA	06/21/95
ETA CONTROL NUMBER—10/207421 ACTION—ACCEPTED		
Nina Frye, Pittsburg Care Center, 535 School Street, Pittsburg, CA 94565, 510–432–3831	CA	06/22/95
ETA CONTROL NUMBER—10/207402 ACTION—ACCEPTED		
David Friedman, San Gabriel Convalescent Hospital, 8035 East Hill Drive, Rosemead, CA 91770, 213–283–0932	CA	06/21/95
ETA CONTROL NUMBER—10/207422 ACTION—ACCEPTED		
David Friedman, Shea Convalescent Hospital, 7716 S. Pickering Avenue, Whittier, CA 90602, 310–693–5240	CA	06/21/95
ETA CONTROL NUMBER—10/207423 ACTION—ACCEPTED		
Peggy Urton Cave, Boulder City Care Center, 601 Adams, Boulder City, NV 89005, 800–736–2799	NV	06/22/95
ETA CONTROL NUMBER—10/207546 ACTION—ACCEPTED		
Peggy Urton Cave, Carson Convalescent Center, 2898 Highway 50 East, Carson City, NV 89701, 800–736–2799	NV	06/22/95
ETA CONTROL NUMBER—10/207547 ACTION—ACCEPTED		
Peggy Urton Cave, Desert Lane Care Center, 660 Desert Lane, Las Vegas, NV 89106, 800–736–2799	NV	06/22/95
ETA CONTROL NUMBER—10/207548 ACTION—ACCEPTED		
Peggy Urton Cave, Fallon Convalescent Center, 365 West A Street, Fallon, NV 89406, 800–736–2799	NV	06/22/95
ETA CONTROL NUMBER—10/207549 ACTION—ACCEPTED		
Peggy Urton Cave, Hearthstone, 1950 Baring Boulevard, Sparks, NV 89431, 800–736–2799	NV	06/22/95
ETA CONTROL NUMBER—10/207550 ACTION—ACCEPTED		
Peggy Urton Cave, Henderson Convalescent Hospital, 1180 East Lake Mead, Henderson, NV 89015, 800–736–2799.	NV	06/22/95
ETA CONTROL NUMBER—10/207544 ACTION—ACCEPTED		
Peggy Urton Cave, North Las Vegas Care Center, 3215 East Cheyenne Avenue, Las Vegas, NV 89030, 800–736–2799.	NV	06/22/95
ETA CONTROL NUMBER—10/207551 ACTION—ACCEPTED		
Peggy Urton Cave, Physician's Hosp for Extended Care, 2045 Silverado Boulevard, Reno, NV 89512, 800–736–2799.	NV	06/22/95
ETA CONTROL NUMBER—10/207552 ACTION—ACCEPTED		
Peggy Urton Cave, Sierra Convalescent Center, 210 Koontz Lane, Carson City, NV 89701, 800–736–2799	NV	06/22/95
ETA CONTROL NUMBER—10/207553 ACTION—ACCEPTED		
Peggy Urton Cave, Vegas Valley Convalescent Center, 2945 Casa Vegas, Las Vegas, NV 89109, 800–736–2799 ...	NV	06/22/95
ETA CONTROL NUMBER—10/207554 ACTION—ACCEPTED		
Peggy Urton Cave, Washoe Care Center, 1375 Baring Boulevard, Sparks, NV 89431, 800–736–2799	NV	06/22/95
ETA CONTROL NUMBER—10/207555 ACTION—ACCEPTED		
ETA REGION 5 06/05/95 TO 06/11/95		
Charlie Thompson, IHS of Colorado Springs, 3625 Parkmoor Village Drive, Colorado Springs, CO 80917, 719–550–0200.	CO	06/05/95
ETA CONTROL NUMBER—5/243226 ACTION—ACCEPTED		
Robert Knight, IHS of Mesa Manor, 2901 North 12th Street, Grand Junction, CO 81506–2897, 970–243–7211	CO	06/05/95
ETA CONTROL NUMBER—5/243225 ACTION—ACCEPTED		
Rose Marie Betz, Carlton at the Lake, Inc., 725 W. Montrose Avenue, Chicago, IL 60613, 312–929–1700	IL	06/05/95
ETA CONTROL NUMBER—5/243213 ACTION—ACCEPTED		
Gracy Jacob, Manor at Lincolnwood Place, 2000 McCormick Blvd., Lincolnwood, IL 60645, 708–673–7166	IL	06/05/95

DIVISION OF FOREIGN LABOR CERTIFICATIONS, HEALTH CARE FACILITY ATTESTATIONS—Continued
[FORM ETA–9029]

CEO-Name/Facility Name/Address	State	Action date
ETA CONTROL NUMBER—5/243230 ACTION—ACCEPTED		
Sam Gorenstein, Metro Nursing Center of Bridgview, 8540 South Harlem, Bridgeview, IL 60455, 708–598–2605	IL	06/05/95
ETA CONTROL NUMBER—5/243231 ACTION—ACCEPTED		
Debra S. Cook, Sharwood Health Care, Inc., 2202 N. Kickapoo, Lincoln, IL 62656, 217–735–1538	IL	06/05/95
ETA CONTROL NUMBER—5/243228 ACTION—ACCEPTED		
Paul Rowley, Meridian Nursing Center (Homewood), 6000 Bellona Avenue, Baltimore, MD 21212, 410–323–4223	MD	06/05/95
ETA CONTROL NUMBER—5/243220 ACTION—ACCEPTED		
Sally Frank or Renea Brunke, Berrien General Hospital, 6418 Deans Hill Road, Berrien Center, MI 49102, 616–471–5666.	MI	06/05/95
ETA CONTROL NUMBER—5/243234 ACTION—ACCEPTED		
Dona Watkins, Charleston Area Medical Center, 3200 MacCorkle Ave., Charleston, WV 25304, 304–348–7458	WV	06/05/95
ETA CONTROL NUMBER—5/243216 ACTION—ACCEPTED		
ETA REGION 5 06/12/95 TO 06/18/95		
Zachary Caulkins/Morris Esformes, Crestwood Terrace, 1330 South Central, Crestwood, IL 60445, 708–597–5251 ...	IL	06/14/95
ETA CONTROL NUMBER—5/244255 ACTION—ACCEPTED		
Judy Majchrowicz/Morris Esforme, Frankfurt Terrace, 40 N. Smith Street, P.O. Box 460, Frankfurt, IL 60423, 815–469–3156.	IL	06/14/95
ETA CONTROL NUMBER—5/244256 ACTION—ACCEPTED		
Marilyn Ferbend or Morris Esformes, Joliet Terrace, 2230 McDonough, Joliet, IL 60436, 815–729–3801	IL	06/15/95
ETA CONTROL NUMBER—5/244280 ACTION—ACCEPTED		
Peggy Likewise, North Central Dialysis Centers, 161 North Clark Street, Suite 1200, Chicago, IL 60601, 312–634–6850.	IL	06/14/95
ETA CONTROL NUMBER—5/244252 ACTION—ACCEPTED		
Jennie Roberts, Meridian Nursing Center-Frederick, 400 North Avenue, Frederick, MD 21701, 301–663–5181	MD	06/14/95
ETA CONTROL NUMBER—5/244249 ACTION—ACCEPTED		
Sharon Schultz, Park Manor, Ltd., 250 Lawrence Avenue, Park Falls, WI 54552, 715–762–2449	WI	06/14/95
ETA CONTROL NUMBER—5/244243 ACTION—ACCEPTED		
ETA REGION 5 06/19/95 TO 06/25/95		
Randall Doine, IHS at Cheyenne Mountain, 835 Tenderfoot Hill Road, Colorado Springs, CO 80906, 719–576–8380	CO	06/20/95
ETA CONTROL NUMBER—5/244595 ACTION—ACCEPTED		
Renee Duke, Ashwood Health Care Center, 134 N. McLean Blvd., Elgin, IL 60123, 708–742–8822	IL	06/20/95
ETA CONTROL NUMBER—5/244621 ACTION—ACCEPTED		
Barry Carr, Claridge Imperial Ltd., dba Imperial Convalescent & Geriat, 1366 W. Fullerton Avenue, Chicago, IL 60614, 312–248–9300.	IL	06/20/95
ETA CONTROL NUMBER—5/244609 ACTION—ACCEPTED		
Robert D. Yearian, Dixon Healthcare Center, 141 North Court, Dixon, IL 61021, 815–288–1477	IL	06/20/95
ETA CONTROL NUMBER—5/244607 ACTION—ACCEPTED		
Demy Rafael, Abbott House, 405 Central Avenue, Highland Park, IL 60035, 708–432–6080	IL	06/20/95
ETA CONTROL NUMBER—5/244610 ACTION—ACCEPTED		
Richard Manson, St. Joseph's Home for the Aged, 659 E. Jefferson Street, Freeport, IL 61032, 815–832–6181	IL	06/20/95
ETA CONTROL NUMBER—5/244562 ACTION—ACCEPTED		
Joseph F. Juknelis, Union Memorial Hospital, 201 East University Parkway, Baltimore, MD 21218, 410–554–2543	MD	06/20/95
ETA CONTROL NUMBER—5/244611 ACTION—ACCEPTED		
Linda Funds, Bedford Villa Nursing Center, 16240 W. 12 Mile Road, Southfield, MI 48076, 810–557–3333	MI	06/20/95
ETA CONTROL NUMBER—5/244624 ACTION—ACCEPTED		
Marcia Jaszcz, Bellewoods Continuing Care Center, 44401 I94 Service Drive, Belleville, MI 48111, 313–697–8051 ...	MI	06/20/95
ETA CONTROL NUMBER—5/244617 ACTION—ACCEPTED		
Ms. Patricia Strugeon, Fairlane Nursing Centre, 15750 Joy Road, Detroit, MI 48228, 313–273–6850	MI	06/20/95
ETA CONTROL NUMBER—5/244561 ACTION—ACCEPTED		
Aniceta A. Vista, Global Home Care, Inc., 1575 W. Hamlin Rd., Rochester Hills, MI 48309, 810–299–4663	MI	06/20/95
ETA CONTROL NUMBER—5/244627 ACTION—ACCEPTED		
Linda K. Kelsey, Marian Manor Nursing Care Center, 18591 Quarry Road, Riverview, MI 48192, 313–282–2100	MI	06/20/95
ETA CONTROL NUMBER—5/244614 ACTION—ACCEPTED		
ETA REGION 5 07/03/95 TO 07/09/95		
Jane E. Lupp, Prowers Medical Center, 401 Kendall Drive, Lamar, CO 81052, 719–336–4343	CO	07/06/95
ETA CONTROL NUMBER—5/245478 ACTION—ACCEPTED		
Brenda Holder or Theresa D. Kolaz, Brightview Care Center, Inc., 4538 N. Beacon Street, Chicago, IL 60640, 312–275–7200.	IL	07/06/95
ETA CONTROL NUMBER—5/245475 ACTION—ACCEPTED		
Colleen Girote, Fairview Nursing Home, Inc., 701 North La Grange Road, La Grange, IL 60525, 708–354–7300	IL	07/06/95

DIVISION OF FOREIGN LABOR CERTIFICATIONS, HEALTH CARE FACILITY ATTESTATIONS—Continued
[FORM ETA–9029]

