7–31–95
Vol. 60 No. 146
Pages 38947–39100

federal register

Monday
July 31, 1995

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

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

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

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

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

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

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

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

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

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

Online:

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

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

Single copies/back copies:

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

FEDERAL AGENCIES

Subscriptions:

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

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

THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

WHEN: September 12 at 9:00 am

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

RESERVATIONS: 202–523–4538

ATLANTA, GA

WHEN: September 20 at 9:00 am

WHERE: Centers for Disease Control
1600 Clifton Rd., NE.
Auditorium A
Atlanta, GA

RESERVATIONS: 404–639–3528
(Atlanta area)
1–800–688–9889
(Outside Atlanta area)

Contents

Federal Register

Vol. 60, No. 146

Monday, July 31, 1995

Separate Parts In This Issue

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 60, No. 146
Monday, July 31, 1995

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 204

[INS No. 1690–95]

RIN 1115–AD91

Immigrant Petitions; Children of Widows or Widower

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends the Immigration and Naturalization Service (''the Service'') regulations by providing clarifying language and procedures for according immigrant status to children of widows or widowers who were not previously eligible for immigration benefits as derivative immediate relatives. This regulation will enhance family well-being by promoting the family unity relationship between the child and his or her widowed mother or father.

DATES: This rule is effective July 31, 1995. Written comments must be submitted on or before September 29, 1995.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 ''I'' Street NW., Room 5307, Washington, DC 20536. To ensure proper handling, please reference INS No. 1690–95 on your correspondence. Comments are available for public inspection at the above address by calling (202) 514–3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT: Ramonia Law-Hill, Senior Adjudications Officer, Adjudications Division, Immigration and Naturalization Service, 425 ''I'' Street NW., Room 3214, Washington, DC 20536, telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION: Section 302(a)(2) of the Miscellaneous and Technical Amendments of 1991, Public Law 102–232, dated December 12, 1991, amended the Immigration Act of 1990 and the Immigration and Nationality Act (the Act) so that certain widows and widowers of United States citizens would be considered to be immediate relatives and would be able to petition for themselves. This original language, however, did not extend to the children of widows and widowers. Section 219(b) of the Immigration and Nationality Technical Corrections Act of 1994 (Technical Corrections Act), Public Law 103–416, dated October 25, 1994, expanded the definition of the term ''immediate relative'' in section 201(b)(2)(A)(i) of the Act to include the child of an alien who qualifies as a widow or widower. Section 219(b) also amended section 204(a)(1)(A) of the Act so that the child of a widow or widower could be included in the petition filed by the widow or widower. Before these changes, the child of a widow or widower would only be eligible to acquire immigrant status after the acquisition of immigrant status by the widow or widower, and after the approval of a petition filed by the widow or widower for classification of the child under section 203(a)(2) of the Act. The changes in the Technical Corrections Act now enable the child to be included in the widow or widower's petition and to accompany or follow to join the widow or widower to the United States as a derivative immediate relative. Accordingly, this rule amends 8 CFR 204.2(b)(4) to reflect the changes to the Act. It should be noted that these derivative benefits do not extend to the unmarried or married sons or daughters of widows or widowers of United States citizens. This regulation reflects that exclusion.

The Service's implementation of this rule as an interim rule, with provision for post-promulgation public comment, is based upon the ''good cause'' exceptions found at 5 U.S.C. 533 (b)(B) and (d)(3). The reasons and the necessity for immediate implementation of this interim rule are as follows: The statutory provision addressed in this rule became effective October 25, 1994. It was clear that the Congressional intent was to implement this provision immediately and any further delay would be contrary to this intent. Moreover, this interim rule confers an immediate benefit upon eligible persons who otherwise would not be eligible for legal admission to the United States as permanent residents. Furthermore, this rule does not impose a penalty of any kind. It is imperative that this interim rule become effective upon publication so that those persons who are entitled to the benefit may apply accordingly.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule merely confers a benefit upon eligible persons and does not impose a penalty of any kind.

Executive Order 12866

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

Executive Order 12612

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

Executive Order 12606

The Commissioner of the Immigration and Naturalization Service certifies that she has addressed this rule in light of the criteria in Executive Order 12606 and has determined that this regulation will enhance family well-being by promoting the family unity relationship between the child and his/her mother or father.

List of Subjects in 8 CFR Part 204

Administrative practice and procedure, Aliens, Immigration, Petitions.

Accordingly, part 204 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 204—IMMIGRANT PETITIONS

1. The authority citation for part 204 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1151, 1153, 1154, 1182, 1186a, 1255; 8 CFR part 2.

2. In § 204.2 paragraph (b)(4) is revised to read as follows:

§ 204.2 Relative petitions.

* * * * *

(b) * * *

(4) *Derivative beneficiaries.* A child of an alien widow or widower classified as an immediate relative is eligible for derivative classification as an immediate relative. Such a child may be included in the principal alien's immediate relative visa petition, and may accompany or follow to join the principal alien to the United States. Derivative benefits do not extend to an unmarried or married son or daughter of an alien widow or widower.

* * * * *

Dated: July 21, 1995.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 95–18677 Filed 7–28–95; 8:45 am]

BILLING CODE 4410–10–M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221 and 224

[Regulations G, T, U and X]

Securities Credit Transactions; List of Marginable OTC Stocks; List of Foreign Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; determination of applicability of regulations.

SUMMARY: The List of Marginable OTC Stocks (OTC List) is composed of stocks traded over-the-counter (OTC) in the United States that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List of Foreign Margin Stocks (Foreign List) is composed of foreign equity securities that have met the Board's eligibility criteria under Regulation T. The OTC List and the Foreign List are published four times a year by the Board. This document sets forth additions to and deletions from the previous OTC List. There are no additions to or deletions from the previous Foreign List.

EFFECTIVE DATE: August 14, 1995.

FOR FURTHER INFORMATION CONTACT: Peggy Wolffrum, Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202) 452–2781, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. For the hearing impaired only, contact Dorothea Thompson, Telecommunications Device for the Deaf (TDD) at (202) 452–3544.

SUPPLEMENTARY INFORMATION: Listed below are additions to and deletions from the OTC List, which was last published on April 24, 1995 (60 FR 20005), and became effective May 8, 1995. A copy of the complete OTC List is available from the Federal Reserve Banks.

The OTC List includes those stocks that meet the criteria in Regulations G, T and U (12 CFR Parts 207, 220 and 221, respectively). This determination also affects the applicability of Regulation X (12 CFR Part 224). These stocks have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant regulation in the same fashion as exchange-traded securities. The OTC List also includes any OTC stock designated for trading in the national market system (NMS security) under rules approved by the Securities and Exchange Commission (SEC). Additional OTC stocks may be designated as NMS securities in the interim between the Board's quarterly publications. They will become automatically marginable upon the effective date of their NMS designation. The names of these stocks are available at the SEC and at the National Association of Securities Dealers, Inc. and will be incorporated into the Board's next quarterly publication of the OTC List.

There are no new additions, deletions or changes to the Board's Foreign List, which was last published on April 24, 1995 (60 FR 20005), and which became effective May 8, 1995. This notice serves as republication of that List with a new effective date of August 14, 1995. The Foreign List includes those foreign securities that meet the criteria in section 220.17 of Regulation T and are eligible for margin treatment at broker-dealers on the same basis as domestic margin securities. A copy of the complete Foreign List is available from the Federal Reserve Banks.

Public Comment and Deferred Effective Date

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the Lists specified in 12 CFR 207.6 (a) and (b), 220.17 (a), (b), (c) and (d), and 221.7 (a) and (b). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of these Lists as soon as possible. The Board has responded to a request by the public and allowed approximately a two-week delay before the Lists are effective.

List of Subjects

12 CFR Part 207

Banks, Banking, Credit, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 220

Banks, Banking, Brokers, Credit, Margin, Margin requirements, Investments, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 221

Banks, Banking, Credit, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 224

Banks, Banking, Borrowers, Credit, Margin, Margin requirements, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with 12 CFR 207.2(k) and 207.6 (Regulation G), 12 CFR 220.2(u) and 220.17 (Regulation T), and 12 CFR 221.2(j) and 221.7 (Regulation U), there is set forth below a listing of deletions from and additions to the OTC List.

Deletions From the List of Marginable OTC Stocks

Stocks Removed For Failing Continued Listing Requirements

ACTION PERFORMANCE COMPANIES, INC.
Warrants (expire 04–27–98)
ALL FOR A DOLLAR, INC.
$.01 par common
ALPHA 1 BIOMEDICALS, INC.
$.001 par common Class C, warrants (expire 02–28–97)
ARCUS, INC.
$.01 par common
BIOMEDICAL WASTE SYSTEMS, INC.
Class B, warrants (expire 06–04–96)
BIOMIRA, INC.
Rights (expire 06–02–95)
BPI PACKAGING TECHNOLOGIES, INC.
Class A, warrants (expire 06–16–95)
CAPITAL GAMING INTERNATIONAL, INC.
No par common
CELLCOR, INC.
$.01 par common
CHINATEK, INC.
$.001 par common
COMCENTRAL CORPORATION
$.02 par common
CRAY COMPUTER CORPORATION
$01 par common
DATEQ INFORMATION NETWORK, INC.
$.01 par common
EL PASO ELECTRIC COMPANY
No par common
ENVIRONMENTAL TECHNOLOGIES CORP.
Warrants (expire 07–20–95)
F & M DISTRIBUTORS, INC.
$.01 par common
FIRST COMMERCIAL BANCORP, INC.
$.01 par common
FRANKLIN OPHTHALMIC INSTRUMENTS COMPANY, INC.
$.001 par common
FREYMILLER TRUCKING, INC.
$.01 par common
FUTURE HEALTHCARE, INC.
No par common
GOLDEN SYSTEMS, INC.
No par common
GOTHAM APPAREL CORPORATION
$.001 par common
HUBCO, INC.
Series A, $24.00 stated value preferred
INTERACTIVE NETWORK, INC.
No par common
INTERNATIONAL RESEARCH AND DEVELOPMENT CORPORATION
$.50 par common
JENNIFER CONVERTIBLES, INC.
$.01 par common
LIDAK PHARMACEUTICALS
Class C, warrants (expire 05–26–95)
MEDICIS PHARMACEUTICAL CORPORATION
Class C, warrants (expire 04–10–95)
NEW ENGLAND REALTY ASSOCIATES LIMITED PARTNERSHIP
Depositary Receipts
NOBLE DRILLING CORPORATION
$2.25 par convertible exchangeable preferred
OCTAGON, INC.
$.01 par common Class A, warrants (expire 02–16–99)
ONCOR, INC.
$.01 par common
PACIFIC BASIN BULK SHIPPING LTD.
Units (expire 09–30–99)
PHOTONICS CORPORATION
$.001 par common
PRODUCERS ENTERTAINMENT GROUP LTD., THE
$.001 par common
RIMAGE CORPORATION
Warrants (expire 07–20–95)
SCIENTIFIC SOFTWARE-INTERCOMP
No par common
SELECT MEDIA COMMUNICATIONS, INC.
$.001 par common
SLM INTERNATIONAL, INC.
$.01 par common
SPECTRUM INFORMATION TECHNOLOGIES INC.
No par common
STAPLES, INC.
5% convertible subordinated debentures
STUARTS DEPARTMENT STORES, INC.
$.01 par common
SUNRISE TECHNOLOGIES INTERNATIONAL, INC.
No par common
SWING-N-SLIDE CORPORATION
$.01 par common
TCF FINANCIAL CORPORATION
Series A, noncumulative perpetual preferred Warrants (expire 07–01–95)
TRANS-INDUSTRIES, INC.
$.10 par common
U. S. WIRELESS DATA, INC.
Class A, $.01 par common
UNIMARK GROUP, INC.
Warrants (expire 08–12–99)
UNR INDUSTRIES, INC.
Warrants (expire 06–14–95)
VARI-L COMPANY, INC.
Warrants (expire 04–20–97)
VENTURA COUNTY NATIONAL BANCORP
Rights (expire 06–21–95)
XENOVA GROUP
American Depositary Receipts (Units expire 07–08–95)
XPLOR CORPORATION
$.01 par common

Stocks Removed for Listing on a National Securities Exchange or Being Involved in an Acquisition

ADESA CORPORATION
No par common
ALIAS RESEARCH INC.
No par common
ALLEGHENY & WESTERN ENERGY CORP.
$.01 par common
AMERICAN RECREATION CENTERS, INC.
No par common
AMERICAN SAVINGS OF FLORIDA, FSB
$.01 par common
BANCORP NEW JERSEY, INC.
$.01 par common
BANK MARYLAND CORP.
$.05 par common
BEST POWER TECHNOLOGY, INC.
$.01 par common
BESTOP, INC.
$.002 par common
BROADCAST INTERNATIONAL, INC.
$.10 par common
BROADCASTING PARTNERS, INC.
Class A, $.01 par common
CAREERSTAFF UNLIMITED, INC.
$.0001 par common
CASINO & CREDIT SERVICES, INC.
$.001 par common
CENTRAL MORTGAGE BANCSHARES, INC.
$1.00 par common
CHESAPEAKE ENERGY CORPORATION
$.01 par common
CONTEL CELLULAR, INC.
Class A, $1.00 par common
CORAL GABLES FEDCORP, INC.
$.01 par common
CROCKER REALTH INVESTORS, INC.
$.001 par common
DEERBANK CORPORATION
$1.00 par common
DEKALB ENERGY COMPANY
Class B, no par common
DEWOLFE COMPANIES, INC., THE
$.01 par common
EASEL CORPORATION
$.01 par common
EB, INC.
$2.00 par common
ENVIROQ CORPORATION
$.44 par common
ENVOY CORPORATION
$1.00 par common
FF BANCORP, INC. (Florida)
$1.00 par common
FIRST SOUTHERN BANCORP, INC.
No par common
FLAIR CORPORATION
$.01 par common
GLYCOMED INCORPORATED
No par common
GOLDENBANKS OF COLORADO, INC.
$.05 par common
GRAY COMMUNICATIONS SYSTEMS, INC.
No par common
HCC INSURANCE HOLDINGS, INC.
$1.00 par common

HOMEDCO GROUP, INC.
$.01 par common
INFINITY BROADCASTING CORPORATION
Class A, $.002 par common
INTERTRANS CORPORATION
No par common
INVESTORS BANK CORPORATION
$.01 par common
KEYSTONE HERITAGE GROUP, INC.
$5.00 par common
LAKELAND FIRST FINANCIAL GROUP
$.10 par common
LEASEWAY TRANSPORTATION CORP.
$.01 par common
LOTUS DEVELOPMENT CORPORATION
$.01 par common
NAC-RE CORPORATION
$.10 par common
NFS FINANCIAL CORPORATION
$.01 par common
NUVISION, INC.
$.50 par common
OLD YORK ROAD BANCORP, INC.
$1.00 par common
OLYMPUS CAPITAL CORP.
$1.00 par common
OSHMAN'S SPORTING GOODS, INC.
$1.00 par common
PACO PHARMACEUTICAL SERVICES, INC.
$.01 par common
PARK COMMUNICATIONS, INC.
$.16⅔ par common
PETROLANE INCORPORATED
Class B, $.01 par common
PETSTUFF INC.
$.01 par common
PHARMACY MANAGEMENT SERVICES
$.01 par common
PLAINS SPIRIT FINANCIAL CORP.
$.01 par common
PONCEBANK
$1.00 par common
RE CEPITAL CORPORATION
$.10 par common
REHABILITY CORPORATION
$.01 par common
RENAISSANCE COMMUNICATIONS CORP.
$.01 par common
SHURGARD STORAGE CENTERS, INC.
Class A, $.01 par common
SKYBOX INTERNATIONAL INC.
$.01 par common
THOMAS NELSON, INC.
$1.00 par common
TRANSMEDIA NETWORK, INC.
$.02 par common
VICTORIA FINANCIAL CORPORATION
$.01 par common
WATTS INDUSTRIES, INC.
Class A, $.10 par common
WAVEFRONT TECHNOLOGIES, INC.
No par common
WCT COMMUNICATIONS, INC.
No par common
WHITMAN MEDICAL CORPORATION
No par common
WILEY, JOHN & SONS, INC.
Class A, $1.00 par common
Class B, $1.00 par common
ZILOG, INC.
No par common

Additions to the OTC List

1ST BANCORP (Indiana)
$1.00 par common
ACCUGRAPH CORPORATION
Class A, No par common
ACT NETWORKS, INC.
$.01 par common
AG ASSOCIATES, INC.
No par common
AG-CHEM EQUIPMENT CO., INC.
$.01 par common
AGRIUM INC.
No par common
ALGOMA STEEL, INC.
No par common
ALLERGAN LIGAND RETINOID THERAPEUTICS
Units (expire 06–05–97)
AMERICAN HEALTH PROPERTIES, INC.
No par depositary shares
AMERICAN ONCOLOGY RESOURCES, INC.
$.01 par common
AMERICAN RADIO SYSTEMS CORPORATION
Class A, $.01 par common
ANADIGICS, INC.
$.01 par common
APPS DENTAL, INC.
$.01 par common
ARCSYS, INC.
$.0001 par common
ARGOSY GAMING COMPANY
12% convertible subordinated debentures
ASB FINANCIAL CORPORATION
No par common
BAAN COMPANY NV
NLG .02 par common
BDM INTERNATIONAL, INC.
$.01 par common
BELMONT BANCORP (Ohio)
$.50 par common
BELMONT HOMES, INC.
$.10 par common
BNCCORP, INC.
$.01 par common
BROCKWAY STANDARD HOLDINGS CORPORATION
$.01 par common
BUCYRUS-ERIE COMPANY
$.01 par common
BUSINESS RESOURCE GROUP
$.01 par common
BYRON PREISS MULTIMEDIA COMPANY, INC.
$.001 par common
C. P. CLARE CORPORATION
$.01 par common
CALIFORNIA MICRO DEVICES CORPORATION
No par common
CARETENDERS HEALTH CORPORATION
$.10 par common
CAROLINA SOUTHERN BANK
$5.00 par common
CHAMPION ROAD MACHINERY, LTD.
No par common
CHICAGO MINIATURE LAMP, INC.
$.01 par common
CKF BANCORP, INC. (Kentucky)
$.01 par common
COHESANT TECHNOLOGIES, INC.
$.001 par common
COLUMBIA BANCORP
$.01 par common
COMMUNITY FINANCIAL CORPORATION
$.01 par common
COMPUTER LEARNING CENTERS, INC.
$.01 par common
CONTINENTAL INFORMATION SYSTEMS CORPORATION
$.01 par common
COOPER CAMERON CORPORATION
$.01 par common
COUNSEL CORPORATION
No par common
CRA MANAGED CARE, INC.
$.01 par common
DATALOGIX INTERNATIONAL, INC.
$.01 par common
DAVE & BUSTER'S, INC.
$.01 par common
DENDRITE INTERNATIONAL, INC.
No par common
DESWELL INDUSTRIES, INC.
$.01 par common
Warrants (expire 07–19–2000)
DETOMASO INDUSTRIES, INC.
$2.50 par common
DIASYS CORPORATION
$.001 par common
DIGITAL RECORDERS, INC.
$.10 par common
DISCREET LOGIC, INC.
No par common
DOVE AUDIO, INC.
$.01 par common
EAGLE POINT SOFTWARE CORPORATION
$.01 par common
ECHOSTAR COMMUNICATIONS CORPORATION
Class A, $.01 par common
ELCOTEL, INC.
$.01 par common
ELECTRONICS, MISSILES & COMMUNICATIONS, INC.
$.01–2/3 par common
ENVOY CORPORATION
No par common
ERD WASTE CORPORATION
$.001 par common
EXOGEN INC.
$.0001 par common

FEI COMPANY
No par common
FIDELITY FEDERAL BANCORP
No par common
FINANCING FOR SCIENCE INTERNATIONAL INC.
Warrants (expire 05–19–99)
FIREFOX COMMUNICATIONS, INC.
$.001 par common
FIRST BELL BANCORP, INC. (Pennsylvania)
$.01 par common
FIRST MUTUAL BANCORP, INC.
$.01 par common
FIRST WASHINGTON REALTY TRUST, INC.
$.01 par common
Series A, cumulative convertible preferred
FNB FINANCIAL SERVICES CORPORATION
$1.00 par common
FORT BEND HOLDING CORPORATION
$.01 par common
FRANKLIN FIRST BANCORP, INC. (Kentucky)
$.01 par common
GAME FINANCIAL CORPORATION
$.01 par common
GARDEN FRESH RESTAURANT CORPORATION
$.01 par common
GARDEN RIDGE CORPORATION
$.01 par common
GATEWAY BANCORP, INC. (Kentucky)
$.01 par common
GENERAL CABLE PLC
American Depositary Shares
GLENWAY FINANCIAL CORPORATION
$.01 par common
GREAT AMERICAN BANCORP, INC. (Illinois)
$.01 par common
GREAT BAY POWER CORPORATION
$.01 par common
GREAT TRAIN STORE COMPANY, THE
$.01 par common
HABERSHAM BANCORP (Georgia)
$1.00 par common
HARDINGE, INC.
$.01 par common
HARMONIC LIGHTWAVES, INC.
$.001 par common
HARVEST HOME FINANCIAL CORPORATION
No par common
HF BANCORP, INC. (California)
$.01 par common
HIGHWAYMASTER COMMUNICATIONS, INC.
$.01 par common
HNC SOFTWARE, INC.
$.001 par common
HOWTEK INC.
$.01 par common
HUDSON TECHNOLOGIES, INC.
$.01 par common
Warrants (expire 11–02–99)
IKOS SYSTEMS, INC.
$.01 par common
IMNET SYSTEMS, INC.
$.01 par common
INFERENCE CORPORATION
Class A, No par common
INSTENT, INC.
$.01 par common
INTEGRATED COMMUNICATION NETWORK, INC.
$.01 par common
INTERACTIVE GROUP, INC.
$.001 par common
INTERNATIONAL MUREX TECHNOLOGIES CORPORATION
No par common
INTRAV, INC.
$.01 par common
IRATA, INC.
Class A, $.10 par common
JAMES RIVER BANKSHARES, INC.
$5.00 par common
LASER FRIENDLY INC.
No par common
LEGATO SYSTEMS, INC.
$.0001 par common
LETCHWORTH INDEPENDENT BANCSHARES CORPORATION
$1.00 par common
LINCOLN ELECTRIC COMPANY, THE
No par common
Class A, no par common
MADISON BANCSHARES GROUP, LTD.
$1.00 par common
MARTIN INDUSTRIES, INC.
$.01 par common
MAXIS, INC.
$.0001 par common
MAXUS ENERGY CORPORATION
$4.00 par cumulative convertible preferred
MERIT HOLDING CORPORATION
$2.50 par common
METRA BIOSYSTEMS, INC.
$.01 par common
MFS COMMUNICATIONS COMPANY, INC.
Depositary Shares
MICROS-TO-MAINFRAMES, INC.
$.001 par common
Warrants (expir 10–26–97)
MIDCOM COMMUNICATIONS, INC.
$.0001 par common
MIRAMAR MINING CORPORATION
No par common
MOBLEMEDIA CORPORATION
$.001 par common
MYSOFTWARE COMPANY
$.001 par common
NAL FINANCIAL GROUP, INC.
$.15 par common
NERA AS
American Depositary Receipts
NETWORK EXPRESS, INC.
No par common
NEXGEN, INC.
$.0001 par common
NORTHEAST INDIANA BANCORP, INC.
$.01 par common
NORTHWEST EQUITY CORPORATION
$1.00 par common
NOVADIGM INC.
$.01 par common
NUMBER NINE VISUAL TECHNOLOGY CORPORATION
$.01 par common
NUTRITION FOR LIFE INTERNATIONAL, INC.
$.01 par common
Warrants (expire 07–10–98)
NYNEX CABLECOMMS GROUP PLC
American Depositary Receipts
OCCUSYSTEMS, INC.
$.01 par common
ONTRAK SYSTEMS, INC.
No par common
OPAL, INC.
$.01 par common
ORAVAX, INC.
$.001 par common
OSHAP TECHNOLOGIES LTD.
Rights
PARADIGM TECHNOLOGY, INC.
$.01 par common
PERFORMANCE SYSTEMS INTERNATIONAL, INC.
$.01 par common
PHOENIX GOLD INTERNATIONAL, INC.
No par common
PHOENIX SHANNON PLC
American Depositary Receipts
PIONEER COMPANIES, INC.
Class A, $.01 par common
PIXTECH, INC.
$.01 par common
PLAINTREE SYSTEMS, INC.
No par common
PLAY BY PLAY TOYS & NOVELTIES, INC.
No par common
PREMIER LASER SYSTEMS, INC.
Class A, No par common
Class A, warrants (expire 11–30–99)
Class B, warrants (expire 11–30–99)
PRINS RECYCLING CORPORATION
$.001 par common
PROGRAMMER'S PARADISE, INC.
$.01 par common
REPUBLIC ENGINEERED STEELS, INC.
$.01 par common
REPUBLIC ENVIRONMENTAL SYSTEMS, INC.
$.01 par common
RESMED, INC.
$.004 par common
RESOURCE MORTGAGE CAPITAL, INC.
Series A, $.01 par convertible preferred
RESURGENCE PROPERTIES, INC.
$.01 par common
ROCKFORD INDUSTRIES, INC.
No par common
ROSE'S STORES, INC.

No par common
ROYCE LABORATORIES, INC.
$.005 par common
RTW, INC.
No par common
SCANSOURCE, INC.
No par common
SDNB FINANCIAL CORP.
Rights
SEER TECHNOLOGIES, INC.
$.01 par common
SEROLOGICALS CORPORATION
$.01 par common
SFS BANCORP, INC. (New York)
$.01 par common
SGV BANCORP, INC. (California)
$.01 par common
SINCLAIR BROADCAST GROUP, INC.
Class A, $.01 par common
SITEL CORPORATION
$.001 par common
SOS STAFFING SERVICES, INC.
$.01 par common
SOUTHLAND CORPORATION, THE
$.0001 par common
SOVEREIGN BANCORP, INC. (Pennsylvania)
Series B, 6¼% cumulative convertible preferred
SPINE-TECH, INC.
$.01 par common
SPYGLASS, INC.
$.01 par common
STORMEDIA INCORPORATED
Class A, $.013 par common
STUDIO PLUS HOTELS, INC.
$.01 par common
SUN INTERNATIONAL HOTELS LTD.
Series B, common
SYMETRICS INDUSTRIES, INC.
$.25 par common
TAITRON COMPONENTS INC.
Class A, $.001 par common
TELE-COMMUNICATIONS INTERNATIONAL, INC.
Class A, $1.00 par common
TELE-COMMUNICATIONS, INC.
Series A, Liberty Media Group ($1.00 par common)
TELTREND INC.
$.01 par common
TRANSWITCH CORPORATION
$.001 par common
TSX CORPORATION
$.01 par common
UNIMARK GROUP, INC., THE
$.01 par common
UNITED COMPANIES FINANCIAL CORPORATION
$2.00 par convertible preferred
UNITED SECURITY BANCORPORATION (Washington)
No par common
US ORDER, INC.
$.001 par common
US-CHINA INDUSTRIAL EXCHANGE, INC.
$.01 par common
USDATA CORPORATION
$.01 par common
Rights
UUNET TECHNOLOGIES, INC.
$.001 par common
VIDAMED, INC.
$.001 par common
VIDEO UPDATE, INC.
Class A, $.01 par common
Class A, warrants (expire 07–20–99)
Class B, warrants (expire 07–20–99)
VIDEOSERVER, INC.
$.01 par common
VISTA BANCORP, INC. (New Jersey)
$.50 par common
VOXEL
No par common
WEITZER HOMEBUILDERS, INC.
Class A, $.01 par common
WESTERN POWER & EQUIPMENT CORPORATION
$.001 par common
WOOD BANCORP, INC. (Ohio)
$.01 par common
YARDVILLE NATIONAL BANCORP
No par common

By order of the Board of Governors of the Federal Reserve System, acting by its Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.7(f)(10)), July 25, 1995.

William W. Wiles,

Secretary of the Board.

[FR Doc. 95–18743 Filed 7–28–95; 8:45am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–CE–23–AD; Amendment 39–9319; AD 95–15–13]

Airworthiness Directives; Jetstream Aircraft Limited (Formerly British Aerospace, Regional Aircraft Limited) Jetstream Models 3101 and 3201 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Jetstream Aircraft Limited (JAL) Jetstream Models 3101 and 3201 airplanes.This action requires inspecting the main passenger/crew door locking mechanism to ensure that a taper pin is installed, installing a taper pin if not already installed, and modifying the passenger door warning system. The actions specified by this AD are intended to prevent the inability to open the passenger/crew door or failure of the passenger door warning system, which could result in passenger injury if emergency evacuation is needed.

DATES: Effective September 7, 1995.

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

ADDRESSES: Service information that applies to this AD may be obtained from Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; telephone (44–292) 79888; facsimile (44–292) 79703; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029; telephone (703) 406–1161; facsimile (703) 406–1469. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond A. Stoer, Program Officer, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium; telephone (322) 513.3830; facsimile (322) 230.6899; or Mr. Sam Lovell, Project Officer, Small Airplane Directorate, Airplane Certification Service, FAA, 1201Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6934; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain JAL Models 3101 and 3201 airplanes was published in the **Federal Register** on February 22, 1995 (60 FR 9794). The action proposed to require inspecting the main passenger/crew door locking mechanism to ensure that a taper pin is installed, installing a taper pin if not already installed, and modifying the passenger door warning system. Accomplishment of the proposed inspection and possible installation would be in accordance with Jetstream Service Bulletin (SB) 52–A-JA911140, which incorporates the following pages:

Pages	Revision level	Date
4, 5, 7, and 9 ..	Original Issue	Feb. 3, 1992.
2	Revision 1	June 26, 1992.
1, 3, 6, and 8 ..	Revision 2	Oct. 6, 1992.

Accomplishment of the proposed door warning system modification would be in accordance with Jetstream SB 52–JM 7793, which incorporates the following pages:

Pages	Revision level	Date
4 through 11	Original Issue	Nov. 19, 1992.
1, 2, and 3	Revision 1	Aug. 10, 1993.

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

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

The FAA estimates that 200 airplanes in the U.S.registry will be affected by this AD, that it will take approximately 10 work hours (2 workhours for the taper pin installation and 8 workhours for the passenger door warning system modification) per airplane to accomplish the required action, and that the average labor rate is approximately $60 an hour. Parts to accomplish the modifications will be provided by JAL at no cost to the owner/operator. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $120,000. This figure is based on the assumption that no affected owner/operator has accomplished either of the modifications; that all airplanes will need a taper pin installed on the passenger/crew door locking mechanism; and that no airplane owner/operator has accomplished the passenger door warning system modification. The FAA anticipates that a majority of the affected airplanes already have taper pins installed and passenger door warning system modifications incorporated, thereby reducing the cost impact upon the public.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

95–15–13 Jetstream Aircraft Limited: Amendment 39–9319; Docket No. 92–CE–23–AD.

Applicability: Jetstream Models 3101 and 3201 airplanes (all serial numbers), certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (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 within the next 500 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent the inability to open the passenger/crew door or failure of the passenger door warning system, which could result in passenger injury if emergency evacuation is needed, accomplish the following:

(a) For all affected airplanes that have a main passenger/crew door installed with one of the following serial numbers, accomplish paragraphs (a)(1) and (a)(2) of this AD, as applicable:

WIPL–SD–0001 through WIPL–SD–0005, WIPL–SD–0008 through WIPL–SD–0031, WIPL–SD–0034 through WIPL–SD–0046, WIPL–SD–0049, WIPL–SD–0051 through WIPL–SD–0065, WIPL–SD–0067, WIPL–SD–0070, WIPL–SD–0071, SDJ10883, SDJ10884A, SDJ10884B, and SDJ10886 through SDJ10891

(1) To ensure that a part number SP28E4 taper pin is installed, visually inspect the passenger/crew door locking mechanism in the area between the locking dog and indicator button assembly in accordance with Part 2 of the ACCOMPLISHMENT INSTRUCTIONS section of Jetstream Service Bulletin (SB) 52–A–JA 911140, which incorporates the following pages:

Pages	Revision level	Date
4, 5, 7, and 9	Original Issue.	Feb. 3, 1992.
2	Revision 1 ...	June 26, 1992.
1, 3, 6, and 8	Revision 2 ...	Oct. 6, 1992.

(2) If a taper pin (part number SP28E4) is not installed, prior to further flight, accomplish Part 3 of the ACCOMPLISHMENT INSTRUCTIONS section of Jetstream SB 52–A–JA 911140.

(b) For all affected airplanes regardless of the serial number passenger door installed, modify the passenger door warning system in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Jetstream SB 52–JM 7793, which incorporates the following pages:

Pages	Revision level	Date
4 through 11	Original Issue.	Nov. 19, 1992.
1, 2, and 3	Revision 1 ...	Aug. 10, 1993.

Note 2: Compliance with a previous revision level of the service bulletins referenced in this AD fulfills the applicable requirements of this AD and is considered ''unless already accomplished'' for that portion of the AD.

(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) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Office (ACO), FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels ACO.

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

(e) The inspection and possible installation required by this AD shall be done in accordance with Jetstream Service Bulletin 52–A–JA 911140, which incorporates the following pages:

Pages	Revision level	Date
4, 5, 7, and 9	Original Issue.	Feb. 3, 1992.
2	Revision 1 ...	June 26, 1992.
1, 3, 6, and 8	Revision 2 ...	Oct. 6, 1992.

The modification required by this AD shall be done in accordance with Jetstream Service Bulletin 52–JM 7793, which incorporates the following pages:

Pages	Revision level	Date
4 through 11	Original Issue.	Nov. 19, 1992.
1, 2, and 3	Revision 1 ...	Aug. 10, 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 Jetstream Aircraft Limited, Manager Product Support, Prestwick Airport, Ayrshire, KA9 2RW Scotland; or Jetstream Aircraft Inc., Librarian, P.O. Box 16029, Dulles International Airport, Washington, DC, 20041–6029. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment (39–9319) becomes effective on September 7, 1995.

Issued in Kansas City, Missouri, on July 17, 1995.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–18124 Filed 7–28–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–183–AD; Amendment 39–9310; AD 95–15–07]

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to British Aerospace Model BAC 1–11 200 and 400 series airplanes, that currently requires structural inspections and repairs or replacements, as necessary. This amendment requires additional inspections of certain Structural Significant Items (SSI) and expansion of the inspection area for certain other SSI's. This amendment is prompted by the results of a structural integrity audit, which indicated that in order to maintain the structural integrity of these airplanes as they approach or exceed the manufacturer's original fatigue design life goal, certain SSI's need to be inspected. The actions specified by this AD are intended to ensure continuing structural integrity of these airplanes.

DATES: Effective August 30, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 30, 1995.

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

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

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 87–24–06 R1, amendment 39–6037 (53 FR 37993, September 29, 1988), which is applicable to British Aerospace Model BAC 1–11 200 and 400 series airplanes, was published in the **Federal Register** on April 17, 1995 (60 FR 19179). The action proposed to require a revision of the FAA-approved maintenance inspection program to include additional structural inspections of certain Structural Significant Items (SSI), expansion of the inspection area for certain other SSI's, and repair or replacement of cracked parts; and establishes a life limit for the engine mount/attachment structure on certain airplanes.

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

The FAA estimates that 31 airplanes of U.S. registry will be affected by this AD, that it will take approximately 158 work hours per airplane to accomplish the 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 $293,880, or $9,480 per airplane, per inspection cycle.

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–6037 (53 FR 37993, September 29, 1988), and by adding a new airworthiness directive (AD), amendment 39–9310 , to read as follows:

95–15–07 British Aerospace Airbus Limited (Formerly British Aerospace Commercial Aircraft Limited, British Aerospace Aircraft Group): Amendment 39–9310. Docket 94–NM–183–AD. Supersedes AD 87–24–06 R1, Amendment 39–6037.

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

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

(a) Within 6 months after November 3, 1988 (the effective date of AD 87–24–06 R1, amendment 39–6037), incorporate a revision into the FAA-approved maintenance inspection program which requires inspections, repairs, and replacements, as necessary, in accordance with Table 1, Table 2, and Table 3 of British Aerospace BAC 1–11 Alert Service Bulletin 51–A-PM5830, Issue 3, dated March 19, 1987. The revision to the maintenance inspection program must include procedures to notify the manufacturer when Structural Significant Items (SSI) are found cracked or otherwise significantly deteriorated. [Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) and have been assigned OMB Control Number 2120–0056.] The inspection thresholds, repetitive intervals, and inspection techniques are listed in the alert service bulletin.