CEO-Name/Facility Name/Address	State	Action date
ETA CONTROL NUMBER—5/245487 ACTION—ACCEPTED		
T.G. Lee, Satanta District Hospital, Corner of Cheyenne & Apache Sts., P.O. Box 159, Satanta, KS 67870–0159, 316–649–2761.	KS	07/06/95
ETA CONTROL NUMBER—5/245489 ACTION—ACCEPTED		
Salvatore Bensiatto, Eastwood Nursing Center, 626 East Grand Boulevard, Detroit, MI 48207, 313–923–5816	MI	07/06/95
ETA CONTROL NUMBER—5/245473 ACTION—ACCEPTED		
Gloria Camano, L & L Nursing Center, 13241 West Chicago Road, Detroit, MI 48228, 313–935–0935	MI	07/06/95
ETA CONTROL NUMBER—5/245472 ACTION—ACCEPTED		
Angela Willis, Lake Pointe Villa, 37700 Harper, Clinton Township, MI 48036, 810–468–0827	MI	07/06/95
ETA CONTROL NUMBER—5/245477 ACTION—ACCEPTED		
Salvatore Benisatto, Westwood Nursing Center, 16588 Schaefer, Detroit, MI 48235, 313–345–5000	MI	07/06/95
ETA CONTROL NUMBER—5/245474 ACTION—ACCEPTED		
ETA REGION 6 06/05/95 TO 06/11/95		
Mr. Herbert L. Rogers, Jr., Lake Highlands Retire/Nursing Ctr., 151 E. Minnehaha Avenue, Clermont, FL 34711, 904–394–2188.	FL	06/08/95
ETA CONTROL NUMBER—6/228607 ACTION—ACCEPTED		
ETA REGION 6 06/19/95 TO 06/25/95		
Jaye Stewart, Pineview Health Care Center Inc., P.O. Box 148, 505 Bay, Pineview, GA 31071, 912–624–2437	GA	06/21/95
ETA CONTROL NUMBER—6/229215 ACTION—ACCEPTED		
Vernon Stevens, Riverland Medical Center, 1700 East Wallace Blvd., Ferriday, LA 71334, 318–757–6551	LA	06/22/95
ETA CONTROL NUMBER—6/228608 ACTION—ACCEPTED		
Winifred Wilkinson, Sharkey/Issaquena Community Hosp., 108 South 4th Street, Rolling Fork, MS 39159, 601–873–4396.	MS	06/22/95
ETA CONTROL NUMBER—6/229454 ACTION—ACCEPTED		
Mr. Jerry Ivey, Court Manor Nursing Center, 1414 Court, Memphis, TN 38104–6395, 901–272–2494	TN	06/22/95
ETA CONTROL NUMBER—6/229599 ACTION—ACCEPTED		
Mr. Jerry Ivey, Cumberland Manor Nursing Center, 4343 Hydes Ferry Pike, Nashville, TN 37218–2425, 615–726–0492.	TN	06/22/95
ETA CONTROL NUMBER—6/229598 ACTION—ACCEPTED		
Mr. Jerry Ivey, Decatur County Nursing Center, 1051 Kentucky Avenue, Route 1, Box D–1, Parsons, TN 38363–9798, 901–847–6371.	TN	06/22/95
ETA CONTROL NUMBER—6/229601 ACTION—ACCEPTED		
Mr. Jerry Ivey, Forest Cove Nursing Center, 45 Forest Cove, Jackson, TN 38301–4396, 901–424–4200	TN	06/22/95
ETA CONTROL NUMBER—6/229600 ACTION—ACCEPTED		
Mr. Jerry L. Ivey, Franklin Manor Nursing Center, 1501 Columbia Avenue, Franklin, TN 37064–3888, 615–794–2624	TN	06/22/95
ETA CONTROL NUMBER—6/229603 ACTION—ACCEPTED		
Mr. Jerry L. Ivey, Resthaven Manor Nursing Center, 300 North Bellevue, Memphis, TN 38105–4397, 901–726–9786	TN	06/22/95
ETA CONTROL NUMBER—6/229597 ACTION—ACCEPTED		
Mr. Jerry L. Ivey, Westwood Health Care Center, West Main Street, P.O. Box 190, Decaturville, TN 38329, 901–852–3591.	TN	06/22/95
ETA CONTROL NUMBER—6/229602 ACTION—ACCEPTED		
Mr. J. Barry Shevchuk, Houston Northwest Medical Center, 710 FM 1960 West, Houston, TX 77090, 713–440–2288	TX	06/22/95
ETA CONTROL NUMBER—6/229604 ACTION—ACCEPTED		
Michael Koch, Oak Manor Nursing Center, 624 North Converse Street, Flatonia, TX 78941, 512–865–3571	TX	06/22/95
ETA CONTROL NUMBER—6/229455 ACTION—ACCEPTED		
Nancy Saenz, Retama Manor Living Center, 900 S. 12th, McAllen, TX 78501, 210–682–4171	TX	06/21/95
ETA CONTROL NUMBER—6/229457 ACTION—ACCEPTED		
Sharon Heinrich, Schulenburg Regency Nursing Center, 111 College, Schulenburg, TX 78956, 409–743–6537	TX	06/22/95
ETA CONTROL NUMBER—6/229456 ACTION—ACCEPTED		
Ariel Malixi, St. Joseph Rehabilitation Center, 415 E. Airport Freeway, Suite 105, Irving, TX 75062, 214–257–1886 ..	TX	06/22/95
ETA CONTROL NUMBER—6/229605 ACTION—ACCEPTED		
ETA REGION 6 06/26/95 TO 07/02/95		
Mr. Rajendra Kumar Dayal, Synergy Solutions, 118 West Streetsboro Road #236, Hudson, OH 44236, 216–849–1040.	OH	06/27/95
ETA CONTROL NUMBER—6/230114 ACTION—ACCEPTED		

[FR Doc. 95–18127 Filed 7–21–95; 8:45 am]
BILLING CODE 4510–30–P

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Full Committee Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on August 8–9, 1995, at the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, NW, C–5515, Seminar Room 6, Washington, DC. The meetings of the full Committee are open to the public and will begin at 9 a.m. on August 8 and at 8:30 a.m. on August 9. The meeting will conclude at approximately 5:00 p.m. on August 8 and at approximately 12:30 p.m. on August 9.

On August 8, OSHA will brief the ACCSH regarding the status of standards-related activities for construction. In particular, the Agency will report on the deliberations of the Steel Erection Negotiated Rulemaking Advisory Committee; the draft final rule for scaffolds; legislative and policy issues; industrial trucks; electrical safety; commercial diving; and the activities of OSHA's Office of Construction and Engineering.

After a lunch break, the Advisory Committee will discuss the Draft Protective Standard for Musculoskeletal Disorders in Construction, which has been prepared by an ACCSH workgroup. The workgroup will make this document available to the public on August 4. For copies call (202) 219–8615.

Once the ACCSH members have completed their discussion, there will be an opportunity for public comments, as provided by the procedures set out below, regarding the draft document.

On August 9, the work groups on Safety and Health Programs, Electrical Safety, and Health and Safety for Women in Construction will report back to the full Advisory Committee and the full Committee will discuss the reports from the work groups.

Written data, views or comments may be submitted, preferably with 20 copies, to the Division of Consumer Affairs, at the address provided below. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting.

Anyone who wishes to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Persons who request the opportunity to address the Advisory Committee may be allowed to speak, as time permits, at the discretion of the Chairman of the Advisory Committee. Individuals with disabilities who wish to attend the meeting should contact Tom Hall, at the address indicated below, if special accommodations are needed.

For additional information contact: Holly Nelson, Office of the Assistant Secretary, Room S–2316, Telephone 202–219–6027; or Tom Hall, Division of Consumer Affairs, Room N–3647, Telephone 202–219–8615, at the Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, DC 20210. An official record of the meeting will be available for public inspection at the OSHA Docket Office, Room N–2625, Telephone 202–219–7894.

Signed at Washington, DC., this 18th day of July, 1995.

Joseph A. Dear,

Assistant Secretary of Labor.

[FR Doc. 95–18130 Filed 7–21–95; 8:45 am]
BILLING CODE 4510–26–M

Office of Federal Contract Compliance Programs

Notice of Reinstatement of Kimmins Abatement Company, Inc., Kimmins Industrial Service Corporation, and Thermocor Kimmins Company, Inc.

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Notice of Reinstatement, Kimmins Abatement Company, Inc; Kimmins Industrial Service Corporation; and Thermocor Kimmins Company, Inc.

SUMMARY: This notice advises that Kimmins Abatement Company, Inc.; Kimmins Industrial Service Corporation; and Thermocor Kimmins Company, Inc., have been reinstated as eligible bidders on Federal contracts and subcontracts and federally-assisted construction contracts.

FOR FURTHER INFORMATION CONTACT: Joe N. Kennedy, Deputy Director, Office of Federal Contract Compliance Programs, U.S. Department of labor, 200 Constitution Avenue N.W., Room C–3325, Washington, D.C. 20210 ((202) 219–9475).

SUPPLEMENTARY INFORMATION: Kimmins Abatement Company, Inc.; Kimmins Industrial Service Corporation; and Thermocor Kimmins Company, Inc., Niagara Falls, New York, are as of this date, reinstated as eligible bidders on Federal contracts and subcontracts.

Signed July 18, 1995, Washington, D.C.

Joe N. Kennedy,

Deputy Director, OFCCP.

[FR Doc. 95–18128 Filed 7–21–95; 8:45 am]
BILLING CODE 4510–27–M

LEGAL SERVICES CORPORATION

Grant Awards For Law School Civil Clinical Programs

AGENCY: Legal Services Corporation.

ACTION: Announcement of Grant Awards.

SUMMARY: The Legal Services Corporation (LSC/Corporation) hereby announces its intention to award nine (9) grants under its Law School Civil Clinical Program to expand relationships between legal services programs and law schools in meeting the challenges of equal access to justice.

DATES: All comments and recommendations must be received on or before the close of business on August 23, 1995.

ADDRESSES: Office of Program Services, Legal Services Corporation, 750 First Street, 11th Floor, Washington, D.C. 20002–4250.

FOR FURTHER INFORMATION CONTACT: Janice P. White, Office of Program Services, (202) 336–8924.

SUPPLEMENTARY INFORMATION: Pursuant to the Corporation's announcement of funding availability on February 7, 1995 (FR Vol. 60, No. 25, pp. 7224, 7225), a total of $723,000 will be awarded to the following organizations:

Name of organization	State	Amount
1. Brooklyn Legal Services Corp. ''A''/ CUNY Law School.	NY	$76,000
2. District of Columbia School of Law.	DC	75,000
3. Idaho Legal Aid Service.	ID	69,500
4. Delaware County Legal Assistance.	DE	59,500
5. National Association for Public Interest Law.	DC	184,300
6. Evergreen Legal Services.	WA	50,000
7. St. Mary's University School of Law.	TX	79,000

Name of organization	State	Amount
8. Santa Clara University School of Law.	CA	69,000
9. Southern New Mexico Legal Services.	NM	60,700

These one-time, one-year grants are awarded under the authority conferred on LSC by Section 1006(a)(1)(B) and 1006(a)(3) [(42 U.S.C. 2996e(a)(1)] of the Legal Services Corporation Act of 1974, as amended (LSC Act). This public notice is issued pursuant to Section 1007(f) of the LSC Act, with a request for comments and recommendations within a period of thirty (30) days from the date of publication of this notice. Grant awards will become effective and grant funds will be distributed upon the expiration of this 30-day public comment period.

Dated: July 18, 1995.

Merceria L. Ludgood,

Director, Office of Program Services.

[FR Doc. 95–18055 Filed 7–21–95; 8:45 am]

BILLING CODE 7050–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–160–OM; ASLBP No. 95–710–01–OM]

Georgia Institute of Technology; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding.

Georgia Institute of Technology (Georgia Tech) Research Reactor, Atlanta, Georgia

Facility Operating License No. R–97

This Board is being established pursuant to the request submitted by Glenn Carroll on behalf of Georgians Against Nuclear Energy (GANE) for a hearing regarding an Order issued by the Acting Director, Office of Nuclear Reactor Regulation, dated June 16, 1995, entitled ''Order Modifying Facility Operating License No. R–97 (60 FR 32516–18, June 22, 1995). The order adds and revises license conditions and technical specifications. Georgia Tech's license authorizes operation of the research reactor at steady state power levels up to 5 megawatts thermal. The research reactor is located in the Neely Nuclear Research Center in the north central portion of the Georgia Tech campus in Atlanta, Georgia. An order designating the time and place of any hearing will be issued at a later date.

All correspondence, documents and other materials shall be filed in accordance with 10 CFR 2.701. The Board consists of the following Administrative Judges:

Charles Bechhoefer, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Jerry R. Kline, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Peter S. Lam, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Issued at Rockville, Maryland, this 18th day of July 1995.

James P. Gleason,

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 95–18100 Filed 7–21–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–266 and 50–301]

Wisconsin Electric Power Co., (Point Beach Nuclear Plant, Units 1 and 2); Exemption

I.

Wisconsin Electric Power Company (WEPCO, the licensee) is the holder of Facility Operating License Nos. DPR–24 and DPR–27 which authorize operation of Point Beach Nuclear Plant (PBNP), Unit Nos. 1 and 2. The units are pressurized water reactors (PWR) located in Manitowoc County, Wisconsin. The licenses provide, among other things, that the facilities are subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

II

Section III.G.1 of Appendix R to 10 CFR Part 50 requires, in part, that fire protection features shall be provided for structures, systems, and components important to safe shutdown and that one train of systems necessary to achieve and maintain hot shutdown conditions be free of fire damage.

Section III.G.2 of Appendix R requires that (except as provided for in Section III.G.3), where cables or equipment (including associated nonsafety circuits that could prevent operation or cause maloperation due to hot shorts, open circuits, or shorts to ground) of redundant trains of systems necessary to achieve and maintain hot shutdown conditions are located within the same fire area outside of primary containment, certain specified means be provided to ensure that one of the redundant trains is free of fire damage.

Pursuant to 10 CFR 50.12(a), the NRC may grant exemptions from the requirements of the regulations (1) which are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) where special circumstances are present.

By letter dated August 5, 1994, as supplemented by letters dated September 9, 1994, October 31, 1994, and February 28, 1995, the licensee requested an exemption from Section III.G.2.b of Appendix R to 10 CFR Part 50, to the extent that it requires the separation of redundant trains of safe shutdown cables and equipment by a horizontal distance of more than 20 feet, with no intervening combustibles, in the auxiliary feedwater pump fire area. Intervening combustibles in the form of cable fill in three cable trays, added as part of the diesel generator addition project, are located within the separation space between redundant trains of cables and equipment required to achieve and maintain safe shutdown after a fire. In addition, the horizontal separation provided between redundant auxiliary feedwater pumps is only 14 feet.

The staff previously granted an exemption for intervening combustibles in this fire area in a Safety Evaluation dated July 3, 1985. This evaluation stated that the minimum separation between redundant trains was 26 feet with a maximum separation of 60 feet. However, this space contains cable trays installed horizontal and parallel to the trays containing redundant cables. Based on the wide separation of the redundant trains, the configuration and limited amount of intervening combustibles, and the installed automatic Halon suppression system, the staff concluded that it is unlikely that an exposure fire or electrically initiated fire of the sufficient magnitude to prevent safe shutdown could develop prior to actuation of the Halon system and the arrival of the fire brigade. The three new cable trays (GW01–03, GN 01–03, and GC01–02), installed as part of the diesel generator addition project, are routed perpendicular to the redundant trains and provide a continuous path of combustibles between the redundant trains of equipment and cabling. This new configuration is outside the scope of the exemption granted to the licensee on July 3, 1985.

The auxiliary feedwater pump fire area contains the following safe shutdown equipment and cables: Two steam-driven and two motor-driven auxiliary feedwater pumps; local control panels for the motor-driven feedwater and service water pumps; power and control cables for the charging pumps; instrumentation equipment and cables; residual heat removal and component cooling water pump cables; and emergency AC power and DC control cables.

One auxiliary feedwater pump and one service water pump are required to remain operable to achieve hot shutdown following a fire. The conduits containing power cables for one train of charging pumps for each unit in this area are enclosed in a fire barrier having a rating of one hour, in accordance with the requirements of Section III.G.2.c of Appendix R to 10 CFR Part 50. Instrumentation cables in trays and some conduits are separated by a minimum horizontal distance of 20 feet. This separation distance is not free of intervening combustibles. Instrumentation cables routed in conduit that are not separated by a horizontal distance of 20 feet have been enclosed in a fire barrier assembly having a rating of 1 hour, in accordance with the requirements of Section III.G.2.c of Appendix R to 10 CFR Part 50. The licensee has provided repair procedures and materials so that systems in this area necessary to achieve and maintain cold shutdown can be repaired within 72 hours, in accordance with the requirements of Section III.G.1.b of Appendix R to 10 CFR Part 50.

The cables installed in the new trays meet the flame spread requirements specified in IEEE 383. To minimize the potential for fire propagation involving the new cable trays, the licensee has installed sheet metal tray covers on the top and bottom of each tray, installed a single layer of ceramic fiber blanket on top of the cables in each tray, and installed fire breaks at each end of each tray. In Generic Letter 86–10, ''Implementation of Fire Protection Requirements,'' the staff stated that cables routed in trays that are either fully open or fully closed should be considered as intervening combustibles. However, cables in trays having a solid sheet metal bottom, sides and top, if protected by automatic detection and suppression systems, have been found acceptable under the exemption process. The auxiliary feedwater pump fire area is provided with an automatic fire detection and alarm system that was designed in accordance with National Fire Protection Association (NFPA) 72D, ''Standard for the Installation, Maintenance, and Use of Proprietary Protective Signalling Systems,'' and NFPA 72E, ''Standard on Automatic Fire Detectors.'' The Halon system installed in the area was designed in accordance with NFPA 12A, ''Halon 1301 Fire Extinguishing Systems.''

To evaluate the fire hazard associated with this modification and the adequacy of the protection provided, the licensee contracted with Hartford Steam Boiler-Professional Loss Control to perform a fire protection engineering analysis. This analysis was submitted by licensee letter dated February 28, 1995. The analysis concluded that the new cable trays would not serve as an intervening combustible and, therefore, would not provide a path for fire propagation between redundant safe shutdown trains.

Redundant equipment and cabling in the auxiliary feedwater pump fire area are separated by a horizontal distance ranging from a minimum of 14 feet, for the adjacent motor-driven auxiliary feedwater pumps, to 31 feet for the local control panels. The separation between the steam-driven auxiliary feedwater pumps is 29 feet. Each auxiliary feedwater pump is separated from the other pumps by concrete missile barrier walls that extend from the floor of the room to the ceiling.

Combustibles located in this area consist of cable insulation on the approximately 184,000 feet of cable exposed in trays, approximately two gallons of lube oil located in the auxiliary feedwater pumps, and any transient combustibles that may be used or stored. Transient combustibles and hot work activities in this area are administratively controlled by plant procedures.

Fire detection and suppression systems designed, installed and maintained in accordance with the requirements prescribed in the NFPA codes have been demonstrated to be effective in the early notification and suppression of fires at nuclear power facilities. Actuation of the automatic Halon fire extinguishing system, coupled with the rapid response of the plant fire brigade to the notification provided by the fire detection system installed in this area, gives reasonable assurance that fires in the auxiliary feedwater pump fire area will be promptly detected, controlled, and extinguished and, therefore, do not present a significant hazard to plant safety.

Fire test conducted by the NRC, other government agencies, and the nuclear industry to evaluate the effectiveness of enclosing cable trays with sheet metal covers, or installing ceramic fiber blankets over cables in trays, have demonstrated that these methods, used independently or in combination, are effective in reducing the potential for ignition of, and flame spread along, cables installed in trays. The tests sponsored by the NRC were published in NUREG/CR–0381, SAND 78–1456, ''A Preliminary Report on Fire Protection Research Program Fire Barriers and Fire Retardant Coating Tests.'' Flame spread tests of the ceramic fiber blanket used in the auxiliary feedwater pump room (Carborundum Durablanket–S), in accordance with Underwriters Laboratories Test Standard 723, ''Test for Surface Burning Characteristics of Building Materials,'' demonstrate that this material has a flame spread rating of 0 and a smoke developed rating of 0. The use of IEEE 383 cables, the ceramic fiber blanket, and sheet metal cable tray covers provide reasonable assurance that a fire will not spread along the cables form one train of redundant safe shutdown equipment to the other.

The plant configuration, administrative controls, and the fire protection provided for the auxiliary feedwater pump fire area provide reasonable assurance that at least one train of equipment and cabling required to achieve and maintain safe shutdown will remain operable following a fire in this area. This determination is based upon: (1) The code compliant automatic detection and suppression systems provided in the area; (2) the manual fire suppression capability provided in this area; (3) the sheet metal cable tray covers installed on the top and bottom of cable trays GN01–03, GW01–03 and GG01–04; (4) the ceramic fiber blanket installed on top of the cables in the new trays; (5) the use of IEEE 383 qualified cable in the new trays; (6) the spatial separation provided between redundant trains of equipment required for safe shutdown after a fire; and (7) the lack of sufficient combustibles in the vicinity of the new trays to present an exposure fire hazard.

On the basis of this evaluation, the Commission concludes that the three cable trays installed as part of the diesel generator addition project do not present an undue risk to the public health and safety. Therefore, the licensee's request for an exemption from the technical requirements of Section III.G.2.b of Appendix R to 10 CFR Part 50, for the auxiliary feedwater pump fire area is acceptable.

III

The Commission has determined, pursuant to 10 CFR Part 50.12, that this

exemption as described in Section II above is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Furthermore, the Commission has determined that special circumstances as provided in 10 CFR 50.12(a)(2)(ii) are present in that application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule. The underlying purpose of Section III.G.1 of Appendix R is to ensure that one train of systems needed for hot shutdown be free of fire damage. Application of this section (to the extent that it requires the separation of redundant trains of safe shutdown cables and equipment by a horizontal distance of more than 20 feet, with no intervening combustibles, in the auxiliary feedwater pump fire area) is not necessary to achieve the underlying purpose of the rule because the licensee's proposal still provides reasonable assurance that one safe shutdown train will be free of fire damage.

IV

Accordingly, the Commission hereby grants an exemption from the requirements of Section III.G.2.b of Appendix R to 10 CFR Part 50 to allow the intervening combustibles in the form of cable fill in three cable trays to remain installed in the auxiliary feedwater pump fire area. These trays were added as part of the diesel generator addition project, and are located within the separation space between redundant trains of cables and equipment required to achieve and maintain safe shutdown after a fire.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (60 FR 35755).

This exemption is effective upon issuance.

Dated at Rockville, Maryland this 18th day of July 1995.

For the Nuclear Regulatory Commission.

Jack W. Roe,

Director, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–18139 Filed 7–21–95; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–35985; File No. SR–GSCC–95–01

Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Modifying GSCC's Fee Structure to Reduce the Clearance Fee, to Implement a New Discount Policy, and to Clarify the Fee Structure

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 [1] (''Act''), notice is hereby given that on May 31, 1995, the Government Securities Clearing Corporation (''GSCC'') 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 primarily by GSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

GSCC proposes to modify its fee structure to reduce the member clearance fee, to implement a new discount policy, and to clarify the application of the fee structure.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC 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. GSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to modify GSCC's fee structure to reduce the member clearance fee, to implement a new discount policy, and to clarify the application of the fee structure. The reduction in the clearance fee and GSCC's new discount policy will first be reflected in the bills distributed to GSCC's members in June 1995.

GSCC passes through to its netting members, with the exception of category 1 interdealer broker netting members, whose activity is designed to net out completely, its cost of obtaining clearance services from its agent banks. Currently, the fee charged by GSCC to netting members to recoup its own clearance costs is $3.35 per deliver and receive obligation. The level of this fee is periodically reviewed to ensure that it closely equates to GSCC's actual expense. GSCC's Board of Directors determined at its meeting on May 4, 1995, that the clearance fee needed to offset GSCC's own clearance costs is roughly $2.90 per settlement and that it is appropriate to reduce GSCC's unit fee for clearance for $3.25 to $2.90, effective as of May 1, 1995. The level of this unit clearance fee will continue to be periodically monitored for appropriateness.

The Board also decided to implement a discount policy for GSCC's basic comparison and netting fees because of the continued increase in GSCC's financial strength [3] and its projected continued profitability. The discount policy will be subject to monthly review, and it is intended to result in a ten percent reduction in the cost of the services to members.[4]

In addition, GSCC proposes to amend the language of Section I(D) of its fee structure pertaining to locked-in trade data to clarify that the trade comparison fee for locked-in trade data is imposed on a member for trades entered into by a nonmember for whom the GSCC member is clearing. The amendment does not modify GSCC's application or size of this fee; it simply clarifies the provision.[5]

Finally, the proposed rule change adds a new section to GSCC's fee structure to clarify an issue concerning the designation and dollar size

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] The Commission has modified the text of the summaries prepared by GSCC.

[3] GSCC's financial condition is reflected in, among other things, its elimination of its accumulated deficit in April of 1995.

[4] Under the discount policy, GSCC will determine whether a discount will be provided on a monthly basis. Thus, the discount will not alter the fees established under GSCC's fee structure. The policy will operate in a manner similar to a rebate except that members are advised of and take the discount prior to remitting their fees to GSCC. The discount will be applied across the board to comparison and netting fees charged rather than to specific fees set forth under the fee structure. Telephone conversation between Jeffrey Ingber, General Counsel, GSCC, and Cheryl R. Oler, Staff Attorney, Division of Market Regulation (''Division''), Commission (June 13, 1995).

[5] Telephone conversation between Jeffrey Ingber, General Counsel, GSCC, and Cheryl R. Oler, Staff Attorney, Division, Commission (June 13, 1995).

limitation of a ''side'' of a transaction for purposes of the fee structure.[6] As defined in new section V of the fee structure, a ''side'' of a trade or transaction is limited to $50 million increments in size.[7] Thus, if the aggregate amount of a side of a trade submitted to GSCC by or on behalf of a member is greater than $50 million, each $50 million portion of that aggregate amount, including any residual portion that is less than $50 million, shall be considered as a separate ''side'' for purposes of the fee structure.

GSCC believes the proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder because the proposal provides for the equitable allocation of reasonable dues, fees, and other charges among GSCC's participants.

(b) Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments on the proposed rule change have not yet been solicited. Members will be notified of the rule filing, and comments will be solicited by an Important Notice. GSCC will notify the Commission of any written comments received by GSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii)[8] of the Act and pursuant to Rule 19b–4(e)(2)[9] promulgated thereunder because the proposal establishes or changes are due, fee or other charge imposed by GSCC. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of GSCC. All submissions should refer to File No. SR–GSCC–95–01 and should be submitted by July 31, 1995.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18096 Filed 7–21–95; 8:45 am]

BILLING CODE 8010–10–M

[6] The issue concerning the determination of a ''side'' of a transaction for purposes of GSCC's fee structure has arisen in connection with GSCC's implementation of its auction take down service. For a description of GSCC auction take down procedures, refer to Securities Exchange Act Release Nos. 33984 (May 2, 1994), 59 FR 24491 [File No. SR–GSCC–94–01] (approving proposed rule change relating to the comparison and netting of member's treasury auction purchases) and 34260 (June 27, 1994), 59 FR 33994 [File No. SR–GSCC–94–05] (notice of filing and immediate effectiveness of proposed rule change relating to GSCC's fee structure in connection with GSCC's auction takedown services).

[7] Frequently, the aggregate amount of GSCC members' Treasury auction awards that are submitted to GSCC by a Federal Reserve Bank exceeds $50 million.

[8] 15 U.S.C. § 78s(b)(3)(A)(ii) (1988).

[9] 17 CFR 240.19b–4(e)(2) (1994).

[10] 17 CFR 300.30–3(a)(12) (1994).

[Release No. 34–35979; File No. SR–NYSE–95–13]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change and Amendment No. 1 to Proposed Rule Change Relating to Amendments to the Exchange's Allocation Policy and Procedures

July 17, 1995.