(b) Within 6 months after the effective date of this AD, replace the revision of the FAA-approved maintenance inspection program required by paragraph (a) of this AD, with a revision which requires inspections, repairs, and replacements, as necessary, in accordance with Table 1 (except Maintenance Planning Guide Reference Numbers 52–10- 6R and 53–10–29R), Table 2, and Table 3 of British Aerospace BAC 1–11 Alert Service Bulletin 51–A-PM5830, Issue 4, dated January 28, 1993. The revision to the maintenance inspection program must include procedures to notify the manufacturer when SSI's are found cracked or otherwise significantly deteriorated. [Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) and have been assigned OMB Control Number 2120–0056.] The inspection thresholds, repetitive intervals, and inspection techniques are listed in the alert service bulletin.

Note 2

: Maintenance Planning Guide (MPG) Reference Numbers 52–10–6R and 53–10–29R, listed in Table 1 of British Aerospace BAC 1–11 Alert Service Bulletin 51–A-PM5830, Issue 4, dated January 28, 1993, are excluded from the requirements of this AD for the following reasons:

MPG reference No.	Reason
52–10–6R	Required by AD 87–21–06, amendment 39–5744.
53–10–29R ..	Will be addressed in a separate rulemaking action.

(c) Within one year after November 3, 1988 (the effective date of AD 87–24–06 R1, amendment 39–6037), or prior to the accumulation of the number of landings listed in the landing threshold indicated in British Aerospace BAC 1–11 Alert Service Bulletin 51–A-PM5830, Issue 3, dated March 19, 1987, whichever occurs later, and thereafter, at intervals not to exceed the number of landings specified in the alert service bulletin, accomplish the inspections, repairs, and replacements, as necessary, of the SSI's identified in Table 1, Table 2, and Table 3 of that service bulletin.

(d) Within one year after the effective date of this AD, or prior to the accumulation of the number of landings listed in the landing threshold indicated in British Aerospace BAC 1–11 Alert Service Bulletin 51–A-PM5830, Issue 4, dated January 28, 1993, whichever occurs later, and thereafter, at intervals not to exceed the number of landings specified in the alert service bulletin, accomplish the inspections, repairs, and replacements, as necessary, of the SSI's identified in Table 1 (except Maintenance Planning Guide Reference Numbers 52–10–6R and 53–10–29R), Table 2, and Table 3 of the alert service bulletin.

Note 3: For operators that have accomplished this inspection previously in accordance with the requirements of AD 87–24–06 R1, amendment 39–6037: This paragraph requires that the next scheduled inspection for that SSI be performed within the repetitive interval specified for that SSI in the alert service bulletin after the last inspection performed in accordance with the requirements of AD 87–24–06 R1 for that SSI.

(e) For any cracked structure detected during any inspection required by this AD, prior to further flight, accomplish either paragraph (e)(1), (e)(2), or (e)(3) of this AD.

(1) Replace the cracked part with a serviceable part of the same part number, in accordance with the Airplane Maintenance Manual. Or

(2) Repair the cracked structure in accordance with the Structural Repair Manual, listed in the service bulletin. Or

(3) Repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

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

Note 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.

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

(h) The inspections, repairs, and replacements shall be done in accordance with British Aerospace BAC 1–11 Alert Service Bulletin 51–A-PM5830, Issue 4, dated January 28, 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, 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.

(i) This amendment becomes effective on August 30, 1995.

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

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–17553 Filed 7–28–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Airspace Docket No. 93–ASO–20]

Establishment of Class E Airspace; Cocoa, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects an error in the airspace description of a final rule that was published in the **Federal Register** on June 27, 1995, Airspace Docket No. 93–ASO–20. The description as published in the **Federal Register** on June 27, 1995, inadvertently states that the airspace extends each side of the 127° bearing northeast, instead of each side of the 307° bearing northwest of the Merritt Island NDB.

EFFECTIVE DATE: 0901 UTC, September 14, 1995.

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

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 95–15715, Airspace Docket No. 93–ASO–20, published on June 27, 1995 (60 FR 33106), established Class E airspace at Cocoa, FL, to provide adequate Class E airspace for IFR operations at Merritt Island Airport. The description as published in the **Federal Register** on June 27, 1995, inadvertently states that the airspace extends each side of the 127° bearing northeast, instead of each side of the 307° northwest of the Merritt Island NDB. This correction to the airspace designation does not affect the size of the Class E airspace area.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the airspace description for the Class E airspace area at Cocoa, FL, as published in the **Federal Register** on June 27, 1995 (60 FR 33106), (**Federal Register** Document 95–15715; page 33106, column 2), and the description in FAA Order 7400.9B, which is incorporated by reference in 14 CFR 71.1, is corrected as follows:

§ 71.1 [Corrected]

* * * * *

ASO FL E5 Cocoa, FL [Corrected]

Merritt Island Airport, FL
(Lat. 28°20′30″ N, long. 80°41′08″ W)
Merritt Island NDB
(Lat. 28°20′27″ N, long. 80°41′18″ W)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of the Merritt Island Airport and within 2.5 miles each side of the 307° bearing from the Merritt Island NDB, extending from the 6.3-mile radius to 7 miles northwest of the NDB; excluding that airspace within the Titusville, FL, and Melbourne, FL, Class E airspace areas.

* * * * *

Issued in College Park, Georgia, on July 19, 1995.

Stanley Zylowski,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 95–18732 Filed 7–28–95; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 778 and 799

[Docket No. 950720186–5186–01]

RIN 0694–AA69

Revisions to the Export Administration Regulations: Exports of Vaccines

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration maintains the Commerce Control List (CCL), which appears in the Export Administration Regulations (EAR). This rule revises the scope of controls applicable to vaccines that contain Australia Group (AG) controlled microorganisms or toxins that are currently classified under 1C61B. This rule amends the CCL by creating a new Export Control Classification Number (ECCN) 1C91F to authorize the export of vaccines that contain AG-controlled microorganisms or toxins under the provisions of General License G–DEST to eligible destinations (i.e. all destinations except Country Groups S and Z, and Iran).

This rule will reduce the licensing and paperwork burden on U.S. exporters of vaccines without jeopardizing U.S. policy objectives in stemming the proliferation of biological weapons.

EFFECTIVE DATE: This rule is effective July 26, 1995.

FOR FURTHER INFORMATION CONTACT: For questions on vaccines, call James Seevaratnam, Bureau of Export Administration, telephone: (202) 482–3343; or Patricia Sefcik, telephone: (202) 482–0707.

SUPPLEMENTARY INFORMATION:

Background

ECCN 1C61B contains a list of microorganisms and toxins that require a validated license to all destinations except Canada. The list of controlled organisms corresponds to the list of controlled items agreed to by the Australia Group, a multilateral group dedicated to preventing the proliferation of chemical and biological weapons. This rule removes validated export licensing requirements on vaccines that contain microorganisms or toxins controlled under ECCN 1C61B because there is no consensus for multilateral controls under the Australia Group and because the United States Government agrees that it is highly unlikely that vaccines, whether live, attenuated or dead, can directly aid in the development, production and weaponization of biological weapons agents.

Specifically, this rule amends the CCL by creating a new Export Control Classification Number (ECCN) 1C91F to authorize the export of vaccines that contain AG-controlled microorganisms or toxins under the provisions of General License G–DEST to eligible destinations (i.e. all destinations except Country Groups S and Z, and Iran). Extra caution should be exercised when making any large shipment (i.e. 5,000 doses or more), or when making any shipment to destinations, projects, or facilities of proliferation concern that are identified in Supplement No. 5 to Part 778 of the EAR. Also note that pursuant to the Iraqi Sanctions Regulations (31 CFR 575.205 of January 18, 1991), no goods, technology (including technical data or other information), or services may be exported from the United States, or if subject to U.S. jurisdiction, exported or reexported from a third county to Iraq, to any entity owned or controlled by the Government of Iraq, except as authorized by the Department of Treasury's Office of Foreign Assets Control.

This export licensing liberalization has no effect on the regulatory requirements of any other agency or department, e.g., Food and Drug Administration, U.S. Department of Agriculture.

Although the Export Administration Act (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and continued in effect, to the extent permitted by law, the provisions of the EAA and the EAR in Executive Order 12924 of August 19, 1994.

Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of Executive Order 12866.

2. This rule involves collections of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under control numbers 0694–0005, 0694–0010 and 0694–0067.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under section 3(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a foreign and military affairs function of the United States. No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Sharron Cook, Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects

15 CFR Part 778

Exports, Nuclear energy, Reporting and recordkeeping requirements.

15 CFR Part 799

Exports, Reporting and recordkeeping requirements.

Accordingly, Parts 778 and 799 of the Export Administration Regulations (15 CFR Parts 730–799) are amended as follows:

1. The authority citations for 15 CFR Part 778 continues to read as follows:

Authority: Pub. L. 90–351, 82 Stat. 197 (18 U.S.C. 2510 *et seq.*), as amended; Pub. L. 95–223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); Pub. L. 95–242, 92 Stat. 120 (22 U.S.C. 3201 *et seq.* and 42 U.S.C. 2139a); Pub. L. 96–72, 93 Stat. 503 (50 U.S.C. App. 2401 *et seq.*), as amended [(extended by Pub. L. 103–10, 107 Stat. 40 and by Pub. L. 103–277, 108 Stat. 1407)]; Pub. L. 102–484, 106 Stat. 2575 (22 U.S.C. 6004); E.O. 12002 of July 7, 1977 (42 FR 35623, July 7, 1977), as amended; E.O. 12058 of May 11, 1978 (43 FR 20947, May 16, 1978); E.O. 12214 of May 2, 1980 (45 FR 29783, May 6, 1980); E.O. 12851 of June 11, 1993 (58 FR 33181, June 15, 1993); E.O. 12867 of September 30, 1993 (58 FR 51747, October 4, 1993); E.O. 12924 of August 19, 1994 (59 FR 43437 of August 23, 1994); and E.O. 12938 of November 14, 1994 (59 FR 59099 of November 16, 1994).

2. The authority citation for 15 CFR Part 799 continues to read as follows:

Authority: 50 U.S.C. App. 5, as amended; Pub. L. 264, 59 Stat. 619 (22 U.S.C. 287c), as amended; Pub. L. 90–351, 82 Stat. 197 (18 U.S.C. 2510 *et seq.*), as amended; sec. 101, Pub. L. 93–153, 87 Stat. 576 (30 U.S.C. 185), as amended; sec. 103, Pub. L. 94–163, 89 Stat. 877 (42 U.S.C. 6212), as amended; secs. 201 and 201(11)(e), Pub. L. 94–258, 90 Stat. 309 (10 U.S.C. 7420 and 7430(e)), as amended; Pub. L. 95–223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); Pub. L. 95–242, 92 Stat. 120 (22 U.S.C. 3201 *et seq.* and 42 U.S.C. 2139a); sec. 208, Pub. L. 95–372, 92 Stat. 668 (43 U.S.C. 1354); Pub. L. 96–72, 93 Stat. 503 (50 U.S.C. App. 2401 *et seq.*), as amended; sec. 125, Pub. L. 99–64, 99 Stat. 156 (46 U.S.C. 466c); Pub. L. 102–484, 106 Stat. 2575 (22 U.S.C. 6004); E.O. 11912 of April 13, 1976 (41 FR 15825, April 15, 1976); E.O. 12002 of July 7, 1977 (42 FR 35623, July 7, 1977), as amended; E.O. 12058 of May 11, 1978 (43 FR 20947, May 16, 1978); E.O. 12214 of May 2, 1980 (45 FR 29783, May 6, 1980); E.O. 12851 of June 11, 1993 (58 FR 33181, June 15, 1993); E.O. 12867 of September 30, 1993 (58 FR 51747, October 4, 1993); E.O 12918 of May 26, 1994 (59 FR 28205, May 31, 1994); E.O. 12924 of August 19, 1994 (59 FR 43437 of August 23, 1994); and E.O. 12938 of November 14, 1994 (59 FR 59099 of November 16, 1994).

PART 778—[AMENDED]

3. Section 778.8(a)(3) is revised to read as follows:

§ 778.8 Chemical precursors and biological agents, and associated equipment, software, and technology.

(a) * * *

(3) Viruses, viroids, bacteria, fungi, and protozoa controlled by ECCN 1C61B require a validated license to all destinations except Canada. Vaccines that contain items controlled under ECCN 1C61B are controlled by ECCN 1C91F, and are eligible for General License G–DEST to all destinations except Country Groups S and Z, and Iran.

* * * * *

PART 799—[AMENDED]

Supplement No. 1 to § 799.1 [Amended]

4. In Category 1 (Materials), ECCN 1C61B is amended by revising the heading and the Requirements Section, and a new ECCN 1C91F is added immediately following ECCN 1C88D, to read as follows:

1C61B Microorganisms and toxins.

Requirements

Validated License Required: QSTVWYZ
Unit: $ Value
Reason for Control: CB
GLV: $0
GCT: No
GFW: No

Note: Notwithstanding the provisions of this entry, all vaccines are excluded from the scope of this entry. See ECCN 1C91F.

* * * * *

1C91F Vaccines containing microorganisms and/or toxins controlled by ECCN 1C61B.

Requirements

Validated License Required: SZ, Iran
Unit: $ Value
Reason for Control: FP
GLV: No
GCT: No
GFW: No

Note: Vaccines that do not contain items controlled by ECCN 1C61B are controlled by ECCN 1C96G.

Dated: July 26, 1995.

Iain S. Baird,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 95–18688 Filed 7–28–95; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

Wage and Hour Division

29 CFR Part 508

RIN 1205–AA88 and RIN 1215–AA

Attestations by Employers for Off-Campus Work Authorization for Foreign Students (F–1 Nonimmigrants)

AGENCIES: Employment and Training Administration, Labor; and Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Joint interim final rule.

SUMMARY: The Department of Labor (DOL) amends regulations relating to attestations by employers seeking to use nonimmigrant foreign (F–1) students in off-campus work. DOL continues to review comments submitted by the public on the interim final rule and expects to publish a final rule shortly. However, existing attestations expire at the close of July 1995. For that reason, this rule extends the period of applicability of attestations for two months, through September 30, 1995.

EFFECTIVE DATE: July 31, 1995.

FOR FURTHER INFORMATION CONTACT: On 20 CFR part 655, subpart J, and 29 CFR part 508, subpart J, contact Ms. Flora T. Richardson, Chief, Division of Foreign Labor Certifications, U.S. Employment Service, Employment and Training Administration, Department of Labor, Room N–4456, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: 202–219–5263 (this is not a toll-free number).

On 20 CFR part 655, subpart K, and 29 CFR part 508, subpart K, contact the Chief, Farm Labor Programs, Wage and Hour Division, Employment Standards Administration, Department of Labor, Room S–3502, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: 202–219–7605 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Immigration Act of 1990 (IMMACT) sec. 221 and Immigration and Nationality Act secs. 101(a)(15)(F) and 214 create a pilot program, of limited duration, allowing a nonimmigrant foreign student admitted on F–1 visas to work off-campus if: (1) He/she has completed one academic year as such a nonimmigrant and is maintaining good academic standing at the institution; (2) he/she will not be employed off-campus for more than 20 hours per week during the academic term (but may be employed full-time during vacation periods and between terms); and (3) the employer provides an attestation to the Department of Labor (DOL) and to the educational institution that it unsuccessfully recruited for the position for at least 60 days and will pay the higher of the actual wage at the worksite or the prevailing wage for the occupation in the area of employment. The employer submits such attestations to DOL and the educational institution for foreign students to receive work authorization, if otherwise qualified. The attestation process is administered by the Employment and Training Administration. Complaints and investigations regarding violations of employer attestations are handled by the Wage and Hour Division, Employment Standards Administration. If DOL determines an employer made a materially false attestation or failed to pay wages in accordance with an attestation, the employer, after notice and opportunity for a hearing, may be disqualified from employing F–1 students under the program.

An interim final rule, requesting comments was published November 6, 1991. 56 FR 56860. The interim final rule provided that the employer's attestation may remain in effect, unless withdrawn or invalidated, through no later than September 30, 1994, the original statutory termination date for the pilot. Public Law 103–416 extended the program. Currently, existing attestations are valid through July 31, 1995. 60 FR 34131 (June 30, 1995). Analysis of the comments is ongoing. The rule published today extends attestations through September 30, 1995. A final rule is expected to be published shortly. Should that not occur, the interim final rule will be extended again.

Absent today's amendment, all previously valid attestations would expire at the close of July 31, 1995, and no new attestations could be filed. Without the amendment, F–1 students would not have work authorization under this program. New attestations filed after the effective date of today's rule also are valid through September 30, 1995, unless withdrawn or invalidated. Today's rule alleviates hardships for covered students and employers, and the limited extension gives DOL additional opportunity to complete analysis of comments on the interim final rule. For these reasons, DOL for good cause finds a proposed rule is impracticable and contrary to the public interest (5 U.S.C. 553(b)(B)); and finds good cause to make the rule effective immediately (5 U.S.C. 553(d)(3)). The rule is not significant under E.O. 12866. The rule was not preceded by a proposed rule and, thus, is not covered by the Regulatory Flexibility Act. When the interim final rule was published, however, DOL notified the Chief Counsel for Advocacy, Small Business Administration, and made the certification pursuant to 5 U.S.C. 605(b), that the rule did not have a significant economic impact on a substantial number of small entities. The program is not in the *Catalog of Federal Domestic Assistance.*

List of Subjects

20 CFR Part 655

Adminstrative practice and procedure, Agriculture, Aliens, Crewmembers, Employment, Enforcement, Forest and forest products, Guam, Health professions, Immigration, Labor, Longshore work, Migrant labor, Nurse, Penalties, Registered nurse, Reporting and recordkeeping requirements, Specialty occupation, Students, Wages.

29 CFR Part 508

Administrative practice and procedure, Aliens, Employment, Enforcement, Immigration, Labor, Penalties, Reporting and recordkeeping requirements, Specialty occupation, Students, Wages.

Text of Joint Interim Final Rule

The text of the joint interim final rule appears below:

1. Section _____.900(b)(2)(i) is amended by removing the date ''July 31, 1995'' and adding in lieu thereof the date ''September 30, 1995''.

2. Section _____.900(d) is amended by removing the date ''July 31, 1995'' and adding in lieu thereof the date ''September 30, 1995''.

3. Section _____.900 is amended by revising paragraph (e), to read as follows:

§ _____.900 Purpose, procedure and applicability of subparts J and K of this part.

* * * * *

(e) *Revalidation of employer attestations in effect on July 31, 1995.* Any employer's attestation which was valid on July 31, 1995, is revalidated effective on July 31, 1995, and shall remain valid through September 30, 1995, unless withdrawn or invalidated.

4. Section _____.910(b)(2)(i) is amended by removing the phrase ''through July 31, 1995'' and adding in lieu thereof the phrase ''through September 30, 1995.''

5. Section _____.910(e) is amended by removing from the first sentence the phrase ''expires on September 30, 1996,)''and adding in lieu thereof the phrase ''expires on September 30, 1996''; by removing from the first sentence the phrase ''after July 31, 1995'' and adding in lieu thereof the phrase ''after September 30, 1995''; and by removing from the penultimate sentence the phrase ''prior to July 31, 1995'' and adding in lieu thereof the phrase ''prior to September 30, 1995''.

6. Section _____.940(d)(1)(i)(B) is amended by removing the date ''July 31, 1995'' and adding in lieu thereof the date ''September 30, 1995''.

7. Section _____.940(h)(1) is amended by removing the date ''July 31, 1995'' and adding in lieu thereof the date ''September 30, 1995''.

8. Section _____.940(h)(3) is amended by removing the date ''July 31, 1995'' and adding in lieu thereof the date ''September 30, 1995''.

Adoption of Joint Interim Final Rule

The agency-specific adoption of the Joint Interim Final Rule, which appears at the end of the common preamble, appears below:

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION, DEPARTMENT OF LABOR

1. Part 655 of chapter V of title 20, Code of Federal Regulations, is amended as follows:

PART 655—TEMPORARY EMPLOYMENT OF ALIENS IN THE UNITED STATES

a. The authority citation for part 655 continues to read as follows:

Authority: Section 655.0 issued under 8 U.S.C. 1101(a)(15)(H) (i) and (ii), 1182 (m) and (n), 1184, 1188, and 1288(c); 29 U.S.C. 49 *et seq.*; sec. 3(c)(1), Pub. L. 101–238, 103 Stat. 2099, 2103 (8 U.S.C. 1182 note); sec. 221(a), Pub. L. 101–649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note); and 8 CFR 214.2(h)(4)(i).

Section 665.00 issued under 8 U.S.C. 1101(a)(15)(H)(ii), 1184, and 1188; 29 U.S.C. 49 *et seq.;* and 8 CFR 214.2(h)(4)(i).

Subparts A and C issued under 8 U.S.C. 1101(a)(15)(H)(ii)(b) and 1184; 29 U.S.C. 49 *et seq.:* and 8 CFR 214.2(h)(4)(i).

Subpart B issued under 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184, and 1188; and 29 U.S.C. 49 *et seq.*

Subparts D and E issued under 8 U.S.C. 1101(a)(15)(H)(i)(a), 1182(m), and 1184; 29 U.S.C. 49 *et seq.;* and sec. 3(c)(1), Pub. L. 101–238, 103 Stat. 2099, 2103 (8 U.S.C. 1182 note).

Subparts F and G issued under 8 U.S.C. 1184 and 1288(c); and 29 U.S.C. 49 *et seq.*

Subparts H and I issued under 8 U.S.C. 1101(a)(15)(H)(i)(b), 1182(n), and 1184; and 29 U.S.C. 49 *et seq.*

Subparts J and K issued under 29 U.S.C. 49 *et seq.;* and sec. 221(a), Pub. L. 101–649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note).

b. Part 655 is amended as set forth in the Joint Interim Final Rule, which appears at the end of the end of the common preamble.

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

2. Part 508 of chapter V of title 29, Code of Federal Regulations, is amended as follows:

PART 508—ATTESTATIONS FILED BY EMPLOYERS UTILIZING F–1 STUDENTS FOR OFF-CAMPUS WORK

a. The authority citation for part 508 continues to read as follows:

Authority: 29 U.S.C. 49 *et seq.;* and sec. 221(a), Pub. L. 101–649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note).

b. Part 508 is amended as set forth in the Joint Interim Final Rule, which appears at the end of the end of the common preamble.

Signed at Washington, DC, this 25th day of July, 1995.

Raymond Uhalde,

Deputy Assistant Secretary for Employment and Training.

Maria Echaveste,

Administrator, Wage and Hour Division, Employment Standards Administration.

[FR Doc. 95–18628 Filed 7–28–95; 8:45 am]

BILLING CODE 4510–10–M; 4510–27–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 24

[T.D. ATF-350; RE: Notice No. 740]

Materials and Processes Authorized for the Production of Wine and for the Treatment of Juice, Wine and Distilling Material; Revised Alcohol Tolerance on Labels of Wine Under 7 Percent Alcohol by Volume (90F-260T)

CFR Correction

In title 27 of the Code of Federal Regulations, parts 1 to 199, revised as of April 1, 1995, on page 507, in § 24.246, the entry for Calcium sulfate (gypsum) was inadvertently removed and should be inserted alphabetically as follows:

§ 24.246 Materials authorized for treatment of wine and juice.

Materials and Use	Reference or limitation
* * * * *	
Calcium sulfate (gypsum): To lower pH in sherry wine.	The sulfate content of the finished wine shall not exceed 2.0 g/L, expressed as potassium sulfate. 27 CFR 24.214. 21 CFR 184.1230 (GRAS)
* * * * *	

BILLING CODE 1505–01–D

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 247

RIN 0790–AG16

Department of Defense Newspapers and Civilian Enterprise Publications

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Final rule.

SUMMARY: This rule revises and provides DoD policy and updates procedures to meet changed circumstances for publishing DoD internal command information newspapers and civilian enterprise publications. It has minimal impact on some civilian printers who are contracted to print the publications.

EFFECTIVE DATE: June 21, 1995.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel Frank Theising, USA, (703) 274–4868.

SUPPLEMENTARY INFORMATION: On April 10, 1995 (68 FR 18049), DoD published a proposed rule. No comments were received.

Executive Order 12866, ''Regulatory Planning and Review''

It has been determined that 32 CFR part 247 is not a significant regulatory action. The rule does not:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. 601)

It has been certified that this rule is not subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it would not, if promulgated, have a significant economic impact on a substantial number of small entities.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 44)

It has been certified that 32 CFR part 247 does not impose any reporting or

recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520).

List of Subjects in 32 CFR Part 247

Defense communications, Government publications, and Newspapers and magazines.

Accordingly, 32 CFR part 247 is revised to read as follows:

PART 247—DEPARTMENT OF DEFENSE NEWSPAPERS AND CIVILIAN ENTERPRISE PUBLICATIONS

Sec.
247.1 Purpose.
247.2 Applicability.
247.3 Definitions.
247.4 Policy.
247.5 Responsibilities.
247.6 Procedures.
247.7 Information requirements.

Appendix A to Part 247—Funded Newspapers

Appendix B to Part 247—CE Publications

Appendix C to Part 247—Mailing of DoD Newspapers, CE Guides, and

Installation Maps; Sales and Distribution of Non-DoD Publications

Appendix D to Part 247—AFIS Print Media Directorate

Appendix E to Part 247—DoD Command Newspaper Review System

Appendix F to Part 247—Deputy Secretary of Defense Policy

Memorandum

Authority: 10 U.S.C. 121 and 133.

§ 247.1 Purpose.

This part implements 32 CFR part 372 and implements policy, assigns responsibilities, and prescribes procedures concerning authorized DoD Appropriated Funded (APF) and Civilian Enterprise (CE) newspapers, CE guides, and installation maps in support of the DoD Internal Information Program.

§ 247.2 Applicability.

This part:

(a) Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as ''the DoD Components''). The term ''Military Services,'' as used herein, refers to the Army, the Navy, the Air Force, the Marine Corps, and includes the Coast Guard when operating as a Military Service in the Navy.

(b) Does not apply to the *Stars and Stripes (S&S)* newspapers and business operations. *S&S* guidance is provided in 32 CFR part 246.

(c) The term Commander, as used in this part, also means Heads of the DoD Components.

§ 247.3 Definitions.

Civilian Enterprise (CE) guides and installation maps. Authorized publications containing advertising that are prepared and published under contract with commercial publishers. The right to circulate the advertising in these publications to the DoD readership constitutes contractual consideration to pay for these DoD publications. The publications become the property of the command, installation, or intended recipient upon delivery in accordance with terms of the contract. Categories of these publications are:

(1) *Guides.* Publications that provide DoD personnel with information about the mission of their command; the availability of command, installation, or community services; local geography; historical background; and other information. These publications may include installation telephone directories at the discretion of the commander; however, separate CE telephone directories are not authorized.

(2) *Installation Maps.* Publications designed for orientation of new arrivals or for visitors.

DoD newspapers. Authorized, unofficial publications, serving as part of the commander's internal information program, that support DoD command internal communication requirements. Usually, they are distributed weekly or monthly. DoD newspapers contain most, if not all, of the following elements to communicate with the intended DoD readership: command, military department, and DoD news and features; commanders' comments; letters to the editor; editorials; commentaries; features; sports; entertainment items; morale, welfare, and recreation news and announcements; photography; line art; and installation and local community news and announcements. DoD newspapers do not necessarily reflect the official views of, or endorsement of content by, the Department of Defense.

(1) *CE newspapers.* Newspapers published by commercial publishers under contract with the DoD Components or their subordinate commands. The commander or public affairs office provides oversight and final approval authority for the news and editorial content of the paper. Authorized news and information sources include the Office of the Assistant to the Secretary of Defense for Public Affairs (OATSD(PA)), AFIS, the Military Departments, their subordinate levels of command, and other Government Agencies. CE contractor personnel may provide material for use in the newspaper if approved by the commander or public affairs officer (PAO), as the commander's representative. These newspapers contain advertising sold by the commercial publisher on the same basis as for CE guides and installation maps and may contain supplements or inserts. They become the property of the command, installation, or intended recipient upon delivery in accordance with terms of the contract.

(2) *Funded newspapers.* Newspapers published by the DoD Components of their subordinate commands using appropriated funds. The editorial content of these newspapers is prepared by the internal information section of the public affairs staff or other internal sources. Usually, these newspapers are printed by the Government Printing Office (GPO) or under GPO contract in accordance with Government printing regulations. 32 CFR part 397 specifies DPS as the sole DoD conduit to the GPO.

(3) *Overseas Unified Command (UC) newspapers.* Newspapers published for overseas audiences approved by the Assistant to the Secretary of Defense for Public Affairs (ATSD(PA)) to provide world, U.S., and regional news from commercial sources, syndicated columns, editorial cartoons, and applicable U.S. Government, Department of Defense, Component, and subordinate command news and information.

(4) *News bulletins and summaries.* Publications of deployed or isolated commands and ships compiled from national and international news and opinion obtained from authorized sources. News bulletins or summaries may be authorized by the next higher level of command when no daily English language newspapers are readily available.

Inserts. A flier, circular, or freestanding advertisement placed within the folds of the newspaper. No disclaimer or other labeling is required.

Option. A unilateral right in a contract by which, for a specified time, the Government may elect to acquire additional supplies or services called for by the contract, or may elect to extend the term of the contract.

Organizational Terms

(1) *Command.* A unit or units, an organization, or an area under the command of one individual. It includes

organizations headed by senior civilians that require command internal information-type media.

(2) *DoD Components.* See § 247.2(a).

(3) *Installation.* A DoD facility or ship that serves as the base for one or more commands. Media covered by this Part may serve the command communications needs of one or several commands located at one installation.

(4) *Major command.* A designated command such as the Air Mobility Command or the Army Forces Command that serves as the headquarters for subordinate commands or installations that have the same or related missions.

(5) *Subordinate levels.* Lower levels of command.

Supplements. Features, advertising sections, or morale, welfare and recreation sections printed with or inserted into publications for distribution. Supplements must be labeled ''Supplement to the (name of newspaper).'' Editorial content in supplements is subject to approval by the commander or the PAO as his or her agent.

§ 247.4 Policy.

It is DoD policy that:

(a) A free flow of news and information shall be provided to all DoD personnel without censorship or news management. The calculated withholding of news unfavorable to the Department of Defense is prohibited.

(b) News coverage and other editorial content in DoD newspaper and publications shall be factual and objectives. News and headlines shall be selected using the dictates of good taste. Morbid, sensational, or alarming details not essential to factual reporting shall be avoided.

(c) DoD newspapers shall distinguish between fact and opinion, both of which may be part of a news story. When an opinion is expressed, the person or source shall be identified. Accuracy and balance in coverage are paramount.

(d) DoD newspapers shall distinguish between editorials (command position) and commentaries (personal opinion) by clearly identifying them as such.

(e) News content in DoD newspapers shall be based on releases, reports, and materials provided by the DoD Components and their subordinate levels, DoD newspaper staff members, and other government agencies. DoD newspapers shall credit sources of all material other than local, internal sources. This includes, but is not limited to, Military Department news sources, American Forces Information Service, and command news releases.

(f) DoD newspapers may contain articles of local interest to installation personnel produced outside official channels (e.g., stringers, local organizations), provided that the author's permission has been obtained, the source is credited, and they do not otherwise violate this part.

(g) DoD newspapers normally shall not be authorized the use of commercial news and opinions sources, such as Associated Press (AP), United Press International (UPI), New York Times, etc., except as stated in this paragraph and the following paragraph. The use of such sources is beyond the scope of the mission of command or installation newspapers and puts them in direct competition with commercial newspapers. The use of such sources may be authorized for a specific DoD newspaper by the cognizant DoD Component only when other sources of national and international news and opinion are not available.

(h) Overseas Unified Command (UC) newspapers published outside the United States may purchase or contract for and carry news stories, features, syndicated columns, and editorial cartoons from commercial services or sources. A balanced selection of commercial news or opinion shall appear in the same issue and same page, whenever possible, but in any case, over a reasonable time period. Selection of commercial news sources, syndicated columns, and editorial cartoons to be purchased or contracted for shall be approved by the UC Commanders. Overseas UC newspapers, news bulletins, and news summaries authorized to carry national and world news may include coverage of U.S. political campaign news from commercial news sources. Presentation of such political campaign news shall be made on a balanced, impartial, and nonpartisan basis.

(i) The masthead of all DoD newspapers, guides, and installation maps shall contain the following disclaimer printed in type no smaller than 6-point: ''This (DoD newspaper/guide or installation map) is an authorized publication for members of the Department of Defense. Contents of (name of the DoD newspaper/this guide/this installation map) are net necessarily the official views of, or endorsed by, the U.S. Government, the Department of Defense, or (the name of the publishing DoD Component).''

(j) The masthead of DoD CE newspapers, guides, and installation maps shall contain the following statements in addition to that contained in paragraph (i) of this section:

(1) ''Published by (name), a private firm in no way connected with the (Department of Defense/the U.S. Army/the U.S. Navy/the U.S. Air Force/the U.S. Marine Corps) under exclusive written contract with (DoD Component or subordinate level).''

(2) ''The appearance of advertising in this publication, including inserts or supplements, does not constitute endorsement by the (Department of Defense/the U.S. Army/the U.S. Navy/the U.S. Air Force/the U.S. Marine Corps), or (name of commercial publisher) of the products or services advertised.''

(3) ''Everything advertised in this publication shall be made available for purchase, use, or patronage without regard to race, color, religion, sex, national origin, age, marital status, physical handicap, political affiliation, or any other nonmerit factor of the purchaser, user, or patron.'' If a violation or rejection of this equal opportunity policy by an advertiser is confirmed, the publisher shall refuse to print advertising from that source until the violation is corrected.

(k) DoD newspapers, guides, and installation maps shall not contain campaign news, partisan discussions, cartoons, editorials, or commentaries dealing with political campaigns, candidates, or issues. DoD CE newspapers, guides, and installation maps shall not carry paid political advertisements for a candidate, party, or which advocate a particular position on a political issue. This includes those advertisements advocating a position on any proposed DoD policy or policy under review.

(l) DoD newspapers shall support the Federal Voting Assistance Program by carrying factual information about registration and voting laws, especially those on absentee voting requirements of the various States, the District of Columbia, Puerto Rico, and U.S. territories and possessions. DoD newspapers shall use voting materials provided by the Director, Federal Voting Assistance Program; the OSD; and the Military Departments. Such information is designed to encourage DoD personnel to register as voters and to exercise their right to vote as outlined in 32 CFR part 46.

(m) DoD newspapers and CE guides shall comply with DoD Instruction 1100.13 [1] pertaining to polls, surveys, and straw votes.

(1) The DoD Components and subordinate levels may authorize polls

[1] Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

on matters of local interest, such as soldier of the week, and favorite athlete.

(2) A DoD newspaper, guide, or installation map shall not conduct a poll, a survey, or a straw vote relating to a political campaign or issue.

(3) Opinion surveys must be in compliance with Military Service regulations.

(n) DoD newspapers will support officially authorized fund-raising campaigns (e.g., Combined Federal Campaign (CFC)) within the Department of Defense in accordance with DoD Directive 5035.1.[2] News coverage of the campaign will not discuss monetary goals, quotas, competition or tallies of solicitation between or among agencies. To avoid any appearance of endorsement, features and news coverage will discuss the campaign in general and not address specific agencies within the CFC.

(o) DoD newspapers, guides, or installation maps shall not:

(1) Contain any material that implies that the DoD Components or their subordinate levels endorse or favor a specific commercial product, commodity, or service.

(2) Subscribe, even at no cost, to a commercial or feature wire or other service whose primary purpose is the advertisement or promotion of commercial products, commodities, or services.

(3) Carry any advertisement that violates or rejects DoD equal opportunity policy. (See paragraph (j)(3) of this section).

(p) All commercial advertising, including advertising supplements, shall be clearly identifiable as such. Paid advertorials and advertising supplements may be included but must be clearly labeled as advertising and readily distinguishable from editorial content.

(q) Alteration of official photographic and video imagery will comply with the Deputy Secretary of Defense policy memorandum, subject: Alteration of Official Photographic and Video Imagery, December 9, 1994, (appendix F of this part).