I. Introduction

On March 31, 1995, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the Exchange's Allocation Policy and Procedures which would permit Floor broker Senior Floor Officials to replace Governors on the Allocation Committee for quorum purposes. On May 17, 1995, the NYSE submitted Amendment No. 1 to the proposed rule change.[3]

The proposed rule change, including Amendment No. 1, was published for comment in Securities Exchange Act Release No. 35776 (May 30, 1995), 60 FR 30135. No comments were received on the proposal.

II. Description of the Proposals

The Exchange's Allocation Policy and Procedures (''Policy'') governs the allocation of equity securities to NYSE specialist units. The purpose of the Policy is to ensure that each security is allocated in the fairest manner possible to the best specialist unit for that security. The Policy establishes the Allocation Panel[4] and the Allocation Committee.[5] The Allocation Committee consists of three Floor broker Governors,[6] four Floor brokers, and two allied members from the Exchange's Market Performance Committee[7] or from the Allocation Panel. The Exchange believes that the Floor broker Governors on the Allocation Committee add a comprehensive knowledge of specialist performance and a broad perspective and expertise relating to the Exchange. In furtherance of this belief, the Policy's quorum requirement requires that at least two Floor broker

[1] 15 U.S.C. 78s(b)(1).

[2] 17 C.F.R. 240.19b–4.

[3] See Letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Elisa Metzger, Senior Counsel, SEC dated May 16, 1995.

[4] The Allocation Panel comprises the pool of individuals from which the Allocation Committee is formed. The Allocation Panel members are selected through an annual appointment process with input from the membership. Panel members are appointed to serve a one-year term; Floor broker Governors, however, remain on the Allocation Panel for as long as they are Floor broker Governors.

[5] This committee determines which specialist unit will specialize in a particular security. See Securities Exchange Act Release No. 34626 (September 1, 1994), 59 FR 46457.

[6] A Floor broker Governor is an individual, designated as such by the Chairman of the Exchange's Board of Directors, who is empowered to perform any duty, make any decision or take any action assigned to or required of a Floor Director as prescribed by the rules of the Exchange's Board of Directors.

[7] An allied member is a general partner, principal executive officer or employee who controls a member firm or member organization. See New York Stock Exchange, Inc., Constitution, Art. 1, Sec. 3(c).

Governors be present at Allocation Committee meetings.

In order to avoid the appearance of a conflict of interest on the part of an Allocation Committee member, the Policy requires an Allocation Committee member whose firm has an investment banking/underwriting relationship with a listing company or is affiliated with a specialist unit applicant, to abstain from deliberations with respect to that particular stock. The Exchange has found that the conflict of interest exclusion may, at times, impede the Exchange's efforts to maintain the maximum presence of three Floor broker Governors on the Allocation Committee. The Exchange believes that conflict of interest abstentions, among other matters, could lead to situations in which the quorum requirement for Floor broker Governors could not be met. In order to respond to this concern, the Exchange is proposing to amend the Policy to permit Senior Floor Officials [8] to substitute for Floor broker Governors on the Allocation Committee for purposes of satisfying quorum requirements.

As stated above, the Allocation Committee membership is drawn from the Allocation Panel. The Allocation Panel consists of 28 Floor brokers, 8 allied members, the 8 Floor broker Governors (who are part of the Allocation Panel by virtue of their appointment as Governors), and the 4 allied members serving on the Exchange's Market Performance Committee. The Exchange would also amend the Policy to expand the Allocation Panel by appointing a minimum of 5 Senior Floor Officials each year. The Senior Floor Officials on the Allocation Panel would constitute a separate category, distinguished from the 28 Floor brokers.

In the event that any of the Floor broker Governors on the standing Allocation Committee were not able to attend an Allocation Committee meeting, or to participate in the allocation of a particular stock, the Exchange would first seek to substitute for such Governor(s) with another Floor broker Governor on the Allocation Panel. If no such Governor was available, in order to maximize the seniority of the Allocation Committee membership, a Senior Floor Official broker on the Allocation Panel that is not a standing member of the Allocation Committee would be sought as a substitute for the absent Governor(s). In instances where no Senior Floor Official broker was available from the Allocation Panel, any Senior Floor Official broker on the standing Allocation Committee may substitute for the absent Governor(s) for purposes of meeting the Governor quorum requirement.

The current language of the Policy states that a former Allocation Committee chairman may substitute for a standing Allocation Committee member who cannot attend a meeting or participate in a particular allocation decision, when a Floor broker or allied member is not available to substitute for the unavailable Committee member. The Exchange is amending the Policy to indicate that, however, a former Allocation Committee chairman my not substitute for a Floor broker Governor for the purpose of meeting the Floor broker Governor quorum requirement unless such former Allocation Committee chairman is a Senior Floor Official.

The exchange is also amending the ''Term of Service'' provision for Panel members to include a provision for Senior Floor Officials. Senior Floor Officials are subject to annual reappointment, but are not subject to the two committee term restriction that floor brokers and allied members are subject to, and are not limited to a maximum of six consecutive one-year terms.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).[9] In particular, the Commission believes the proposal is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public. Further, the Commission finds that the rule change is consistent with section 11(b) of the Act [10] and Rule 11b–1 thereunder,[11] which allow exchanges to promulgate rules relating to specialists in order to maintain fair and orderly markets.

The Commission believes that the amended Policy should enhance the Exchange's allocation process and thereby protect investors and the public interest. Specialists play a crucial role in providing stability, liquidity and continuity to the trading of securities. Among the obligations imposed upon specialists by the Exchange, and by the Act and the rules thereunder, is the maintenance of fair and orderly markets in their designated securities.[12] To ensure that specialists fulfill these obligations, it is important that the Exchange develop and maintain stock allocation procedures and policies that ensure that securities are allocated in an equitable and fair manner and that all specialists have a fair opportunity for allocations based on established criteria and procedures.

The Commission believes that amending the Policy to revise the composition of the Allocation Panel and the quorum requirement for the Allocating Committee, should maximize the expertise of the Allocation Committee and Allocation Panel. A high level of expertise should enable the Allocation Committee to provide the best possible match between specialist units and the securities to be allocated and, thereby, ensure the quality of specialist performance.

In addition, the Commission believes that the amended Policy will contribute to the maintenance of fair and orderly markets. The amended Policy permits Senior Floor Officials to substitute for Floor broker Governors on the Allocation Committee when such Floor broker Governors cannot participate in the Allocation Committee's meeting. By providing an alternative means for the Allocation Committee to meet and determine stock allocations, stock will be allocated to specialists in a more expeditious manner.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[13] that the proposed rule change (SR–NYSE–95–13) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18097 Filed 7–21–95; 8:45 am]

BILLING CODE 8010–01–M

[8] A Senior Floor Official is a former Governor or a former Floor Director.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78k(b).

[11] 17 C.F.R. 240.11b–1.

[12] Rule 11b–1, 17 C.F.R. 240.11b–1; NYSE Rule 104.

[13] 15 U.S.C. 78s(b)(2).

[14] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2799]

Missouri; Declaration of Disaster Loan Area

Randolph County and the contiguous counties of Audrain, Boone, Chariton, Howard, Macon, Monroe, and Shelby in

the State of Missouri constitute a disaster area as a result of damages caused by a tornado which occurred on July 4, 1995. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on Sept. 14, 1995 and for economic injury until the close of business on April 15, 1996 at the address listed below: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Ft. Worth, TX 76155, or other locally announced locations.

The interest rates are:

	Percent
For physical damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.125
For economic injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 279912 and for economic injury the number is 857200.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: July 14, 1995.

Philip Lader,

Administrator.

[FR Doc. 95–18094 Filed 7–21–95; 8:45 am]

BILLING CODE 8025–01–M

Interest Rates

On a quarterly basis, the Small Business Administration publishes an interest rate called the optional ''peg'' rate (13 CFR 122.8–4(d)). This rate is a weighted average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. For the July–September quarter of FY 95, this rate will be 7⅛ percent.

John R. Cox,

Associate Administrator for Financial Assistance.

[FR Doc. 95–18113 Filed 7–21–95; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Opportunity Development Missions for Intelligent Transportation System Project

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of meetings.

SUMMARY: The ITS Consortium, a contractor with the FHWA, is initiating a series of Opportunity Development Missions to assist minority businesses and educational institutions to become more involved in Intelligent Transportation System (ITS) projects as mainstream partners. The ITS Consortium, through an ongoing series of quarterly meetings held on the campuses of historically black colleges and universities, has provided ITS educational and outreach forums designed to create effective public and private partnerships. These efforts have allowed a number of minority businesses and educational institutions to move forward and develop relationships with major private and public sector organizations in the ITS field.

DATES: The forums are scheduled as follows:

1. August 17, 1995, 1 p.m.–4 p.m., Baltimore, MD
2. August 23, 1995, 8 a.m.–3 p.m., Schaumburg, IL
3. September 20, 1995, 8 a.m.–3 p.m., Hampton, VA
4. September 23–24, 1995, 8 a.m., Austin, TX.

ADDRESSES: The forums will be held at the following locations:

1. Baltimore, MD, Maryland State Highway Administration Hanover Operations Complex, 7491 Connelley Drive, Training Room of the Office of Traffic & Safety
2. Schaumburg, IL, Motorola Main Campus, Galvin Center, 1295 East Algonquin Road
3. Hampton, VA, Hampton University
4. Austin, TX (Please call the ITS Consortium for location.)

FOR FURTHER INFORMATION CONTACT: Victoria Fore, ITS Consortium, 122 C Street NW., Suite 820, Washington, DC 20001, (202) 639–1510, Fax: (202) 639–0297 or Beverly Russell, Federal Highway Administration, Intelligent Transportation Systems Joint Program Office, HVH–1, 400 Seventh Street SW., Washington, DC 20590, (202) 366–2202, Fax: (202) 366–8712.

SUPPLEMENTARY INFORMATION:

Background

The objective of the ITS program is to apply advanced technology in the areas of information processing, communications, control, and electronics to improve safety, reduce congestion, increase mobility, reduce the energy consumption and environmental harm caused by transportation, and increase productivity. The ITS program also incorporates the use of strategic planning and innovative management practices at all levels of government to implement those initiatives which enhance our national surface transportation system, strengthen our economy, and benefit a broad range of users. In addition, the ITS program provides tools that can assist the nation in addressing current transportation problems, as well as future demands, through an intermodal, strategic approach to transportation.

The ITS Consortium's Opportunity Development Missions will consist of minority businesses and educational institutions visiting major private and public sector organizations that are actively involved in significant ITS initiatives. The objectives of these missions will be to:

1. Provide minority organizations with information and an ''up-close'' look at active ITS projects;

2. Introduce minority organizations to the key contacts and decision makers within the public and/or private sector organizations being visited;

3. Establish the foundation for minority organizations to become mainstream participants in ITS public/private partnerships; and

4. Identify contracting and other business opportunities for minority organizations and major private sectors pursue together. This will include product/service distribution and joint ventures.

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: July 17, 1995.

Rodney E. Slater,

Federal Highway Administrator.

[FR Doc. 95–18104 Filed 7–21–95; 8:45 am]

BILLING CODE 4910–22–P

National Highway Traffic Safety Administration

[Docket No. 95–56; Notice 1]

Receipt of Petition for Decision That Nonconforming 1996 Mercedes-Benz Gelaendewagen Type 463 Multi-Purpose Passenger Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Request for comments on petition for decision that nonconforming 1996 Mercedes-Benz Gelaendewagen Type 463 multi-purpose passenger vehicles (MPVs) are eligible for importation.

SUMMARY: This notice requests comments on a petition submitted to the National Highway Traffic Safety Administration (NHTSA) for a decision that a 1996 Mercedes-Benz Gelaendewagen Type 463 MPV that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because it has safety features that comply with, or are capable of being altered to comply with, all such standards.

DATE: The closing date for comments on the petition is August 23, 1995.

ADDRESS: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm.]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) (formerly section 108(c)(3)(A)(i)(II) of the Act, 15 U.S.C. 1397(c)(3)(A)(i)(II) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Europa International, Inc. of Santa Fe, New Mexico (Registered Importer No. R–91–002) has petitioned NHTSA to decide whether 1996 Mercedes-Benz Gelaendewagen Type 463 MPVs are eligible for importation into the United States. Europa contends that this vehicle is eligible for importation under 49 U.S.C. 30141(a)(1)(B) because it has safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

Specifically, the petitioner claims that the 1996 Mercedes-Benz Gelaendewagen Type 463 MPV has safety features that comply with Standard Nos. 102 *Transmission Shift Lever Sequence* * * *. (based on visual inspection and operation), 103 *Defrosting and Defogging Systems* (based on inspection), 104 *Windshield Wiping and Washing Systems* (based on operation), 106 *Brake Hoses* (based on visual inspection of certification markings), 107 *Reflecting Surfaces* (based on visual inspection), 113 *Hood Latch Systems* (based on information in owner's manual describing operation of secondary latch mechanism), 116 *Brake Fluids* (based on visual inspection of certification markings and information in owner's manual describing fluids installed at factory), 119 *New Pneumatic Tires for Vehicles other than Passenger Cars* (based on visual inspection of certification markings), 124 *Accelerator Control Systems* (based on operation and comparison to U.S. certified vehicles), 201 *Occupant Protection in Interior Impact* (based on test data and certification of vehicle to European standard), 202 *Head Restraints* (based on Standard No. 208 test data for prior model year vehicle with same head restraint and certification of vehicle to European standard), 204 *Steering Control Rearward Displacement* (based on test film), 205 *Glazing Materials* (based on visual inspection of certification markings), 207 *Seating Systems*, (based on test results and certification of vehicle to European standard), 209 *Seat Belt Assemblies* (based on wiring diagram of seat belt warning system and visual inspection of certification markings), 211 *Wheel Nuts, Wheel Discs and Hubcaps* (based on visual inspection), 214 *Side Impact Protection* (based on test results for prior model year vehicle), 219 *Windshield Zone Intrusion* (based on test results and certification information for prior model year vehicle), and 302 *Flammability of Interior Materials* (based on composition of upholstery).

The petitioner also contends that the 1996 Mercedes-Benz Gelaendewagen Type 463 MPV is capable of being altered to comply with the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays*: (a) Substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a speedometer/odometer calibrated in miles per hour.

Standard No. 105 *Hydraulic Brake Systems*: Placement of warning label on brake fluid reservoir cap.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment*: (a) Installation of U.S.-model sealed beam headlamps; (b) installation of U.S.-model side marker lamps and reflectors; (c) installation of a high mounted stop lamp. The petitioner asserts that testing performed on the taillamp reveals that it complies with the standard, even though it lacks a DOT certification marking, and that all other lights are DOT certified.

Standard No. 111 *Rearview Mirrors*: Inscription of the required warning statement on the convex surface of the passenger side rearview mirror.

Standard No. 114 *Theft Protection*: Installation of a warning buzzer in the steering lock electrical circuit.

Standard No. 115 *Vehicle Identification Number*: Installation of a VIN plate that can be read from outside the left windshield pillar.

Standard No. 118 *Power-Operated Window Systems*: Rewiring of the power window system so that the window transport is inoperative when the front doors are open.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars*: Installation of a tire information placard. The petitioner asserts that even though the tire rims lack a DOT certification marking, they comply with the standard, based on their manufacturer's certification that they comply with the German TUV regulations, as well as their certification by the British Standards Association and the Rim Association of Australia.

Standard No. 206 *Door Locks and Door Retention Components*: Installation of interior locking buttons on all door locks and modification of rear door locks to disable latch release controls when locking mechanism is engaged.

Standard No. 208 *Occupant Crash Protection*: Installation of a complying driver's side air bag and a seat belt warning system. The petitioner asserts that the vehicle conforms to the standard's injury criteria at the front passenger position based on a test report from the vehicle's manufacturer.

Standard No. 210 *Seat Belt Assembly Anchorages*: Insertion of instructions on the installation and use of child restraints in the owner's manual for the vehicle. The petitioner asserts that the vehicle is certified as complying with a European standard that contains more severe force application requirements than those of this standard.

Standard No. 212 *Windshield Retention*. Application of cement to the windshield's edges.

Standard No. 301 *Fuel System Integrity*: Installation of a rollover valve.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on July 19, 1995.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–18132 Filed 7–21–95; 8:45 am]

BILLING CODE 4910–59–P

National Highway Traffic Safety Administration

[Docket No. 95–54; Notice 1]

Receipt of Petition for Decision that Nonconforming 1971 Rolls Royce Phantom VI Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1971 Rolls Royce Phantom VI passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1971 Rolls Royce Phantom VI that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because it has safety features that comply with, or are capable of being altered to comply with, all such standards.

DATE: The closing date for comments on the petition is August 23, 1995.

ADDRESS: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306.

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards. Where there is substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) (formerly section 108(c)(3)(A)(i)(II) of the Act, 15 U.S.C. 1397(c)(3)(A)(i)(II)) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

G&K Automotive Conversion, Inc. of Santa Ana, California (Registered Importer No. R–90–007) has petitioned NHTSA to decide whether 1971 Rolls Royce Phantom VI passenger cars are eligible for importation into the United States. The petitioner contends that this vehicle is eligible for importation under 49 U.S.C. 30141(a)(1)(B) because it has safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

Specifically, the petitioner claims that the 1971 Rolls Royce Phantom VI has safety features that comply with Standards Nos. 102 *Transmission Shift Lever Sequence * * *,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 109 *New Pneumatic Tires,* 111 *Rearview Mirrors,* 113 *Hood Latch Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver From the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 207 *Seating Systems,* 208 *Occupant Crash Protection,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* and 301 *Fuel System Integrity.*

The petitioner further contends that the vehicle is capable of being readily

altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) labelling the turn signal control with the approval symbol.

Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment:* (a) Installation of a U.S.-model sealed beam headlamps and front sidemarkers; (b) installation of U.S.-model taillamp lenses and rear sidemarkers.

Standard No. 110 *Tire Selection and Rims:* Installation of a tire information placard.

Standard No. 114 *Theft Protection:* Installation of a warning buzzer microswitch in the steering lock assembly, and a warning buzzer.

Standard No. 115 *Vehicle Identification Number:* Installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 116 *Brake Fluids:* Installation of a label with the required information on or near the brake fluid cap.

Standard No. 206 *Door Locks and Door Retention Components:* Installation of a U.S.-model rear door locks.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5019, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141 (a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on July 19, 1995.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–18131 Filed 7–21–95; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review.

July 17, 1995.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0092

Form Number: IRS Form 1041 and Related Schedules D, J, and K–1

Type of Review: Resubmission

Title: U.S. Fiduciary Income Tax Return for Estates and Trusts (1041); Capital Gains and Losses (Schedule D); Accumulation Distribution for a Complex Trust (Schedule J); and Beneficiary's Share of Income, Deductions, Credits (Schedule K–1)

Description: Internal Revenue Code (IRC) section 6012 requires that an annual income tax return be filed for estates and trusts. Data is used to determine that the estates, trusts, and beneficiaries filed the proper returns and paid the correct tax. IRC section 59 requires the fiduciary to recompute the distributable net income on a minimum tax basis.

Respondents: Business or other for-profit, Individuals or households

Estimated Number of Respondents/ Recordkeepers: 2,500,000

Estimated Burden Hours Per Respondent/Recordkeeper:

	Form 1041	Schedule D	Schedule J	Schedule K–1
Recordkeeping	40 hours, 53 minutes.	16 hours, 1 minute.	39 hours, 28 minutes.	8 hours, 22 minutes.
Learning about the law or the form	18 hours, 37 minutes.	1 hour, 47 minutes.	1 hour, 5 minutes.	1 hour, 12 minutes.
Preparing the form	34 hours, 58 minutes.	2 hours, 8 minutes.	1 hour, 47 minutes.	1 hour, 23 minutes.
Copying, assembling, and sending the form to the IRS	4 hours, 1 minute.			

Frequency of Response: Annually

Estimated Total Reporting Burden: 250,021,241 hours

Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224

OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 95–18133 Filed 7–21–95; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES INFORMATION AGENCY

U.S. Advisory Commission on Public Diplomacy Meeting

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: The U.S. Advisory Commission on Public Diplomacy will meet on July 23–24, 1995 in the law offices of Preti, Flaherty, Beliveau, and Pachios, at 443 Congress Street, Portland, Maine. On July 23, from 3–5 p.m. the Commission will meet with Dr. Olin Robinson, President, Salzburg Seminar, and President Emeritus, Middlebury College; Professor W. Russell Neuman, Edward R. Murrow, Professor of International Communications and Director, Murrow Center on Public Diplomacy, Tufts University, and Research Associate at the MIT Media Laboratory; and Mr. Robert Gosende, 1994–95 Murrow Fellow and PAO-designate, USIS Moscow.

The Commission will examine public diplomacy assumptions and projections on digital technologies, international

exchanges, embassies of the future, and contingency resource planning.

On July 24, from 8:30–12 p.m., the Commission will continue its examination of these issues and will meet with Senator and former Secretary of State Edmund Muskie.

FOR FURTHER INFORMATION CONTACT: Please call Betty Hayes, (202) 619–4468, if you are interested in attending the meeting. Space is limited.

Dated: July 19, 1995.

Cathy Brown,

Management Analyst, Alternate Federal Register Liaison.

[FR Doc. 95–18134 Filed 7–21–95; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register

Vol. 60, No. 141

Monday, July 24, 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).

U.S. CONSUMER PRODUCT SAFETY COMMISSION WASHINGTON, DC 20207

TIME AND DATE: 2:00 p.m., Monday, July 24, 1995.

LOCATION: Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUTS: Open to the Public.

MATTER TO BE CONSIDERED:

Portable Electric Heaters CP 94–1

The staff will brief the Commission on the options for Commission action on petition CP 94–1 from Bernard A. Schwartz requesting the development of a safety standard for portable electric heaters to address risks of injury which may result if the heater ignites nearby combustible materials.

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 19, 1995.

Sadye E. Dunn,

Secretary.

[FR Doc. 95–18189 Filed 7–20–95; 11:16 am]

BILLING CODE 6355–01–M

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Tuesday, July 25, 1995.

LOCATION: Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Open to the Public.

MATTER TO BE CONSIDERED:

Bunk Beds Voluntary Standards

The staff will brief the Commission on the status of the voluntary standards for bunk beds.

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 19, 1995.

Sadye E. Dunn,

Secretary.

[FR Doc. 95–18190 Filed 7–20–95; 11:16 am]

BILLING CODE 6355–01–M

U.S. CONSUMER PRODUCT SAFETY COMMISSION, WASHINGTON, DC 20207

TIME AND DATE: Thursday, July 27, 1995, see times below.

LOCATION: East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS:

MATTERS TO BE CONSIDERED:

Open to the Public

10:00 a.m.—Room 420

1. Charcoal Labeling

The staff will consider the recommended revisions to the labeling requirements on packages of charcoal.

Closed to the Public

2:00 p.m.—Room 410

2 Compliance Status Report

The staff will brief the Commission on the status of various compliance matters.

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 19, 1995.

Sadye E. Dunn,

Secretary.

[FR Doc. 95–18191 Filed 7–20–95; 11:16 am]

BILLING CODE 6355–01–M

U.S. CONSUMER PRODUCT SAFETY COMMISSION WASHINGTON, DC 20207

TIME AND DATE: 10:00 a.m., Friday, July 28, 1995.

LOCATION: Room 420, East West Towers 4330 East West Highway, Bethesda, Maryland.

STATUS: Open to the Public.

MATTER TO BE CONSIDERED:

Portable Electric Heaters CP 94–1

The Commission will consider options for Commission action on a petition from Bernard A. Schwartz requesting the development of a safety standard for portable electric heaters to address risks of injury which may result if the heater iqnities nearby combustible materials.

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 19, 1995.

Sadye E. Dunn,

Secretary.

[FR Doc. 95–18192 Filed 7–20–95; 11:16 am]

BILLING CODE 6355–01–M

FEDERAL ENERGY REGULATORY COMMISSION

The following notice of meeting is published pursuant to section 3(A) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 522b:

DATE AND TIME: July 26, 1995, 10:00 a.m.

PLACE: 825 North Capitol Street, N.E., Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note: Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 204–0400. For a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the reference and information center.

Consent Agenda—Hydro, 635th Meeting—July 26, 1995, Regular Meeting (10:00 a.m.)

CAH–1.
Docket# P–3188–009, Joseph M. Keating

CAH–2.
Docket# HB65–88–1–003, Farmington River Power Company

CAH–3.
Docket# P–2283–017 Central Maine Power Company
Other#S P–2302–041 Central Maine Power Company
P–2671–005, Kennebec Water Power Company
P–2834–001, Central Maine Power Company

CAH–4.
Omitted

CAH–5.
Docket# P–10661–004, Indiana Michigan Power Company
Other#s P–10661–005, Indiana Michigan Power Company

P–10661–018, Indiana Michigan Power Company
CAH–6.
Docket# UL89–16–001, Consolidated Hydro, Inc.
CAH–7.
Docket# P–3083–052, Oklahoma Municipal Power Authority
Other#S P–3083–058, Oklahoma Municipal Power Authority
P–3083–068, Oklahoma Municipal Power Authority
CAH–8.
Docket# P–10395–001, City of Augusta, Kentucky
Other#S P–10646–000, City of Vanceburg, Kentucky
P–11053–000, City of Hamilton, Ohio