(r) Commercial sponsors of Armed Forces Professional Entertainment Program events and morale, welfare and recreation events may be mentioned routinely with other pertinent facts in news stories and announcements in DoD newspapers. (See DoD Instructions 1330.13[3] and 1015.2.[4]

(s) Book, radio, television, movie, travel, and other entertainment reviews may be carried if written objectively and if there is no implication of endorsement by the Department of Defense or any of its Components or their subordinate levels.

(t) All printing using appropriated funds will be obtained in accordance with 32 CFR part 397.

§ 247.5 Responsibilites.

(a) The *Assistant to the Secretary of Defense for Public Affairs*, consistent with 32 CFR part 375, shall:

(1) Develop policies and provide guidance on the administration of the DoD Internal Information Program.

(2) Provide policy and operational direction to the Director, AFIS.

(3) Monitor and evaluate overall mission effectiveness within the Department of Defense for matters under this part.

(b) The *Director, American Forces Information Service*, shall:

(1) Develop and oversee the implementation of policies and procedures pertaining to the management, content, and publication of DoD newspapers, guides, and installation maps.

(2) Serve as DoD point of contact with the Joint Committee on Printing, Congress of the United States, for matters under this Instruction.

(3) Serve as the DoD point of contact in the United States for UC newspaper matters.

(4) Provide guidance to the UCs, Military Departments, and other DoD Components pertaining to DoD newspapers and CE publications.

(5) Monitor effectiveness of business and financial operations of DoD newspapers and provide business counsel and assistance, as appropriate.

(6) Sponsor a DoD Interservice Newspaper Committee composed of representatives of the Military Departments to coordinate DoD command or installation newspaper matters.

(7) Provide a press service for joint-Service news and information for use by authorized DoD newspaper editors.

(c) *The Secretaries of the Military Departments* shall:

(1) Provide policy guidance and assistance to the Department's newspapers and CE publications.

(2) Encourage the use of CE newspapers when they are the most cost-effective means of fulfilling the command communication requirement.

(3) Ensure that adequate resources are available to support authorized internal information products under this part.

(4) Designate a member of their public affairs staff to serve on the DoD Interservice Newspaper Committee.

(5) Ensure all printing obtained with appropriated funds complies with 32 CFR part 397.

(d) *The Commanders of Unified Combatant (UC) Commands* shall:

(1) Publish UC newspapers, if authorized. In discharging this responsibility, the UC Commander shall ensure that policy, direction, resources, and administrative support are provided, as required, to produce a professional quality newspaper to support the command mission.

(2) Ensure that the UC newspaper is prepared to support U.S. forces in the command area during contingencies and armed conflict.

§ 247.6 Procedures.

(a) *General.* (1) National security information shall be protected in accordance with 32 CFR parts 159 and 159a.

(2) Specific items of internal information of interest to DoD personnel and their family members prepared for publication in DoD newspapers, guides, or installation maps may be made available to requesters if the information can be released as provided in 32 CFR parts 285 and 286.

(3) Editorial policies of DoD newspapers, guides, and installation maps shall be designed to improve the ability of DoD personnel to execute the missions of the Department of Defense.

(4) DoD editors of publications covered under this part shall conform to applicable policies, regulations, and laws involving libel, photographic image alteration, copyright, classification of information, and U.S. Government printing and postal regulations.

(5) DoD newspapers, guides, and installation maps shall comply with 32 CFR part 310 regarding the DoD privacy program.

(b) *Establishment of DoD newspapers.* (1) Commanders are authorized to establish Funded newspapers (Appendix A to this part) or CE newspapers (Appendix B to this part) when:

(i) A valid internal information mission requirement exists.

(A) Command or installation newspapers provide the commander a primary means of communicating mission-essential information to members of the command. They provide feedback through such forums as letters to the editor columns. This alerts the commander to the emotional status and state of DoD knowledge of the command. The newspaper is used as a return conduit for command information to improve attitudes and increase knowledge.

---

[2] See footnote 1 to § 247.4(m).

[3] See footnote 1 § 247.4(m).

[4] See footnote 1 to § 247.4(m).

(B) News and feature treatment on individuals and organizational elements of the command provides a crossfeed of DoD information, which improves internal cooperation and mission performance. Recognition of excellence in individual or organizational performance motivates and sets forth expected norms for mission accomplishment.

(C) The newspaper improves morale by quelling rumors, and keeping members informed on DoD information that will affect their futures. It provides information and assistance to family members, which improve their spirits and thereby the effectiveness of their military service and/or civilian member. The newspaper encourages participation in various positive leisure-time activities to improve morale and deter alcohol abuse and other pursuits that impair their ability to perform.

(D) The newspaper provides information to make command members aware of the hazards of the abuse of drugs and other substances, and of the negative impact that substance abuse has on readiness.

(E) CE newspapers provide advertisements that guide command members to outlets where they may fulfill their purchasing needs. A by-product of this commercial contact is increased installation-community communication, which enhances mutual support.

(F) The newspaper increases organizational cohesiveness and effectiveness by providing a visual representation of the essence of the command itself.

(G) Good journalistic practices are vital, but are not an end unto themselves. They are the primary means to enhance receptivity of command communication through the newspaper.

(H) The newspaper exists to facilitate accomplishment of the command or installation mission. That is the only basis for the expenditure of DoD resources to produce them.

(ii) A newspaper is determined by the commander and the next higher level of command to be the most cost-effective means of fulfilling the command internal communication requirement.

(2) The use of appropriated funds is authorized to establish a Funded newspaper if a CE newspaper is not feasible. The process of establishing a newspaper must include an investigation of the feasibility of publishing under the CE concept. This investigation must include careful consideration of the potential for real or apparent conflict of interest. If publishing under the CE concept is determined to be feasible, commanders must ensure that they have obtained approval to establish the newspaper before authorizing their representatives to negotiate a contract with a CE publisher.

(3) DoD newspapers are mission activities. The use of nonappropriated funds for any aspect of their operations is not authorized.

(4) Appropriated funds shall not be used to pay any part of the commercial publisher's costs incurred in publishing a CE publication.

(5) Only one DoD newspaper is authorized for each command or installation.

(i) If a newspaper is required at an installation where more than one command or headquarters is collocated, the host commander shall be responsible for publication of one funded or CE newspaper for all. The host command shall provide balanced and sufficient coverage of the other commands, their personnel, and activities in that locality. These commands, or headquarters, shall assist the staff of the host newspaper with coverage. If required by unusual circumstance, a commander other than the host may publish the single authorized newspaper when the majority of affected organizations concur.

(ii) This provision is not intended to prohibit the headquarters of a geographically dispersed command that receives its local coverage in the host installation newspaper from publishing a command-wide newspaper; nor is it intended to prohibit a command that has information needs that are significantly different from the majority of the host installation audience from publishing a separate newspaper, when authorized by the designated approving authority. (See appendix E to this part).

(iii) *Establishment of CE Guides and Installation Maps.* When valid communication requirements exist, publications in this category may be established by the commander, if feasible. (See appendix B to this part) Only one CE guide and installation map is authorized for each command or installation. The requirements of paragraph (b)(4) of this section, apply to CE guides and installation maps. These publications shall be approved by the next higher level. Approval authorities shall exercise care not to overburden community advertisers.

(iv) *Use of trademark.* The DoD Components and their subordinate levels shall trademark—State, Federal, or both—the names of their newspapers, guides, and installation maps, when possible.

(v) *Use of recycled products.* The public affairs office shall, whenever possible, based on contractual agreements, use recycled paper for publications covered under this part.

(vi) *Mailing requirements and sales and distribution on non-DoD publications.* See appendix C to this part.

(vii) *AFIS print media directorate.* See appendix D to this part.

(viii) *DoD command newspaper review system.* See appendix E to this part.

(6) When, in the opinion of the Assistant to the Secretary of Defense for Public Affairs, or the UC Commander, a UC newspaper is needed, establishment shall be directed by the Secretary of Defense. Both appropriated and nonappropriated funds may be used in the publication of overseas UC newspapers.

§ 247.7 Information requirements.

The biennial reporting requirement contained in this part has been assigned Report Control Symbol DD–PA(BI) 1638.

Appendix A to Part 247—Funded Newspapers

A. *Purpose.* Funded newspapers support the command communication requirements of the DoD Components and their subordinate commands. Normally, printing is accomplished by a commercial printer under contract or in government printing facilities in accordance with 32 CFR part 397. The editorial content of these newspapers and distribution are accomplished by the contracting command. Overseas, Funded newspapers are authorized to be printed under contract with the *S&S.* Where printing by *S&S* is not feasible because of distance or other factors, Funded newspapers may be printed by other means. These are evaluated on a case-by-case basis with the cognizant DPS office.

B. *Name.* The name of the publication may include the name of the command or installation, or, the name of the command or installation may appear separately in the nameplate (flag). The emblem of the command or installation may be included in the nameplate, also. When possible, the DoD Components and their subordinate levels shall trademark the names of their publications, as stated in § 247.5(d).

C. *Masthead.* The masthead shall include the names of the commanding officer and the PAO, the names and editorial titles of the staff of the newspaper, and the mailing address and telephone number of the editorial staff, in addition to that required in § 247.4(i).

D. *News and editorial materials.* The commander and the public affairs staff shall generate and select news, information, photographs, editorial, and other materials to be used. Authorized news and information sources include the Office of the Assistant to the Secretary of Defense for Public Affairs (OATSD(PA)), AFIS, the Military

Departments, their subordinate levels of command, and other Government Agencies. Civilian community service news and announcements of benefit to personnel assigned to the command or installation and their family members may also be used. Photographic images used will be in compliance with § 247.4(r).

E. *Assignment of personnel.* Military and DoD civilian personnel may not be assigned to duty at the premises of the contract printer to perform any job functions that are part of the business activities or contractual responsibilities of the contract printer. Members of the public affairs staff who produce editorial content may work on the premises as liaison and monitor to specify and coordinate layout and other production details provided for in the command contract with the contract printer. A member of the public affairs staff shall review proof copy to prevent mistakes.

F. *Funding.* The expense of publishing and distributing Funded newspapers is charged to appropriated funds of the publishing command.

G. *Printing.* Printing of a funded newspaper shall be handled in accordance with 32 CFR part 397 in conjunction with public affairs as the office of primary interest.

H. *Distribution.* Funded newspapers may be distributed through official channels.

Appropriated funds and manpower may be used for distribution of Funded newspapers, as required.

I. *Advertising.* Funded newspapers shall not carry commercial advertising. As a service, the Funded newspaper may carry nonpaid listings of personally owned items and services for sale by members of the command. Noncommercial news stories and announcements concerning nonappropriated fund activities and commissaries may be published in funded newspapers.

J. *Employment and gratuities.* DoD personnel shall not accept employment by or gratuities from GPO-contracted printers under contract to print funded newspapers. To avoid a conflict of interest, employment of spouses and minor children of DoD personnel by a contract printer shall be in accordance with the 32 CFR part 84.

Appendix B to Part 247—CE Publications

A. *Purpose.* CE publications consist of DoD newspapers, guides, and installation maps. They support command internal communications. The commander or public affairs office provides oversight and final approval authority for the news and editorial content of the publication. CE publishers sell advertising to cover costs and secure earnings, print the publications, and may make all or part of the distribution. Periodically, CE publishers compete for contracts to publish these publications. Neither appropriated nor nonappropriated funds shall be used to pay for any part of a CE publisher's costs incurred in publishing a CE publication.

B. *Name.* The name of the publication may include the name of the command or installation, or the name of the command or installation may appear separately in the nameplate (flag). The emblem of the command or installation may also be included in the nameplate. When possible, the DoD Components and their subordinates shall trademark the names of their publications, as stated in § 247.6(d).

C. *Masthead.* The masthead shall include the following in addition to that required in § 247.4(i) and (j). ''The editorial content of this publication is the responsibility of the (name of command or installation) Public Affairs Office.'' The names of the commanding officer and PAO, the names and editorial titles of the staff assigned the duty of preparing the editorial content, and the office address and telephone number of the editorial staff shall be listed in the masthead of DoD newspapers, but is not required in CE guides and installation maps. The names of the publisher and employees of the publisher may be listed separately.

D. *News and editorial materials.* The commander or the public affairs office shall provide oversight and final approval authority for news, information, photographs, editorial, and other materials to be used in a CE publication in the space allotted for that purpose by written contract with the commercial publisher. Authorized news and information sources include the OATSD(PA), AFIS, the Military Departments and their subordinate levels of command, and other Government Agencies. CE contractor personnel may provide material for use in the publication if approved by the commander or PAO, as the commander's representative. Commercial news and opinion sources, such as AP, UPI, New York Times, etc., are not normally authorized for use in DoD newspapers except as stated in § 247.4(q). The paper may publish community service news and announcements of the civilian community for the benefit of command or installation personnel and their families. Imagery used will be in compliance with § 247.4(r).

E. *Assignment of personnel.* Neither military nor DoD civilian personnel shall be assigned to duty at the premises of the CE publisher. Neither military nor DoD civilian personnel shall perform any job functions that are part of the business activities or contractual responsibilities of the CE publisher either at the contractor's facility or the Government facility. The PAO and staff who produce the non-advertising content of the CE publication may perform certain installation liaison functions on publisher premises including monitoring and coordinating layout and design and other publishing details set forth in the contract to ensure the effective presentation of information. One or more members of the public affairs staff shall review proof copy to prevent mistakes. Newspaper text-editing-system pagination and copy terminals owned by the CE publisher may be placed in the command or installation public affairs office under contractual agreement for use by the public affairs staff to coordinate layout and ensure that the preparation of editorial material is performed in such a way as to enhance the efficiency and effectiveness of the printing and publication functions performed by the CE publisher. All costs of these terminals shall be borne by the CE newspaper publishers who shall retain title to the equipment and full responsibility for any damage to or loss of such equipment. The relationship between the public affairs staff and employees of the CE contractor is that of Government employees working with employees of a private contractor. Supervision of CE employees; that is, the responsibility to rate performance, set rate of pay, grant vacation time, exercise discipline, assign day-to-day administrative tasks, etc., remains with the CE publisher. Any modification of the contract must be made by the responsible contracting officer. Public affairs staff members must be aware that employees of the contractor are not employees of the government and should be treated accordingly.

F. Distribution of CE Publications

1. A funded newspaper shall not be distributed as an insert to a CE newspaper, unless provided for in the CE contract, nor shall a CE newspaper be distributed as an insert to a funded newspaper.

2. Supplements, clearly labeled as such, and advertising inserts, may be inserted into and distributed with a CE newspaper.

3. The commercial publisher of a CE publication shall make as much of the distribution to the intended readership as possible. CE publications may be distributed through official channels.

4. Except as authorized by the next higher headquarters for special situations or occasions (such as an installation open house), CE newspapers shall not be distributed outside the intended DoD audience and retirees, which includes family members. The CE publisher may provide complete copies of each specific issue of a CE publication to an advertiser whose advertisement is carried therein.

5. The CE publisher of a CE newspaper will provide the appropriate number of news racks determined by the installation commander for publication distribution. CE publishers are responsible for maintenance of these racks.

6. CE guides and installation maps may be delivered in bulk quantities to the appropriate installation offices to distribute these publications through official channels as necessary.

G. Responsibilities Regarding Advertising

1. Only the CE publisher shall use the space agreed upon for advertising. While the editorial content of the publication is completely controlled by the installation, the advertising section, including its content, is the responsibility of the CE publisher. The public affairs staff, however, retains the responsibility to review advertisements before they are printed.

2. Any decision by a CE publisher to accept or reject an advertisement is final. The PAO may discuss with a publisher their decision not to run an advertisement, but cannot substitute his judgment for that of the publisher.

3. Before each issue of a CE publication is printed, the public affairs staff shall review advertisements to identify any that are contrary to law or to DoD or Military Service regulations, including this part, or that may pose a danger or detriment to DoD personnel or their family members, or that interfere

with the command or installation missions. It is in the command's best interest to carefully apply DoD and Service regulations and request exclusion of only those advertisements that are clearly in violation of this part. If any such advertisements are identified, the public affairs office shall obtain a legal coordination of the proposed exclusion. After coordination, the public affairs office shall request, in writing if necessary, that the commercial publisher delete any such advertisements. If the publisher prints the issue containing the objectionable advertisement(s), the commander may prohibit distribution in accordance with DoD Directive 1325.6.[1]

4. DoD Directive 1325.6 gives the commander authority to prohibit distribution on the installation of a CE publication containing advertising he or she determines likely to promote a situation leading to potential riots or other disturbances, or when the circulation of such advertising may present a danger to loyalty, discipline, or morale of personnel. Each commander shall determine whether particular advertisements to be placed by the publisher in a CE publication serving the command or installation may interfere with successful mission performance. Some considerations in this decision are the local situation, the content of the proposed advertisement, and the past performance of the advertiser. Prior to making a determination to prohibit distribution of a CE newspaper, the commander shall obtain a legal coordination.

5. CE publications may carry paid and nonpaid advertising of the products and services of nonappropriated fund activities and commissaries, if allowed by DoD and Military Service regulations. (See DoD Instruction 1015.2.)[2]

6. Bingo games and lotteries conducted by a commercial organization whose primary business is conducting lotteries may not be advertised in CE publications. Non-lottery activities (such as dining at a restaurant or attending a musical performance) of a commercial organization whose primary business is conducting lotteries may be advertised in CE publications. Exceptions are allowed for authorized State lotteries, lotteries conducted by a not-for-profit organization or a governmental organization, or conducted as a promotional activity by a commercial organization and clearly occasional and ancillary to the primary business of that organization. An exception also pertains to any gaming conducted by an Indian tribe under 25 U.S.C. 2720. See section D. of appendix C to this part.

H. CE Guides and Maps

1. The name of the publication may include the name and emblem of the command or installation.

2. At the discretion of the commander, an installation telephone directory may be included as a section of a CE guide. The telephone section shall be integral to the guide, not separable, and part of the guide contract specifications. Separate CE telephone directories are not authorized. Required communication security information shall be printed on the first page of the telephone section and not on the cover of the guide. The cover of the guide may notify users that the publication contains the telephone directory.

3. CE contracts for guides and maps shall establish firm delivery dates and shall contain provisions to ensure distribution is controlled by the command. Delivery dates may vary for guides and maps to make them more attractive to advertisers. The contract provisions shall specify delivery dates.

I. *Employment and gratuities.* DoD personnel involved with CE contracts shall not accept employment by or gratuities from a CE publisher. To avoid a conflict of interest, employment of spouses and minor children of DoD personnel by a contract publisher shall be in accordance with 32 CFR part 84.

J. Contracting for a CE Publication

1. *General.* The DoD Components and their subordinate commands are authorized to contract in writing for CE publications. The underlying premise of the CE concept is that the DOD Components and their subordinate commands will save money by transferring certain publishing and distribution functions to a commercial publisher selected through a competitive process. The CE publication is printed and delivered to the command, installation, or its readership in accordance with the terms of a written contract. Oral contracts are not acceptable. The right to sell and circulate advertising to the complete readership in the CE publication provides the publisher revenue to cover costs and secure earnings. The command or installation guarantees first publication and distribution of locally-produced editorial content in the publication. The publication becomes the property of the command, installation, or intended reader upon delivery in accordance with terms of the contract.

2. *Contracting process.* Whether a first time initiative to establish a CE publication or a recompetition of an existing CE contract, the process must start with advance planning as to the nature of the command's requirements, the contracting strategy, and the market of potential advertisers and competitors for the job. The CE contract solicitation and the contract itself must contain a statement of work that describes in legally sufficient detail the Government's requirements and the conditions and restrictions under which the contractor will perform. The cognizant contracting office for the CE contracting action shall be the contracting office which normally provides contracting support to the command for service contracts and other procurements of a general nature which are above the simplified small purchase threshold. The contracting officer shall combine the statement of work with appropriate contractual terms and conditions, using 48 CFR chapter I and II as guides, although CE contracts are not subject to the FAR or DFARS, because they do not involve the expenditure of appropriated funds. The resulting solicitation and contract shall completely identify the rights and obligations of both parties. Proposals shall be solicited from all known commercial publishers who could potentially become the CE contractor. Upon evaluation of the competing proposals by the Source Selection Advisory Committee (SSAC) and selection of a winner by the selecting official, the CE contract shall be awarded by the contracting officer. The CE contract shall not require the contractor to pay money to the command or to provide goods, services, or other consideration not directly related to the CE publication. In the event that only one offer is received, the SSAC may recommend to the selecting official that no award be made or that the contracting officer enter into negotiations with the sole offeror to obtain the best possible service and product for the Government.

3. *Statement of Work (SOW).* The SOW should be written to have the CE contractor perform as many of the publishing and distribution functions as practical to generate maximum savings to the Department of Defense. In so doing, care must be taken to balance Government requirements with a realistic view of the advertising revenue potential so as to achieve a contract that is commercially viable. The command's internal information needs shall be paramount. Some of the key issues that shall be addressed in the SOW follow:

a. A general description of the scope of the proposed contract including the name and nature of the publication involved; for example, weekly newspaper, annual guide and installation map. Normally, guides and installation maps are included in the same contract.

b. A description of editorial content to be carried; e.g., news, features, supplements, and factual information, along with provisions addressing the possible inclusion of contractor-furnished advertising supplements for newspapers, provided any such supplement shall have the prior approval of the commander.

c. A description of the rules for the inclusion of advertising in the publication. This provision shall specify that the commander's representative shall have the authority to specify newspaper advertising layout when required to enhance communications' effectiveness of the publication and shall require the contractor to notify advertisers of the requirements in § 247.4(i) and (j). The Military Departments will coordinate a standard set of ratios of advertising-to-editorial copy for multiples of pages for run of the publication advertising in CE newspapers that will be included in all DoD Component regulations supplementing this part. The recommended annual average is a ratio of 60/40. Inserts and advertising supplements will not count in the total ad to copy ratio; however, the commander may prohibit the distribution of supplemental advertising deemed excessive. Contract provisions shall be formulated to prohibit the amount of advertising a publisher sells from forcing the contracting command or installation public affairs staff to produce editorial content exceeding that required for the command internal communication mission of the newspaper.

d. A provision substantially as follows: ''The contractor agrees not to enter into any

[1] Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

[2] See footnote 1 to section 4. of this appendix.

exclusive advertising agreement with any firm, broker, or individual for the purpose of selling advertising associated with this contract.''

e. A description of the CE contractor's responsibilities for distribution of the newspaper. This provision should address such matters as contractor furnishing of news racks along with contractor responsibility for maintenance of these racks.

f. A description of contractor-owned and/or contractor-furnished equipment such as text editing, copy terminals, and modems determined to be required to coordinate layout and ensure that the preparation of editorial material is performed in such a way as to enhance the efficiency and effectiveness of the publication process.

g. A description of contractor-furnished editorial support services determined to be required. Such description must be in terms of the end product required; e.g., photography service and/or writer/reporter services, and not as a requirement to make available certain contractor personnel. In day-to-day performance and administration of the CE contract, contractor personnel performing such support services shall not be treated in any way as though they are Government employees.

h. A provision that the use, where economically feasible, of recycled paper for internal products will be a consideration for awarding the contract, as stated in § 247.6(e)

i. SOW's and RFP's for CE newspapers shall specify standard newsprint, recylable, sucject to requirements of applicable laws and regulations.

4. *Contract provisions.* The CE concept is based on an exception to the Government Printing and Binding Regulations [3] published by the Congressional Joint Committee on Printing. While CE contracts are not subject to the FAR (48 CFR chapter I) or the DFARS (48 CFR chapter II), the FAR contains many clauses that are useful in protecting the interest of the Governemnt. The following clauses may be helpful in obtaining the best possible CE publication.

a. *Status of FAR clause.* To clarify the status of FAR clauses appearing in CE contracts, the following clause shall be included in all CE contracts:

''The (name of DoD installation/unit/organization) is an element of the United States Government. This agreement is a United States Government contract authorized under the provisions of Department of Defense Instruction 5120.4 as an exception to the Government Printing and Binding Regulations published by the Congressional Joint Committee on Printing. Although this contract is not subject to the Federal Acquisition Regulation (FAR) or the Defense Supplement (DFARS), FAR clauses useful in protecting the interests of the Government and implementing those provision required by law are included in this contract.''

b. *Option clause.* Insert a clause substantially the same as the following to extend the term of the CE publisher contract:

(1) ''The Government may extend the term of this contract by written notice to the contractor within [insert in the clause the period of time in which the contracting officer has to exercise the option]; provided that the Government shall give the contractor a preliminary written notice of its intent to exercise the option at least 60 days before the contract expires. The preliminary notice does not commit the government to exercise the option.'' In the case of base closure or realignment the publisher has the right to request a renegotiation of the contract.

(2) ''If the Government exercises this option, the extended contract shall be considered to include this option provision.''

(3) ''The total duration of this contract, including the exercise of any options under this clause, shall not exceed 6 years.''

c. *Default clause.* Insert the following clause in solicitations and contracts:

(1) ''The Government may, be written notice of default to the contractor, terminate this contract in whole or in part if the contractor fails to:

(a) Deliver the CE publications in the quantities required or to perform the services within the time specified in this contract or any extension;

(b) Make progress, so as to endanger performance of this contract;

(c) Perform any of the other provisions of this contract.''

(2) ''If the Government terminates this contract in whole or in part, it may acquire, under the terms and in the manner the contracting officer considers appropriate, supplies or services similar to those terminated. However, the contractor shall continue the work not terminated.''

(3) ''The rights and remedies of the Government in this clause are in addition to any other rights and remedies provided by law or under this contract.''

d. *Termination for convenience of the Government.* Insert the following clause in solicitations and contracts:

''The contracting officer, by written notice, may terminate this contract, in whole or in part if the services contracted for are no longer required by the Government, or when it is in the Government's interest, such as with installation closures. Any such termination shall be at no cost to the Government.'' The Government will use its best efforts to mitigate financial hardship on the publisher.

5. *Term of contract.* CE contracts may be entered into for an initial period of up to 2 years, and may contain options to extend the contract for one or more additional periods of 1 or 2 years duration. The total period of the contract, including options, shall not exceed 6 years, after which the contract must be recompeted.

6. *Exercise of options.* Under normal circumstances, when the contractor is performing satisfactorily, options for additional periods of performance should be exercised. However, the exercise of the option is the exclusive right of the Government, and decisions not to exercise the option, or to test the market before option exercise, are within the contracting officer's discretion working in concert with the PAO and other command officials.

7. *Modification of the contract.* Any changes to the SOW or other terms and conditions of the contract shall be made by written contract modification signed by both parties.

8. *SSAC.* The commander shall appoint an SSAC. The committee shall participate in the development of the Source Selection Plan (SSP) before the solicitation of proposals, evaluate proposals, and recommend a source to the selecting official. Since cost is not a factor in the evaluation, award will be based on technical proposals, the offeror's experience and/or qualifications, and past performance.

a. The SSAC shall consist of a minimum of five voting members: A chairperson, who shall be a senior member of the command; senior representatives from public affairs and printing; and a minimum of two other functional specialists with skills relevant to the selection process. Each SSAC shall have non-voting legal and contracting advisors to assist in the selection process.

b. In arriving at its recommendations, the SSAC shall follow the SSP and avail itself of all relevant information, including the proposals submitted, independently derived data regarding offerors' performance records, the results of on-site surveys of offerors' facilities, where feasible, and in appropriate cases, personal presentations by offerors.

c. The work of the SSAC must be coordinated with the contracting officer to ensure that the process is objective and fair. All communications between the offerors and the Government shall be through the contracting officer. No member of the SSAC or the selecting official shall communicate directly with any offeror regarding the source selection.

d. In cases where a losing competitor requests a debriefing from the contracting officer, members of the SSAC may be called upon to participate so as to give the losing competitor the most thorough explanation practical as to why its proposal was not successful. No information regarding competitors' proposals shall be discussed with the unsuccessful offerors during debriefings, discussions, or negotiations.

9. *SSP.* A SSP (see sample SSP at attachment 1 to this appendix) must be developed early in the planning process to serve as a guide for the personnel involved and ensure a fair and objective process and a successful outcome. The contracting officer is primarily responsible for development of the SSP, in coordination with the PAO and other members of the SSAC. Ideally, the SSP should be completed and approved prior to issuance of the solicitation; it must be completed and approved before the receipt of proposals.

10. *Evaluation criteria and proposal requirements.* The solicitation must specify, in relative order of importance, the factors the Government will consider in selecting the most advantageous proposal. In addition, the solicitation must specify the types of information the proposal must contain to be properly evaluated. These two aspects of the solicitation must closely parallel one another. The contracting officer is primarily responsible for development of these two solicitation provisions, in coordination with

[3] Copies may be obtained, at cost, from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402

the PAO, legal counsel, and members of the SSAC.

a. *Evaluation criteria for award.* Drawing upon the SSP, this feature of the solicitation must advise offerors what factors the Government will consider in evaluating proposals and the relative importance of each factor. The attached sample SSP (attachment 1 to this enclosure) provides an example of criteria that might be used. Note that under the ''Services and/or Items Offered'' factor, paragraph E.2.b. of attachment 1 to this appendix, it is necessary to list and indicate the relative importance of services and/or items *above the minimum requirements of the SOW* that the command would consider desirable and that, if offered, will enhance the offeror's evaluation standing. The offer of services and/or items not listed in the evaluation criteria shall not be considered in the evaluation of proposals, but may be accepted in the contract award if deemed valuable to the Government, PROVIDED the service and/or item involved is directly related to producing the publication and not in violation of any other statute or regulation. Examples of items that cannot be considered during the evaluation process are; press kits, laminated maps, economic development reports, or other separate publications not an integral part of the CE newspaper, guide, or installation map.

b. *Proposal requirements.* This provision of the solicitation must describe the specific and general types of information necessary to be submitted as part of the proposal to be evaluated. Offerors shall be notified that unnecessarily elaborate proposals are not desired.

Attachment 1 to Appendix B to Part 247—SSP

A. Introduction

1. The objectives of this plan are:

a. To ensure an impartial, equitable, and thorough evaluation of all offerors' proposals in accordance with the evaluation criteria presented in the request for proposals (RFP).

b. To ensure that the contracting officer is provided technical evaluation findings of the SSAC in such a manner that selection of the offer most advantageous to the Government is ensured.

c. To document clearly and thoroughly all aspects of the evaluation and decision process to provide effective debriefings to unsuccessful offerors, to respond to legal challenges to the selection, and to ensure adherence to evaluation criteria.

2. This plan will be used to select a CE contractor for publication of the _____ newspaper (CE guide or installation map) and will:

a. Give each SSAC member a clear understanding of his or her responsibilities as well as a complete overview of the evaluation process.

b. Establish a well-balanced evaluation structure, equitable and uniform scoring procedures, and a thorough and accurate appraisal of all considerations pertinent to the negotiated contracting process.

c. Provide the selecting official with meaningful findings that are clearly presented and founded on the collective, independent judgment of technical and managerial experts.

d. Ensure identification and selection of a contractor whose final proposal offers optimum satisfaction of the Government's technical and managerial requirements as expressed in the RFP.

e. Serve as part of the official record for the evaluation process.

B. Organization and Staffing

1. The SSAC will consist of the Chairperson and a minimum of four other voting committee members plus the non-voting advisors to the SSAC.

2. The SSAC committee members are:

Name	Position
	Chairperson
	Member
	Member
	Member
	Member
	Legal Advisor [1]
	Contract Advisor [1]

[1] Non-voting members.

C. Responsibilities

1. Selecting Official:

a. Approves the SSP.

b. Reviews the evaluation and findings of the SSAC.

c. Considers the SSAC's recommendation of award.

d. Selects the successful offeror.

2. Chairperson of the Source Selection Advisory Committee (C/SSAC):

a. Reviews the SSP.

b. Approves membership of the SSAC.

c. Analyzes the evaluation and findings of the SSAC and applies weights to the evaluation results.

d. Approves the SSAC report for submission to the selecting official.

3. Contracting Officer:

a. Is responsible for the proper and efficient conduct of the entire source selection process encompassing solicitation, evaluation, selection, and contract award.

b. Provides SSAC and the selecting official with guidance and instructions to conduct the evaluation and selection process.

c. Receives proposals submitted and makes them available to the SSAC, taking necessary precautions to ensure against premature or unauthorized disclosure of source selection information.

4. SSAC members shall:

a. Familiarize themselves with the RFP and SSP.

b. Provide a fair and impartial review and evaluation of each proposal against the solicitation requirements and evaluation criteria.

c. Provide written documentation substantiating their evaluations to include strengths, weaknesses, and any deficiencies of each proposal.

5. Legal advisor:

a. Reviews RFP and SSP for form and legality.

b. Advises the SSAC members of their duties and responsibilities, regarding procurement integrity issues and confidentiality requirements.

c. Participate in SSAC meetings and provide legal advice as required.

d. Provides legal review of all documents supporting the selection decision to ensure legal sufficiency and consistency with the evaluation criteria in the RFP and SSP.

e. Advises the selecting official on the legality of the selection decision.

D. Administrative Instructions

1. *Evaluation overview.* The advisory committee will operate with maximum flexibility. Collective discussion by evaluators at committee meetings of their evaluation findings is permitted in the interchange of viewpoints regarding strengths, weaknesses, and deficiencies noted in the proposals relating to evaluation items. Evaluators will not suggest or disclose numerical scores or other information regarding the relative standing of offerors outside of committee meetings.

2. *Evaluation procedure.* The evaluation of offers is based on good judgment and a thorough knowledge of the guidelines and criteria applicable to each evaluation factor.

a. Numerical scoring is merely reflective of the composite findings of the SSAC. The evaluation scoring system is used as a tool to assist the Chairperson of the SSAC in determining the proposal most advantageous to the Government.

b. The most important documents supporting the contract award will be the findings, conclusions, and reports of the SSAC.

3. *Safeguarding data.* The sensitivity of the proceedings and documentation require stringent and special safeguards throughout the evaluation process:

a. Inadvertent release of information could be a source of considerable misunderstanding and embarrassment to the Government. It is imperative, therefore, for all members of the SSAC to avoid any unauthorized disclosures of information pertaining to this evaluation. Evaluation participants will observe the following rules:

(1) All offeror and evaluation materials will be secured when not in use (i.e., during breaks, lunch, and at the end of the day).

(2) All attempted communications by offeror's representatives shall be directed to the contracting officer. No communications between members of the SSAC or the selecting official and offerors regarding the contract award or evaluation is permitted except when called upon under the provisions of paragraph J.8.d, of appendix B to this part.

(3) Neither SSAC members or the selecting official shall disclose anything pertaining to the source selection process to any offeror except as authorized by the contracting officer.

(4) Neither SSAC members or the selecting official shall discuss the substantive issues of the evaluation with any unauthorized individual, even after award of the contract.

E. Technical Evaluation Procedures

1. *Evaluation process.* Proposals will be evaluated based on the following criteria as indicated in Section M of the solicitation: The evaluation worksheet (attachment 2 to this appendix) shall be used to score the

technical factors. Using the technical evaluation worksheet, each member of the SSAC will independently review each proposal and assign an appropriate number of points to each factor being considered. Point scores for each factor will range from ''0'' to ''5'' based on the committee member's evaluation of the proposal. Upon completion of individual evaluations, the group will meet in committee with the Chairperson and arrive at a single numeric score for each factor in the proposal.

2. *Criteria.* An example of applicable evaluation criteria and their relative order of importance are listed below in paragraphs E.2. a. through d of this appendix. Criteria and weights are provided as an example only. The SSAC must determine its own weighting factors tailored to meet the needs of the particular CE publication and describe the relative weights assigned to the RFP; e.g., ''Evaluation factors are listed in descending order of importance; criteria #1 is twice as important as criteria #2,'' etc.

a. *Technical and production capability.* Scores will range from ''0'' (unacceptable), to ''5'' (exhibits state-of-the-art, award winning, or clearly superior technical ability to produce the required newspaper, guide, or installation map). Factors to be considered for newspaper contracts include: Level of automation; compatibility of automation with existing PAO automation (unless other automation is provided); printing capability; production equipment; physical plant (capabilities); and driving distance to the plant. Similar factors may be considered for guides and installation maps.

b. *Services and/or items offered.* Scores will range from ''0'' (unacceptable), to ''5'' (the offer of equipment, such as automation equipment; or services, such as editorial or photographic services as set forth in the contract solicitation that will greatly enhance the newspaper and/or its production). Factors to be considered for newspapers include: Offer of automation equipment and the quality and amount of equipment offered; the quality and amount of services offered; the usefulness of the services and/or items to the pubic affairs office in enhancing the newspaper; the impact of the services and/or items on other parts of the contract. Similar factors may be considered for guides and installation maps. The offer of equipment or services not specifically related to producing the publication will not result in the assignment of a higher score.

c. *Past performance record.* Scores will range from ''0'' (no experience in newspaper, guide, or installation map publishing and/or unsatisfactory, previous performance), to ''5'' (long-term, highly successful experience publishing similar newspapers, guides, or installation maps). Factors to be considered include: demonstrated ability to successfully produce a CE or similar publication; demonstrated printing ability (types of printing, history of newspaper, guide, or installation map printing); demonstrated success in contract performance in a timely and responsive manner; demonstrated capability to sell advertising and successfully recoup publication costs.

d. *Management approach.* Scores will range from ''0'' (approach unacceptable), to ''5'' (proposal demonstrates a sound and innovative approach to interfacing with the PAO and managing the CE publication operation). Factors to be considered include: The offeror's proposed approach to:

(1) Interfacing with the PAO staff.