Consent Agenda—Electric

CAE–1.
Docket# ER95–527–000, Pacificorp
CAE–2.
Docket# ER95–711–000, Entergy Services, Inc.
CAE–3.
Docket# ER95–836–002, Maine Public Service Company
Other#S ER95–851–001, Maine Public Service Company
CAE–4.
Docket# ER95–1138–000, Southwestern Public Service Company
CAE–5.
Docket# ER94–1045–000, Kansas City Power & Light Company
Other#S ER94–1045–001, Kansas City Power & Light Company
ER94–1045–002, Kansas City Power & Light Company
CAE–6.
Docket# ER85–477–016, Southwestern Public Service Company
CAE–7.
Docket# ER95–267–003, New England Power Company
Other#s EL95–25–003, New England Power Company
CAE–8.
Docket# ER94–1380–000, Louisville Gas and Electric Company
CAE–9.
Docket# ER94–1421–000, Southern California Edison Company
CAE–10.
Docket# ER94–1217–000, Consolidated Edison Company of New York, Inc.
CAE–11.
Docket# ER94–209–000, Kentucky Utilities Company
Other#s EL94–209–001, Kentucky Utilities Company
CAE–12.
Docket# EL95–24–000, Golden Spread Electric Cooperative, Inc. v. Southwestern Public Service Company
CAE–13.
Docket# ER95–854–001, Kentucky Utilities Company
CAE–14.
Docket# ER95–852–001, Tampa Electric Company
CAE–15.
Docket# EL93–35–001, City of Cleveland, Ohio v. Cleveland Electric Illuminating Company
CAE–16.
Docket# ER93–465–019, Florida Power & Light Company
Other#s ER93–922–011, Florida Power & Light Company
CAE–17.
Docket# ER94–478–001, Medina Power Company
Other#s EL94–87–001, Medina Power Company
CAE–18.
Docket# EL91–32–004, Power Authority of the State of New York, et al. v. Long Island Lighting Company
Other#s EL91–34–004, Power Authority of the State of New York, et al. v. Long Island Lighting Company
CAE–19.
Docket# ER95–181–002, Florida Power & Light Company
CAE–20.
Docket# ER94–1384–001, Morgan Stanley Capital Group Inc.
Other# Stanley EL94–1450–004, Coastal Elec. Services Co.
ER94–1685–001, Citizens Lehman Power Sales
ER94–1690–001, Engelhard Power Marketing, Inc.
ER94–1691–002, AIG Trading Corporation
ER95–393–001, CLP Hartford Sales, L.L.C.
CAE–21.
Docket# ER92–764–001, New England Power Company
Other#s ER92–766–001, Northeast Utilities Service Company
CAE–22.
Docket# EG95–54–000, Entergy Power Holding I, Ltd.
CAE–23.
Docket# EG95–55–000, ABB Barranquilla Inc.
CAE–24.
Docket# EG95–57–000, Jamaica Energy Partners
CAE–25.
Docket# EG95–58–000, Hie Generadora S. A.
CAE–26.
Docket# EG95–56–000, North American Energy Services Company
CAE–27.
Docket# EL93–46–000, City of Hamilton, Ohio and American Municipal Power-Ohio Inc. v. Kentucky Pwr. Company and Ohio Power Co.
CAE–28.
Docket# EL93–42–000, Towns and Cities of Clayton and Lewes, Delaware v. Delmarva Power & Light Company
CAE–29.
Omitted
CAE–30.
Docket# EL87–51–003, Cajun Electric Power Cooperative, Inc. v. Gulf States Utilities Company
Other #s ER88–477–003, Gulf States Utilities Company
CAE–31.
Docket# EL94–65–000, Consumers Power Company
CAE–32.
Docket# EL95–32–000, Gordonsville Energy, L.P.
Other #s QF92–166–005, Gordonsville Energy, L.P.
QF92–167–005, Gordonsville Energy, L.P.

Consent Agenda—Gas and Oil

CAG–1.
Docket# RP95–323–001, Southern Natural Gas Company
Other #s RP95–324–001, Southern Natural Gas Company
CAG–2.
Omitted
CAG–3.
Docket# RP95–365–000, Carnegie Interstate Pipeline Company
CAG–4.
Docket# RP95–366–000, CNG Transmission Corporation
CAG–5.
Docket# RP95–368–000, Tennessee Gas Pipeline Company
Other #s RP93–151–007, Tennessee Gas Pipeline Company, et al.
CAG–6.
Docket# RP95–372–000, ANR Pipeline Company
Other #s TM95–4–48–000, ANR Pipeline Company
CAG–7.
Docket# TM95–5–17–000, Texas Eastern Transmission Corporation
CAG–8.
Docket# TM95–13–29–000, Transcontinental Gas Pipe Line Corporation
CAG–9.
Docket# GT95–44–000, Williston Basin Interstate Pipeline Company
CAG–10.
Docket# RP95–359–000, Northern Natural Gas Company
CAG–11.
Docket# RP95–363–000, El Paso Natural Gas Company
CAG–12.
Docket# RP95–364–000, Williston Basin Interstate Pipeline Company
CAG–13.
Docket# RP95–370–000, Northern Natural Gas Company
CAG–14.
Docket# TM95–5–28–000, Panhandle Eastern Pipe Line Company
CAG–15.
Docket# TM95–5–49–000, Williston Basin Interstate Pipeline Company
CAG–16.
Docket# PR95–7–000, The Texas Corporation
CAG–17.
Docket# PR95–8–000, Arkansas Western Gas Company
CAG–18.
Docket# PR95–9–000, Three Rivers Pipeline Company
CAG–19.
Docket# PR91–5–000, Texas-Ohio Pipeline, Inc.
Other# S PR91–5–001, Texas-Ohio Pipeline, Inc.
CAG–20.
Docket# PR94–221–002, ANR Pipeline Company
CAG–21.
Omitted
CAG–22.
Docket# PR95–146–000, Texas Gas Transmission Corporation
CAG–23.

Docket# RP95–195–002, Columbia Gulf Transmission Company
CAG–24.
Docket# RP95–196–001, Columbia Gas Transmission Corporation
Other# S RP94–157–004, Columbia Gas Transmission Corporation
RP95–196–002, Columbia Gas Transmission Corporation
RP95–392–000, Columbia Gulf Transmission Company and Columbia Gas Transmission Corporation
CAG–25.
Docket# RP95–361–000, National Fuel Gas Supply Corporation
CAG–26.
Docket# RP95–373–000, National Fuel Gas Supply Corporation
CAG–27.
Docket# RP93–206–003, Northern Natural Gas Company
Other# S RP93–206–005, Northern Natural Gas Company
RP93–206–006, Northern Natural Gas Company
CAG–28.
Docket# RP95–125–001, Midwestern Gas Transmission Company
CAG–29.
Omitted
CAG–30.
Docket# PR94–20–000, Transok, Inc.
Other# S PR94–20–001, Transok, Inc.
CAG–31.
Docket# RP90–137–000, Williston Basin Interstate Pipeline Company
CAG–32.
Docket# RP95–271–000, Transwestern Pipeline Company
Other# S CP94–211–001, Transwestern Pipeline Company
CP94–254–000, Transwestern Pipeline Company
CP94–676–000, Transwestern Pipeline Company
CP94–751–000, Transwestern Pipeline Company
CP95–70–000, Transwestern Pipeline Company
CP95–112–000, Transwestern Gathering Company
CP95–153–000, Transwestern Pipeline Company
CP95–378–000, Transwestern Pipeline Company
RP93–34–000, Transwestern Pipeline Company
RP94–227–000, Transwestern Pipeline Company
CAG–33.
Docket# RP94–325–004, Panhandle Eastern Pipeline Company
CAG–34.
Docket# PR93–3–000, Montana Power Company
CAG–35.
Docket# RP93–5–025, Northwest Pipeline Corporation

Other #s RP93–96–005, Northwest Pipeline Corporation
CAG–36.
Docket# RP95–143–002, Northwest Pipeline Corporation
CAG–37.
Docket# RP95–149–002, ANR Pipeline Company

Other #s RP95–236–001, ANR Pipeline Company
CAG–38.
Docket# RP95–239–001, Riverside Pipeline Company, L.P.
CAG–39.
Omitted
CAG–40.
Docket# FA90–68–002, Williams Natural Gas Company
CAG–41.
Docket# RP95–185–002, Northern Natural Gas Company
CAG–42.
Docket# RP94–365–004, Williams Natural Gas Company
CAG–43.
Omitted
CAG–44.
Docket# CP87–5–028, Texas Eastern Transmission Corporation
CAG–45.
Docket# RP95–163–001, CNG Transmission Corporation v. Tennessee Gas Pipeline Company
CAG–46.
Docket# RP93–4–008, Standards for Electronic Bulletin Boards Required Under Part 284 of the Commission's Regulations
CAG–47.
Docket# RP95–166–000, Pan-Alberta Gas (U.S.) Inc.
CAG–48.
Docket# RP95–202–000, Sea Robin Pipeline Company
.
Other #s RP95–30–003, Koch Gateway Pipeline Company
CAG–49.
Docket# MG94–4–002, Alabama-Tennessee Natural Gas Company
CAG–50.
Docket# MG88–51–009, Transcontinental Gas Pipe Line Corporation
CAG–51.
Docket# MG95–6–000, Young Gas Storage Company, Ltd.
CAG–52.
Docket# RP95–348–000, Panhandle Eastern Pipe Line Company
CAG–53.
Docket# CP90–1050–006, Panhandle Eastern Pipe Line Company

Other #s CP94–151–004, Panhandle Field Service Company
CAG–54.
Docket# RP92–184–012, Texas Eastern Transmission Corporation
CAG–55.
Docket# CP94–6–003, Texas Eastern Transmission Corporation
Others#S CP94–89–002, CNG Transmission Corporation
CAG–56.
Docket# CP95–74–001, Texas Eastern Transmission Corporation
CAG–57.
Docket# CP95–91–001, ANR Pipeline Company
CAG–58.
Docket# CP93–258–005, Mojave Pipeline Company
Others#S CP93–258, 000, Mojave Pipeline Company
CP93–258–001, Mojave Pipeline Company
CP93–258–002, Mojave Pipeline Company
CP93–258–003, Mojave Pipeline Company
CAG–59.
Docket# CP94–196–001, Williams Natural Gas Company
Other#S CP94–196–002, Williams Natural Gas Company
CP94–197–001, Williams Gas Processing—Mid-Continent Region Company
CP94–197, 002, Williams Gas Processing—Mid-Continent Region Company
CAG–60.
Docket# CP95–486–000, Natural Gas Pipeline Company of America
CAG–61.
Other#S CP95–119–000, Steuben Gas Storage Company
Other#S CP95–119, 001, Steuben Gas Storage Company
CAG–62.
Docket# CP95–331–000, CMS Gas Transmission and Storage Company
Other#S CP95–332–000, CMS Gas Transmission and Storage Company
CAG–63.
Docket# CP95–240–000, Columbia Gas Transmission Corporation
CAG–64.
Docket# CP95–257–000, Panhandle Eastern Pipe Line Company
CAG–65.
Docket# CP94–172–000, Mojave Pipeline Company
CAG–66.
Docket# CP94–654–000, Texas Eastern Transmission Corporation
Other#S CP94–654–001, Texas Eastern Transmission Corporation
CAG–67.
Docket# CP95–61–000, Columbia Gas Transmission Corporation
Other#S CP95–62–000, Columbia Gas Transmission Corporation
CAG–68.
Docket# CP94–184–000, El Paso Field Services Company
CAG–69.
Docket# CP95–506–000, Southern Natural Gas Company
CAG–70.
Docket# OR91–1–001, Kerr-Mcgee refining Corporation and Texaco Refining and Marketing, Inc. v. Williams Pipe Line Company
CAG–71.
Docket# PL94–4–001, Pricing Policy for New and Existing Facilities Constructed by Interstate Natural Gas Pipelines

Hydro Agenda

H–1.
Docket# P–2009–003, Virginia Electric and Power Company Order on Application for amendment of license for non-project use of project lands and waters.

Electric Agenda

E–1.
Reserved

Oil and Gas Agenda

I. Pipeline Rate Matters

PR–1.

Docket# RP91–143–027, Great Lakes Gas Transmission Limited Partnership
Order on Remand.

II. Pipeline Certificate Matters

PC–1.
Reserved
Dated: July 19, 1995.

Lois D. Cashell,

Secretary.

[FR Doc. 95–18212 Filed 7–20–95; 8:45 am]

BILLING CODE 6717–01–P–M

POSTAL RATE COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, July 25, 1995.

PLACE: Conference room, 1333 H St. NW., Suite 300, Washington, DC 20268.

STATUS: Open.

MATTERS TO BE CONSIDERED: To discuss and vote on the Postal Rate Commission Budget for FY 1996, and Renewal of Building Lease.

CONTACT PERSON FOR MORE INFORMATION: Margaret P. Crenshaw, Secretary, Postal Rate Commission, Suite 300, 1333 H St. NW., Washington, DC 20268–0001, telephone (202) 789–6840.

Margaret P. Crenshaw,

Secretary.

[FR Doc. 95–18277 Filed 7–20–95; 2:56 pm]

BILLING CODE 7710–FW–P–M

Corrections

Federal Register

Vol. 60, No. 141

Monday, July 24, 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.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95-ASO-7]

Establishment of Class D Airspace; Jackson, TN

Correction

In rule document 95–14788 beginning on page 31630 in the issue of Friday, June 16, 1995, make the following correction:

§71.1 [Corrected]

On page 31631, in the first column, in §71.1, in the land description, in the line under the McKellar-Sipes Regional Airport, TN, ''long. 88°54′38″W'' should read ''long. 88°54′56″W''

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95-ASO-10]

Amendment to Class E Airspace; Memphis, TN

Correction

In rule document 95–15717 beginning on page 33104 in the issue of Tuesday, June 27, 1995, make the following correction:

§71.1 [Corrected]

On page 33105, in the first column, in §71.1, in the first line of the last paragraph, after ''700'' insert ''feet''.

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 67 and 68

[CGD 95-014]

RIN 2115-AF05

Centralization of Vessel Documentation Offices

Correction

In rule document 95–14553 beginning on page 31602 in the issue of Thursday, June 15, 1995, make the following corrections:

§67.115 [Corrected]

1. On page 31604, in the first column, the heading for amendatory instruction 9. **''§6.117 [Removed]''** should read **''§67.115 [Removed]''**.

§67.117 [Corrected]

2. On the same page, in the same column, the heading for amendatory instruction 10. should be added to read **''§67.117 [Amended]''**.

§67.147 [Corrected]

3. On the same page, in the third column, the heading for amendatory instruction 16. **''§67.147 [Amended]''** should read **''§67.147 [Removed]**''.

§67.321 [Corrected]

4. On page 31605, in the third column, the heading for amendatory instruction 36. **''§67.32 [Amended]''** should read **''§67.321 [Amended]''**.

Appendix A to Part 67 [Corrected]

5. On the same page, in the same column, the heading for amendatory instruction 40. **''Appendix A to Part 67 [Amended]''** should read **''Appendix A to Part 67 [Removed]''**.

§68.01-5 [Corrected]

6. On the same page, in the same column, the heading for amendatory instruction 42. **''§68.01-7 [Amended]''** should read **''§68.01-5 [Amended]''**.

§68.01-7 [Corrected]

7. On the same page, in the same column, the heading for amendatory instruction 43. **''§65.01-7 [Amended]''** should read **''§68.01-7 [Amended]''**.

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 150

[CGD 94-902]

RIN 2115-AF06

Obsolete Bulk Hazardous Materials

Correction

In rule document 95–15751 beginning on page 34039 in the issue of Thursday, June 29, 1995, make the following corrections:

PART 150 [CORRECTED]

1. On page 34042, in the third column, in part 150, in line a. ''Actyl'' should read ''Acetyl''.

2. On page 34043, in the first column, in the same part, in line q. ''4,4′-Methylenediniline'' should read ''4,4′-Methylenedianiline'' and in the next line ''Polymetnylene polypheylamine,'' should read ''Polymethylene polyphenylamine,''.

3. On the same page, in the second column, in amendatory instruction 6., in the third line, ''Chlorothioformate'' should read ''chlorothioformate''.

BILLING CODE 1505–01–D

Federal Register

Monday
July 24, 1995

Part II

Department of Education

National Institute on Disability and Rehabilitation Research; Notice

DEPARTMENT OF EDUCATION

National Institute on Disability and Rehabilitation Research

AGENCY: Department of Education.

ACTION: Notice of proposed funding priority for fiscal years 1996–1997 for the Knowledge Dissemination and Utilization Program.

SUMMARY: The Secretary proposes a funding priority for the Knowledge Dissemination and Utilization (D&U) Program under the National Institute on Disability and Rehabilitation Research (NIDRR) for fiscal years 1996–1997. The Secretary takes this action to ensure that rehabilitation knowledge generated from projects and centers funded by NIDRR and others is utilized fully to improve the lives of individuals with disabilities and their families.

DATES: Comments must be received on or before August 23, 1995.

ADDRESSES: All comments concerning this proposed priority should be addressed to David Esquith, U.S. Department of Education, 600 Independence Avenue SW., Switzer Building, Room 3424, Washington, D.C. 20202–2601. (Internet address Know—ADA@ed.gov.

FOR FURTHER INFORMATION CONTACT: David Esquith. Telephone: (202) 205–8801. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8133.

SUPPLEMENTARY INFORMATION: This notice contains a proposed priority to establish ten regional Disability and Business Technical Assistance Centers. Authority for the D&U program of NIDRR is contained in sections 202 and 204(a) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 760–762). Under this program the Secretary makes awards to public and private organizations, including institutions of higher education and Indian tribes or tribal organizations. Under the regulations for this program (see 34 CFR 355.32), the Secretary may establish research priorities by reserving funds to support particular research activities.

This proposed priority supports the National Education Goal calling for all Americans to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

The Secretary will announce the final funding priority in a notice in the **Federal Register.** The final priority will be determined by responses to this notice, available funds, and other considerations of the Department. Funding of particular projects depends on the final priority, the availability of funds, and the quality of the applications received. The publication of this proposed priority does not preclude the Secretary from proposing additional priorities, nor does it limit the Secretary to funding only this priority, subject to meeting applicable rulemaking requirements.

Note: This notice of a proposed priority does *not* solicit applications. A notice inviting applications under this competition will be published in the **Federal Register** concurrent with or following publication of the notice of the final priority.

Priority

Under 34 CFR 75.105(c)(3) the Secretary proposes to give an absolute preference to applications that meet the following priority. The Secretary proposes to fund under this program only applications that meet this absolute priority:

Proposed Priority: Regional Disability and Business Technical Assistance Centers

Background

Public Law 101–336, the Americans with Disabilities Act (ADA), enacted on July 26, 1990, prohibits discrimination against individuals with disabilities in employment, public accommodations, transportation, State and local government, and telecommunications. Because of NIDRR's experience and support of information dissemination and technical assistance, and its support of research and demonstration efforts to promote employment and independence for individuals with disabilities, Congress directed NIDRR to use FY 1991 funds to establish a technical assistance program to further the successful implementation of the ADA. In October of 1991, NIDRR awarded grants to establish ten regional Disability and Business Technical Assistance Centers (DBTACs) previously referred to as Regional Disability and Business Accommodation Centers) for five years. There is one DBTAC in each of the ten Department of Education regions. The final funding priority for the original DBTACs is contained in the **Federal Register** of August 13, 1991, 56 FR 40168.

Covered entities and individuals with responsibilities and rights under the ADA continue to need technical assistance on the ADA. The ADA is a complex and relatively new civil rights statute. Many covered entities may be unaware of the basic requirements of the law or unfamiliar with legal precedents or policy guidance being issued by Federal agencies. According to a recent General Accounting Office (GAO) Report, ''[GAO] observed steady improvement in both accessibility and awareness during the initial 15 months that the ADA was in effect. However, enough areas of concern remain to suggest a need for continuing educational outreach and technical assistance to business and government agencies * * *'' (U.S. General Accounting Office, *Americans with Disabilities Act: Effects of the Law on Access to Goods and Services* (GAO/PEMD–94–14; June 21, 1994).

The DBTACs provide a wide range of technical assistance services such as referrals, consultation, and facility surveys. The DBTACs disseminate information on the ADA through such methods as distributing materials that have been created or reviewed and approved by Federal agencies, issuing newsletters and information briefs, and participating in discussion groups on the INTERNET. In addition, the DBTACs carry out public awareness activities on the ADA and the services provided by the DBTACs and other NIDRR ADA grantees through a variety of means including, but not limited to, the use of public service announcements, radio and television appearances, presentations at conferences, and the publication of newspaper and magazine articles.

The DBTACs' resources and financial support of State-based activities are, to the maximum extent feasible, distributed equitably among the States in the region. In order to tailor their efforts to State and local needs and maximize their resources, DBTACs increase the capacity of State and local organizations to provide technical assistance, disseminate information, provide training, and promote awareness of the ADA. The DBTACs have established at least one affiliate in every State. The State affiliates carry out their activities in collaboration with coalitions of organizations interested in promoting the implementation of the ADA. In addition, the DBTACs provide support to and collaborate with Centers for Independent Living (CILs) in each region to increase the capacity of CILs to promote the successful implementation of the ADA through the provision of technical assistance and training.

In FY 1994 the DBTACs fielded over 75,700 ADA-related telephone inquiries, made 13,764 referrals, distributed almost 700,000 publications, engaged in over 4,600 different types of public awareness and outreach activities such as public speeches, TV and radio appearances, newspaper interviews, and public workshops, and trained

approximately 54,000 individuals with responsibilities and rights under the ADA.

The DBTACs rely to the maximum extent possible on existing Federally-approved materials, and, through a systematic process of quality control, ensure the legal sufficiency and accuracy of the information disseminated by the Centers and their affiliates. All of the materials that the DBTACs distribute are available in alternate formats and DBTAC services and activities are accessible to all individuals with disabilities. The DBTACs share a national 800 telephone number that automatically connects the caller with the DBTAC serving the caller's area code and participate in a discussion group on an electronic bulletin board operated by Project Enable at the University of West Virginia to share information and discuss answers to technical questions.

Proposed Priority

The Secretary proposes to establish a Regional Disability and Business Technical Assistance Center in each Department of Education region to facilitate implementation of the ADA by:

(1) Providing technical assistance, disseminating information, and providing training to individuals or entities with responsibilities and rights under the Act on the requirements of the ADA and developments in ADA case law, policy and implementation; (2) increasing the capacity of organizations at the State and local level to provide technical assistance, disseminate information, provide training, and promote awareness of the ADA; and (3) promoting awareness of the ADA and the availability of services provided by the DBTACs, and other NIDRR ADA grantees, and other Federal information sources on the ADA.

In addition to activities proposed by the applicant to carry out these purposes, each DBTAC shall carry out the following activities:

- Involve individuals with disabilities, parents or other family members of individuals with disabilities, in all phases of the design and operation of the DBTAC to the maximum extent possible;
- Cooperate and coordinate its activities with other NIDRR ADA technical assistance projects as well as Federal agencies including, but not limited to, the Department of Justice, the Equal Employment Opportunity Commission, the Department of Transportation, the Federal Communications Commission, the Access Board, the Department of Education's Office for Civil Rights, the Rehabilitation Services Administration, and the President's Committee on Employment of Persons with Disabilities; and
- Provide performance accountability data on a monthly basis as requested by NIDRR.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding this proposed priority.

All comments submitted in response to this proposed priority will be available for public inspection, during and after the comment period, in Room 3423, Switzer Building, 330 C Street SW., Washington, DC between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

Applicable Program Regulations

34 CFR Parts 350 and 355.

Program Authority: 29 U.S.C. 760–762.

(Catalog of Federal Domestic Assistance Number 84.133D, Knowledge Dissemination and Utilization Program)

Dated: June 16, 1995.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 95–18065 Filed 7–21–95; 8:45 am]

BILLING CODE 4000–01–M

Federal Register

Monday
July 24, 1995

Part III

Department of Transportation

Federal Transit Authority

49 CFR Part 661

Buy America Requirements; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 661

[Docket No. 94–A]

RIN 2132–AA42

Buy America Requirements

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Final rule; General public interest waiver from Buy America requirements for small purchases.

SUMMARY: FTA is issuing a general public interest waiver from the Buy America requirements for ''small purchases'' made by FTA grantees with capital, planning, or operating assistance.

EFFECTIVE DATE: This waiver is effective July 24, 1995.

FOR FURTHER INFORMATION CONTACT: Gregory B. McBride, Deputy Chief Counsel, Office of Chief Counsel, (202) 366–4063.

SUPPLEMENTARY INFORMATION:

Background

On March 15, 1995, FTA issued a general public interest waiver, under 49 U.S.C. § 5323(j)(2)(A) and 49 CFR 661.7(b), from its Buy America requirements for purchases of $2,500 or less (known as ''micro-purchases'') made with FTA financial assistance, including capital, planning, and operating assistance. 60 FR 14174 (March 15, 1995). FTA found this waiver to be in the public interest because it simplifies government procedures and streamlines government procurement requirements, consistent with the President's National Performance Review, Executive Order 12931 (Federal Procurement Reform), and the Federal Acquisition Streamlining Act of 1994 (FASA), Public Law 103–355, 108 Stat. 3243 (October 13, 1994).

Also on March 15, 1995, FTA proposed in a separate notice to issue a general public interest waiver under the same authority for ''small purchases'' made by its grantees with FTA financial assistance, including capital, planning, and operating assistance, and for all purchases by FTA grantees with operating assistance. After considering the comments received, FTA is hereby issuing a general public interest waiver for small purchases, as defined in the grants management common rule at 49 CFR 18.36(d), as recently amended by the Office of Management and Budget (60 FR 19639 (April 19, 1995)), made by FTA grantees with capital, planning, or operating assistance. The recent amendment raised the threshold for a ''small purchase'' to $100,000.

The Buy American Act of 1933, 41 U.S.C. § 10a–d, established a preference for domestically produced goods in direct Federal procurements. The first Buy America legislation applicable to the expenditure of Federal funds by recipients under FTA and Federal Highway Administration (FHWA) grant programs was enacted in 1978: Section 401 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95–599, 92 Stat. 2689) established a domestic preference for ''articles, materials, supplies mined, produced, or manufactured'' in the United States and costing more than $500,000.

In January 1983, Congress repealed section 401 and substituted section 165 of the Surface Transportation Assistance Act of 1982, Pub. L. 97–424, 96 Stat. 2097. This action, among other things, eliminated the $500,000 threshold. Congress prohibited the expenditure of FTA or FHWA funds on steel, cement, and ''manufactured products,'' but as discussed below, included four exceptions permitting the statute to be waived. In 1984, Congress removed cement from section 165, and in 1991 added iron (see section 337 of the Surface Transportation Assistance and Uniform Relocation Act of 1987 (Pub. L. 100–17, 101 Stat. 32) and section 1048 of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102–204, 105 Stat. 1914)).

The current Buy America requirement, recently codified at 49 U.S.C. § 5323(j), applies to purchases made with Federal transit and highway funds:

(j) BUY AMERICA.—(1) The Secretary of Transportation may obligate an amount that may be appropriated to carry out this chapter for a project only if the steel, iron, and manufactured goods used in the project are produced in the United States.