(2) Controlling the quality and timeliness of the finished product.

(3) Sale of ads of the type that enhance the publication's image in the community and with the readership at large.

(4) Ensuring that contractor's personnel are properly supervised and managed.

3. *Weighting factors.* Points will be assigned to the final score of each factor in a proposal as determined by multiplying the score assigned (e.g., ''0,'' ''1,'' ''2,'' ''3,'' ''4,'' or ''5'') by the relative weight of the individual criterion as indicated:

Factor	Relative weight (percent)	Maximum points
Criterion 1	40	200
Criterion 2	30	150
Criterion 3	20	100
Criterion 4	10	50
		500

(Example Only):

Criterion 1 Score 5 (5 × 40) Total Points	200
Criterion 1 Score 4 (4 × 30) Total Points	120
Criterion 1 Score 3 (3 × 20) Total Points	60
Criterion 1 Score 2 (2 × 10) Total Points	20
	400

4. *Report of findings and recommendations.* After the SSAC has completed final evaluation of proposals and all weighting has been completed, the committee will prepare a written report of its findings and recommendations, setting forth the consensus of the committee and its composite scores (Sample at attachment 3 to this appendix). The Chairperson will sign the report to confirm its accuracy and his agreement with the recommendation. All copies of proposals and evaluation worksheets will be returned to the contracting officer.

Attachment 2 to Appendix B to Part 247—Sample Evaluation Worksheet

CONTRACTOR _____

Evaluator _____

DATE _____

Evaluation Criteria and Scores (Range 0–5 Points for Each)

1. Technical and production capability:

_____

2. Services and items offered:

_____

3. Past performance record:

_____

4. Management approach:

_____

[1] NARRATIVE DISCUSSION:
Strengths
Weaknesses
Deficiencies

Attachment 3 to Appendix B to Part 247—Sample Memorandum for Selecting Official

Subject: Evaluation of Proposals RFP No.

_____

1. All proposals received in response to subject RFP have been evaluated by the Source Selection Advisory Committee (SSAC). The results and comments are listed below.

a. Offeror's proposals were rated as follows:

Offeror Name	Numerical Score

b. Summary Narrative Comments. (This section of the report shall be a summary of the individual strengths and weaknesses in each proposal, along with any deficiencies that are susceptible to being cured through written or oral discussions with the offeror, as noted by the SSC evaluators. This summary should be supported by detailed narratives contained on the individual evaluator's worksheets.)

2. Recommendation.

_____

Chairperson, SSAC

Appendix C to Part 247—Mailing of DoD Newspapers, CE Guides, and Installation Maps; Sales and Distribution of Non-DoD Publications

A. *Policy.* It is DoD policy that mailing costs shall be kept at a minimum consistent with timeliness and applicable postal regulations. (See DoD Instruction 4525.7 [1] and DoD 4525.8–M.[2] Responsible officials shall consult with appropriate postal authorities to obtain resolution of specific problems.

B. *Definition.* DoD appropriated fund postage includes all means of paying postage using funds appropriated for the Department of Defense. These means include meter imprints and stamps, permit imprints, postage stamps, and other means authorized by the U.S. Postal Service.

C. Use of Appropriated Fund Postage

1. DoD appropriated fund postage shall be used only for:

a. Mailing copies to satisfy mandatory distribution requirements.

b. Mailing copies to other public affairs offices for administrative purposes.

c. Mailing copies to headquarters in the chain of command.

[1] Discussions of strengths, weaknesses, and deficiencies should reference the specific evaluation factor involved to ensure that proposals are evaluated only against the criterion set forth in the RFP, to facilitate debriefings, and to provide an effective defense to any challenges regarding the legality of the selection process.)

[1] Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

[2] See footnote 1 to section A. of this appendix.

d. Bulk mailings of DoD newspapers to subordinate units for distribution to members of the units.

e. Mailing information copies to other U.S. Government Agencies, Members of Congress, libraries, hospitals, schools, and depositories.

f. Mailing of an individual copy of a DoD newspaper or CE publication in response to an unsolicited request from a private person, firm, or organization, if such response is in the best interest of the DoD Components or its subordinate levels of command.

g. Mailing copies of DoD newspapers, guides, or installation maps to incoming DoD personnel and their families to orient them to their new command, installation, and community.

2. DoD appropriated fund postage shall not be used for mailing:

a. To the general readership of DoD newspapers, guides, and installation maps, unless specifically excepted in this part.

b. By a CE publisher.

c. CE publications other than newspapers in bulk. (See paragraph C.1.d. of this section).

3. Generally, DoD newspapers and CE publications shall be mailed as second class Requester Publication Rate, third-class bulk, or third- or fourth-class mail.

D. *Legal prohibitions.* Compliance with 18 U.S.C. 1302 and 1307 is mandatory. 18 U.S.C. 1302 prohibits the mailing of publications containing advertisements of any type of lottery or scheme that is based on lot or chance. 18 U.S.C. 1307 authorizes exceptions pertaining to authorized State lotteries, lotteries conducted by a not-for-profit organization or a governmental organization, or conducted as a promotional activity by a commercial organization and clearly occasional and ancillary to the primary business of that organization. An exception also pertains to any gaming conducted by an Indian tribe under 25 U.S.C. 2720. Lottery is defined as containing the following three elements:

1. Prize (whatever items of value are offered in the particular game).

2. Chance (random selection of numbers to produce a winning combination).

3. Consideration (requirement to pay a fee to play).

E. Review of Mailing and Distribution Effectiveness

1. Mailing and distribution lists shall be reviewed annually to determine distribution effectiveness and continuing need of each recipient to receive the publication.

2. Distribution techniques, target audiences, readers-per-copy ratios, and use of the U.S. Postal Service to ensure the most economical use of mail services consistent with timeliness shall be revalidated annually.

F. *Non-DoD publications.* A commander shall afford reputable distributors of other publications the opportunity to sell or give away publications at the activity he or she commands in accordance with DoD Directive 1325.6.[3] Such publications shall not be distributed through official channels. These publications may be made available through subscription paid for by the recipient or placed in specific general use areas designated by the commander, such as the foyers of open messes or exchanges. They will be placed only in stands or racks provided by the responsible publisher. The responsible publisher will maintain the stand or rack to present a neat and orderly appearance. Subscriptions paid for by a recipient may be home-delivered by the commercial distributor in installation residential areas.

[3] See footnote 1 to section A. of this appendix.

Appendix D to Part 247—AFIS Print Media Directorate

A. *General.* The Print Media Directorate (AFIS–PM), an element of AFIS, develops, publishes, procures, and distributes a variety of print media products that support DoD-wide programs and policies for targeted audiences throughout the DoD community. Products include the following:

1. *Press and Art Pack*, a weekly package of camera-ready articles, photographs, and art distributed principally to DoD newspaper editors containing articles addressing several of the DoD internal information plan subject areas.

2. *DEFENSE* magazine, a bimonthly periodical featuring articles authored by senior military and civilian officials on DoD programs and policies. An annual almanac edition highlights DoD's organization.

3. *Defense Billboard*, a monthly poster featuring topics of particular interest to junior Military Service members, but applicable to general DoD audiences.

4. Pamphlets, booklets, and other posters covering a variety of joint interest information topics.

5. AFIS–PM also posts the *Press and Art Pack* and selected feature stories on Army, Navy, Air Force, Coast Guard, and OATSD(PA) computer bulletin boards. PAOs and editors may download text and art in a form readily usable for word processing or desktop publishing.

B. *Use of materials published by print media directorate.* With the exception of copyrighted matter, all materials published by AFIS–PM may be reproduced or adapted for use by DoD newspaper editors as appropriate. When AFIS–PM material is edited or revised, accuracy and conformance to DoD policy and accepted standards of good taste will be maintained. Due to the policy-oriented nature of *DEFENSE* magazine contents, particular care shall be taken to preserve the original context, tone, and meaning of any material adapted, revised, or edited from this publication.

C. *Eligible activities.* The following activities are eligible to receive the above listed AFIS–PM products:

1. All authorized DoD newspapers.

2. Headquarters of the DoD Components and their subordinate commands.

3. Proponent offices of DoD periodicals published by the DoD Components.

4. AFRTS networks and outlets.

5. Isolated commands and detachments at which DoD newspapers are not readily available.

D. Procedures

1. The *Press and Art Pack* is mailed directly to requesting eligible organizations. Requests should be forwarded directly to: American Forces Information Service, Director of Print Media, 601 North Fairfax Street, Room 230, Alexandria, VA 22314–2007.

2. Requests shall include name and address of newspaper or activity, frequency of publication, whether the requesting newspaper is funded or CE, and a sample copy of the publication.

3. Notification of changes of address, newspaper title, or other status shall be forwarded immediately to the address in paragraph D.1. of this appendix.

4. All other AFIS–PM materials should be requisitioned through the Military Service's or organization's publications distribution system.

Appendix E to Part 247—DoD Command Newspaper Review System

A. *Purpose.* The purpose of the DoD command newspaper review system is to assist commanders in establishing and maintaining cost-effective internal communications essential to mission accomplishment. The system also enables internal information managers to assess the cost and effective use of resources devoted to command newspapers and to provide requested reports.

B. *Policy.* DoD newspapers shall be reviewed and reported biennially. The review process is not intended to replace day-to-day quality assurance procedures or established critique programs.

C. *Review criteria.* Each newspaper shall be evaluated on the basis of mission essentiality, communication effectiveness, cost-effectiveness, and compliance with applicable regulations.

D. Reporting Requirements

1. The DoD Components (less the Military Departments) shall forward, by January 31 of each even numbered year, the information indicated at attachment 1 to this appendix for each newspaper published to: Director, American Forces Information Service, Attn: Print Media Plans and Policy, 601 North Fairfax Street, Alexandria, VA 22314–2007.

2. No later than April 15 of each even-numbered year, the Secretary (or designee) of each Military Department shall forward to the address above a report of the Military Department's review of newspapers. This report shall include summary data on total number of newspapers, along with a listing of the information indicated at attachment 1 to this appendix.

3. One information copy of each issue of all DoD newspapers shall be forwarded on publication date to the address in paragraph H.1. of this appendix.

4. Information copies of CE newspaper contracts shall be forwarded to the address in paragraph H.1. of this appendix, upon request.

5. Administrative Instructions shall be issued by the Director, AFIS, for the annual review and reporting of newspapers.

Attachment 1 to Appendix E to Part 247—Newspaper Reporting Data

As required by section H. of this appendix, the following information shall be provided biennially regarding newspapers:

A. Name of newspaper.

B. Publishing command and mailing address.

C. Printing arrangement:

1. Government equipment.

2. Government contract with commercial printer.

3. CE contract with commercial publisher (give name, mailing address, and phone number of commercial publisher).

D. Automation capabilities (desktop publishing, computer bulletin board, etc.)

E. Frequency and number of issues per year.

F. Number of copies printed and estimated readership.

G. Paper size (metro, tabloid, or magazine/newsletter) and average number of pages per issue.

H. Size of newspaper staff, listed as full time, part time, and contractor-provided.

Appendix F to Part 247—Deputy Secretary of Defense Policy Memorandum

The Deputy Secretary of Defense

Washington, D.C. 20301

December 9, 1994.

Memorandum for Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, Under Secretaries of Defense Director, Defense Research and Engineering, Assistant Secretaries of Defense, General Counsel of the Department of Defense, Inspector General of the Department of Defense, Director, Operational Test and Evaluation, Assistants to the Secretary of Defense, Director, Administration and Management, Directors of the Defense Agencies, Directors of DOD Field Activities

Subject: Alteration of Official Photographic and Video Imagery

Photographic and video imagery has become an essential tool of decision makers at every level of command and in every theater of military operations. Mission success and ultimately the lives of our men and women in uniform depend on this imagery being complete, timely, and, above all, highly accurate. Anything that weakens or casts doubt on the credibility of this imagery within or outside the Department of Defense will not be tolerated.

The emergence of digital technology has significantly increased the capability of altering photographic and video imagery. This capability represents a potential threat to the credibility of Defense imagery. Since current Federal Regulations and DoD Directives do not specifically address the deliberate alteration of official photographic records, I believe guidance is required. I am providing this guidance by establishing the following as Department of Defense policy on the alteration of official photographic and video imagery:

a. The alteration of official Defense imagery by persons acting for or on behalf of the Department of Defense is prohibited except as outlined below:

(1) Photographic techniques common to traditional darkrooms and digital imaging stations such as dodging, burning, color balancing, spotting, and contrast adjustment that are used to achieve the accurate recording of an event or object are not considered alterations.

(2) Photographic and video image enhancement, exploitation, and simulation techniques used in support of unique cartography, geodesy, intelligence, medical, RDT&E, scientific, and training requirements are authorized if they do not misrepresent the subject to the original image.

(3) The obvious masking of portions of a photographic image in support of specific security or criminal investigation requirements is authorized.

(4) The use of cropping, editing, or enlargement to selectively isolate, link, or display a portion of a photographic or video image is not considered alteration. However, cropping, editing, or image enlargement which has the effect of misrepresenting the facts or circumstances of the event or object as originally recorded constitutes a prohibited alteration.

(5) The digital conversion and compression of photographic and video imagery are authorized.

(6) Photographic and video post-production enhancement, including animation, digital simulation, graphics, and special effects, used for dramatic or narrative effect in education, recruiting, safety and training illustrations, publications, or productions is authorized under either of the following conditions:

(a) the enhancement does not misrepresent the subject of the original image, or;

(b) it is clearly and readily apparent from the context or from the content of the image or accompanying text that the enhanced image is not intended to be an accurate representation of any actual event.

b. Official Defense imagery includes all photographic and video images, regardless of the medium in which they are acquired, stored, or displayed, that are recorded or produced by persons acting for or on behalf of Department of Defense activities, functions, or missions.

My intent with the above policy is to ensure the absolute credibility of official DoD photographic and video imagery within and outside the Department of Defense.

This memorandum is effective immediately. A DoD Directive incorporating the substance of this memorandum shall be issued within 90 days.

Dated: July 21, 1995.

John Deutsch.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 95–18470 Filed 7–28–95; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 57

RIN 0905–AE17

Grants for the Establishment of Departments of Family Medicine

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to a final rule that revised the existing regulations governing the Grants for the Establishment of Departments of Family Medicine program published in the **Federal Register** on May 30, 1995 (60 FR 28065).

EFFECTIVE DATE: July 31, 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Betty B. Hambleton at (301) 443–1590.

SUPPLEMENTARY INFORMATION:

Need for Correction

As published on May 30, 1995, the preamble discussion for § 57.1709 on page 28066, third column, indicated in paragraph (b) that the Department was removing ''the parenthetical phrase at the end of the section text citing the OMB approval number regarding information collection requirements as no longer necessary''. The parenthetical phrase to be removed read ''(Approved by the Office of Management and Budget under control number 0915–0060)''. When the final rule was published, the parenthetical phrase was not removed in the regulatory text on page 28067. This notice is correcting that editorial mistake.

Correction of Publication

Accordingly, the publication on May 30, 1995 of the final regulations, which were the subject of FR Doc. 95–13130, is corrected as follows:

§ 57.1709 [Corrected]

Item 6. On page 28067, in the third column, § 57.1709 is corrected to read as follows:

§ 57.1709 What other audit and inspection requirements apply to grantees?

Each entity which receives a grant under this subpart must meet the requirements of 45 CFR part 74 concerning audit and inspection.

Dated: July 20, 1995.

Neil Stillman,

Deputy Assistant Secretary for Information Resources Management.

[FR Doc. 95–18627 Filed 7–28–95; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1]

Organization and Delegation of Powers and Duties; Transfer of Delegation From Coast Guard to Saint Lawrence Seaway Development Corporation

AGENCY: Office of the Secretary, DOT.

ACTION: Interim final rule; request for comments.

SUMMARY: The Coast Guard's responsibility for administering the Secretary's functions under the Great Lakes Pilotage Act of 1960, as amended, and the Secretary's authority to enter into, revise, or amend arrangements with Canada, are being transferred to the Saint Lawrence Seaway Development Corporation. This rule amends the delegations to be in accordance with the changed responsibilities. The rule is necessary to reflect the delegations in the Code of Federal Regulations.

DATES: This rule becomes effective October 30, 1995; comments must be received on or before September 29, 1995. Late-filed comments will be considered only to the extent practicable.

ADDRESSES: All signed, written comments should be sent, preferably in triplicate, to the Docket Clerk, OST Docket No. 1, United States Department of Transportation, 400 7th Street SW., Room PL–401, Washington, DC 20590. Comments will be available for inspection at this address from 9 a.m. to 5:30 p.m., Monday through Friday. Commenters who wish the receipt of their comments to be acknowledged should include a stamped, self-addressed postcard with their comments. The Docket Clerk will date-stamp the postcard and mail it back.

FOR FURTHER INFORMATION CONTACT: Steven B. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement (202) 366–9306, United States Department of Transportation, 400 7th Street SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The Coast Guard's responsibility for administering the Secretary's functions under the Great Lakes Pilotage Act of 1960, as amended, (the Act) is being transferred to the Saint Lawrence Seaway Development Corporation (SLSDC). This rule amends the delegations to be in accordance with the changed responsibilities. The functions that are being transferred are considered to have economic effects and include the following: (1) Investigation and prosecution of violations of the Act; (2) registration, qualification, and training of registered pilots; (3) association working rules and dispatching procedures; (4) pilot working conditions; (5) selection of pilots; (6) number of pilots; (7) availability of pilots; (8) number of pilotage pools; (9) articles of association; (10) auditing; and (11) ratemaking. The licensing of pilots and the investigation and prosecution of marine accidents and incidents are essential Coast Guard safety functions that are separate from the Act and Great Lakes Pilotage regulations. These functions will remain with the Coast Guard.

In response to pilot concerns, transfer of economic pilotage responsibilities to the SLSDC will place pilotage under permanent civilian authority, and placing pilotage in a smaller organization with an established presence on the Great Lakes will give pilotage issues greater visibility and more timely attention. In addition, SLSDC is being given authority to negotiate directly with Canada, which will allow timely adjustments to pilotage rates. The lack of timely adjustments has been a subject of past pilot criticism.

The Secretary's authority to enter into, revise, or amend arrangements with Canada is being delegated to SLSDC Administrator in coordination with the General Counsel of the Department of Transportation. A Memorandum of Arrangements between the United States and Canada, last renegotiated in 1977, states that the Secretary and the Minister of Transport of Canada ''will arrange for the establishment of regulations imposing identical rates, charges, and any other conditions or terms for services of pilots in the waters of the Great Lakes. * * *'' In 1983, the Act was amended to provide that the ''Secretary, subject to the concurrence of the Secretary of State, may make agreements with the appropriate agency of Canada to * * * prescribe joint or identical rates and charges * * *.''

Since this rule relates to departmental management, organization, procedure, and practice, notice and public comment are unnecessary. Nevertheless, because of Congressional and public interest in Great Lakes Pilotage, the Department is opening a public docket for this rule and providing 60 days for the receipt of public comment. We will consider any new matters presented to us during the 60-day comment period. We will make revisions to this rule if we believe they are warranted. Unless rescinded by a subsequent publication in the **Federal Register**, the interim final rule will go into effect on October 30, 1995. If the delegation to SLSDC becomes effective, we will publish a final rule that will redesignate those portions of the Coast Guard's Great Lakes Pilotage regulations that are necessary for SLSDC to carry out its responsibilities under the Act.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organizations and functions (Government agencies).

PART 1—[AMENDED]

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

Authority: 49 U.S.C. 322; Pub. L. 101–552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

§ 1.46 [Amended]

2. Section 1.46(a) is removed and reserved.

3. Section 1.52 is amended by adding new paragraphs (d) and (e) to read as follows:

§ 1.52 Delegations to Saint Lawrence Seaway Development Corporation Administrator.

* * * * *

(d) Carry out the Great Lakes Pilotage Act of 1960, as amended, (46 U.S.C. 9301 *et seq.*).

(e) Under the 1977 Memorandum of Arrangements with Canada and the Great Lakes Pilotage Act of 1960, as amended in 1983 (46 U.S.C. 9305), enter into, revise, or amend arrangements with Canada in coordination with the General Counsel.

Issued at Washington, DC this 20th day of July, 1995.

Federico Peña,

Secretary of Transportation.

[FR Doc. 95–18499 Filed 7–28–95; 8:45 am]

BILLING CODE 4910–62–P

Proposed Rules

Federal Register
Vol. 60, No. 146
Monday, July 31, 1995

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

DEPARTMENT OF AGRICULTURE

Food and Consumer Service

7 CFR Part 277

[Amendment No. 368]

RIN 0584–AB92

Food Stamp Program: Automated Data Processing Equipment and Services; Reduction in Reporting Requirements

AGENCY: Food and Consumer Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes to increase the cost thresholds above which prior written Federal approval of State automated data processing (ADP) equipment and services acquisitions is required for Federal financial participation. The effect of the proposed changes would be a reduction in State reporting requirements.

Additionally, State request would be deemed to have provisionally met the prior approval requirement if FCS does not approve, disapprove, or request additional information about the request within 60 days of the agency's letter to the State acknowledging its receipt. Finally, this rule proposes to eliminate the requirement that State agencies submit written information pertaining to the State biennial system security reviews. States would be required to maintain copies of the report and pertinent supporting documentation for FCS review.

DATES: Comments must be received on or before September 29, 1995 in order to be assured of consideration.

ADDRESSES: Comments should be addressed to John H. Knaus, Chief, Quality Control Branch, Program Accountability Division, Food Stamp Program, 3101 Park Center Drive, Room 904, Alexandria, Virginia 22302. All written comments will be open to public inspection during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) at that address.

FOR FURTHER INFORMATION CONTACT: Questions concerning this proposed rulemaking should be addressed to Mr. Knaus at the above address or by telephone at (703) 305–2474.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Executive Order 12372

The Food Stamp Program (FSP) is listed in the Catalog of Federal Domestic Assistance under 10.551 and information on State agency administrative matching grants for the FSP is listed under 10.561. For the reasons set forth in the final rule and related notice to 7 CFR 3015, subpart v (48 FR 29115), the FSP is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Executive Order 12778

This rulemaking has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the ''Effective Date'' section of this preamble. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted. In the FSP the administrative procedures are as follows: (1) For program benefit recipients—State administrative procedures issued pursuant to 7 U.S.C. 2020(e)(10) and 7 CFR 273.15; (2) for State agencies—administrative procedures issued pursuant to 7 U.S.C. 2023 set out at 7 CFR 276.7 (for rules related to non-QC liabilities) or Part 283 (for rules related to QC Liabilities); (3) for program retailers and wholesalers—administrative procedures issued pursuant to 7 U.S.C. 2023 set out at 7 CFR 278.8.

Regulatory Flexibility Act

This rulemaking has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164, September 19, 1980, 5 U.S.C. 601–612). Ellen Haas, Under Secretary for Food, Nutrition, and Consumer Services, has certified that this rule does not have a significant economic impact on a substantial number of small entities. This rule will affect State agencies by reducing the reporting requirements applicable to them.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), information collection requirements relating to automated data processing and information retrieval systems have been approved by OMB Approval No. 0584–0083. The provisions of this rule do not contain any additional reporting and/or recordkeeping requirements subject to OMB approval.

Background

State agencies acquire ADP equipment and services for computer operations which support the FSP. For Federal financial participation, States are required to obtain prior written Federal approval when ADP acquisitions for total State and Federal costs exceed the thresholds established in 7 CFR 277.18. Currently, prior approval is required for competitively bid ADP acquisitions of $500,000 or more; sole source acquisitions costing more than $100,000; project increases of $300,000 or more; most procurement documents (requests of proposals (RFPs) and contracts) of $500,000 or more; and contract amendments that cost $100,000 or more.

ADP equipment and services acquisitions under $5 million account for a small percentage of the total cost of State systems development. In the interest of improved efficiency and effectiveness of the ADP process, the Department proposes to increase thresholds above which prior approval is required. This change would reduce the reporting burden on States and provide for better use of Federal resources.

The higher thresholds proposed in this rule would require prior approval from the U.S. Department of Agriculture (USDA) Food and Consumer Service

(FCS) for: (1) advance planning documents (APDs) for ADP equipment and services acquisitions of $5 million or more in total Federal and State costs; (2) justifications for noncompetitive ADP acquisitions from nongovernment sources of more than $1 million but no more than $5 million in total Federal and State costs; (3) requests for proposals and contracts of more than $5 million in total Federal and State costs for competitive procurements and more than $1 million for noncompetitive acquisitions from nongovernmental sources, unless specifically exempted by FCS; (4) contract amendments for cost increases exceeding $1 million or time extensions of more than 120 days; (5) annual APD updates for projects with total acquisition costs of more than $5 million; and (6) as-needed APD updates for cost increases of $1 million or more (the percentage of cost benchmark is removed).

Additionally, this rule proposes to add a provision to regulations which will promote efficient operation of the prior approval requirement. The prior approval requirement would be deemed to have been provisionally met if FCS has not approved, denied or requested additional information on the request within 60 days of the Agency's written acknowledgement of its receipt. With this change, States would have a firmer basis upon which to establish project timeframes, including the need for FCS approvals. The possibility of increased costs attributable to a delay in FCS action on State funding requests would also be reduced.

This change would allow States which are confident that their requests are in compliance of Federal requirements to proceed after the 60-day period has expired without awaiting final FCS approval. However, the provisional approval would not exempt a State from having to meet all other Federal requirements which pertain to the acquisition of ADP equipment and services. Such acquisitions remain subject to Federal audit and review, and the final determinations of these audits and reviews.

Currently, State agencies are required to submit to FCS information pertaining to the biennial security review. As proposed, State agencies would no longer be required to submit this information; but security review reports and pertinent supporting documentation would have to be maintained for Federal onsite review.

This rulemaking reflects concerned efforts on the part of USDA and DHHS to promote inter-Departmental consistency and standardization. The Departments are publishing similar regulations in coordination with each other.

Regulation Changes

Regulations now require prior written approval for acquisition of ADP equipment and services if total costs are $500,000 or more in Federal and State funds. If the State plans to acquire the equipment and services non-competitively from a non-government source, prior approval is required when the total acquisition costs are greater than $100,000.

This rulemaking proposes to revise 7 CFR 277.18(c)(1) by raising the thresholds for approval of competitive acquisitions to those that will cost $5 million or more in total Federal and State funds. As proposed, noncompetitive acquisitions of $5 million or more would also require prior approval. In addition, noncompetitive acquisitions from a non-governmental source that have total State and Federal acquisition costs of more than $1 million but no more than $5 million would need prior approval of the justification for the sole source purchase. No changes are proposed for the requirements in this paragraph that apply to Electronic Benefit Transfer (EBT) systems.

Paragraphs (c)(2)(ii) (A) and (B) currently provide that, unless specifically exempted by FCS, prior written approval must be received before the release of a Request for Proposal (RFP) or execution of a contract where costs are anticipated to equal or exceed $500,000. This rule proposes to increase the threshold for prior approval of competitive procurements to those costing more than $5 million and, for noncompetitive procurements from non-government sources, to those costing more than $1 million. States could be required to submit RFPs and contracts under the threshold amounts on an exception basis or if the procurement strategy is not adequately described in the APD.

Changes to thresholds for contract amendments, specified in paragraph (c)(2)(ii)(C), are also proposed. Regulations now require that, unless specifically exempted by FCS, prior approval is required before the State's signing of a contract amendment unless it involves cost increases of less than $100,000 or time extensions of less than 60 days, and is an integral part of the APD. This rule proposes to change that requirement to provide that, unless specifically exempted by FCS, prior Federal approval would be required for contract amendments involving cost increases greater than $1 million or contract time extensions of more than 120 days. States would also be required to submit contract amendments under these thresholds on an exception basis or if the contract amendment is not adequately justified in the APD.

Proposed changes to paragraphs (c)(2)(ii) (A), (B) and (C), as discussed above, would retain FCS' right to review and approve all RFPs, contracts, and contract amendments, regardless of dollar amount on an exception basis. The exception basis could include instances where new program requirements or technology are involved, or when adequate justification in the APD has not been provided. EBT system requirements in these paragraphs would be unchanged.

States are currently required to submit for approval an annual APD Update for approved planning and implementation APDs when the total acquisition costs exceed $1 million. This rule proposes to increase the threshold for submission of these documents to those costing more than $5 million.

Paragraph (e)(3)(i) now recommends submission of ''as-needed'' APD updates whenever there is a significant increase ($300,000 or 10 percent, whichever is less) in total costs for a commitment of Federal financial participation for the increase. As proposed, the amount of a significant increase in total project costs would be raised to $1 million or more. There would no longer be a percentage of cost benchmark.

This rule proposes to add a new paragraph after paragraph (c)(4). To promote operation of the prior approval requirement, this new paragraph, (c)(5), would provide for provisional approval of the prior approval requirement if FCS has not provided written approval, disapproval, or a request for additional information within 60 days of issuing an acknowledge of receipt of a State's request.

Finally, this rule proposes to amend paragraph (p)(3), which requires States agencies to submit information related to the biennial security review. As proposed, State agencies would be required to maintain reports of their biennial ADP system reviews and pertinent supporting documentation for Federal on-site review.

List of Subjects in 7 CFR Part 277

Claims, Computer technology, Grant programs, Social programs.

Accordingly, 7 CFR part 277 is proposed to be amended as follows:

PART 277—PAYMENTS OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES

1. The authority citation for Part 277 continues to read as follows:

Authority: 7 U.S.C. 2011–2032.

2. In § 277.18,

a. paragraph (c)(1) is revised;

b. the second sentence in paragraph (c)(2)(ii)(A) is removed and two sentences are added in its place;

c. the second sentence in paragraph (c)(2)(ii)(B) is removed and two sentences are added in its place;

d. the second sentence in paragraph (c)(2)(ii)(C) is removed and two sentences are added in its place;

e. paragraph (c)(5) is added;

f. paragraph (e)(1) is amended by removing to words ''$1 million'' and adding in their place the words ''$5 million'';

g. paragraph (e)(3)(i) is amended by removing the words ''($300,000 or 10 percent, whichever is less)'' and adding in their place the words ''($1 million or more)'';

h. the third and fourth sentences of paragraph (p)(3) are removed and one sentence is added in their place.

The revisions and additions read as follows:

§ 277.18 Establishment of an Automated Data Processing (ADP) and Information Retrieval System.

* * * * *

(c) *General acquisition requirements.—(1) Requirement for prior FCS approval.* A State agency shall obtain prior written approval from FCS as specified in paragraph (c)(2) of this section when it plans to acquire ADP equipment or services with proposed FFP that it anticipates will have total acquisition costs of $5 million or more in Federal and State funds. This applies to both competitively bid and sole source acquisitions. A State agency shall also obtain prior written approval from FCS of its justification for a sole source acquisition when it plans to acquire ADP equipment or services non-competitively from a non-governmental source which has a total State and Federal acquisition cost of more than $1 million but no more than $5 million. However, a State agency shall obtain prior written approval from FCS for the acquisition of ADP equipment or services to be utilized in and EBT system regardless of the cost of the acquisition. The State agency shall request prior FCS approval by submitting the planning APD, the Implementation APD or the justification for the sole source acquisition signed by the appropriate State official to the FCS regional office.

(2) *Specific prior approval requirements.* * * *

(ii) * * *

(A) * * * However, RFPs costing up to $5 million for competitive procurement and up to $1 million for noncompetitive acquisitions from non-governmental sources and which are an integral part of the approval APD need not be submitted to FCS. Stated will be required to submit RFPs under this threshold amount on an exception basis or if the procurement strategy is not adequately described in an APD. * * *

(B) * * * However, contracts costing up to $5 million for competitive procurements and up to $1 million for noncompetitive acquisitions from nongovernmental sources, and which are an integral part of the approved APD need not be submitted to FCS. States will be required to submit contracts under this threshold amount on an exception basis or if the procurement strategy is not adequately described in an APD. * * *

(C) * * * However, contract amendments involving cost increases of up to $1 million or time extensions of up to 120 days, and which are an integral part of the approved ADP need not be submitted to FCS. States will be required to submit contract amendments under these threshold amounts on an exception basis or if the contract amendment is not adequately justified in an APD. * * *

* * * * *

(5) *Prompt action on requests for prior approval.* FCS will reply promptly to State requests for prior approval. If FCS has not provided written approval, disapproval or a request for additional information within 60 days of FCS' letter acknowledging receipt of the State's request, the request will be deemed to have provisionally met the prior approval requirement in 277.18(c). However, provisional approval will not exempt a State from having to meet all other Federal requirements which pertain to the acquisition of ADP equipment and services. Such requirements remain subject to Federal audit and review.

* * * * *

(p) * * *

(3) * * * State agencies shall maintain reports of their biennial ADP system security reviews, together with pertinent supporting documentation, for Federal on-site review.

* * * * *

Dated: July 26, 1995.

Ellen Haas,

Under Secretary, Food, Nutrition, and Consumer Services.

[FR Doc. 95–18789 Filed 7–28–95; 8:45 am]

BILLING CODE 3410–30–M

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 490

[Docket No. EE–RM–95–110A]

RIN 1904–AA64

Alternative Fuel Transportation Program

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Notice of limited reopening of the comment period.

SUMMARY: On February 28, 1995, the Department of Energy (DOE) published a notice of proposed rulemaking (60 FR 10970) to implement statutorily-required alternative fueled vehicle acquisition requirements applicable to certain alternative fuel providers and State government fleets under sections 501 and 507(o) of the Energy Policy Act of 1992 (Act), respectively. Public hearings were held in three cities and the 60-day public comment period closed on May 1, 1995. The principal purpose of this notice is to reopen the comment period for 30 days in order to solicit comments on: options for defining the term ''substantial portion'' which is used to determine coverage for certain petroleum producers and importers; and options for modifying the proposed definition of ''alternative fuel'' with respect to alcohol fuels and biodiesel. In addition, this document announces DOE's receipt of new information regarding automakers' alternative fueled vehicle production plans for the near future.

DATES: Written comments (11 copies) on the issues presented in this notice must be received by the Department on or before August 30, 1995.

ADDRESSES: Written comments (11 copies) should be addressed to: U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE–33, Docket No. EE–RM–95–110A, 1000 Independence Ave., SW, Washington, DC 20585, (202–586–3012).

Docket: Supporting information used in developing the proposed rule and written comments received on the Notice of Proposed Rulemaking are

contained in Docket No. EE–RM–95–110A. This Docket is available for examination in DOE's Freedom of Information Reading Room, 1E–090, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, 202–586–6020, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth R. Katz, Program Manager, Office of Energy Efficiency and Renewable Energy (EE–33), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585, (202) 586–6116.

SUPPLEMENTARY INFORMATION:

I. Introduction

On February 28, 1995, DOE published a notice of proposed rulemaking on implementation of statutorily-required alternative fueled vehicle acquisition requirements applicable to certain alternative fuel providers and State government fleets. Since the close of the 60-day comment period on that notice of proposed rulemaking, the Department has been reviewing the public comments. As a result of this review, the Department is now considering several policy options that are sufficiently different from the terms of the notice of proposed rulemaking to warrant an additional, focused opportunity for public comment.

On June 12, 1995, the Department published a notice reopening the record for additional public comment on options being considered for providing more lead time between the date the final rule is promulgated and the date the obligation to comply begins. 60 F.R. 30795. Today the Department publishes a notice reopening the record for additional public comment on issues relating to the definitions of ''substantial portion'' and ''alternative fuel.'' In addition, the Department is taking this opportunity to give notice of the receipt of new information regarding the availability of alternative fueled vehicles.