(2) The Secretary of Transportation may waive paragraph (1) of this subsection if the Secretary finds that—

(A) Applying paragraph (1) would be inconsistent with the public interest;

(B) The steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality;

(C) When procuring rolling stock (including train control, communication, and traction power equipment) under this chapter—

(i) The cost of components and subcomponents produced in the United States is more than 60 percent of the cost of all components of the rolling stock; and

(ii) Final assembly of the rolling stock has occurred in the United States; or

(D) Including domestic material will increase the cost of the overall project by more than 25 percent.

FTA issued regulations implementing this provision at 49 CFR Part 661. These regulations specify that ''for a manufactured product to be considered produced in the United States: (1) All of the manufacturing processes for the product must take place in the United States; and (2) All items or material used in the product must be of United States origin.'' 49 CFR 661.5(d). In contrast, the regulation implementing the 1933 Buy American Act requires that manufactured products contain only a 51 percent domestic content.

These requirements have resulted in individual Buy America waiver requests from grantees for thousands of items. As a general rule, most grantees have many more procurements for small items than for large items. Many involve purchases of less than $20, with unit prices under one dollar and often less than one cent. The volume of these waiver requests has resulted in significant delays in grantees' procurement processes. They consume an inordinate amount of grantee and FTA staff time, since documentation for each waiver request must be developed and submitted to FTA, where it is reviewed and acted on. Large grantees handle thousands of individual procurements each year. FTA's triennial reviews reveal that many grantees have difficulty in complying with Buy America requirements with respect to their small procurements.

Analysis and Comments

During the comment period, FTA received 62 comments, most from transit authorities, state and local governments, manufacturers, and suppliers. The commenters, who were nearly unanimous in their support of the issuance of this public interest waiver, raised a number of key issues:

Cost savings. Most transit authorities indicated that one to eleven extra procurement staff are necessary to comply fully with Buy America requirements, at a cost of up to $540,000 per grantee annually. In addition, transit authorities spend more than they need to because they are not able to buy supplies as needed, on a ''just-in-time'' basis. Instead, because purchasing is difficult under Buy America requirements, transit authorities are obliged to lump purchases together and maintain a larger inventory than is needed or practical.

Transit authorities noted that if Buy America requirements were waived, they would be able to realize further savings by purchasing more often

through cooperative state and local government purchasing agreements. In addition, several commenters believe that a greater number of vendors will participate in the bidding process if the vendors do not have to supply Buy America documentation. More vendors should mean more competition, which should lead to lower overall prices on purchases made by FTA grantees.

Administrative Burdens

Transit authorities noted that current Buy America requirements impose a significant administrative burden because each purchase requires its own Buy America waiver if the purchase involves a possible non-U.S. product. Several recent initiatives, including Executive Order 12931 of October 13, 1994, on Federal Procurement Reform (60 FR 52387 (April 19, 1995)), direct federal agencies to remove administrative burdens in procurement processes. In fact, section 1(e) of this Executive Order directs agency heads to ''ensure that simplified acquisition procedures are used, to the maximum extent practicable, for procurements under the simplified acquisition threshold in order to reduce administrative burdens and more effectively support the accomplishment of agency missions.'' The Federal Highway Administration, the only other agency within the U.S. Department of Transportation with a regulation implementing section 165 of the STAA, already considers factors such as cost, administrative burden, and delay when it decides whether to issue a public interest waiver from Buy America requirements. 23 CFR 635.410(c)(7).

FTA's current Buy America regulation, as applied to purchases under the simplified acquisition threshold, does not effectively support the accomplishment of FTA's missions, since the regulation imposes a burden on small purchases without conferring a commensurate benefit.

Non-Availability of Domestic Products

As noted above, 49 CFR 661.5(d) provides that goods must be 100 percent ''made in the U.S.A.'' to be considered domestic under this regulation.

This is a difficult and often impossible standard to meet, given the highly integrated, international nature of manufacturing today. Most products incorporate at least one foreign component or some overseas manufacturing. Nearly all FTA waivers are now granted because domestically produced goods, as defined in the regulations, are not available. These waivers are based on the determination that ''steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality.'' 49 U.S.C. § 5323(j)(2)(B).

FTA has issued general public interest waivers in the past based on the difficulty of obtaining goods that are 100 percent made in the United States. Microcomputers and software were granted a general public interest waiver because many product components, particularly microchips, are still made and assembled abroad. FTA also recognized that the computer industry is becoming increasingly multinational in nature. Since it is unduly burdensome on transit operators to procure domestically produced microcomputers and software, FTA issued a general public interest waiver for these products. 51 FR 36126 (October 8, 1986).

Fifteen-passenger Chrysler vans and wagons were also given a general public interest waiver even though final assembly took place in Canada. Commenters pointed out that Ford would be the only entity able to supply vans and wagons under the Buy America regulation. FTA concluded that the public had an important interest in competition and issued the waiver. 49 FR 13944 (April 9, 1984).

Non-availability and public interest are related concepts. If a domestic product is nearly impossible to procure, it is not in the public interest to require grantees to give a justification each time they purchase a non-domestic product. This requirement results in excess cost, administrative burden, and delay. The consideration of non-availability in public interest waivers is demonstrated in two recent FHWA general public interest waivers—one for pig iron and processed, pelletized, and reduced iron ore (60 FR 15478 (March 24, 1995)), and the other for certain ferryboat equipment and machinery (59 FR 6080, February 9, 1994)). In both cases, the basis for the nationwide waiver was that the waived product was not produced in the United States in sufficient and reasonably available quantities which are of a satisfactory quality. Therefore, FHWA reasoned, imposing Buy America requirements on these materials is not in the public interest.

The same reasoning may be applied to small purchases by FTA grantees that are subject to Buy America regulations. Since domestic goods (as defined in the Buy America regulations) are rarely available to FTA grantees making small purchases, it is not in the public interest to impose the Buy America requirements on them.

Clarification of the Term ''Small Purchase''

Several commenters indicated that the definition of ''small purchase'' needs to be clarified, questioning whether the value of a small purchase should be determined by a ''unit'' price or a ''contract'' price. The Federal Acquisition Streamlining Act, in which the small purchase threshold is discussed (see 60 FR 19639), uses contract price to determine the value of small purchases; accordingly, for the purposes of this Buy America general public interest waiver, ''contract price'' will be the measure for determining whether a procurement is a ''small purchase.'' Note, however, that grantees may not split procurements for requirements that exceed the threshold in order to avoid Buy America rules that would otherwise apply.

Purchases Over $100,000 Made With Operating Assistance

Several commenters indicated that FTA went too far by proposing to waive purchases over $100,000 made with operating assistance. They argued that such a waiver might lead to shifting funds between operating and capital budgets simply to circumvent Buy America requirements for purchases over $100,000. After careful consideration, we agree that operating assistance should be treated the same as capital and planning assistance for this purpose.

Recent initiatives, including the Federal Procurement Reform (Executive Order 12931 dated October 13, 1994); the Federal Acquisition Streamlining Act of 1994; and OMB's final rule applying the $100,000 simplified acquisition threshold for direct Federal purchases to purchases by Federal recipients of financial assistance under the common grant rule (60 FR 19639), indicate that streamlining small purchases is in the public interest. These initiatives, however, do not indicate that it is in the public interest to expedite larger, more significant procurements in the same way. In fact, the legislative history of Buy America indicates that Congress has traditionally been concerned about developing domestic sources for large procurements.

Complete Waiver of Buy America Requirements

We note that several suppliers of manufactured goods, primarily Canadian companies, argued that Buy America requirements should be waived for all transit purchases, since the transit supply industry in the United

States is highly integrated. However, as discussed above, Congress and the Executive Branch have indicated, via several legislative and regulatory initiatives, that streamlining small purchases is in the public interest. They have not yet indicated through legislative or regulatory initiatives that streamlining all transit purchases is in the public interest.

Concern About Unfairly Priced or Shoddy Foreign Goods

A few commenters (U.S. manufacturers) expressed concern that waiver of Buy America requirements for small purchases would result in a flood of unfairly priced or shoddily made foreign goods into the U.S. market. These concerns are better addressed by solutions other than the imposition of Buy America requirements. Determination of whether goods conform to the standards set out in individual contracts and enforcement of those contract provisions are best left to FTA grantees. Problems involving unfair trade practices or foreign government subsidies are addressed by import laws such as Title VII of the Tariff Act of 1930, as amended (19 U.S.C. §§ 1671 and 1673 (Imposition of Countervailing Duties and Antidumping Duties, respectively)). These problems are beyond the scope of what Buy America was intended to accomplish.

Impact Analysis

Executive Order 12866 requires that a regulatory impact analysis be prepared for significant rules, which are defined in the Order as rules that have an annual effect on the national economy of $100 million or more, or certain other specified effects.

FTA does not believe that this action will have an annual impact of $100 million or more or the other effects listed in the Order. For this reason, FTA has determined that this waiver would not create a major rule within the meaning of this order.

Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act (5 U.S.C. § 605(b)) requires that, for each rule with a ''significant economic impact on a substantial number of small entities,'' an analysis must be prepared describing the impact of the rule on small entities and identifying any significant alternatives to the rule that would minimize the economic impact on small entities.

FTA certifies that this waiver will not have a significant economic impact on a substantial number of small entities. Instead, it modifies and updates an administrative and procedural requirement in order to reduce burden on small entities.

Paperwork Reduction Act

FTA certifies that this action does not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35; in fact, it should reduce the paperwork required to procure goods.

Public Interest Waiver

In light of these considerations, FTA believes that application of its Buy America rule to small purchases is not consistent with the public interest; accordingly, FTA hereby issues a general public interest waiver under 49 U.S.C. § 5323(j)(2)(A) and 49 CFR 661.7(b) to exempt from its Buy America requirements all ''small purchases,'' as defined in the common grant rule, 49 CFR 18.36(d), made by its grantees with FTA financial assistance, including capital, planning, or operating assistance.

List of Subjects in 49 CFR Part 661

Buy America, Grant programs—tranportation, Mass Transportation, Reporting and recordkeeping requirements.

Amendment to 49 CFR Part 661

Accordingly, for the reasons described above, title 49, Code of Federal Regulations, part 661, is amended as follows:

PART 661—BUY AMERICA REQUIREMENTS—SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982, AS AMENDED

1. The authority citation for part 661 continues to read as follows:

Authority: 49 U.S.C. 5323(j) (Pub. L. No. 103–272); 49 CFR 1.51.

2. Appendix A to § 661.7 is amended by revising paragraph (e) to read as follows:

Appendix A to § 661.7—General Waivers

* * * * *

(e) Under the provisions of § 661.7(b) of this part, a general public interest waiver from the Buy America requirements for ''small purchases'' (as defined in the ''common grant rule,'' at 49 CFR 18.36(d)) made by FTA grantees with capital, planning, or operating assistance.

Issued on: July 19, 1995.

Gordon J. Linton,

Administrator.

[FR Doc. 95–18105 Filed 7–21–95; 8:45 am]

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28 Parts:			
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43-end	(869-022-00106-0)	21.00	July 1, 1994
29 Parts:			
0–99	(869–022–00107–8)	21.00	July 1, 1994
100–499	(869–022–00108–6)	9.50	July 1, 1994
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1910 (§§ 1910.1000 to end)	(869–022–00112–4)	21.00	July 1, 1994
1911–1925	(869–022–00113–2)	26.00	July 1, 1994
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1927–End	(869–022–00115–9)	36.00	July 1, 1994
30 Parts:			
1–199	(869–022–00116–7)	27.00	July 1, 1994
200–699	(869–022–00117–5)	19.00	July 1, 1994
700–End	(869–022–00118–3)	27.00	July 1, 1994
31 Parts:			
0–199	(869–022–00119–1)	18.00	July 1, 1994
200–End	(869–022–00120–5)	30.00	July 1, 1994
32 Parts:			
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700–799	(869–022–00125–6)	21.00	July 1, 1994
800–End	(869–022–00126–4)	22.00	July 1, 1994
33 Parts:			
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125–199	(869–022–00128–1)	26.00	July 1, 1994
200–End	(869–022–00129–9)	24.00	July 1, 1994
34 Parts:			
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300–399	(869–022–00131–1)	21.00	July 1, 1994
400–End	(869–022–00132–9)	40.00	July 1, 1994
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36 Parts:			
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200–End	(869–022–00135–3)	37.00	July 1, 1994
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38 Parts:			
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40 Parts:			
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300–399	(869–022–00151–5)	18.00	July 1, 1994
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1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
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18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
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43 Parts:			
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4000–End	(869–022–00165–5)	14.00	Oct. 1, 1994
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45 Parts:			
1–199	(869–022–00167–1)	22.00	Oct. 1, 1994
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46 Parts:			
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47 Parts:			
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48 Chapters:			
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49 Parts:			
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1995. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1994. The CFR volume issued July 1, 1991, should be retained.

[6] No amendments to this volume were promulgated during the period January 1, 1993 to December 31, 1994. The CFR volume issued January 1, 1993, should be retained.

[7] No amendments to this volume were promulgated during the period October 1, 1993, to September 30, 1994. The CFR volume issued October 1, 1993, should be retained.

[8] No amendments to this volume were promulgated during the period April 1, 1994 to March 31, 1995. The CFR volume issued April 1, 1994, should be retained.

[9] Note: Title 19, CFR Parts 141-199, revised 4-1-95 volume is being republished to restore inadvertently omitted text.