II. Definition of ''Substantial Portion''

Section 501(a)(2) of the Energy Policy Act of 1992 (the ''Act'') defines the class of alternative fuel providers potentially subject to the alternative fueled vehicle acquisition requirements to include persons who: (1) qualify as a ''covered person'' under section 301(5) of the Act, 42 U.S.C. 13211(5), and (2) produce or import an average of 50,000 barrels per day or more of petroleum and ''a substantial portion of whose business is producing alternative fuels.'' 42 U.S.C. 13251(a)(2)(C). Thus, the term ''substantial portion'' is a key statutory determinant of whether a covered person that produces or imports petroleum is an alternative fuel provider required by the Act to acquire alternative fueled vehicles.

However, even if an entity meets all of the qualifications for a section 501(a)(2)(C) alternative fuel provider, including the ''substantial portion'' test, it nevertheless may be excepted from the vehicle acquisition requirements under section 501(a)(3) or exempted by DOE under section 501(a)(5). Under section 501(a)(3)(A), the vehicle acquisition requirements only apply to an affiliate, division or business unit of a covered person who is substantially engaged in the alternative fuels business. *See* proposed § 490.304. Moreover, under section 501(a)(3)(B), the vehicle acquisition requirements do not apply to any entity whose principal business is transforming alternative fuel into a product other than alternative fuel or consuming such fuel to manufacture a product that is not an alternative fuel. Under section 501(a)(5), DOE may exempt alternative fuel providers from the vehicle acquisition requirements if they can show either that (1) alternative fuels that meet their normal business requirements and practices are not available; or (2) that alternative fueled vehicles that meet their normal business requirements and practices are not offered for purchase or lease on reasonable terms and conditions. See proposed § 490.308.

In the February 28, 1995 notice of proposed rulemaking, DOE proposed to define the term ''substantial portion'' to mean that at least two percent of a covered person's refinery yield of petroleum products is composed of alternative fuels. See proposed § 490.301. DOE explained that it chose the two percent of refinery yield threshold because it represented the average yield for the production of alternative fuels by petroleum refiners, as reported by the Energy Information Administration. 60 FR 10978.

The notice of proposed rulemaking also explained that in developing the proposed definition of ''substantial portion,'' the Department had considered, as an alternative, basing the definition on the portion of the gross revenue an entity derives from the production of alternative fuels. Ultimately, DOE did not propose a gross revenue threshold because the information needed to support that alternative was more fragmented than that available to support the two percent of refinery yield criterion, and DOE believed the percent of refinery yield criterion would adequately define the class of petroleum producers and importers who are ''covered persons'' under the Act. 60 FR 10979. Nevertheless, DOE asked for comment on whether reliable information exists that would allow establishment of a revenue measure for determining whether alternative fuels production comprises a substantial portion of a company's business, and it solicited suggestions for any other alternative definitions of ''substantial portion.'' 60 FR 10979.

DOE received many comments on the definition of ''substantial portion.'' Some commenters supported DOE's proposed definition of ''substantial portion,'' agreeing that if at least two percent of a refinery's product yield is composed of an alternative fuel, the fuel provider should have to meet the Act's acquisition requirements. However, most comments on this issue criticized the two percent of refinery yield as being too low a threshold. Some commenters stated that the two percent refinery yield of petroleum products threshold would impose vehicle acquisition requirements on many refineries that only produce alternative fuels (principally propane) as incidental by-products of the refining process. Several commenters recommended that DOE modify the rule to provide that at least 10 percent of a covered the percent of refinery yield criterion which focuses solely on refining operations.

Despite the lack of comprehensive, publicly available information about petroleum producers' and importers' revenue sources on a product-by-product basis, DOE has been able to collect enough information about their sales of alternative fuels to frame a possible definition of ''substantial portion'' based on percent of gross revenue derived from alternative fuels.

One option DOE is considering is whether to define ''substantial portion'' to mean that at least 30 percent of the annual gross revenue of a covered person is derived from the sale of alternative fuels. This percentage of gross revenue appears to be an appropriate gross revenue threshold for two reasons. First, available information shows that major U.S. energy producing companies historically derive at least 30 percent of their annual gross revenue from the sale of alternative fuels.[1] Major energy producers are typically consolidated or integrated companies that are involved in oil and gas

[1] Sources used were: Energy Information Administration's *Performance Profiles of Major Energy Producers*, 1993 (DOE/EIA–0206); Moody's 1994 Industrial Manual; 1995 U.S.A. Oil Industry Directory; and Standard & Poor's 1994 Register—Corporations.

exploration, oil and gas production or importing, petroleum refining and marketing, transportation of products, other energy operations (coal, nuclear and other energy) and nonenergy businesses (primarily chemicals). Second, this definition would exclude from the class of covered persons subject to the vehicle acquisition person's refinery yield of petroleum products must be composed of alternative fuels before that person would be deemed to have a ''substantial portion'' of its business involved in the production of alternative fuels. Other commenters urged DOE to adopt a definition of ''substantial portion'' that would be the same as the ''principal business'' criterion used in section 501(a)(2) for defining other categories of alternative fuel providers.

A few of the commenters recommended that DOE adopt a percentage of gross revenue derived from the sale of alternative fuels as the basis for the definition of ''substantial portion.'' They pointed out that gross revenue is the measure used for determining whether other alternative fuel providers are ''covered persons'' because their ''principal business'' is in alternative fuels. In their view, if gross revenue can be used to determine whether an entity's principal business involves alternative fuels, it also should be used for determining whether a petroleum producer or importer has a substantial portion of its business in the production of alternative fuels.

After carefully reviewing all of the comments received on this issue, DOE thinks that a percentage of gross revenue derived from the sale of alternative fuels may be a better measure of an entity's involvement in the alternative fuels business than is the percentage of refinery yield of petroleum products included in the proposed rule's definition of ''substantial portion.'' As pointed out by some commenters, a gross revenue measure can be applied to all producers and importers of petroleum, unlike the requirements those refiners who produce alternative fuels only as an incidental by-product of the refining process. Refiners are typically involved only in petroleum refining and marketing operations.

DOE also believes this gross revenue percentage comports with the terms of section 501(a)(2) of the Act, 42 U.S.C. § 13251(a)(2). If the term ''substantial portion'' were defined to include a percentage of gross revenue derived from alternative fuels that was higher than 30 percent, the distinction in the Act between ''substantial portion'' which applies to covered petroleum producers and importers (§ 501(a)(2)(C)) and ''principal business'' which applies to other alternative fuel providers (§ 501(a)(2)(A) and (B)) would be rendered meaningless. As noted in the preamble to the notice of proposed rulemaking, alternative fuels constitute an entity's ''principal business'' if the entity derives a plurality of its gross revenue from sales of alternative fuels, and a plurality may be less than 50 percent. 60 FR 10978. Therefore, DOE believes that 30 percent of gross revenue from alternative fuels may constitute a reasonable basis for the definition of ''substantial portion.''

This possible interpretation of ''substantial portion'' also appears to be consistent with the underlying intent of Congress with regard to petroleum-related entities. That intent was to apply the alternative fueled vehicle acquisition requirements only to major energy producers and importers.

DOE requests comments from interested members of the public on this possible option for defining ''substantial portion'' or any alternative options they would like DOE to consider. DOE is particularly interested in receiving data or analysis that are relevant to this issue.

III. Definition of ''Alternative Fuel''

Section 301(2) of the Energy Policy Act,[2] 42 U.S.C. 13211, defines the term ''alternative fuel'' to mean ''methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more (or such other percentage, but not less than 70 percent, as determined by the Secretary, by rule, to provide for requirements relating to cold start, safety or vehicle functions) by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials; electricity (including electricity from solar energy); and any other fuel the Secretary determines, by rule, is substantially not petroleum and would yield substantial energy security benefits and substantial environmental benefits.''

[2] The conference report on the Energy Policy Act of 1992 states that ''the intent of section 501(a)(1) is not to cover all affiliates or divisions of the many large energy companies which have some, but not all, of their corporate units engaged in alternative fuels operations. For example, the oil and gas production affiliate or division of a major energy company described in 501(a)(1)(C) would be covered; so might a propane pipeline unit or a natural gas processing division, if the ''substantially engaged'' test is met. But an oil tanker division, a gasoline marketing affiliate, or a petrochemical unit whose major operations are the production of plastics, for example, would not be covered. . . .'' H.R. Rep. 1018, 102d Cong., 2d Sess. 387 (1992).

A. Alcohol Blends

In proposed § 490.2, DOE defined ''alternative fuel'' to include mixtures containing 85 percent or more by volume of methanol, denatured ethanol, and other alcohols. However, the proposal did not decrease the alcohol percentage to no less than 70 percent as authorized by section 301(2) of the Act. DOE received comments requesting that the definition of ''alternative fuel'' include alcohol blends down to no less than 70 percent alcohol by volume. These comments point out that automobile manufacturers' winter test programs have shown that lower level alcohol blends are required for improved cold start performance in winter conditions and are recommended in Owners' Manuals. Some comments also point out that recent cold weather testing by American Automobile Manufacturers Association (AAMA) members on alcohol blends indicates that the cold start threshold (the lowest temperature at which a vehicle will start) can be lowered by 10–15 degrees Fahrenheit by decreasing the alcohol content from 85% down to 70%. However, none of these commenters submitted test data to support their request to lower the minimum alcohol percentage.

DOE recognizes the concerns that these commenters have with the cold start capability of alcohol-fueled vehicles in winter conditions. DOE, therefore, invites interested persons to provide additional data, reports and analyses that are relevant to this matter. DOE will evaluate any information it receives in response to this invitation and decide whether to amend the proposed definition of ''alternative fuel'' to include a lower alcohol percentage as provided in section 301(2).

B. Biodiesel

Many commenters requested that biodiesel be included in the Department's regulatory definition of ''alternative fuel.'' As described in the comments, biodiesel is produced from vegetable oils, such as soybean oil, which are biological materials. The commenters stated that biodiesel offers significant reduction in harmful tailpipe emissions of hydrocarbons, carbon monoxide and particulate matter; is essentially free of sulfur and harmful aromatics; and is non-toxic and biodegradable. These commenters also submitted information to show that biodiesel can be made wholly from domestic products, and that it has a positive energy balance in its production process.

After carefully reviewing all of the comments on this issue, it appears that neat (or 100 percent) biodiesel is already covered in the statutory and proposed regulatory definitions of ''alternative fuel'' which refer to any ''fuel, other than alcohol, that is derived from biological materials.'' The Department, therefore, is considering amending the proposed definition of ''alternative fuel'' specifically to include neat biodiesel. DOE requests interested members of the public to submit views and information relating to this possible revision to the definition of the term ''alternative fuel.'' It is noted that a DOE interpretation of ''alternative fuel'' to include neat biodiesel would not relieve biodiesel manufacturers from other federal or state regulatory requirements or modify automobile manufacturer warranty requirements with respect to motor fuels.

Many commenters also urged DOE to include mixtures or blends of biodiesel in the definition of ''alternative fuel.'' The issue of including biodiesel mixtures or blends comprised of more than 20 percent biodiesel is currently under study. However, this subject is complex and will require significantly more data and information, and a separate, future rulemaking, before DOE can make a determination as to whether to include them in the definition of ''alternative fuel.''

IV. Automobile Manufacturers' Alternative Fueled Vehicle Production Plans

On May 25, 1995, representatives of DOE met with representatives of the American Automobile Manufacturers Association (AAMA). This meeting was one in a series of periodic meetings that have been held between the DOE and the AAMA since 1993 to exchange information on subjects of mutual interest. At this meeting, the automobile manufacturers' representatives presented DOE with publicly available information about each company's upcoming alternative fueled vehicle production plans.

Both Ford and Chrysler provided to DOE a one-page list of their alternative fueled vehicle offerings for Model Years 1995 and 1996. Ford also provided a copy of a presentation that was delivered on May 2, 1995, at the 6th Annual Alternative Vehicle Fuels Market Fair & Symposium in Austin, Texas. This presentation included detailed information regarding when Ford alternative fueled vehicles could be ordered and when deliveries can be expected.

Although Chrysler representatives did not provide DOE with documentation of its plans, they did state that Chrysler will begin taking orders for its dedicated compressed natural gas line of trucks and full-size vans (utilizing the 5.2L engine) in June 1995, with deliveries scheduled to begin in August 1995. Chrysler plans to begin taking orders for dedicated compressed natural gas minivans (using the 3.3L engine) during the last quarter of 1995, with anticipated deliveries scheduled to begin in the first quarter of 1996. Chrysler representatives also stated that an electric minivan may be available in calendar year 1997.

General Motors (GM) representatives stated that GM does not plan to manufacture any alternative fueled vehicles for Model Year 1996. However, GM does plan on making alternative fueled vehicles in Model Year 1997. According to a May 11, 1995, press release that GM provided, all of the model year 1997 Chevrolet S-series and GMC Sonoma 4-cylinder light duty pickup trucks will be produced as flexible-fuel vehicles, which can operate on ethanol, gasoline, or a combination of the two fuels. These trucks are scheduled for production beginning in the summer of 1996. GM also indicated that customers can currently order vehicles in several models and engine families that are powered by gaseous fuel compatible engines. These engines can be converted to operate on propane or natural gas. According to GM, the engine families that are gaseous fuel compatible and the vehicles that they power are the 4-cylinder 2.2L (Corsica), the 4.3L V–8 (Caprice), and the 6.0L V–8 and 7.0L V–8 (Topkick, Kodiak and School Bus).

Copies of the written information provided to DOE at this meeting have been entered into the public docket for this rulemaking.

Issued in Washington, DC, July 26, 1995.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy

[FR Doc. 95–18737 Filed 7–28–95; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95–ANM–13]

Proposed Amendment to Class E Airspace; Sheridan, Wyoming

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend the Sheridan, Wyoming, Class E airspace to accommodate a new instrument approach procedure at Sheridan County Airport, Sheridan, Wyoming. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before August 31, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, ANM–530, Federal Aviation Administration, Docket No. 95–ANM–13, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: James Riley, System Management Branch, ANM–530, Federal Aviation Administration, Docket No. 95–ANM–13, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone number: (206) 227–2537.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 95–ANM–13.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each

substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, ANM–530, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend Class E airspace at Sheridan, Wyoming, to accommodate a new instrument approach procedure at Sheridan County Airport. The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. This action also incorporates revised coordinates for the airport reference point (ARP) due to construction of a new runway. Class E airspace is published in Paragraph 6002 and 6005, respectively, of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

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

* * * * *

ANM WY E2 Sheridan, WY [Revised]

Sheridan County Airport, WY
(Lat 44°46′26′ N, long. 106°58′37″W)
Sheridan VORTAC
(Lat. 44°50′32″ N, long. 107°03′40″ W)

Within a 4.5-mile radius of the Sheridan County Airport, and within 4.5 miles each side of the 157° bearing from the airport, extending from the 4.5-mile radius to 17.6 miles southeast of the airport, and within 3.5 miles each side of the Sheridan VORTAC 312° and 327° radials extending from the 4.5-miles radius to 10.1 miles northwest of the VORTAC, and within 3.5 each side of the Sheridan VORTAC 140° radial extending from the 4.5-mile radius to 20.4 miles southeast of the VORTAC. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the airport/Facility Directory.

* * * * *

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

* * * * *

ANM WY E5 Sheridan, WY [Revised]

Sheridan County Airport, WY
(Lat. 44°46′26″ N, long. 106°58′37″ W)
Sheridan VORTAC
(Lat. 44°50′32″ N, long. 107°03′40″ W)

That airspace extending upward from 700 feet above the surface within a 6.1-mile radius of the Sheridan County Airport; that airspace extending upward from 1,200 feet above the surface within 6.1 miles southwest and 8.7 miles northeast of the Sheridan VORTAC 138° and 318° radials extending from 16.1 miles northwest to 29.6 miles southeast of the VORTAC, and that airspace southeast of Sheridan bounded on the north by a line located 4.3 miles south of and parallel to the Sheridan VORTAC 104° radial, on the east by a 30.5-mile radius of the Sheridan VORTAC, and on the south by line located 8.7 miles north of and parallel to the Sheridan VORTAC 138° radial.

* * * * *

Issued in Seattle, Washington, on July 5, 1995.

Richard E. Prang,

Acting Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 95–18734 Filed 7–28–95; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR PART 260

Request for Comment Concerning Environmental Marketing Guides

AGENCY: Federal Trade Commission.

ACTION: Request for public comments.

SUMMARY: The Federal Trade Commission (the ''FTC'' or ''Commission'') is requesting public comments on its Guides for the Use of Environmental Marketing Claims (''guides''). The guides were issued on July 28, 1992, and included a provision for public comment and review three years after adoption for the purpose of determining how well they are working and the need for any modifications. The Commission is also requesting comments about the overall costs and benefits of the guides and their overall regulatory and economic impact as a part of its systematic review of all current Commission regulations and guides. All interested persons are hereby given notice of the opportunity to submit written data, views and arguments concerning this proposal. All comments submitted will be placed on the public record and will be made available to interested persons for inspection and copying at the Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C., Room 130. Following the period for written comments, Commission staff plans to conduct a Public Workshop-Conference to afford Commission staff and interested parties an opportunity to explore and discuss the issues raised during the comment period.

DATES: Comments must be submitted on or before September 29, 1995. Notification of interest in representing an affected, interested party at the Public Workshop-Conference must be submitted on or before August 30, 1995. A list of affected interests appears in Part 2 of this Notice.

The Public Workshop-Conference will be held in Washington, D.C. on

November 13 and 14, 1995, from 8:30 a.m. until 5 p.m.

ADDRESSES: Six paper copies of each written comment should be submitted to: Secretary, Federal Trade Commission, Room H–159, Sixth and Pennsylvania Ave., N.W., Washington, D.C. 20580. Comments about the guides should be identified as ''16 CFR Part 260—Comment.'' To encourage prompt and efficient review and dissemination of the comments to the public, all comments also should be submitted, if possible, in electronic form, on either a 5–1/4 or a 3–1/2 inch computer disk, with a label on the disk stating the name of the commenter and the name and version of the word processing program used to create the document. (Programs based on DOS are preferred. Files from other operating systems should be submitted in ASCII text format to be accepted.) Individuals filing comments need not submit multiple copies or comments in electronic form.

The FTC will make this notice and, to the extent technically possible, all comments received in response to this notice available to the public through the Internet. To access this notice and the comments filed in response to this notice, access the World Wide Web at the following address: http://www.ftc.gov

At this time, the FTC cannot receive comments made in response to this notice over the Internet.

Notification of interest in the Public Workshop-Conference should be submitted in writing to Kevin Bank, Division of Advertising Practices, Federal Trade Commission, Washington, D.C. 20580. The Public Workshop-Conference will be held in Washington, D.C. on November 13 and 14, 1995.

FOR FURTHER INFORMATION CONTACT: Kevin Bank, (202) 326–2675, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: The Commission has determined, as part of its oversight responsibilities, to review FTC rules and guides periodically. These reviews seek information about the costs and benefits of the Commission's rules and guides and their regulatory and economic impact. The information obtained will assist the Commission in identifying rules and guides that warrant modification or rescission.

1. Background

A. Scope of Guides

The Guides for the Use of Environmental Marketing Claims or ''guides'' were adopted by the Commission on July 28, 1992, and published in the **Federal Register** on August 13, 1992 (57 FR 36,363 (1992)). Like other industry guides issued by the Commission, the Environmental Marketing Guides ''are administrative interpretations of laws administered by the Commission for the guidance of the public in conducting its affairs in conformity with legal requirements. They provide the basis for voluntary and simultaneous abandonment of unlawful practices by members of industry.'' 16 CFR 1.5. Conduct inconsistent with the guides may result in corrective action by the Commission if this conduct is found to be in violation of applicable statutory provisions. The Commission promulgates industry guides ''when it appears to the Commission that guidance as to the legal requirements applicable to particular practices would be beneficial in the public interest and would serve to bring about more widespread and equitable observance of laws administered by the Commission.'' 16 CFR 1.6.

The Environmental Marketing Guides indicate how the FTC will apply Section 5 of the Federal Trade Commission Act (''FTC Act'') in the area of environmental marketing claims.[1] Section 5 of the FTC Act prohibits unfair or deceptive advertising claims. The guides apply to all forms of marketing of products to the public, whether through labels, package inserts, or promotional materials.

The guides reiterate Commission policy regarding how Section 5 applies to advertising claims generally, as enunciated in the Commission's Policy Statement on Deception,[2] and its Policy Statement on the Advertising Substantiation Doctrine.[3] They outline four general principles that apply to all environmental marketing claims: *i.e.*, that qualifications and disclosures should be sufficiently clear and prominent to prevent deception; that claims should make clear whether they apply to the product, the package or a component of either; that claims should not overstate an environmental attribute or benefit, expressly or by implication; and that comparative claims should be presented in a manner that makes the basis for the comparison sufficiently clear to avoid consumer deception.

In addition, the guides address eight specific categories of environmental claims: general environmental benefit claims, such as ''environmentally friendly''; ''degradable'' claims; ''compostable'' claims; ''recyclable'' claims; ''recycled content'' claims; ''source reduction'' claims; ''refillable'' claims; and ''ozone safe''/''ozone friendly'' claims. Each guide describes the basic elements necessary to substantiate the claim, including suggested qualifications that may be used to avoid deception. In addition, each guide is followed by several examples that illustrate different uses of the particular term that do and do not comport with the guides. In many of the examples, one or more options are presented for qualifying a claim. The guides state that these options are intended to provide a ''safe harbor'' for marketers who want certainty about how to make environmental claims, but that they do not represent the only permissible approaches to qualifying a claim.

B. General Areas of Interest for FTC Review

The guides provide that three years after adoption, the Commission ''will seek public comment on whether and how the guides need to be modified in light of ensuing developments.''

As part of this three-year review of the guides, the Commission is seeking comment on a number of general issues relating to the guides' efficacy and the need, if any, to revise or update the guides. The Commission is also seeking comment on a number of specific issues related to particular environmental claims addressed by the guides.

The first issue of general interest to the Commission is whether and to what extent any changes in consumer perceptions related to environmental marketing may warrant revisions to the guides. The Commission believes that this three-year review is important to ensure that the guides are responsive to any changes over time, both in consumer knowledge and awareness of environmental issues and consumer perception of specific claims. On this question, the Commission is seeking to obtain specific consumer survey evidence and consumer perception data addressing consumer understanding of environmental claims as well as the efficacy of various approaches suggested in the current guides for qualifying such claims.

[1] 15 U.S.C. 45.

[2] Federal Trade Commission Policy Statement on Deception, *appended to Cliffdale Assocs., Inc.*, 103 F.T.C. 110 (1984).

[3] Federal Trade Commission Policy Statement Regarding Advertising Substantiation, *appended to Thompson Medical Co.*, 104 F.T.C. 648 (1984).

Second, the Commission is generally interested in whether and to what extent new developments in environmental technology may need to be taken into account. The Commission recognized in originally issuing its guides that the science and technology in the environmental area was constantly changing, and that new developments, for example, in the areas of recycling capabilities and composting, might affect the accuracy of environmental claims. This concern about evolving technology was one of the principal reasons the Commission chose to reexamine the guides three years after their issuance.

Third, the Commission seeks to evaluate the impact of the guides on environmental marketing and is seeking to obtain information about what effect the guides have had on the prevalence and accuracy of various environmental claims and whether new environmental claims have emerged that should be addressed by the guides. As it indicated in its original notice on environmental marketing claims, the Commission is concerned both that its guides not inadvertently encourage misleading claims and that they do not chill truthful, non-misleading claims.[4] The Commission has some data to suggest that certain types of claims, such as recycled content claims, are being more frequently qualified and that other claims that would likely be found deceptive under the guides, such as degradable claims for products that are typically disposed in landfills, have become extremely rare. These data also suggest that the total number of environmental claims, at least as measured on a wide range of supermarket products, has not diminished.[5]

A fourth question of general interest to the Commission is the interaction of its guides with other regulation of environmental marketing at the federal, state and local level. The Commission is seeking comment on how federal, state and local laws and regulations governing environmental marketing relate to the guidance provided by the Commission.

The Commission has posed below a number of questions intended to focus comments on these areas of general interest in evaluating the guides. There are, in addition, a few specific issues that have come to the Commission's attention relating to particular environmental claims. For example, the Commission has, on occasion, received informal input on the efficacy of its guidance on specific claims as well as requests for clarification through additional examples to the guides. The questions included in this notice, therefore, also address a number of claim-specific issues. The inclusion of such issues in this notice is to facilitate comment and the inclusion or exclusion of any issue should not be interpreted as an indication of the Commission's intent to make any specific modifications to the guides.

The Commission requests that commenters address any or all of these questions, focusing on the areas in which the commenter has particular expertise. The Commission also requests that responses to its questions be as specific as possible, include a reference to the question being answered, and refer to empirical data wherever available and appropriate.

C. Empirical Evidence on Consumer Perception and Marketing Trends

Since the guides were issued, the Commission has received some empirical evidence both on marketing trends in the environmental area and on consumer perception of certain marketing claims. The Commission believes that this evidence may provide valuable information on the impact of its guides on the prevalence and accuracy of environmental marketing claims, as well as suggesting certain specific areas where further clarification of the guides may be appropriate to prevent deception.

To aid the comment process, therefore, the Commission is placing on the public record several surveys. The first is an ''audit'' tracking environmental marketing claims in the marketplace since the issuance of the guides, conducted by Robert N. Mayer, Jason Gray-Lee and Debra L. Scammon of the University of Utah and Brenda J. Cude of the University of Illinois (''Utah Tracking Study''). The audit was performed on brands in sixteen supermarket product categories every six months, beginning in September 1992, with the most recent occurring in September 1994.

Auditors gathered data from supermarkets in five geographically dispersed locations throughout the country. The claim categories tracked in the study are recycled content, recyclability, source reduction, degradability, toxicity, effect on ozone, general environmental benefit claims, third party certification claims, and ''green'' brand names containing words like ''enviro,'' ''eco'' and ''natural.''

In addition, the Commission is placing on the public record consumer surveys examining consumers' perceptions of various environmental claims. The first survey was conducted for the Commission in January 1993 (''FTC survey''). This mall intercept survey of 480 consumers tested their perception of several environmental claims on aerosol products including claims that the products are: ''Environmentally Friendly,'' ''Environmentally Friendly—Will Not Harm the Ozone Layer,'' ''Ozone Friendly,'' and ''No CFCs.'' The second series of surveys was conducted by the Council on Packaging in the Environment (COPE) in March 1993, September 1993, and December 1994 (''COPE surveys''). These omnibus, nationwide telephone surveys have included questions testing consumer perception of various kinds of ''recyclable'' claims, consumers' beliefs regarding the availability of recycling programs in their community, and consumer understanding of the term ''non-toxic.'' Finally, the Commission is placing on the public record a survey conducted by the Paper Recycling Coalition testing consumer understanding and perception of recycled content claims and the chasing arrows symbol, as well as consumer understanding of the term ''post consumer.'' (''PRC Survey''). The PRC survey was conducted at three geographically dispersed malls in March 1995.

The Commission is seeking comment on these surveys and also requests that commenters provide any additional empirical evidence available to them bearing on the issues raised by these surveys. The surveys are available for inspection and copying at the Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C., Room 130.

D. Commission Enforcement Actions

Since the adoption of the guides, the Commission has continued to enforce its statutory mandate to prohibit false and misleading claims through a case-by-case approach to environmental claims. In the past three years, the Commission has entered into twenty-two consent orders with a variety of companies and individuals, settling charges that they made false and/or unsubstantiated environmental claims about their products. The advertising claims challenged in these cases include ''environmentally safe,'' ''recyclable,'' ''recycled,'' ''ozone friendly,'' ''degradable,'' ''recyclable via municipal composting,'' ''practically non-toxic,'' and ''chlorine-free process.'' The

[4] Petitions for Environmental Marketing and Advertising Guides; Public Hearings, 56 FR 24,968 (May 31, 1991).

[5] See discussion of Utah Tracking Study, *infra*.

Commission is seeking comment on whether there are principles in these cases which are appropriate for incorporation into the guides. These consent agreements are available for inspection and copying at the Federal Trade Commission, 6th and Pennsylvania Avenue, N.W., Washington, D.C., Room 130.

2. Public Workshop-Conference

The FTC staff will conduct a Public Workshop-Conference to discuss written comments received in response to this Notice of Request for Public Comment. The purpose of the conference is to afford Commission staff and interested parties a further opportunity to openly discuss and explore issues raised in the guideline review process, and, in particular, to examine publicly areas of significant controversy or divergent opinions that are raised in the written comments. The conference is not intended to achieve a consensus of opinion among participants or between participants and Commission staff with respect to any issue raised in the guide review process. Commission staff will consider and review the comments made during the conference, in conjunction with the written comments, in formulating its final recommendation to the Commission concerning the guide review.

Commission staff will select a limited number of parties, to represent the significant interests affected by the guideline review. These parties will participate in an open discussion of the issues.

In addition, the conference will be open to the general public. Members of the general public who attend the conference may have an opportunity to make a brief oral statement presenting their views on issues raised in the guide review process. Oral statements of views by members of the general public will be limited to a few minutes in length. The time allotted for these statements will be determined on the basis of the time allotted for discussion of the issues by the selected parties, as well as the number of persons who wish to make statements.

Written submissions of views, or any other written or visual materials, will not be accepted during the conference. The discussion will be transcribed and the transcription placed on the public record.

To the extent possible, Commission staff will select parties to represent the following affected interests: individual manufacturers and trade associations whose members are involved with environmental marketing issues; consumer and environmental organizations; federal, state and local governmental authorities with experience in environmental issues; and academics or polling firms involved in the area of environmental claims.

Parties to represent the above-referenced interests will be selected on the basis of the following criteria:

1. The party submits a written comment on or before September 29, 1995.

2. The party notifies Commission staff of its interest and authorization to represent an affected interest on or before August 30, 1995.

3. The party's participation would promote a balance of interests being represented at the conference.

4. The party's participation would promote the consideration and discussion of a variety of issues raised in the guide review process.

5. The party has expertise in activities possibly affected by the review of the existing guides.

6. The number of parties selected will not be so large as to inhibit effective discussion among them.

Parties interested in participating and authorized to represent an affected interest at the conference must notify Commission staff on or before August 30, 1995. Prior to the conference, parties selected to represent an affected interest will be provided with computer disks containing copies of comments received in response to this notice by the close of the comment period. The Public Workshop-Conference will be held on November 13 and 14, 1995.

3. Issues for Comment

The Commission solicits written public comment on the following questions:

A. General Issues

1. Is there a continuing need for the guides?

(a) What benefits have the guides provided to consumers?

(b) Have the guides imposed costs on consumers?

2. What changes, if any, should be made to the guides to increase the benefits of the guides to consumers?

(a) How would these changes affect the costs the guides impose on firms subject to their provisions?

3. What significant burdens or costs, including the cost of adherence, have the guides imposed on firms subject to their provisions?

(a) Have the guides provided benefits to such firms?

4. What changes, if any, should be made to the guides to reduce the burdens or costs imposed on firms subject to their provisions?

(a) How would these changes affect the benefits provided by the guides?

5. Since the guides were issued, what effects, if any, have changes in relevant technology or economic conditions had on the guides?

(a) What impact, if any, have the guides had on the development of environmentally beneficial innovations in technology and products?

(b) Is there other information concerning science or technology that the Commission should consider in determining whether the guides should be modified?

6. Do the guides overlap or conflict with other federal, state, or local laws and regulations? Is there evidence concerning whether the guides have assisted in promoting national consistency with respect to the regulation of environmental claims?

7. Are there international developments with respect to environmental marketing claims that the Commission should consider as it reviews the guides? Do these developments indicate that the guides should be modified?

8. What new evidence is available concerning consumer perception of environmental claims? Please provide any empirical data that are available on all categories of environmental claims, including claims not currently covered by the guides. Does this new information indicate that the guides should be modified?

9. What new evidence is available concerning consumer awareness of and knowledge about environmental issues? Please provide any available empirical data. Does this new information indicate that the guides should be modified?

10. What impact have the guides had on the flow of truthful information to consumers and on the flow of deceptive information to consumers?

11. To what extent have the guides reduced consumer skepticism or confusion about environmental claims?

12. What evidence is available concerning the degree of industry compliance with the guides?

(a) To what extent has there been a reduction in deceptive environmental claims since the guides were issued?

(b) To what extent has there been an increase in the degree and accuracy of qualifications of environmental claims?

Please provide any available empirical data, including any data relevant to the findings of the Utah Tracking Study cited above. Does this evidence indicate that the guides should be modified?

13. To what extent have the guides reduced manufacturers' uncertainty

about which claims might lead to FTC law enforcement actions?

14. Is there a need for guidance on environmental claims not currently addressed in the guides? If so, what specific claims should be addressed and what form should this guidance take?

15. Are there claims addressed in the guides on which guidance is no longer needed?

B. Specific Issues

A number of specific issues concerning the guides have arisen since their adoption. The Commission is seeking comment on these issues but the questions listed below should not be construed as an indication of the Commission's intent to make any specific modifications to the guides.

16. The Commission is seeking comment on the following specific issues relating to the ''ozone friendly/ozone safe'' guide.

(a) To what extent do phrases like ''ozone friendly'' or ''No CFCs,'' by themselves, convey broad claims of environmental benefit to consumers, including claims about the harmlessness of the product to the atmosphere as a whole (*i.e.*, both the upper ozone layer and ground-level air pollution)? How important is the context in which the claim appears? Please provide any empirical data, including any data relevant to the findings of the FTC survey.[6] Are there methodological issues concerning the survey that are relevant to the survey's findings? Does the survey evidence suggest that the guides should be modified? If so, what form should the modification take? How would these modifications affect the benefits the guides provide to consumers and the costs they impose on firms subject to their provisions?

17. The Commission is seeking comment on the following specific issues relating to the ''recyclable'' and ''compostable'' guides:

(a) The September 1993 COPE survey (cited above) may be interpreted to suggest that the presence of a ''recyclable'' claim may not increase the percentage of consumers who think that recycling facilities for a product or package are available in their community. Please provide any empirical data regarding whether an unqualified recyclable or an unqualified compostable claim conveys a deceptive claim concerning local availability. Are there methodological issues concerning the COPE survey that are relevant to its findings? Does the COPE survey and any other new evidence provided indicate that the recyclable and/or compostable sections of the guides should be modified, and if so, in what manner? What effect would the proposed changes have on the benefits the guides provide to consumers and the costs that the guides impose on firms?

(b) The COPE surveys (cited above) suggest that certain of the qualifying disclosures suggested in the recyclable and compostable guides may be more effective than others in conveying to consumers that facilities may not be available in their community to recycle or compost the product. Please provide any empirical data relevant to the findings of the COPE surveys. Are there methodological issues concerning the COPE surveys that are relevant to the surveys' findings? Does the COPE evidence (or any other evidence provided) indicate that these disclosures should be modified, and if so, in what manner? How would such modifications affect the benefits the guides provide to consumers and the costs they impose on firms?

(c) Please provide any relevant empirical data regarding consumer perception of phrases such as ''Please Recycle'' and ''Coded for Recycling'' and of the ''three chasing arrows'' logo. To what extent do such claims suggest to consumers that a product or package is recyclable? What, if any, modifications should be made to the guides in light of such consumer perceptions? How would such modifications affect the benefits the guides provide to consumers and the costs they impose on firms?

(d) The Society of the Plastics Industry (SPI) code, a logo introduced in 1988 for voluntary use by SPI, has since been mandated for use on certain plastic packages by thirty-nine states to facilitate identification of different types of plastic resins. In its guides, the Commission states that the use of the code, without more, on the bottom of a package, or in a similarly inconspicuous location, does not constitute a claim of recyclability. What consumer perception data are available concerning how consumers interpret the SPI code? What, if any, modifications should be made to the guides in light of such data? How would such modifications affect the benefits the guides provide to consumers and the costs they impose on firms?

18. Please provide any empirical data relevant to whether consumers perceive that products made from reconditioned parts that would otherwise have been thrown away should qualify as ''recycled'' products. What modifications, if any, should be made to the guides to address these consumer perceptions? How would such modifications affect the benefits the guides provide to consumers and the costs they impose on firms?

19. Are there other specific issues concerning the guides that the Commission should review? What empirical data are available to assist the Commission in its review of these issues? What, if any modifications should be made in light of these issues? How would such modifications affect the benefits the guides provide to consumers and the costs they impose on firms?

List of Subjects in 16 CFR Part 260:

Environmental marketing claims: Advertising.

Authority: 15 U.S.C. 41–58.

By direction of the Commission.

Donald S. Clark,

Secretary

[FR Doc. 95–18720 Filed 7–28–95; 8:45 am]

BILLING CODE 6750–01–P

[6] The FTC survey (cited above) suggests that when consumers see claims like ''No CFCs'' and ''Ozone Friendly'' on aerosol products, they may interpret the claim to mean that the product is not only harmless to the upper ozone layer, but to the atmosphere as a whole. In *Creative Aerosol Corp.*, No. C–3548 (January 13, 1995) (final consent order), the Commission required the company to cease and desist from representing, through the use of terms such as ''No Fluorocarbons,'' that any product containing Volatile Organic Compounds (VOCs), will not harm the atmosphere, unless the claim is substantiated. The Order defines VOCs as ''any compound of carbon which participates in atmospheric photochemical reactions as defined by the Environmental Protection Agency,'' that is, compounds of carbon that EPA has determined are potential contributors to smog.

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 102

RIN 1515–AB19; RIN 1515–AB34

Rules for Determining the Country of Origin of a Good for Purposes of Annex 311 of the North American Free Trade Agreement; Rules of Origin Applicable to Imported Merchandise

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This document corrects a document, published in the **Federal Register** on July 12, 1995, which set forth additional proposed amendments to the interim Customs Regulations establishing rules for determining the country of origin of a good for purposes of Annex 311 of the North American Free Trade Agreement. The correction involves an erroneous citation to a

Customs ruling discussed in the Background portion of the document.

EFFECTIVE DATE: This correction is effective July 31, 1995.

SUPPLEMENTARY INFORMATION:

Background

On July 12, 1995, Customs published in the **Federal Register** (60 FR 35878) a notice of proposed rulemaking setting forth proposed amendments to interim regulations establishing rules for determining when the country of origin of a good is one of the parties to the North American Free Trade Agreement for purposes of Annex 311 of that Agreement. Those proposed amendments were in addition to proposed amendments to the same interim regulations published on May 5, 1995, in the **Federal Register** (60 FR 22312).

In the Background discussion in the July 12, 1995, document regarding the Customs position on the effect that diluting certain chemical substances with inert ingredients has on origin determinations, the citation to ''HRL 555604'' should have read ''HRL 555064''. This document corrects that erroneous citation.

Correction of Publication

In the document published in the **Federal Register** on July 12, 1995 (60 FR 35878), on page 35880, in the second column, third line, the reference ''HRL 555604'' is corrected to read ''HRL 555064''.

Dated: July 24, 1995.

Harold M. Singer,

Chief, Regulations Branch.

[FR Doc. 95–18643 Filed 7–28–95; 8:45 am]

BILLING CODE 4820–02–P

Notices

Federal Register

Vol. 60, No. 146

Monday, July 31, 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

Forest Service

Western Washington Cascades Provincial Interagency Executive Committee (PIEC) Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Western Washington Cascades PIEC Advisory Committee will meet on August 15, 1995, at the Muckleshoot Senior Center, 39015 172nd Avenue Southeast, in Auburn, Washington. The meeting will begin at 9:00 a.m. and continue until 4:30 p.m. Agenda items to be covered include: (1) Review, discussion and recommendations on Mt. Baker-Snoqualmie National Forest watershed analysis priorities, according to criteria selected by the Advisory Committee at its July 18 meeting; (2) reconsideration of a tabled motion recommending that the Mt. Baker-Snoqualmie National Forest undertake a cooperative watershed analysis on the Middle Fork Snoqualmie River (Washington), provided that funding is received from the State of Washington Interagency Committee for Outdoor Recreation (IAC) and King County (Washington); (3) an overview of the access and travel management planning process on the Mt. Baker-Snoqualmie National Forest; (4) other topics as appropriate; and (5) open public forum. A field trip for Advisory Committee members will take place the following day, August 16, 1995. Members will tour portions of the White River Ranger District, commencing at the White River Ranger District Office, 857 Roosevelt Avenue East, in Enumclaw, Washington, at 8:30 a.m., and ending at the District Office about 5:00 p.m. Focus of the field trip will be road decommissioning sites, riparian area treatments, and in-stream structures for fish habitat improvement. All Western Washington Cascades Province Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend. Citizens are also welcome to join the August 16 field trip; however, they must provide their own transportation.

FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this meeting to Chris Hansen-Murray, Province Liaison, USDA, Mt. Baker-Snoqualmie National Forest, 21905 64th Avenue West, Mountlake Terrace, Washington 98043, 206–744–3276.

Dated: July 25, 1995.

Daniel T. Harkenrider,

Acting Forest Supervisor.

[FR Doc. 95–18711 Filed 7–28–95; 8:45 am]

BILLING CODE 3410–11–M

Forest Service

Willamette Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Willamette PIEC Advisory Committee will meet on Thursday, August 17, 1995. The meeting will be a field review of management practices and issues of Northwest Forest Plan implementation. The field trip will begin at 9:00 a.m. and conclude at approximately 4:00 p.m. from the Mt. Hood National Forest, Estacada Ranger Station, 595 NW Industrial Way; Estacada, Oregon. The field trip is open to the public; however, noncomittee members must provide their own transportation.

FOR FURTHER INFORMATION CONTACT:

For an itinerary of the field trip including the travel route and planned stops and other questions regarding this meeting, contact Neal Forrester, Designated Federal Official; Willamette National Forest, 211 East Seventh Avenue; Eugene, Oregon; 503–465–6924.

Dated: July 25, 1995.

Marsha Scutvick,

Deputy Forest Supervisor.

[FR Doc. 95–18745 Filed 7–28–95; 8:45 am]

BILLING CODE 3410–11–M

Proposal to Require the Use of Certified Noxious Weed-Free Forage on National Forest System Lands in Idaho

AGENCY: Forest Service, USDA.

ACTION: Notice of intent.

SUMMARY: The Regional Foresters of the Intermountain, Northern, and pacific Northwest Regions of the Forest Service are proposing a requirement that all National Forest visitors in Idaho and the Selway-Bitterroot Wilderness Portion of the Bitterroot National Forest in Montana use certified noxious weed-free hay, straw or mulch when visiting National Forest System lands in those two states. This requirement will affect visitors who routinely use hay or straw on the National Forests such as: recreationists using pack and saddle stock, ranchers with grazing permits, outfitters, and contractors who use straw or other mulch for reseeding purposes. These individuals or groups would be required to purchase certified noxious weed-free forage products or use other approved products such as processed pellets before entering and while on National Forest system Lands in the aforementioned States.

DATES: The comment period ends August 30, 1995.

ADDRESSES: Send written comments to Regional Forester, USDA Forest Service, Federal Building, 324 25th street, Ogden, UT 84401.

FOR FURTHER INFORMATION CONTACT:

Northern Region

James Olivarez, Federal Building, P.O. Box 7669, Missoula, MT 59807, (406) 329–3621

Intermountain Region

Frank Gunnell, Federal Building, 324 25th Street, Ogden, UT 84401, (801) 625–5829

Pacific Northwest Region

Susan Holtzman, 333 S.W. 1st Ave., P.O. Box 3623, Portland, OR 97208, (503) 326–3879

Background

Noxious weeds are a serious problem in the Western United States. Species like Leafy Spurge, Spotted Knapweed, Musk Thistle, Purple Loosestrife and others are alien to the United States and have no natural enemies to keep their

populations in balance. Consequently, these undesirable weeds invade healthy ecosystems, displace native vegetation, reduce species diversity, and destroy wildlife habitat. Widespread infestations lead to soil erosion and stream sedimentation. Furthermore, noxious weed invasions weaken reforestation efforts, reduce domestic and wild ungulates grazing capacity, aggravate and occasionally injure forest visitors, and threaten federally protected plants and animals.

To curb the spread of noxious weeds, a growing number of Western states have jointly developed noxious weed-free forage certification standards and, in cooperation with various federal, state and county agencies, passed weed-control laws. Because hay and other forage products containing noxious weeds are part of the infestation problem, states have developed a hay inspection/certification/identification process and are encouraging forage producers to grow noxious weed-free products.

In cooperation with the states of Idaho and Montana, the U.S. Forest Service is proposing—for all National Forest System lands within Idaho and the Selway-Bitterroot Wilderness portion of the Bitterroot National Forest in Montana—a ban on hay, straw or mulch that has not been state certified. This proposal includes a public information plan to insure that: (1) this ban (a.k.a. closure order) is well publicized and understood; and (2) National Forest visitors will know where they can purchase state-certified hay or other products.

The Forest Service invites written comment and suggestions on this proposal. Written comments must be received with 30 days from the date of publication in the **Federal Register**.

Dated: July 25, 1995.

Dale N. Bosworth,

Regional Forester, Intermountain Region.

John M. Hughes,

Deputy Regional Forester, Northern Region.

John E. Lowe,

Regional Forester, Pacific Northwest Region.

[FR Doc. 95–18710 Filed 7–28–95; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Export Administration

[Docket No. 5101–01]

Lucach Corporation, Respondent and Golamreza Zandianjazi, Also Known as Reza Zandian

Related Parties; Final Decision and Order

Respondent Lucach Corporation (''Lucach'') is charged with violating § 787.5(a) and § 787.6 of the Export Administration Regulations (currently codified at 15 CFR Parts 768–799 (1995)) (''the Regulations''), issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401–2410 (1991, Supp. 1993, and Public Law 103–277, July 5, 1994)) (''the Act''). Specifically, the Office of Export Enforcement, Bureau of Export Administration, U.S. Department of Commerce (Department) alleges that Lucach exported a U.S.-origin computer system (an IBM RISC System 6000 Model 520H) from the United States to Iran without the required validated export license. In addition, Lucach is alleged to have made a false or misleading statement of material fact in connection with the preparation and use of a Shipper's Export Declaration.

On June 29, 1995, the Administrative Law Judge (ALJ) issued his recommended Decision and Order, a copy of which is attached hereto and made a part hereof. On the basis of the Department's default submission and all of the supporting evidence presented, the ALJ found that Lucach committed the violations alleged in the Charging Letter issued against it on December 6, 1993. The ALJ also found that Golamreza Zandianjazi, also known as Reza Zandian, is related to Lucach by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services. Accordingly, the ALJ ordered, *inter alia*, that Lucach and Zandian be denied all export privileges for a period of ten years. Having examined the record, including the submissions by the Respondent and by the Department, I hereby affirm the Decision and Order of the ALJ in all respects.

This Order constitutes the final Agency action in this matter.

Dated: July 24, 1995.

William A. Reinsch,

Under Secretary for Export Administration.

In the matter of: Lucach Corporation, 17526 Von Karmen, Irvine, California 92714, Respondent.

Recommended Decision and Order

On December 6, 1993, the Office of Export Enforcement, Bureau of Export Administration, U.S. Department of Commerce (Department), issued a Charging Letter to Lucach Corporation (Lucach), addressed to the attention of Golamreza Zandianjazi, also known as Reza Zandian, President, alleging that Lucach violated § 787.5(a) and 787.6 of the Export Administration Regulations (currently codified at 15 CFR Parts 768–799 (1995)) (the Regulations), issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401–2410 (1991, Supp. 1993, and Public Law 103–277, July 5, 1994)) (the Act). On February 1, 1994, the Charging Letter was accepted by Amin Daghig as agent for Reza Zandian.

On March 1, 1994, Lucach, through counsel, entered an appearance and requested an extension of time to answer the Charging Letter. In that submission, counsel also acknowledged service of the Charging Letter on Lucach. On April 7, 1994, an answer and demand for hearing were filed by counsel.

On April 17, 1995, I issued an Order setting this matter for hearing on May 23, 1995 and directing the parties to report to me on the progress of settlement discussions. On April 21, 1995 and on May 9, 1995, in accordance with my order of April 17, 1995, the parties filed joint submissions on settlement discussions Also on May 9, 1995, shortly after authorizing counsel for the Department to execute the Joint Submission on Settlement Discussions on his behalf and to file the Submission with the Administrative Law Judge, counsel for Lucach filed a Motion to Withdraw Representation.[1] On May 10, 1995, I granted counsel's request to withdraw.

On May 17, 1995, following the withdrawal of counsel, the Department filed a petition to vacate the April 17, 1995 scheduling Order. On May 18, 1995, I issued an Order vacating the scheduling Order and providing the Department until June 16, 1995 ''to indicate whether [it] intends to proceed with this case.'' On June 16, 1995, the Department advised me that it intended to proceed with the case and requested that I set a new scheduling order in the case. On June 19, 1995, I issued an Order stating that ''[t]he appropriate way to resolve the proceeding under these circumstances is pursuant to

[1] In that Motion, counsel represented, *inter alia*, that Zandian told counsel that he (Zandian) ''had sold his stock in Respondent [Lucach] in 1989 and had at no time thereafter been a director, officer or employee of Respondent.''

§ 788.8.'' In that Order, I also determined that ''[i]t appears that respondent does not intend to pursue its interest in this proceeding.'' In accordance with my Order of June 19, 1995, the Department submitted its Default Submission on June 28, 1995.

Background

In the December 6, 1993 Charging Letter, the Department alleged that, on or about July 5, 1991, Lucach, through its Computer World USA Division (also known as the USD Division), and its then-General Manger, Charles Reger,[2] exported a U.S.-origin computer from the United States to Iran without the validated export license required by § 772.1(b) of the Regulations. The Department alleged that, by exporting a commodity to any person or destination in violation of or contrary to the terms of the Act or any regulation, order, or license issued under the Act, Lucach violated § 787.6 of the Regulations. The Charging Letter also alleged that, on or about July 5, 1991, Reger, acting in his capacity as General Manager of Lucach, signed a Shipper's Export Declaration (SED) representing that the commodities described thereon, including a U.S.-origin computer, qualified for export from the Untied States to Iran under general license G–DEST. In fact, the computer required a validated export license for export from the United States to Iran. The Department alleged that, by making a false or misleading statement of material fact in connection with the preparation and use of an SED, an export control document, Lucach violated § 787.5(a) of the Regulations.

Finding

On the basis of the Department's submission and all of the supporting evidence presented, I have determined that Lucach committed the violations alleged in the Charging Letter issued against it on December 6, 1993.

For those violations, the Department urges as a sanction that Lucach's export privileges be denied for 10 years. In light of the nature of the violations, I concur in the Department's recommendation. I also find, as represented by the Department in its submission, that Golamreza Zandianjazi, also known as Reza Zandian, is related to Lucach by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services and that, in order to prevent evasion, any denial of Lucach's export privileges should also be made applicable to Zandian.

Accordingly, it is therefore ordered,

First, that all outstanding individual validated licenses in which Lucach Corporation appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Exporter Services for cancellation. Further, all of Lucach's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

Second, that Lucach Corporation, 17526 Von Karmen, Irvine, California 92714, and all of its successors, assigns, officers, representatives, agents, and employees, shall, for a period of 10 years from the date of final agency action, be denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction in the United States or abroad involving any commodity or technical data exported or to be exported from the United States, and subject to the Regulations.

A. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly, or indirectly, in any manner or capacity: (i) As a party or as a representative of a party to any export license application submitted to the Department; (ii) in preparing or filing with the Department any export license application or request for reexport authorization, or any document to be submitted therewith; (iii) in obtaining from the Department or using any validated or general export license, reexport authorization, or other export control document; (iv) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported or to be exported from the United States and subject to the Regulations; and (v) in financing, forwarding, transporting, or other servicing of such commodities or technical data.

B. After notice and opportunity for comment as provided in § 788.3(c) of the Regulations, any person, firm, corporation, or business organization related to the respondent by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order. Based on the showing made by the Department, I have determined that the following individual is related to Lucach by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services and, accordingly, is hereby made subject to this order:

Golamreza Zandianjazi, also known as Reza Zandian with addresses at 17526 Von Karmen, Irvine, California 92714

c/o Computer World Europe, Rue Jean-Grandel, BP 12–95102 Argenteuil, France and

c/o Computer World Middle East, 50 Molla Sadra Avenue, 14357 Tehran, Iran.

C. As provided by § 787.12(a) of the Regulations, without prior disclosure of the facts to and specific authorization of the Office of Exporter Services, in consultation with the Office of Export Enforcement, no person may directly or indirectly, in any manner or capacity: (i) Apply for, obtain, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to an export or reexport of commodities or technical data by, to, or for another person then subject to an order revoking or denying his export privileges or then excluded from practice before the Bureau of Export Administration; or (ii) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate: (a) in any transaction which may involve any commodity or technical data exported or to be exported from the United States; (b) in any reexport thereof; or (c) in any other transaction which is subject to the Export Administration Regulations, if the person denied export privileges may obtain any benefit or have any interest in, directly or indirectly, any of these transactions.

Third, that a copy of this Order shall be served on Lucach, Zandian, and the Department.

Fourth, that this Order, as affirmed or modified, shall become effective upon entry of the final action by the Under Secretary for Export Administration, in accordance with the Act (50 U.S.C.A. app. § 2412(c)(1)) and the Regulations (15 CFR 788.23).

To be considered in the 30 day statutory review process which is mandated by Section 13(c) of the Act, submissions must be received in the Office of the Under Secretary for Export Administration, U.S. Department of Commerce, 14th & Constitution Ave., N.W., Room 3898B, Washington, D.C., 20230, within 12 days. Replies to the other party's submission are to be made within the following 8 days. 15 CFR 788.23(b), 50 FR 53134 (1985). Pursuant to Section 13(c)(3) of the Act, the order of the final order of the Under Secretary may be appealed to the U.S. Court of

[2] The Department also initiated an administrative proceeding against Reger. However, after receiving information that Reger was deceased, the Department withdrew the Charging Letter issued against him.

Appeals for the District of Columbia within 15 days of its issuance.

Dated: June 29, 1995.

Edward J. Kuhlmann,

Administrative Law Judge.

[FR Doc. 95–18696 Filed 7–28–95; 8:45 am]

BILLING CODE 3510–DT–M

International Trade Administration

[A–580–008]

Color Television Receivers From the Republic of Korea; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On December 23, 1994, the Department of Commerce (the Department) published a notice of preliminary results of administrative review of the antidumping duty order on color television receivers (CTVs) from the Republic of Korea. The review covers four manufacturers/exporters of the subject merchandise and the period April 1, 1993, through March 31, 1994. Based on petitioners' withdrawal of requests for review, the Department previously terminated the review of three additional manufacturers/exporters.

We have determined that one of the four manufacturers/exporters being reviewed made no shipments of subject merchandise to the United States during the period of review. The remaining three manufacturers/exporters failed to respond to our request for information.

Although we gave interested parties an opportunity to comment on the preliminary results, no comments were submitted. However, these final results reflect a change in the margin we assigned Samsung in the preliminary results of review. Because Samsung had no shipments of subject merchandise during the period of review, we preliminarily assigned Samsung the margin (0.37 percent) calculated for the most recent period (1990–91) in which it had shipments of subject merchandise to the United States. However, pursuant to a remand ordered by the Court of International Trade (CIT) (*see United Electronic Workers of America, et al.* v. *United States*, Consolidated Court No. 93–11–00719, July 5, 1994), we have determined that Samsung's margin for the last administrative review (1990–91) in which it had shipments of subject merchandise to the United States was 0.47 percent. *See, Color Television Receivers from the Republic of Korea; Amended Final Results of Antidumping Duty Administrative Review,* 60 FR 35895 (July 12, 1995). While these final results reflect the change in Samsung's margin from 0.37 to 0.47 percent, Samsung's current cash deposit rate remains unchanged at zero percent, reflecting the fact that Samsung's margin remains *de minimis.*

EFFECTIVE DATE: July 31, 1995.

FOR FURTHER INFORMATION CONTACT: Joseph Hanley 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 April 7, 1994, the Department published (59 FR 16615) a notice of ''Opportunity to Request an Administrative Review'' of the antidumping duty order on CTVs from the Republic of Korea (49 FR 18336, April 30, 1984) for the period April 1, 1993, through March 31, 1994 (eleventh review). We received a timely request for review from the United Electronic Workers of America, Independent (formerly the Independent Radionic Workers of America), the International Brotherhood of Electrical Workers, the International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers, AFL–CIO, and the Industrial Union Department, AFL–CIO, petitioners in this proceeding. On May 12, 1994, the Department published a notice of initiation (59 FR 24683) covering the following seven manufacturers/exporters: Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung International, Inc. (Samsung); Cosmos Electronics Manufacturing, Ltd. (Cosmos); Quantronics Manufacturing, Ltd. (Quantronics); Tongkook General Electronics, Inc. (Tongkook); Daewoo Electronics Co., Ltd., and Daewoo Electronics Corp. of America, Inc. (Daewoo); Goldstar Electronics International, Inc., Goldstar Co., Ltd., and Goldstar of America, Inc. (Goldstar); and Samwon Electronics, Ltd (Samwon). On May 23, 1994, petitioners submitted a timely withdrawal of their request for review of Goldstar. Pursuant to 19 CFR 353.22(a)(5) the Department terminated the review of Goldstar on June 29, 1994 (59 FR 33486). On June 29, and August 22, 1994, petitioners submitted additional requests to terminate the reviews of Daewoo and Samwon, respectively. Pursuant to 19 CFR 353.22(a)(5), the Department terminated the reviews of Daewoo and Samwon on December 23, 1994 (59 FR 66292). The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of the Review

Imports covered by this review include CTVs, complete and incomplete, from the Republic of Korea. This merchandise is currently classified under item numbers 8528.10.80, 8529.90.15, 8529.90.20, and 8540.11.00 of the Harmonized Tariff Schedule (HTS). Since the order covers all CTVs regardless of HTS classification, the HTS subheading is provided for convenience and for the U.S. Customs Service purposes. Our written description of the scope of the order remains dispositive. The period of review is April 1, 1993 through March 31, 1994.

Final Results of Review

Samsung reported, and the Department verified through the U.S. Customs Service, that Samsung made no shipments of subject merchandise to the United States during the period of review. Therefore, Samsung's current cash deposit rate will remain unchanged. This rate is zero percent because the margin assigned to Samsung in the most recent administrative review in which it had shipments of subject merchandise (0.47 percent) was a *de minimis* rate.

Since Cosmos, Quantronics, and Tongkook failed to respond to our questionnaire, we have determined that, in accordance with section 776(c) of the Tariff Act, the use of best information available (BIA) is appropriate. Our regulations provide that we may consider whether a party refuses to provide information in determining what is the best information available (19 CFR 353.37(b)). Department practice dictates that when a company fails to provide the information requested in a timely manner, the Department considers the company uncooperative and generally assigns that company the higher of (a) the highest rate assigned to any company in any previous review or the less-than-fair-value (LTFV) investigation, or (b) the highest rate for a responding company with shipments during the period of review. *See Final Results of Antidumping Duty Administrative Review, Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From the*

Federal Republic of Germany, et al., 56 FR 31692 (July 11, 1994). *See also Allied-Signal Aerospace Co.* v. *United States,* 996 F.2d 1195, 1191–92 (Fed. Cir. 1993), *Krupp Stahl AG et al* v. *United States,* 822 F. Supp. 789 (CIT May 26, 1993). Therefore, we have used the highest rate from the LTFV investigation, which was 16.57 percent, in determining the margins for these three companies for this review.

Therefore, consistent with the preliminary results, the final results for the period April 1, 1993, through March 31, 1994, are as follows:

Manufacturer/exporter	Percent margin
Samsung	[1] 0.47
Cosmos	16.57
Quantronics	16.57
Tongkook	16.57

[1] No shipments or sales subject to this review. Rate from last segment of the proceeding in which the firm had shipments/sales.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. 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 CTVs entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be those rates established above; (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 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 conducted by the Department, the cash deposit rates will be the ''all others'' rate of 13.90 percent established in the LTFV investigation (49 FR 18336). These deposit requirements will remain in effect until publication of the final results of the next administrative review.

This notice serves as a final 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 notice also serves as a 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 administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: July 20, 1995.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

[FR Doc. 95–18741 Filed 7–28–95; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administrative

[A–583–009]

Color Television Receivers, Except for Video Monitors, From Taiwan; Termination of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request from Proton Electronic Industrial Co. (Proton), the Department of Commerce (the Department) initiated a review for that respondent on May 15, 1995, for the period April 1, 1994 through March 31, 1995. On July 13, 1995, Proton filed a timely withdrawal of its request for this review. Because there were no requests for review from other interested parties we are terminating this review.

EFFECTIVE DATE: July 31, 1995.

FOR FURTHER INFORMATION CONTACT: John Kugelman or Michael J. Heaney, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, telephone: (202) 482–0649 or 482–4475, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 30, 1984, the Department published in the **Federal Register** (49 FR 18336) the antidumping duty order on color television receivers, except for video monitors, from Taiwan. On April 4, 1995, the Department published in the **Federal Register** (60 FR 17052) the opportunity to request an administrative review. On May 1, 1995, Proton requested a review for the period April 1, 1994 through March 31, 1995. On May 15, 1995, in accordance with 19 CFR 353.22(c), we initiated an administrative review for the period April 1, 1994 through March 31, 1995 (60 FR 25885).

We had initiated a review for Proton covering sales of color television receivers, except for video monitors, for the period April 1, 1994 through March 31, 1995. We received a timely request for withdrawal of this request from Proton. Because there were no requests for review from other interested parties, we are terminating this review in accordance with 19 CFR 353.22(a)(3).

This termination notice is in accordance with 19 CFR 353.22(a)(3).

Dated: July 25, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–18742 Filed 7–28–95; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

Determination Not to Revoke Antidumping Duty Orders and Findings Nor to Terminate Suspended Investigations

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Determination Not to Revoke Antidumping Duty Orders and Findings Nor to Terminate Suspended Investigations.

SUMMARY: The Department of Commerce is notifying the public of its determination not to revoke the antidumping duty orders and findings nor to terminate the suspended investigations listed below.

EFFECTIVE DATE: July 31, 1995.

FOR FURTHER INFORMATION CONTACT: Michael Panfeld or the analyst listed under Antidumping Proceeding at: Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 482–4737.

SUPPLEMENTARY INFORMATION: The Department of Commerce (the Department) may revoke an antidumping duty order or finding or terminate a suspended investigation, pursuant to 19 CFR § 353.25(d)(4)(iii), if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We had not received a request to conduct an administrative review for the most recent four consecutive annual anniversary months. Therefore, pursuant to § 353.25(d)(4)(i) of the Department's regulations, on June 1, 1995, we published in the **Federal Register** a notice of intent to revoke these antidumping duty orders and findings and to terminate the suspended investigations and served written notice of the intent to each domestic interested party on the Department's service list in each case. Within the specified time frame, we received objections from domestic interested parties to our intent to revoke these antidumping duty orders and findings and to terminate the suspended investigations. Therefore, because domestic interested parties objected to our intent to revoke or terminate, we no longer intend to revoke these antidumping duty orders and findings or to terminate the suspended investigations.

Antidumping Proceeding

A–423–077
Belgium
Sugar
Objection Date: June 21, 1995, June 30, 1995
Objector: Florida Sugar Marketing and Terminal Association, Inc. American Sugar Cane League et. al.
Contact: Joe Fargo at (202) 482–5345

A–427–078
France
Sugar
Objection Date: June 21, 1995, June 30, 1995
Objector: Florida Sugar Marketing and Terminal Association, Inc. American Sugar Cane League et. al.
Contact: Joe Fargo at (202) 482–5345

A–428–802
Germany
Industrial Belts, except Synchronous and V belts
Objection Date: June 30, 1995
Objector: Gates Rubber Company
Contact: Zev Primor at (202) 482–4114

A–428–061
Germany
Precipitated Barium Carbonate
Objection Date: June 20, 1995
Objector: Chemical Products Corporation
Contact: Kim Moore at (202) 482–0090

A–428–082
Germany
Sugar
Objection Date: June 21, 1995, June 30, 1995
Objector: Florida Sugar Marketing and Terminal Association, Inc. American Sugar Cane League et. al.
Contact: Joe Fargo at (202) 482–5345

A–588–706
Japan
Nitrile Rubber
Objection Date: June 28, 1995
Objector: Zeon Chemicals Inc.
Contact: Sheila Forbes at (202) 482–0065

A–401–040
Sweden
Stainless Steel Plate
Objection Date: June 23, 1995
Objector: Allegheny Ludlum Steel Corporation
Contact: Michael Heaney at (202) 482–4475

A–583–080
Taiwan
Carbon Steel Plate
Objection Date: June 28, 1995
Objector: Bethlehem Steel Corporation
Contact: Michael Heaney at (202) 482–4475

A–583–505
Taiwan
Oil Country Tubular Goods
Objection Date: June 27, 1995, June 30, 1995
Objector: North Star Steel Company, Maverick Tube Corporation
Contact: Michael Heaney at (202) 482–4475

Dated: July 25, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–18739 Filed 7–28–95; 8:45 am]

BILLING CODE 3510–DS–P

Intent to Revoke Antidumping Duty Orders and Findings and to Terminate Suspended Investigations

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Intent to Revoke Antidumping Duty Orders and Findings and to Terminate Suspended Investigations.

SUMMARY: The Department of Commerce (the Department) is notifying the public of its intent to revoke the antidumping duty orders and findings and to terminate the suspended investigations listed below. Domestic interested parties who object to these revocations and terminations must submit their comments in writing no later than the last day of September 1995.

EFFECTIVE DATE: July 31, 1995.

FOR FURTHER INFORMATION CONTACT: Michael Panfeld or the analyst listed under Antidumping Proceeding at: Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department may revoke an antidumping duty order or finding or terminate a suspended investigation if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke the following antidumping duty orders and findings and to terminate the suspended investigations for which the Department has not received a request to conduct an administrative review for the most recent four consecutive annual anniversary months:

Antidumping Proceeding

Japan
Amorphous Silica Filament Fabric
A–588–607
52 FR 35750
September 23, 1987
Contact: Leon McNeill at (202) 482–4236

The People's Republic of China
Cotton Printcloth
A–570–101
48 FR 41614
September 16, 1983
Contact: Zev Primor at (202) 482–4114

If no interested party requests an administrative review in accordance with the Department's notice of opportunity to request administrative review, and no domestic interested party objects to the Department's intent to revoke or terminate pursuant to this notice, we shall conclude that the antidumping duty orders, findings, and suspended investigations are no longer of interest to interested parties and shall proceed with the revocation or termination.

Opportunity to Object

Domestic interested parties, as defined in § 353.2(k)(3), (4), (5), and (6) of the Department's regulations, may object to the Department's intent to revoke these antidumping duty orders

and findings or to terminate the suspended investigations by the last day of September 1995. Any submission to the Department must contain the name and case number of the proceeding and a statement that explains how the objecting party qualifies as a domestic interested party under § 353.2(k)(3), (4), (5), and (6) of the Department's regulations.

Seven copies of such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room B–099, U.S. Department of Commerce, Washington, D.C. 20230. You must also include the pertinent certification(s) in accordance with § 353.31(g) and § 353.31(i) of the Department's regulations. In addition, the Department requests that a copy of the objection be sent to Michael F. Panfeld in Room 4203. This notice is in accordance with 19 CFR 353.25(d)(4)(i).

Dated: July 31, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–18740 Filed 7–28–95; 8:45 am]

BILLING CODE 3510–DS–P

Evaluation of State Coastal Management Programs and National Estuarine Research Reserves

AGENCY: Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice of availability of evaluation findings.

SUMMARY: Notice is hereby given of the availability of the final evaluation findings for the Apalachicola (Florida) National Estuarine Research Reserve (NERR), and the states of Delaware, New Jersey, Pennsylvania, and Washington Coastal Management Programs. Sections 312 and 315 of the Coastal Zone Management Act of 1972 (CZMA), as amended, require a continuing review of the performance of coastal states with respect to approved coastal management programs and the operation and management of NERRs.

The states of Delaware, New Jersey, Pennsylvania and Washington were found to be implementing and enforcing their Federally approved coastal management programs, addressing the national coastal management objectives identified in CZMA Section 303(2) (A)–(K), and adhering to the programmatic terms of their financial assistance awards. Apalachicola NERR was found to be satisfactorily adhering to programmatic requirements of the NERR system.

Copies of these final evaluation findings may be obtained upon request from: Vickie Allin, Chief, Policy Coordination Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 11th Floor, Silver Spring, Maryland 20910 (301) 713–3087 x126.

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: July 17, 1995.

Dr. David L. Evans,

Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 95–18678 Filed 7–28–95; 8:45 am]

BILLING CODE 3510–08–M

National Oceanic and Atmospheric Administration

Coastal Nonpoint Pollution Control Program: Public Hearing on Draft Programmatic Environmental Impact Statement

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of Public Hearing and Availability of Draft Programmatic Environmental Impact Statement.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq*., the National Oceanic and Atmospheric Administration (NOAA) has prepared and circulated a draft programmatic environmental impact statement (PEIS). The draft PEIS was prepared to assess the environmental impacts associated with the approval of state and territory coastal nonpoint pollution control programs. This draft PEIS will form the basis for the subsequent NEPA documents (environmental impact statements or assessments) NOAA will prepare on each of the 29 state and territory coastal nonpoint programs expected to be submitted to NOAA and the Environmental Protection Agency (EPA) for approval.

The requirements of 40 C.F.R. parts 1500–1508 [Council on Environmental Quality (CEQ) regulations to implement the National Environmental Policy Act] apply to the preparation of the draft PEIS. Specifically, 40 C.F.R. section 1506.6 requires agencies to provide public notice of NEPA-related hearings and the availability of environmental documents. This notice is part of NOAA's action to comply with the public hearing requirement.

The PEIS was filed with EPA on July 7, 1995 and a notice of its availability was published at 60 FR 36279 on July 14, 1995. NOAA will hold a public hearing on this draft PEIS at NOAA Buildings SSMC 3, 1315 East-West Highway, Silver Spring, MD, Room 4527, on August 11, 1995, at 9:00 a.m.

FOR FURTHER INFORMATION CONTACT: Marcella Jansen, Coastal Programs Division (NORM/3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910, tel. (301) 713–3098, x143.

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: July 25, 1995.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 95–18684 Filed 7–28–95; 8:45 am]

BILLING CODE 3510–12–M

[I.D.072095A]

Marine Mammals and Endangered Species; Permits

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

ACTION: Issuance of scientific research permit no. 961 (P771 #72).

SUMMARY: Notice is hereby given that Dr. Howard Braham, National Marine Mammal Laboratory, Alaska Fisheries Science Center, National Marine Fisheries Service, 7600 Sand Pt. Way NE, Bin C15700, Seattle, WA 98115–0070, has been issued a permit to biopsy sample 120 beluga whales (*Delphinapterus leucas*) for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment, in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289); and

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668 (907/586–7221).

SUPPLEMENTARY INFORMATION: On May 2, 1995, notice was published in the **Federal Register** (60 FR 21503) that a request for a scientific research permit to biopsy sample beluga whales had been submitted by the above-named individual. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq*.), and

the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: July 24, 1995.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 95–18637 Filed 7–28–95; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Increase of Guaranteed Access Levels for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Jamaica

July 25, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing guaranteed access levels.

EFFECTIVE DATE: August 1, 1995.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The United States Government has agreed to increase the 1995 Guaranteed Access Levels (GALs) for Categories 338/339/638/639 and 352/652.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 59 FR 65531, published on December 20, 1994). Also see 59 FR 62717, published on December 6, 1994; and 60 FR 17326, published on April 5, 1995.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 25, 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 November 29, 1994, as amended on March 30, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Jamaica and exported during the twelve-month period which began on January 1, 1995 and extends through December 31, 1995.

Effective on August 1, 1995, you are directed to increase the current Guaranteed Access Levels (GAL) for the following categories:

Category	Guaranteed access level
338/339/638/639	3,500,000 dozen.
352/652	12,500,000 dozen.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95–18689 Filed 7–28–95; 8:45 am]

BILLING CODE 3510–DR–F

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange Proposed Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures and futures option contracts.

SUMMARY: The Chicago Mercantile Exchange (CME or Exchange) has applied for designation as a contract market in S&P/BARRA Growth Index and S&P/BARRA Value Index Futures and Option Contracts. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before August 30, 1995.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW, Washington, DC 20581. Reference should be made to the CME S&P/BARRA Growth Index and S&P/BARRA Value Index Futures and Option Contracts.

FOR FURTHER INFORMATION CONTACT: Please contact Stephen Sherrod of the Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW, Washington, DC 20581, telephone 202–254–7303.

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions of the proposed contracts will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K street, N.W., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the Exchange in support of the applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552 (1987)) and the Commission's regulations thereunder (17 C.F.R. Part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 C.F.R. 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 C.F.R. 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the terms and conditions of the proposed contracts, or with respect to other materials submitted by the Exchange in support of the applications, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on July 25, 1995.

Blake Imel,

Acting Director.

[FR Doc. 95–18640 Filed 7–28–95; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Inland Waterways Users Board

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of request for nominations.

SUMMARY: Section 302 of Public Law (PL) 99–662 established the Inland Waterways Users Board. The Board is an independent Federal advisory committee. Its 11 members are appointed by the Secretary of the Army. This notice is to solicit nominations for eight (8) appointments or reappointments to two-year terms that will begin January 1, 1996.

EFFECTIVE DATE: July 31, 1995.

ADDRESSES: Office of the Assistant Secretary of the Army (Civil Works), Department of the Army, Washington, DC 20310–0103. Attention: Inland Waterways Users Board Nominations Committee.

FOR FURTHER INFORMATION CONTACT: Dr. John H. Zirschky, Acting Assistant Secretary of the Army (Civil Works) (703) 697–4671.

SUPPLEMENTARY INFORMATION: The selection, service, and appointment of Board members are covered by provisions of Section 302 of PL 99–662. The substance of those provisions is as follows:

Selection

Members are to be selected from the spectrum of commercial carriers and shippers using the inland and intracoastal waterways, to represent geographical regions, and to be representative of waterway commerce as determined by commodity ton-miles statistics.

Service

The Board is required to meet at least semi-annually to develop and make recommendations to the Secretary of the Army on waterways construction and rehabilitation priorities and spending levels for commercial navigation improvements, and report its recommendations annually to the Secretary and Congress.

Appointment

The operation of the Board and appointment of its members are subject to the Federal Advisory Committee Act (PL 92–463 as amended) and departmental implementing regulations. Members serve without compensation but their expenses due to Board activities are reimbursable. The considerations specified in section 302 for the selection of the Board members, and certain terms used therein, have been interpreted, supplemented, or otherwise clarified as follows:

Carriers and Shippers

The law uses the terms ''primary users and shippers.'' Primary users has been interpreted to mean the providers of transportation services on inland waterways such as barge or towboat operators. Shippers has been interpreted to mean the purchasers of such services for the movement of commodities they own or control. Individuals are appointed to the Board, but they must be either a carrier or shipper, or represent a firm that is a carrier or shipper. For that purpose a trade or regional association is neither a shipper or primary user.

Geographical Representation

The law specifies ''various'' regions. For the purpose of selecting Board members, the waterways subjected to fuel taxes and describe in PL 95–502, as amended, have been aggregated into six regions. They are (1) the Upper Mississippi River and its tributaries above the mouth of the Ohio; (2) the Lower Mississippi River and its tributaries below the mouth of the Ohio and above Baton Rouge; (3) the Ohio River and its tributaries; (4) the Gulf Intracoastal Waterway in Louisiana and Texas; (5) the Gulf Interacoastal Waterway east of New Orleans and associated fuel-taxed waterways including the Tennessee-Tombigbee, plus the Atlantic Intracoastal Waterway below Norfolk; and (6) the Columbia-Snake River System and Upper Willamette. The intent is that each region shall be represented by at least one Board member, with that representation determined by the regional concentration of the individual's traffic on the waterways.

Commodity Representation

Waterway commerce has been aggregated into six commodity categories based on ''inland'' ton-miles shown in Waterborne Commerce of the United States. In rank order they are (1) Farm and Food Products; (2) Coal and Coke; (3) Petroleum, Crude and Products; (4) Minerals, Ores, and Primary Metals and Mineral Products; (5) Chemicals and Allied Products; and (6) All other. A consideration in the selection of Board members will be that the commodities carried or shipped by those individuals or their firms will be reasonably representative of the above commodity categories.

Reflecting preceding selection criteria, the current representation by the six (6) Board members whose terms expire December 31, 1995, is as follows: One member representing the Upper Mississippi River (Region 1) two members representing the Lower Mississippi River (Region 2), two member representing the Ohio River (Region 3), and one member representing the GIWW-East (Region 5). Also these Board members represent three shippers, two carriers and one representing both.

Two (2) of the six members whose terms expire December 31, 1995, are eligible for reappointment.

Nominations to replace Board members whose terms expire December 31, 1995, may be made by individuals, firms or associations. Nominations will:

(1) State the region to be represented;

(2) State whether the nominee is representing carriers, shippers or both;

(3) Provide information on the nominee's personal qualifications;

(4) Include the commercial operations of the carrier and/or shipper with whom the nominee is affiliated. This commercial operations information will show the actual or estimated ton-miles of each commodity carried or shipped on the inland waterways system in a recent year (or years) using the waterway regions and commodity categories previously listed. Nominations received in response to last year's **Federal Register** notice published August 25, 1994 must be renominated again in 1995.

Deadline for Nominations

All nominations must be received at the address shown above no later than August 31, 1995.

Gregory D. Showalter,

Army Federal Register, Liaison Officer.

[FR Doc. 95–18683 Filed 7–28–95; 8:45 am]

BILLING CODE 3710–92–M

DEPARTMENT OF EDUCATION

President's Advisory Commission on Educational Excellence for Hispanic Americans; Meeting

AGENCY: President's Advisory Commission on Educational Excellence for Hispanic Americans, Education.

ACTION: Notice of hearing.

SUMMARY: This notice sets forth the schedule and agenda of a forthcoming hearing of the President's Advisory Commission on Educational Excellence for Hispanic Americans. This notice also describes the functions of the Commission. Notice of this hearing is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATES AND TIMES: August 3 and 4, 1995, 8:30 a.m.–5:30 p.m.

ADDRESSES: Los Angeles Unified School District, 450 North Grand Avenue, Room H160 Los Angeles, California 90012.

FOR FURTHER INFORMATION CONTACT: Sal Lopez, Special Assistant, White House Initiative on Educational Excellence for Hispanic Americans, Department of Education, 600 Independence Avenue, S.W., Room 2115, Washington, D.C., 20202–3601, Telephone: (202) 401–8551.

SUPPLEMENTARY INFORMATION: The President's Advisory Commission on Educational Excellence for Hispanic Americans was established under Executive Order 12900 on February 22, 1994. The Commission was established to advise on Hispanic achievements of the National Goals, as well as other educational accomplishments. This hearing of the Commission is open to the public. The public is being given less than fifteen days' notice of this hearing because of administrative difficulties in scheduling the location. The Agenda includes:

August 3, 1995, Thursday, 8:30 a.m.–5:30 p.m.

Introductions and Commission update; press conference; public policy and administration; public testimony, teacher training.

August 4, 1995, Friday, 8:30 a.m.–5:30 p.m.

Local level education policy and governance; Hispanic special needs and appropriate practices; education equity issues.

Records are kept of all Commission proceedings, and are available for public inspection at the White House Initiative On Educational Excellence For Hispanic Education at 600 Independence Avenue, S.W., Room 2115, Washington, D.C. 20202–3601 from the hours of 9 a.m. to 5 p.m.

Dated: July 26, 1995.

Mario Moreno,

Assistant Secretary, Office of Intergovernmental and Interagency Affairs.

[FR Doc. 95–18773 Filed 7–27–95; 9:08 am]

BILLING CODE 4000–01–M

Office of Management

Senior Executive Service: Performance Review Board

AGENCY: Department of Education.

ACTION: Notice of Membership of the Performance Review Board (PRB).

SUMMARY: Notice is hereby given of the names of members of the Department of Education's PRB.

FOR FURTHER INFORMATION CONTACT: Althea Watson, Director, Executive Resources Team, Human Resources Group, Office of Management, Department of Education, Room 1135, FOB–10B, 600 Independence Avenue, SW, Washington, DC 20202, Telephone: (202) 401–0546. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 4314 (c)(1) through (5) of Title 5, U.S.C. requires each agency to establish one or more Senior Executive Service (SES) PRBs. The Board shall review and evaluate the initial appraisal of a senior executive's performance along with any comments by senior executives and any higher level executive and make recommendations to the appointing authority relative to the performance of the senior executive.

Membership

The following executives of the Department of Education have been selected to serve on the Performance Review Board of the Department of Education: Rodney McCowan, Chair, Alicia Coro, Co-Chair, Mary Jean LeTendre, Philip Link, Dorothy Berry, Thomas Skelly, Carol Cichowski, Larry Oxendine, John Higgins, Gary Rasmussen, Hazel Fiers, Susan Craig, Jeanette Lim, Andrew Pepin, Charles Hansen, Thomas Hehir, Jamienne Studley, Thomas Wolanin, Therese Dozier. The following executives have been selected to serve as alternate members of the Performance Review Board: Francis Corrigan, Steven Winnick, Raymond Pierce, Eugene Garcia.

Dated July 25, 1985.

Rodney McCowan,

Assistant Secretary for Management.

[FR Doc. 95–18670 Filed 7–28–95; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Filed With The Commission

July 25, 1995.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Surrender of Exemption.

b. *Project No:* P–9805–001.

c. *Date Filed:* July 20, 1995.

d. *Applicant:* Rockfish Corporation.

e. *Name of Project:* Woolen Mills Hydroelectric Project.

f. *Location:* On the Rivanna River, Albemarle County, Charlottesville, VA.

g. *Filed Pursuant to:* Federal Power Act, 16 USC Section 791(a)–825(r).

h. *Applicant Contact:* Mr. John K. Pollock, P.O. Box 265, Batesville, VA 22924, (804) 823–7330.

i. *FERC Contact:* Diane M. Murray, (202) 219–2682.

j. *Comment Date:* August 21, 1995.

k. *Description:* The exemptee requests surrender of his exemption. There have been no land or water disturbing activities at the project.

l. This notice also consists of the following standard paragraphs: B, C1 and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825

North Capitol Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Lois D. Cashell,

Secretary.

[FR Doc. 95–18668 Filed 7–28–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–613–000, et al.]

Florida Gas Transmission Company, et al.; Natural Gas Certificate Filings

July 24, 1995.

Take notice that the following filings have been made with the Commission:

1. Florida Gas Transmission Company

[Docket No. CP95–613–000]

Take notice that on July 13, 1995, Florida Gas Transmission Company (FGT), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP95–613–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to construct and operate a small volume metering facility for the City of Clearwater, under FGT's blanket certificate issued in Docket No. CP82–553–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

FGT proposes to construct and operate a new small volume facility at the existing Clearwater North Station on the 4-inch Clearwater North Lateral in Pinellas County, Florida. The proposed new metering facility will serve as an additional delivery point to Clearwater under two existing firm transportation service agreements pursuant to FGT's Rate Schedules FTS–1 and FTS–2 and under an existing interruptible transportation service agreement pursuant to FGT's Rate Schedule ITS–1. FGT indicates that Clearwater would reimburse FGT for the construction costs which is estimated to be $37,000.

Comment date: September 7, 1995, in accordance with Standard Paragraph G at the end of this notice.

2. East Tennessee Natural Gas Company

[Docket No. CP95–622–000]

Take notice that on July 17, 1995, East Tennessee Natural Gas Company (East Tennessee), a Tennessee Corporation, P.O. Box 2511, Houston, Texas 77252, filed a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) and under its blanket authority granted September 1, 1982, in Docket No. CP82–412–000, for authorization to install a delivery point for continuing firm service to Dunlap Natural Gas (Dunlap), a municipal corporation, located in Marion County, Tennessee, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, East Tennessee states that Dunlap is replacing its distribution mainline and has requested East Tennessee to install a new delivery station at M.P. 3211–1+1.54 in Marion County, Tennessee, to replace existing station No. 75–9018 located at M.L.V. 3211–1. East Tennessee proposes to install, own, and operate and maintain a two-inch hot tap; approximately twenty-five feet of two-inch interconnecting pipe, and measurement facilities, including electronic gas measurement equipment. The hot tap and interconnecting pipe will be located on East Tennessee's existing right-of-way. The measurement facilities will be located on a site provided by Dunlap, adjacent to East Tennessee's existing right-of-way.

East Tennessee states that the total quantities to be delivered to Dunlap will not exceed the total quantities authorized. East Tennessee asserts that the establishment of the proposed delivery point is not prohibited by East Tennessee's tariff, and that it has sufficient capacity to accomplish the deliveries at the proposed new delivery point without detriment or disadvantage to any of East Tennessee's other customers.

Comment date: September 7, 1995, in accordance with Standard Paragraph G at the end of this notice.

3. Natural Gas Pipeline Company of America

[Docket No. CP95–624–000]

Take notice that on July 17, 1995, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP95–624–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon by sale to Lone Star Gas Company (Lone Star), one 10-inch meter and appurtenant facilities in Fashing Field, Atascosa County, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Comment date: August 14, 1995, in accordance with Standard Paragraph F at the end of this notice.

4. Northwest Pipeline Corporation

[Docket No. CP95–627–000]

Take notice that on July 19, 1995, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed a prior notice request with the Commission in Docket No. CP95–627–000 pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to construct and operate a cross-over tie on the Grants Pass Lateral in Multnomah County, Oregon, under Northwest's blanket certificate issued in Docket No. CP82–433–000 pursuant to Section 7 of the NGA, all as more fully set forth in the request which is open to the public for inspection.

Northwest proposes to construct and operate a 3-inch tap, two 4-inch regulators, a relief valve, and appurtenances on its 20-inch diameter Grants Pass Lateral loop line as an additional tie-in for the Reynolds Metal meter station. Northwest states that the proposed tie-in would provide an alternate means of gas supply whenever the Grants Pass Lateral line is out of service. Northwest also states that since it needs to construct the proposed tie-in in order to maintain service to Reynolds Metal whenever the Grants Pass Lateral line is out of service, Northwest would pay the estimated $78,000 construction cost for the facilities. Northwest further states that the design capacity and delivery pressure of the meter station would not change as a result of the proposed loop line tie-in.

Comment date: September 7, 1995, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said application should on or before the comment date, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and

Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 95–18700 Filed 7–28–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket Nos. RP95–326–000 and RP95–242–000]

Natural Gas Pipeline Company of America; Notice of Continuing Technical Conference

July 25, 1995.

Take notice that the technical conference in this proceeding which was convened on July 13, 1995, will continue on Thursday, August 3, 1995, at 9:30 a.m., in the Commission Meeting Room at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. All interested persons and staff are permitted to attend.

Lois D. Cashell,

Secretary.

[FR Doc. 95–18669 Filed 7–28–95; 8:45 am]

BILLING CODE 6717–01–M

Western Area Power Administration

Pacific Northwest-Pacific Southwest Intertie Project—Proposed Firm and Nonfirm Transmission Service Rates for the Phoenix Area

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Proposed Rates for Firm Transmission Service and Nonfirm Transmission Service for the Pacific Northwest-Pacific Southwest Intertie Project Rate Adjustment.

SUMMARY: The Western Area Power Administration (Western) is proposing two rates for firm transmission service and a rate for nonfirm transmission service for the Pacific Northwest-Pacific Southwest Intertie Project (AC Intertie).

The power repayment study indicates that the proposed rates for firm and nonfirm transmission service are necessary because of increases in operation and maintenance expenses, and the anticipated decrease in current marketable capacity from the 500-kilovolt (kV) transmission lines. The proposed rates for firm and nonfirm transmission service will supersede the existing rates that became effective August 1, 1993, and were extended on May 17, 1995 (60 FR 26433) until October 1, 1996. The proposed rates for firm and nonfirm transmission service are to become effective January 1, 1996.

The existing firm transmission service rate for the 230/345-kV transmission lines is $4.46 per kilowatt per year (kW/year) and the existing nonfirm transmission service rate is 1.00 mills per kilowatthour (mills/kWh).

The proposed firm transmission service rate for the 230/345-kV transmission lines is $7.37/kW/year; the proposed rate for the 500-kV transmission lines is $16.00/kW/year; and the proposed combined nonfirm transmission service rate is 2.11 mills/kWh.

The Acting Assistant Secretary of Energy for Energy Efficiency and Renewable Energy of the Department of Energy (DOE), approved the existing rates on an interim basis for firm and nonfirm transmission service on July 14, 1993. The Federal Energy Regulatory Commission (FERC) confirmed and approved the rates on a final basis for firm and nonfirm transmission service on March 24, 1994 (66 FERC ¶62,180). The existing rates were designed to recover all annual costs and investment repayment of both the existing 230/345-kV lines and the new 500-kV lines. The existing rates for firm and nonfirm transmission service were placed in effect on August 1, 1993, and consisted of a two-step rate adjustment process. Step one of the firm transmission service rate was approved to be in effect through September 30, 1995, and step two of the existing rates was to become effective on October 1, 1995, and continue through July 31, 1998.

During the last AC Intertie rate adjustment process (WAPA–56), the Colorado River Commission of Nevada, the Arizona Power Authority, the Arizona Subcontractor Group, the Arizona Power Pooling Association, Inc., and the Salt River Project Agricultural Improvement and Power District filed a Motion to Intervene and Protest FERC confirmation and approval of the AC Intertie rates described in Rate Order No. WAPA–56. On December 28, 1993, Western filed a Stipulation Agreement signed by Western and these customers in which the intervenors withdrew their protests and Western agreed to re-examine the issues raised as well as commence a new rate adjustment proceeding during fiscal year 1995.

Western has re-examined the issues raised during the last rate adjustment process along with the current issues regarding the rate impact from the additional capacity. Due to customer request, Western has developed and is proposing two firm transmission service rates and a nonfirm transmission service rate for the AC Intertie Project to supersede step one of the existing rates which were extended for firm and nonfirm transmission service. The major difference between step two of the existing rates and the proposed rates is the separate marketing and rate-setting design of the 500-kV system.

In response to additional AC Intertie customer requests, Western is proposing a rate design for the firm transmission

service that consists of (1) a rate for the firm transmission service from the existing 230/345-kV transmission lines and (2) a rate for the firm transmission service of the 500-kV transmission lines. The firm transmission service rate for the 500-kV transmission lines is designed to recover all annual costs for repayment of the new investment. Based upon its studies, Western expects that the marketable capacity used in the rate calculation for the 500-kV transmission lines to be 668 megawatts (MW). Western is proposing a firm transmission service rate of $7.37/kW/year for the 230/345-kV system and a firm transmission service rate of $16.00/kW/year for the 500-kV system.

Western is also proposing a nonfirm transmission service rate of 2.11 mills/kWh for both the 230/345-kV and 500-kV system that will supersede the existing nonfirm transmission service rate of 1.00 mills/kWh. The non-firm transmission service rate combines the rate of 1.40 mills/kWh for the 230/345-kV system and a rate of 3.04 mills/kWh for the 500-kV system for a combined rate of 2.11 mills/kWh.

The following table displays the existing rates, the step two of the previously approved rates, the proposed AC Intertie 230/345-kV transmission system rates, and the proposed 500-kV transmission system rates:

Type of service	Existing rates 230/345-kV system extended through 10/01/1996	Existing rates step two 230/345/ 500-kV system 07/31/98	Proposed rates 230/345-kV system 01/01/1996 through 09/30/2000	Proposed rates 500-kV system 01/01/1996 through 09/30/2000
Firm Transmission Service	$4.46/kW/year	$8.01/kW/year	$7.37/kW/year	$16.00/kW/year.
Combined Nonfirm Transmission Service	1.00 mills/kWh	1.52 mills/kWh	2.11 mills/kWh	2.11 mills/kWh.

The proposed rates for the 500-kV transmission lines are based on investments, an estimated marketable capacity, and a percentage distribution of the projected expenses and revenues. The final marketable capacity that will be contracted is not yet determined. Should there be contracts for more than the estimated marketable capacity of 668 MW, Western would foresee an increase in firm revenue, thereby, providing for a decrease to the proposed rate of $16.00/kW/year. Conversely, if less than the estimated capacity is contracted, Western would increase the proposed rate of $16.00/kW/year to ensure that the revenue requirement is satisfied. The proposed rate for the 230/345 kV system represents an 8.68 percent decrease from the existing step two rate of $8.01/kW/year. The non-firm transmission rate represents an increase of 39 percent from the existing non-firm transmission service rate.

Since the proposed rates constitute a major rate adjustment for transmission service, as defined by the procedures for public participation in general rate adjustments, as cited below, both a public information forum and a public comment forum will be held. After review of public comments, Western will recommend the final proposed AC Intertie rates to the Deputy Secretary of the Department of Energy (Deputy Secretary). If approved by the Deputy Secretary, the provisional rates would remain in effect on an interim basis until confirmed and approved as final rates by FERC.

DATES: The consultation and comment period will begin with the publication of this notice in the **Federal Register** and will end not less than 90 days later, or October 17, 1995, whichever occurs later. A public information forum will be held at 1 p.m. on August 24, 1995, at Western's Phoenix Area Office, 615 South 43rd Avenue, Phoenix Arizona. A public comment forum at which Western will receive oral and written comments will be held at 1 p.m. on September 18, 1995, also at Western's Phoenix Area Office.

Written comments regarding the proposed rates should be received by the end of the consultation and comment period to be assured consideration and should be sent to the address below.

ADDRESSES: For Further Information Contact: Mr. J. Tyler Carlson, Area Manager, Phoenix Area Office, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005, (602) 352–2521.

SUPPLEMENTARY INFORMATION: Transmission rates for the AC Intertie are established pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*); and the Reclamation Act of 1902 (43 U.S.C. 371 *et seq.*), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Act of 1939 (43 U.S.C. 485h(c)), and section 8 of the Act of August 31, 1964 (16 U.S.C. 837g).

By Amendment No. 3 to Delegation Order No. 0204–108, published November 10, 1993 (58 FR 59716), the Secretary of DOE delegated (1) the authority to develop long term power and transmission rates on a nonexclusive basis to the Administrator of Western; (2) the authority to confirm, approve, and place such rates in effect on an interim basis to the Deputy Secretary; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to FERC. Existing DOE procedures for public participation in rate adjustments (10 CFR Part 903) became effective on September 18, 1985 (50 FR 37835).

Availability of Information

All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the purpose of developing the proposed rates for transmission service are and will be available for inspection and copying at the Phoenix Area Office, located at 615 South 43rd Avenue, Phoenix, AZ 85005.

Determination Under Executive Order 12866

DOE has determined that this is not a significant regulatory action because it does not meet the criteria of Executive Order 12866 (58 FR 51735). Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Environmental Evaluation

In compliance with the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321 *et seq.*; Council On Environmental Quality (40 CFR Parts 1500–1508) and DOE NEPA regulations (10 CFR Part 1021), Western has determined that this action is categorically excluded from the preparation of an environmental assessment or an environmental impact statement.

Issued in Golden, Colorado, July 18, 1995.

J.M. Shafer,

Administrator.

[FR Doc. 95–18736 Filed 7–28–95; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5266–9]

Agency Information Collection Activities Up for Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq*.), this notice announces that the Information Collection Request (ICR) listed below is coming up for renewal. Before submitting the renewal package to the Office of Management and Budget (OMB), EPA is soliciting comments on specific aspects of the collection as described below.

DATES: Comments must be submitted on or before September 29, 1995.

ADDRESSES: 401 M St., SW., Washington, DC 20460 MC: 5306W.

FOR FURTHER INFORMATION CONTACT: Judy Taylor, (703) 308–7277 (phone); 308–8686 (fax).

SUPPLEMENTARY INFORMATION:

Affected entities: Entities affected by this action are businesses and non-governmental organizations that join the voluntary WasteWi$e program.

Title: Reporting Requirements Under EPA WasteWi$e Voluntary Challenge Program (OMB No. 2050–0139).

Abstract: EPA's Office of Solid Waste (OSW) is requesting approval to collect information from respondents that participate in EPA's voluntary WasteWi$e program. The program encourages businesses to engage in waste reduction activities and focuses on three waste reduction areas: waste prevention, recycling collection, and purchasing or manufacturing items with recycled content.

To participate in the program, an organization must complete and submit a registration form to EPA. The registration form provides EPA with general company information and specifies the facilities committed to the WasteWi$e program: it must be signed by a senior official who has authority to commit the company to the program. In addition, each participant must develop waste reduction goals and complete and submit a one-time Goals Identification Form to EPA; participants must also report annually on the progress made toward achieving those goals in the Annual Reporting Form.

The information collected will be used by EPA to develop and provide targeted technical information to assist organizations' waste reduction programs, identify and exchange waste reduction opportunities, and gauge the program's progress.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility:

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated technology, e.g., permitting electronic submission of responses.

Burden Statement: The current ICR, submitted in 1994, estimated respondent burden for this collection to average as follows: Estimated Hours Per Respondent: 16 hours per response for the Registration Form; 48 hours per response for the Goals Identification Form; 78 hours per response for the Annual Reporting Form; for an estimated annual respondent burden of 142 hours in the first year and 78 hours each subsequent year. These estimates included all aspects of the information collection including the time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information.

Estimated Number of Respondents: 200 in year 1; 300 in year 2; and 400 in year 3.

Estimated Number of Responses per Respondent: 3 during first year of participation; 1 in subsequent years.

Estimated Total Annual Burden on Respondents: 28,500 hours in year 1; 29,850 in year 2; and 37,650 in year 3.

Frequency of Collection: One-time and annual.

No person is required to respond to a collection of information unless it displays a currently valid control number. The control numbers for EPA's regulations are displayed in 40 CFR Part 9.

Send comments regarding these matters, or any other aspect of the information collection, including suggestions for reducing the burden, to the address listed above.

Dated: July 26, 1995.

Elliott P. Laws,

Assistant Administrator, Solid Waste and Emergency Response.

[FR Doc. 95–18833 Filed 7–28–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2086]

Petition for Reconsideration of Actions in Rulemaking Proceedings

July 26, 1995.

Petition for reconsideration have been filed in the Commission rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, N.W., Washington, D.C. or may be purchased from the Commission's copy contractor ITS, Inc. (202) 857–3800. Opposition to this petition must be filed August 15, 1995. See § 1.4(b) (1) of the Commission's rules (47 CFR 1.4(b) (1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Review of the Pioneer's Preference Rules. (ET Docket No. 93–266)

Number of Petition Filed: 1

Subject: Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Canovansas, Culebra, Las Piedras, Mayaguez, Quebradillas, San Juan, Santa Isabel and Vieques, Puerto Rico, and Christiansted and Fredericksted, Virgin Islands. (MM Docket No. 91–259 and RMs 7309, 7942, 7943, 7944 and 7948)

Number of Petitions Filed: 2

Subject: Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Fredericksburg, Helotes and Castroville, Texas) (MM Docket No. 94–125 and RM–8534 and RM–8575)

Number of Petition Filed: 1

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–18695 Filed 7–28–95; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1054–DR]

Missouri; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Missouri, (FEMA–1054–DR), dated June 2, 1995, and related determinations.

EFFECTIVE DATE: July 21, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Missouri dated June 2, 1995, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 2, 1995.

Mercer County for Individual Assistance, Public Assistance and Hazard Mitigation assistance.

Cooper County for Public Assistance (already designated for Individual Assistance and Hazard Mitigation assistance).

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

William C. Tidball,

Chief of Staff.

[FR Doc. 95–18721 Filed 7–28–95; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL MARITIME COMMISSION

Notice of Items Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following items have been submitted to the Office of Management and Budget (OMB) for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*), as amended. Requests for information, including copies of the collection of information and supporting documentation, may be obtained from Bruce A. Dombrowski, Deputy Managing Director, Federal Maritime Commission, 800 N. Capital Street, NW., Washington, DC 20573–0001, telephone number (202) 523–5800. Comments may be submitted to the agency and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for the Federal Maritime Commission, within 15 days after the date of the **Federal Register** in which this notice appears.

Summary of Items Submitted for OMB Review; 46 CFR Part 540 and Related Application Form FMC–131

FMC requests an extension of clearance for 46 CFR Part 540 which implements sections 2 and 3 of Public Law 89–777 (46 U.S.C. 817 (d) and (e) and related application Form FMC–131. P.L. 89–777 requires vessel owners, charterers, and operators of American and foreign passenger vessels having 50 or more berth or stateroom accommodations and embarking passengers at United States ports, to establish their financial responsibility to meet liability incurred for death or injury and to indemnify passengers in the event of nonperformance of a voyage or cruise. The Commission estimates an annual respondent universe of 60 cruise line operators who possess Certificates (Performance and Casualty) for 125 vessels. Total estimated respondent bureau is 1603 manhours: 1315 manhours for complying with the regulation and 288 manhours for completion of the form. Total cost to the Federal Government is estimated at the $140,000; total cost to respondents is estimated at $83,000.

Joseph C. Polking,

Secretary.

[FR Doc. 95–18728 Filed 7–28–95; 8:45 am]

BILLING CODE 6730–01–M

Notice of Items Submitted for OMB Review

The Federal Maritime Commission hereby gives notice that the following items have been submitted to Office of Management and Budget (OMB) for review pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et. seq.*), as amended. Requests for information, including copies of the collection of information and supporting documentation, may be obtained from Bruce A. Dombrowski, Deputy Managing Director, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573–0001, telephone number (202) 523–5800. Comments may be submitted to the agency and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for the Federal Maritime Commission, within 15 days after the date of the **Federal Register** in which this notice appears.

Summary of Items Submitted for OMB Review; 46 CFR Part 510 and Related Application Form FMC–18

FMC requests an extension of clearance for 46 CFR Part 510 which sets forth regulations providing for the licensing of ocean freight forwarders in the U.S. foreign export commerce and related application Form FMC–18. The Commission has revised the Form FMC–18 which results in a reduction in burden on the freight forwarding industry. There are approximately 1,850 respondents annually affected at an estimated cost of $55,000. The annual manhour burden has been estimated as follows: 46 CFR 510–463 manhours recordkeeping and 874 manhours for the rest of the regulation; Form FMC–18–606 manhours. The estimated annual cost to the Federal Government is $163,000.

Joseph C. Polking,

Secretary.

[FR Doc. 95–18729 Filed 7–28–95; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Commerzbank AG, Frankfurt am Main, Germany; Application to Engage in Nonbanking Activities

Commerzbank AG, Frankfurt am Main, Germany (Applicant), has applied, pursuant to Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (BHC Act) and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)) to acquire at least 60 percent and up to 100 percent of the partnership interest in Martingale Asset Management, L.P., Boston, Massachusetts (Company), and thereby to engage *de novo* in the following nonbanking activities: (1) providing investment and financial advisory services; and (2) providing investment advice to nonaffiliated persons with respect to the purchase and sale of financial futures contracts *and options on such contracts* on bonds, interest rates, and stock and bond indices that the Board has previously approved. Applicant proposes to provide investment advice to clients (A) directly, (B) through two unaffiliated, registered, open-end investment companies, and (C) through limited partnerships, for which Company would act as general partner and in which Company would maintain a financial interest. The scope of the proposed activity is nationwide.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity that the Board, after due notice and opportunity for hearing, has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. This statutory test requires that two separate tests be met for an activity to be permissible for a bank holding company. First, the Board must determine that the activity is, as a general matter, closely related to banking. Second, the Board must find in a particular case that the performance of the activity by the applicant bank holding company may reasonably be

expected to produce public benefits that outweigh possible adverse effects.

A particular activity may be found to meet the ''closely related to banking'' test if it is demonstrated that banks have generally provided the proposed activity; that banks generally provide services that are operationally or functionally similar to the proposed activity so as to equip them particularly well to provide the proposed activity; or that banks generally provide services that are so integrally related to the proposed activity as to require their provision in a specialized form. *National Courier Ass'n v. Board of Governors*, 516 F.2d 1229, 1237 (D.C. Cir. 1975). In addition, the Board may consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board Statement Regarding Regulation Y (49 FR 806 (1984)).

The Board has previously approved, by regulation, providing investment and financial advisory services, 12 CFR 225.25(b)(4)(i)-(iv) and (vi)(A)(1) and (2), and providing investment advice to non-affiliated persons with respect to the purchase and sale of financial futures contracts *and options on such contracts*, 12 CFR 225.25(b)(19). The Board also has previously determined by order that the provision of investment advisory services with respect to financial futures on bonds, interest rate, and stock and bond indices is a permissible activity pursuant to Section 4(c)(8) of the BHC Act. *See* SR 93-27; *National Westminster Bank plc*, 78 Federal Reserve Bulletin 953 (1992); *Manufacturers Hanover Corporation*, 76 Federal Reserve Bulletin 774 (1990); and *The HongKong and Shanghai Banking Corporation*, 76 Federal Reserve Bulletin 770 (1990). The Board also has approved the providing of investment advice through limited partnerships. *See Meridian Bancorp, Inc.*, 80 Federal Reserve Bulletin 736 (1994). Applicant maintains that Company will conduct its proposed investment advisory activities subject to the requirements and limitations of the Board's Regulation Y and the conditions and limitations of the Board's previous orders.

In order to satisfy the proper incident to banking test, section 4(c)(8) of the BHC Act requires the Board to find that the performance of the activities by Company 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 interest, or unsound banking practices. Applicant believes that the proposed activities will benefit the public by promoting competition in the delivery of high quality investment management services. Applicant also believes that approval of this application would allow Company to enhance its services to existing clients and provide additional investment advisory services to new clients. Applicant believes that the proposed activities will not result in any unsound banking practices or other adverse effects.

In publishing the proposal for comment, the Board does not take a position on issues raised by the proposal. Notice of the proposal is published solely in order to seek the views of interested persons on the issues presented by the application and does not represent a determination by the Board that the proposal meets, or is likely to meet, the standards of the BHC Act.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 15, 1995. Any request for a hearing on this application must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of the reasons why 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.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Board of Governors of the Federal Reserve System, July 25, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–18693 Filed 7–28–95; 8:45 am]

BILLING CODE 6210–01–F

Colfax Bancshares, Inc.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 95-16899) published on page 35748 of the issue for Tuesday, July 11, 1995.

Under the Federal Reserve Bank of Chicago heading, the entry for Colfax Bancshares, Inc., is revised to read as follows:

1. Dentel Bancorporation, Victor, Iowa; and Colfax Bancshares, Inc., Victor, Iowa, to acquire 100 percent of the voting shares of Maxwell Bancorporation, Maxwell, Iowa, and thereby indirectly acquire Maxwell State Bank, Maxwell, Iowa.

Comments on this application must be received by August 4, 1995.

Board of Governors of the Federal Reserve System, July 25, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–18692 Filed 7–28–95; 8:45 am]

BILLING CODE 6210–01–F

Ida Grove Bancshares, Inc.; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of

Governors not later than August 15, 1995.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Ida Grove Bancshares, Inc., Ida Grove, Iowa; to engage *de novo* in making and servicing loans, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, July 25, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–18694 Filed 7–28–95; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

White House Conference on Aging

AGENCY: White House Conference on Aging, AoA, HHS.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given, pursuant to Title II of the Older Americans Act Amendments of 1987, Pub. L. 100–175 as amended by Pub. L. 102–375 and Pub. L. 103–171, that the 1995 White House Conference on Aging Advisory Committee on Disabilities will hold a meeting on Thursday, August 10, 1995 from 10 a.m. to 2:30 p.m. More specific information on the location of the meeting can be obtained by calling the telephone number given below.

The meeting of the Committee shall be open to the public. Records shall be kept of all Committee proceedings and will be available for public inspection at 501 School Street, SW, 8th Floor, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: White House Conference on Aging, 501 School Street, SW, 8th Floor, Washington, DC 20024; telephone (202) 245–7116.

Dated: July 25, 1995.

Fernando M. Torres-Gil,

Assistant Secretary for Aging.

[FR Doc. 95–18701 Filed 7–28–95; 8:45 am]

BILLING CODE 4130–02–M

Food and Drug Administration

[Docket No. 95F–0191]

General Electric Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the General Electric Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of polyestercarbonate resins produced by the condensation of 4,4′-isopropylidenediphenol, carbonyl chloride, terephthaloyl chloride, and isophthaloyl chloride such that the finished resins are composed of 45 to 85 percent ester of which up to 55 percent is the terephthaloyl isomer, as articles or components of articles in contact with food.

DATES: Written comments on the petitioner's environmental assessment by August 30, 1995.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard H. White, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3094.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 5B4470) has been filed by the General Electric Co., One Lexan Lane, Mt. Vernon, IN 47620–9364. The petition proposes to amend the food additive regulations in § 177.1585 *Polyestercarbonate resins* (21 CFR 177.1585) to provide for the safe use of polyestercarbonate resins produced by the condensation of 4,4′-isopropylidenediphenol, carbonyl chloride, terephthaloyl chloride, and isophthaloyl chloride such that the finished resins are composed of 45 to 85 percent ester of which up to 55 percent is the terephthaloyl isomer, as articles or components of articles in contact with food.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Branch (address above) for public review and comment. Interested persons may, on or before August 30, 1995, submit to the Dockets Management Branch (address above) written comments. 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. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the **Federal Register**. If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: July 14, 1995.

George W. Pauli,

Acting Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 95–18626 Filed 7–28–95; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 95E–0093]

Determination of Regulatory Review Period for Purposes of Patent Extension; NISOCOR

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for NISOCOR and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be

extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product NISOCOR (nisoldipine). NISOCOR is indicated for the treatment of hypertension. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for NISOCOR (U.S. Patent No. 4,154,839) from Bayer AG, and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated May 22, 1995, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of NISOCOR represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for NISOCOR is 4,965 days. Of this time, 4,292 days occurred during the testing phase of the regulatory review period, while 673 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective*: July 2, 1981. The applicant claims May 22, 1989, as the date the investigational new drug application (IND) became effective, based on IND 33,244. However, FDA records indicate that the effective date for the first IND submitted for NISOCOR, IND 18,813, was July 2, 1981, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act*: April 1, 1993. The applicant claims March 31, 1993, as the date the new drug application (NDA) for NISOCOR (NDA 20–356) was initially submitted. However, FDA records indicate that NDA 20–356 was submitted on April 1, 1993.

3. *The date the application was approved*: February 2, 1995. FDA has verified the applicant's claim that NDA 20–356 was approved on February 2, 1995.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,377 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before September 29, 1995, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before January 29, 1996, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 19, 1995.

Stuart L. Nightingale,

Associate Commissioner for Health Affiars.

[FR Doc. 95–18687 Filed 7–28–95; 8:45 am]

BILLING CODE 4160–01–F

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institute of Mental Health Special Emphasis Panel:

Agenda Purpose: To review and evaluate grant applications
Committee Name: National Institute of Mental Health Special Emphasis Panel
Date: July 30–August 1, 1995
Time: 7 p.m.
Place: Galleria Park Hotel, 191 Sutter Street, San Francisco, CA 94104
Contact Person: Jean G. Noronha, Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, telephone: 301, 443–1000.

Committee Name: National Institute of Mental Health Special Emphasis Panel
Date: August 2–August 4, 1995
Time: 7 p.m.
Place: Madison Hotel, 1177 15th Street NW., Washington, DC 20036
Contact Person: Phyllis D. Artis, Parklawn Building, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, telephone: 301, 443–6470.

Committee Name: National Institute of Mental Health Special Emphasis Panel
Date: August 16, 1995
Time: 8:30 a.m.
Place: Loews, 51st and Lexington, New York, NY
Contact Person: Angela L. Redlingshafer, Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, telephone: 301, 443–1367.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meetings due to the urgent need to meet timing limitations imposed by the grant review cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, Small Business Innovation Research; 93.242, Mental Health

Research Grants; 93.121, Scientist Development Awards; 93.282, Mental Health Research Service Awards for Research Training)

Dated: July 25, 1995.

Margery G. Grubb,

Senior Committee Management Specialist, NIH.

[FR Doc. 95–18853 Filed 7–28–95; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. FR–3911–N–02]

Mortgagee Review Board Administrative Actions

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: In compliance with Section 202(c) of the National Housing Act, notice is hereby given of the cause and description of administrative actions taken by HUD's Mortgagee Review Board against HUD-approved mortgagees.

FOR FURTHER INFORMATION CONTACT: William Heyman, Director, Office of Lender Activities and Land Sales Registration, 451 Seventh Street, S.W., Washington, D.C. 20410, telephone (202) 708–1515. The Telecommunication Device for the Deaf (TDD) number is (202) 708–4594. (These are not toll-free numbers).

SUPPLEMENTARY INFORMATION: Section 202(c)(5) of the National Housing Act (added by Section 142 of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235), approved December 15, 1989, requires that HUD ''publish in the **Federal Register** a description of and the cause for administrative action against a HUD-approved mortgagee'' by the Department's Mortgagee Review Board. In compliance with the requirements of Section 202(c)(5), notice is hereby given of administrative actions that have been taken by the Mortgagee Review Board from April 1, 1995 through June 30, 1995.

1. Community Lending Corporation, College Park, Maryland

Action: Probation and proposed civil money penalty in the amount of $5,000.

Cause: Failure by the company to remit to the Department mortgage insurance premiums collected from borrowers in connection with five HUD-FHA insured mortgage transactions; and failure to timely submit loans to HUD-FHA for mortgage insurance endorsement.

2. World Wide Credit Corporation, San Diego, California

Action: Proposed Settlement Agreement of a civil money penalty in the amount of $1,500; indemnification for any claim losses in connection with 10 improperly originated Title I loans; and implementation of a Quality Control Plan.

Cause: A HUD monitoring review that disclosed violations of HUD-FHA Title I program requirements that included: failure to document borrower's source of funds required for loan fees and closing costs; advising borrowers that loan fees may be deducted from loan proceeds; improperly advising borrowers to obtain gift letters; and omitting the loan disbursement date on the Note.

3. Greystone Servicing Corporation, Inc., New York, New York

Action: Settlement Agreement that includes a payment to the Department in the amount of $228,000 and assurance by the company of compliance with the requirements of the Government National Mortgage Association (GNMA).

Cause: Violation of GNMA requirements resulting from the improper termination of 57 GNMA mortgage-backed securities pools.

4. Whitehall Funding, Inc., Davenport, Iowa

Action: Settlement Agreement that includes a payment to the Department in the amount of $75,000 and assurance by the company of compliance with the requirements of the Government National Mortgage Association (GNMA).

Cause: Violation of GNMA requirements resulting from the improper termination of 13 GNMA mortgage-backed securities pools.

5. Washington Credit Union, Lynwood, Washington

Action: Probation and proposed civil money penalty in the amount of $10,000.

Cause: A HUD monitoring review that disclosed violations of HUD-FHA Title I property improvement loan program requirements that included: failure to comply with HUD-FHA reporting requirements under the Home Mortgage Disclosure Act (HMDA); failure to comply with dealer approval requirements; failure to report to HUD-FHA borrowers' uncompleted property improvements; failure to resolve a borrower complaint against a dealer; failure to verify a borrower's source of funds for the required initial payment; and inaccurate completion certificates.

6. Carl I Brown & Company, Kansas City, Missouri

Action: Proposed Settlement Agreement that includes payment to the Department of $75,000; payment of a civil money penalty in the amount of $30,000; and corrective action by the company to assure compliance with HUD-FHA requirements.

Cause: Review by HUD's contractor of the company's single family mortgage insurance claims submissions and loan servicing procedures that disclosed violations of HUD-FHA requirements. The violations included: overpayment by HUD of expenses paid; payment for preservation and protection work not performed; overpayment for tax refunds; improperly prepared claims submissions; inadequate quality control; improper dispositions of mortgagor escrow surpluses; and inadequate servicing of defaulted loans.

7. PNC Mortgage Corp. of America, Vernon Hills, Illinois

Action: Proposed Settlement Agreement that includes payment to the Department in the amount of $84,375, and if determined to be appropriate, reimbursement for marketing losses resulting from untimely submitted insurance claims.

Cause: Review by HUD's contractor of the company's single family mortgage insurance claims submissions citing violations of HUD-FHA requirements that included: untimely submission of insurance claims; and incorrect dates on claim forms.

8. Charter Mortgage Corporation, Fort Lauderdale, Florida

Action: Probation

Cause: A HUD monitoring review that disclosed violations of HUD-FHA requirements that included: failure to comply with HUD-FHA reporting requirements under the Home Mortgage Disclosure Act (HMDA); failure to maintain an adequate Quality Control Plan; permitting improperly secured secondary financing to close HUD-FHA insured mortgages; failure to remit to HUD-FHA Up-Front Mortgage Insurance Premiums (UFMIPs) and late charges; submission of erroneous HUD–1 Settlement Statements; and failure to retain complete loan origination files.

9. The Professional Investment & Financial Group, San Gabriel, California

Action: Proposed Settlement Agreement that includes payment to the Department of a civil money penalty in the amount of $1,000; and revision of the advertising used by the company in its HUD-FHA Title I program activities.

Cause: Use of misleading advertising by the company in connection with the Title I property improvement loan program.

10. Magna Financial Corporation, Irvine, California

Action: Settlement Agreement that includes indemnification to the Department for any claim losses in connection with five improperly originated Title I loans; payment to the Department of a civil money penalty in the amount of $1,000; and corrective action to assure compliance with HUD-FHA requirements.

Cause: A HUD monitoring review that disclosed violations by the company of HUD-FHA Title I property improvement loan program requirements that included: failure to verify borrowers' source of funds required for initial payment; failure to properly verify borrower's income; requiring a minimum loan amount; failure to meet program requirements for the promissory note; failure to ensure that detailed descriptions of improvements were provided by borrowers; and failure to comply with HUD-FHA reporting requirements under the Home Mortgage Disclosure Act (HMDA).

11. Randall Mortgage, Inc., Maitland, Florida

Action: Settlement Agreement that includes: indemnification to the Department in the amount of $87,657 for its claim loss in connection with an improperly originated HUD-FHA insured mortgage; indemnification for any future claim losses in connection with seven improperly originated mortgages; payment to the Department of a civil money penalty in the amount of $2,500; and corrective action to assure compliance with HUD-FHA requirements.

Cause: A HUD monitoring review that disclosed violations of HUD-FHA requirements that included: failure to maintain an adequate Quality Control Plan for the origination of HUD-FHA insured mortgages; failure to verify borrowers' source of funds used for downpayment; failure to ensure that borrowers made the minimum required investment in the property; requiring a borrower to deposit excess escrow funds at closing; inadequate or lack of face-to-face interviews with borrowers; and failure to properly complete HUD Form 92900 Applications.

Dated: July 20, 1995.

Jeanne K. Engel,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 95–18727 Filed 7–28–95; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–942–1110–00]

Idaho: Filing of Plats of Survey; Idaho

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., July 21, 1995.

The plat representing the dependent resurvey of portions of the subdivisional lines, the 1962–1969 fixed and limiting boundary, the 1962–1969 meander lines of the right and left banks of Henrys Fork, of certain islands, and of lot 22 in section 16, the subdivision of section 15, and the survey of portions of the meander lines of the 1993–1994 right and left banks of Henrys Fork, of lot 13 in section 16, and of a partition line in section 15, T. 7 N., R. 40 E., Boise Meridian, Idaho, Group No. 816, was accepted, July 18, 1995.

This survey was executed to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Dated: July 21, 1995.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 95–18673 Filed 7–28–95; 8:45 am]

BILLING CODE 4310–GG–M

[ID–942–1640–00]

Idaho: Filing of Plats of Survey; Idaho

The plat, in 2 sheets of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., July 21, 1995.

The plat, in 2 sheets, representing the corrective dependent resurvey of a portion of the subdivisional lines and the dependent resurvey of portions of the west boundary, subdivisional lines, and the boundaries of certain segregation and mineral surveys, the subdivision of certain sections, and the survey of lot 18 in section 17, T. 48 N., R. 2 E., Boise Meridian, Idaho, Group No. 859, was accepted, July 18, 1995.

This survey was executed to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: July 21, 1995.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 95–18672 Filed 7–28–95; 8:45 am]

BILLING CODE 4310–GG–M

National Park Service

Petroglyph National Monument, Draft General Management Plan/ Development Concept Plan/ Environmental Impact Statement

AGENCY: National Park Service, Interior.

ACTION: Notice of availability of the Draft General Management Plan/ Development Concept Plan/ Environmental Impact Statement for Petroglyph National Monument, Bernalillo County, New Mexico.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 and Public Law 101–313 (the legislation that established the monument) the National Park Service announces the availability of the Draft General Management Plan/Development Concept Plan/Environmental Impact Statement (GMP/DCP/EIS) for Petroglyph National Monument. This notice also announces public meetings for the purpose of receiving public comment on the Draft GMP/DCP/EIS.

The Draft GMP/DCP/EIS has been prepared in cooperation with the City of Albuquerque, the State of New Mexico, and the Federal Aviation Administration. The purpose of this Draft GMP/DCP/EIS is to set forth the basic management philosophy of the monument and the overall approaches to resource management, visitor use, and facility development that would be implemented over the next 10–15 years.

Petroglyph National Monument, encompassing 7,244 acres, was established in June 1990 as a new unit of the National Park System to preserve the more than 15,000 prehistoric and historic petroglyphs and other significant natural and cultural resources that are on the west side of

Albuquerque, New Mexico. The monument is the first National Park System area specifically established to protect and interpret rock carvings and their setting.

Public input and meetings identified issues and concerns addressed in the combined document, which include partnership responsibilities, cultural and natural resource protection, protection of sites and values of culturally affiliated groups, and location and function of visitor and administrative facilities such as a visitor center, parking areas and trail heads, a heritage education center, and a petroglyph research center. Other issues addressed in the GMP/DCP/EIS include interpretation, education, visitor circulation and access, public use of the monument, and boundary adjustments.

There are four alternatives for the development, resource management, and visitor use of the monument. The alternatives describe different visitor experiences and different kinds and locations for facilities under a common resource management and protection approach. All alternatives have a common resource management approach because of resource management laws and policies that apply to various aspects of all National Park System areas, including cultural landscape and archaeological site values, natural resources, and various other aspects of monument management.

Alternative 1: The overall approach of the proposed action and National Park Service's preferred alternative, would be to provide various ways for visitors of different ages and abilities to see and appreciate many of the monument's significant resources. Visitors would be directed to a visitor center/heritage education center at Boca Negra Canyon. Horseback and bicycle riding would be permitted on selected designated mesa-top trails and at three crossing points. No horses or bicycles would be allowed in petroglyph viewing areas or archaeological sites anywhere in the monument. Mesa-top resources and visitor experiences would be monitored to identify adverse impacts. Most impacts on the cultural and natural resources would be minimal or, in some cases, beneficial. New structures would impact the cultural landscape. There could be adverse impacts on values held by culturally affiliated groups from the intrusion of bicycles and horses.

Alternative 2: This alternative would preserve the greatest portion of the monument and adjacent lands in as natural a condition as possible, with the fewest intrusions from development and fewer opportunities for public access and use. Visitors would be directed to a visitor center in Lava Shadows where they would have access to selected petroglyphs. A heritage education center would be built at Boca Negra Canyon. Visitors would have more opportunities to see the petroglyphs with a greater sense of solitude than in Alternative 1. More areas of the monument would be reserved for research, American Indian use, and occasional guided tours than in the other alternatives. Horse and bicycle use would not be permitted in this alternative except at two escarpment crossings. Impacts would be similar to and in some cases slightly more positive under this alternative than under Alternative 1 because there would be fewer facilities and these facilities would be in previously disturbed areas.

Alternative 3: The overall approach would be to provide the easiest and greatest amount of access to areas with many petroglyphs and to the scenic mesa-top vistas. Visitors would be directed to a visitor/heritage education center in Rinconada Canyon. From the visitor center many visitors would drive to a new 10-mile mesa-top loop road that would provide easy access to the mesa-top views and the volcanoes. Parking and trails would be developed at the volcanoes and geologic windows areas. Horse and bicycle use would be provided at three escarpment crossings. This alternative would have the greatest impact on natural resources, cultural resources, and values held by culturally affiliated groups.

Alternative 4: The ''no-action'' alternative, describes the conditions and impacts that would exist at the monument without a change in current management direction or an approved management plan. There would be no new visitor or heritage education center. This alternative would have the fewest facilities. Horseback and bicycle riding would be permitted within the monument only where currently allowed. The interim visitor center at Las Imagines would become the primary visitor center, accommodating only a limited number of visitors. Archeological sites, petroglyphs, and the cultural landscape would continue to be adversely impacted by vandalism.

DATES: Comments on the Draft GMP/DCP/EIS should be received no later than November 6, 1995. The dates and times for public meetings regarding the Draft GMP/DCP/EIS can be obtained by contacting Petroglyph National Monument at 505–839–4429.

ADDRESSES: Comments on the Draft GMP/DCP/EIS should be submitted to Superintendent, Petroglyph National Monument, 4735 Unser Blvd., NW., Albuquerque, New Mexico 87120, 505–839–4429.

SUPPLEMENTARY INFORMATION: Public reading copies of the Draft GMP/DCP/EIS will be available for review at the following locations: Department of Interior Natural Resources Library, 1849 C Street, NW., Washington, DC 20240; Office of Public Affairs, National Park Service, 1849 C Street, NW., Washington, DC 20240; Southwest Systems Support Office, 1100 Old Santa Fe Trail, Santa Fe, New Mexico; Petroglyph National Monument, Las Imagines Visitor Center, 4735 Unser Blvd., NW., Albuquerque, New Mexico; and local public libraries.

Dated: July 21, 1995.

Ernest W. Ortega,

Acting Superintendent, Southwest System Office.

[FR Doc. 95–18676 Filed 7–28–95; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 1730–95; AG Order No. 1981–95]

RIN 1115–AC30

Extension of Designation of Bosnia-Hercegovina; Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice extends, until August 10, 1996, the Attorney General's designation of Bosnia-Hercegovina under the Temporary Protected Status program provided for in section 244A of the Immigration and Nationality Act, as amended (''the Act''). Accordingly, eligible aliens who are nationals of Bosnia-Hercegovina, or who have no nationality and who last habitually resided in Bosnia-Hercegovina, may re-register for Temporary Protected Status and extension of employment authorization. This re-registration is limited to persons who already have registered for the initial period of Temporary Protected Status which ended on August 10, 1993. In addition, some Bosnians may be eligible for late initial registration pursuant to 8 CFR 240.2(f)(2).

EFFECTIVE DATES: This extension of designation is effective on August 11, 1995, and will remain in effect until August 10, 1996. The primary re-registration procedures become effective on July 31, 1995, and will remain in effect until August 29, 1995.

FOR FURTHER INFORMATION CONTACT: Ronald Chirlin, Adjudications Officer, Immigration and Naturalization Service, Room 3214, 425 I Street, NW., Washington, DC 20536, telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION: Under section 244A of the Act, as amended by section 302(a) of Pub. L. 101–649 and section 304(b) of Pub. L. 102–232 (8 U.S.C. 1254a), the Attorney General is authorized to grant Temporary Protected Status in the United States to eligible aliens who are nationals of a foreign state designated by the Attorney General, or who have no nationality and who last habitually resided in that state. The Attorney General may designate a state upon finding that the state is experiencing ongoing armed conflict, environmental disaster, or certain other extraordinary and temporary conditions that prevent nationals or residents of the country from returning in safety.

Effective on August 10, 1992, the Attorney General designated Bosnia-Hercegovina for Temporary Protected Status for a period of 12 months, 57 FR 35604. The Attorney General extended the designation of Bosnia-Hercegovina under the Temporary Protected Status program for additional 12-month periods until August 10, 1995, 59 FR 36219.

This notice extends the designation of Bosnia-Hercegovina under the Temporary Protected Status program for an additional 12 months, in accordance with sections 244A(b)(3) (A) and (C) of the Act. This notice also describes the procedures with which eligible aliens who are nationals of Bosnia-Hercegovina, or who have no nationality and who last habitually resided in Bosnia-Hercegovina, must comply in re-registering for Temporary Protected Status.

In addition to timely re-registrations and late re-registrations authorized by this notice's extension of Bosnia-Hercegovina's Temporary Protected Status designation, late initial registrations are possible for some Bosnians under 8 CFR 240.2(f)(2). Such late initial registrants must have been ''continuously physically present'' in the United States since August 10, 1992, and must have had a valid immigrant or non-immigrant status during the original registration period.

An Application for Employment Authorization, Form I–765, must always be filed as part of either a re-registration or as part of a late initial registration together with the Application for Temporary Protected Status, Form I–821. The appropriate filing fee must accompany Form I–765 unless a properly documented fee waiver request is submitted to the Immigration and Naturalization Service or the applicant does not request employment authorization. The Immigration and Naturalization Service requires Temporary Protected Status registrants to submit Form I–765 for data-gathering purposes.

Notice of Extension of Designation of Bosnia-Hercegovina Under the Temporary Protected Status Program

By the authority vested in me as Attorney General under section 244A of the Immigration and Nationality Act, as amended, (8 U.S.C. 1254a), and pursuant to sections 244A(b)(3) (A) and (C) of the Act, I have had consultations with the appropriate agencies of the Government concerning (a) the conditions in Bosnia-Hercegovina; and (b) whether permitting nationals of Bosnia-Hercegovina and aliens having no nationality who last habitually resided in Bosnia-Hercegovina, to remain temporarily in the United States is contrary to the national interest of the United States. As a result, I determine that the conditions for the original designation of Temporary Protected Status for Bosnia-Hercegovina continue to be met. Accordingly, it is ordered as follows:

(1) The designation of Bosnia-Hercegovina under section 244A(b) of the Act is extended for an additional 12-month period from August 11, 1995, to August 10, 1996.

(2) I estimate that there are approximately 400 nationals of Bosnia-Hercegovina, and aliens having no nationality who last habitually resided in Bosnia-Hercegovina, who have been granted Temporary Protected Status and who are eligible for re-registration.

(3) A national of Bosnia-Hercegovina, or an alien having no nationality who last habitually resided in Bosnia-Hercegovina, who received a grant of Temporary Protected Status during the initial period of designation from August 10, 1992, to August 10, 1993, must comply with the re-registration requirement contained in 8 CFR 240.17, which are described in pertinent part in paragraphs (4) and (5) of this notice.

(4) A national of Bosnia-Hercegovina, or an alien having no nationality who last habitually resided in Bosnia-Hercegovina, who previously has been granted Temporary Protected Status, must re-register by filing a new Application for Temporary Protected Status, Form I–821, together with an Application for Employment Authorization, Form I–765, within the 30-day period beginning on July 31, 1995, and ending on August 29, 1995, in order to be eligible for Temporary Protected Status during the period from August 11, 1995, until August 10, 1996. Late Re-registration applications will be allowed pursuant to 8 CFR 240.17(c).

(5) There is no fee for Form I–821 filed as part of the re-registration application. The fee prescribed in 8 CFR 103.7(b)(1), currently seventy dollars ($70), will be charged for Form I–765, filed by an alien requesting employment authorization pursuant to the provisions of paragraph (4) of this notice. An alien who does not request employment authorization must nonetheless file Form I–821 together with Form I–765, but in such cases both Form I–821 and Form I–765 should be submitted without fee.

(6) Pursuant to section 244A(b)(3)(A) of the Act, the Attorney General will review, at least 60 days before August 10, 1996, the designation of Bosnia-Hercegovina under the Temporary Protected Status program to determine whether the conditions for designation continue to be met. Notice of that determination, including the basis for the determination, will be published in the **Federal Register**.

(7) Information concerning the Temporary Protected Status program for nationals of Bosnia-Hercegovina, and aliens having no nationality who last habitually resided in Bosnia-Hercegovina, will be available at local Immigration and Naturalization Service offices upon publication of this notice.

Dated: July 25, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95–18715 Filed 7–28–95; 8:45 am]

BILLING CODE 4410–01–M

[INS No. 1729–95; AG Order No. 1982–95]

RIN 1115–AC30

Extension of Designation of Somalia; Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice extends, until September 17, 1996, the Attorney General's designation of Somalia under the Temporary Protected Status program provided for in section 244A of the Immigration and Nationality Act, as amended (''the Act''). Accordingly, eligible aliens who are nationals of Somalia, or who have no nationality and who last habitually resided in Somalia, may re-register for Temporary Protected Status and extension of employment

authorization. This re-registration is limited to persons who already have registered for the initial period of Temporary Protected Status which ended on September 16, 1992. In addition, some Somalians may be eligible for late initial registration pursuant to 8 CFR 240.2(f)(2).

EFFECTIVE DATES: This extension of designation is effective on September 18, 1995, and will remain in effect until September 17, 1996. The primary re-registration procedures become effective on August 19, 1995, and will remain in effect until September 17, 1995.

FOR FURTHER INFORMATION CONTACT: Ronald Chirlin, Adjudications Officer, Immigration and Naturalization Service, Room 3214, 425 I Street, NW., Washington, DC 20536, telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION: Under section 244A of the Act, as amended by section 302(a) of Pub. L. 101–649 and section 304(b) of Pub. L. 102–232 (8 U.S.C. 1254a), the Attorney General is authorized to grant Temporary Protected Status in the United States to eligible aliens who are nationals of a foreign state designated by the Attorney General, or who have no nationality and who last habitually resided in that state. The Attorney General may designate a state upon finding that the state is experiencing ongoing armed conflict, environmental disaster, or certain other extraordinary and temporary conditions that prevent nationals or residents of the country from returning in safety.

Effective on September 16, 1991, the Attorney General designated Somalia for Temporary Protected Status for a period of 12 months, 56 FR 46804. The Attorney General extended the designation of Somalia under the Temporary Protected Status program for additional 12-month period until September 17, 1995, 59 FR 43359.

This notice extends the designation of Somalia under the Temporary Protected Status program for an additional 12 months, in accordance with sections 244A(b)(3)(A) and (C) of the Act. This notice also describes the procedures with which eligible aliens who are nationals of Somalia, or who have no nationality and who last habitually resided in Somalia, must comply in re-registering for Temporary Protected Status.

In addition to timely re-registrations and late re-registration authorized by this notice's extension of Somalia's Temporary Protected Status designation, late initial registrations are possible for some Somalians under 8 CFR 240.2(f)(2). Such late initial registrants must have been ''continuously physically present'' in the United States since September 16, 1991, and must have had a valid immigrant or non-immigrant status during the original registration period.

An Application for Employment Authorization, Form I–765, must always be filed as part of either a re-registration or as part of a late initial registration together with the Application for Temporary Protected Status, Form I–821. The appropriate filing fee must accompany Form I–765 unless a properly documented fee waiver request is submitted to the Immigration and Naturalization Service or the applicant does not request employment authorization. The Immigration and Naturalization Service requires Temporary Protected Status registrants to submit Form I–765 for data-gathering purposes.

Notice of Extension of Designation of Somalia Under the Temporary Protected Status Program

By the authority vested in me as Attorney General under section 244A of the Immigration and Nationality Act, as amended, (8 U.S.C. 1254a), and pursuant to sections 244A(b)(3)(A) and (C) of the Act, I have had consultations with the appropriate agencies of the Government concerning (a) the conditions in Somalia; and (b) whether permitting nationals of Somalia, and aliens having no nationality who last habitually resided in Somalia, to remain temporarily in the United States is contrary to the national interest of the United States. As a result, I determine that the conditions for the original designation of Temporary Protected Status for Somalia continue to be met. Accordingly, it is ordered as follows:

(1) The designation of Somalia under section 244A(b) of the Act is extended for an additional 12-month period from September 18, 1995, to September 17, 1996.

(2) I estimate that there are approximately 350 nationals of Somalia, and aliens having no nationality who last habitually resided in Somalia, who have been granted Temporary Protected Status and who are eligible for re-registration.

(3) A national of Somalia, or an alien having no nationality who last habitually resided in Somalia, who received a grant of Temporary Protected Status during the initial period of designation from September 16, 1991, to September 16, 1992, must comply with the re-registration requirements contained in 8 CFR 240.17, which are described in pertinent part in paragraphs (4) and (5) of this notice.

(4) A national of Somalia, or an alien having no nationality who last habitually resided in Somalia, who previously has been granted Temporary Protected Status, must re-register by filing a new Application for Temporary Protected Status, Form I–821, together with an Application for Employment Authorization, Form I–765, within the 30-day period beginning on August 19, 1995, and ending on September 17, 1995, in order to be eligible for Temporary Protected Status during the period from September 18, 1995, until September 17, 1996. Late re-registration applications will be allowed pursuant to 8 CFR 240.17(c).

(5) There is no fee for Form I–821 filed as part of the re-registration application. The fee prescribed in 8 CFR 103.7(b)(1), currently seventy dollars ($70), will be charged for Form I–765, filed by an alien requesting employment authorization pursuant to the provisions of paragraph (4) of this notice. An alien who does not request employment authorization must nonetheless file Form I–821 together with Form I–765, but in such cases both Form I–821 and Form I–765 should be submitted without fee.

(6) Pursuant to section 244A(b)(3)(A) of the Act, the Attorney General will review, at least 60 days before September 17, 1996, the designation of Somalia under the Temporary Protected Status program to determine whether the conditions for designation continue to be met. Notice of that determination, including the basis for the determination, will be published in the **Federal Register.**

(7) Information concerning the Temporary Protected Status program for nationals of Somalia, and aliens having no nationality who last habitually resided in Somalia, will be available at local Immigration and Naturalization Service offices upon publication of this notice.

Dated: July 25, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95–18714 Filed 7–28–95; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; Availability of Benefits Quality Control Annual Report Results

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of Availability of the Unemployment Insurance Benefits Quality Control Annual Report for Calendar Year 1994.

SUMMARY: The purpose of this notice is to announce the availability of the Unemployment Insurance (UI) Quality Control (QC) 1994 Annual Report which contains the results of each State's Benefits Quality Control (BQC) Program and how it may be obtained.

DATES: The Federal digest will be available after July 31, 1995.

ADDRESSES: Copies may be obtained by writing to Mary Ann Wyrsch, Director, Unemployment Insurance Service, U.S. Department of Labor, Employment and Training Administration, 200 Constitution Avenue, N.W., Room S–4231, Washington, D.C. 20210. The digest and this notice contain a list of names and addresses of persons in each State who will provide additional information regarding the individual State report and clarifications upon request.

FOR FURTHER INFORMATION CONTACT: John Sharkey, Chief, Division of System Operations and Analysis, Office of Quality Control at 202–219–7656. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Each week, staff in each State's Employment Security Agency investigate random samples of UI benefit payments and record information based on interviews with claimants, employers, and third parties to determine whether State law, policy, and procedure were followed correctly in processing the sampled payment.

The Department of Labor is publishing results from the investigations in a digest which includes information on the 52 jurisdictions participating in the UI QC program. Five items are reported for each State: total UI benefit dollars paid to the population of claimants, size of the QC samples, and the percentages of proper payments, overpayments, and underpayments in the population estimated from the QC investigations. Ninety-five percent confidence intervals have been computed for each of the three percentages presented (proper payments, overpayments, and underpayments). States have been encouraged to provide narratives to further clarify the meaning of the data based on their specific situations.

Since States' laws, policies, and procedures vary considerably, the data cannot be used to draw comparisons among States.

In addition, each State has published its Annual Report separately. Persons wanting clarification or additional information concerning a specific State's report are encouraged to contact the individual identified in the attached mailing list.

Signed at Washington, D.C., on July 25, 1995.

Timothy Barnicle,

Assistant Secretary of Labor for Employment and Training.

UI QC Annual Report CY 1994

State Contacts

Alabama

Bill Mauldin, QC Supervisor, Department of Industrial Relations, 649 Monroe Street, Room 321, Montgomery, AL 36131, (205)242–8130

Alaska

Karen Van Dusseldorp, Q.C. Data Analyst, Alaska Department of Labor, P.O. Box 21149, Juneau, AK 99802–1149, (907)465–3000

Arizona

Dave Berggren, Employment Security Administration, Technical Support Section, Department of Economic Security, P.O. Box 6123, Site 701B–4, Phoenix, AZ 85005, (602)542–3771

Arkansas

Phil Price, Interim Director, AR Employment Security Dept., P.O. Box 2981, Little Rock, AR 72203, (501)682–2121

or

Norma Madden, QC Supervisor, AR Employment Security Dept., P.O. Box 2981, Little Rock, AR 72203, (501)682–3087

California

Suzanne Schroeder, Office of Constituent Affairs, Employment Development Dept., P.O. Box 826880, Sacramento, CA 94280–0001, (916)654–9029

Colorado

Kay Gilbert, CO Dept. of Labor & Employment, Quality Control Unit, UI Staff Services, 1120 Lincoln St., Suite 1419, Denver, CO 80203, (303)894–2272

Connecticut

Robert Pollick, Director of Communications, Employment Security Division, 200 Folly Brook Boulevard, Wethersfield, CT 06109, (203)566–4374

Delaware

W. Thomas MacPherson, Director, Div. of Unemployment Insurance, DE Department of Labor, P.O. Box 9029, Newark, DE 19714, (302)368–6735

District of Columbia

Roberta Bauer, Assistant Director, Compliance & Independent Monitoring, DC Dept. of Employment Services, 500 ''C'' Street, NW., Washington, DC 20001, (202)724–7492

Florida

Kenneth E. Holmes, UC Director, FL Dept. of Unemployment Comp., Caldwell Building, Room 201, Tallahassee, FL 32399–0209, (904)921–3889

Georgia

David Poythress, Commissioner, Georgia Department of Labor, 148 International Blvd., NE, Suite 600, Atlanta, GA 30303, (404)656–3011

Hawaii

Douglas Odo, UI Administrator, Dept. of Labor & Industrial Relations, 830 Punchbowl Street, Honolulu, Hawaii 96813, (808)586–9069

Idaho

Janie Perez, QC Supervisor, Idaho Department of Employment, 317 Main Street, Boise, ID 83735, (208)334–6285

Illinois

Joseph Wojcik, Dept. of Employment Security, One Congress Center, QC Unit, Room 301, 401 South State Street, Chicago, IL 60605, (312)793–1175

Indiana

Sandy Jesse, Quality Control Supervisor, Dept. of Workforce Development, 10 North Senate Avenue, Indianapolis, IN 46204, (317)233–6676

Iowa

Larry Venenga, QC Supervisor, Iowa Dept. of Employment Services, 1000 East Grand Avenue, Des Moines, IA 50319, (515) 281–8398

Kansas

Joseph Ybarra, QC Supervisor, Kansas Dept. of Human Resources, 401 SW Topeka Blvd., Topeka, KS 66603, (913)296–4077

Kentucky

Marcia R. Morgan, Director, Div. of Unemployment Insurance, 275 East Main Street, 2nd floor, Frankfort, KY 40621, (502)564–2900

Louisiana

Marianne Sullivan, UI Claims Coordinator, Louisiana Dept. of Labor,

P.O. Box 94094–9094, Baton Rouge, LA 70804, (504)342–7103

Maine

Gail Thayer, UI Director, Bureau of Employment Security, 20 Union Street, Augusta, ME 04330, (207)287–2316

Maryland

Thomas Wendel, Executive Director, Unemployment Insurance Division, Dept. of Econ. & Emp. Development, 1100 North Eutaw Street, Baltimore, MD 21201, (410)767–2464

Massachusetts

Rena Kottcamp, Dir. of Research, Division of Employment Security, Charles F. Hurley ES Building, Boston, MA 02114, (617)626–6556

Michigan

Powell Cozart, Bureau Manager, Audits and Investigations, MI Employment Security Comm., Fisher Building, Suite 1030, 3011 West Grand Blvd., Detroit, MI 48202, (313)876–5691

Minnesota

Marti Huiras, Minnesota Dept. of Jobs & Training, QC Unit, 2nd Floor, 390 North Robert Street, St. Paul, MN 55101, (612)296–5347

Mississippi

Merrill Merkle, MS Employment Security Comm., Quality Control Unit, P.O. Box 1699, Jackson, MS 39205–1699, (601)961–7764

or

Don Ware, MS Employment Security Comm., UI Technical Services, P.O. Box 1699, Jackson, Mississippi 39205–1699, (601)961–7752

Missouri

Marilyn A. Hutcherson, Asst. Dir., Unemployment Insurance, MO Division of Employment Security, P.O. Box 59, Jefferson City, MO 65104, (314)751–3670

Montana

Rod Sager, Administrator, Dept. of Labor and Industry, Unemployment Insurance Division, P.O. Box 1728, Helena, MT 59624, (406)444–2723

Nebraska

Will Sheehan, Administrator, UI Benefits

or

Don Gammill, Administrator, UI Program Evaluation, P.O. Box 94600, Lincoln, NE 68509–4600, (402)471–9000

Nevada

Karen Rhodes, Public Information Officer, Department of Employment, Training, and Rehabilitation, 500 E. Third Street, Carson City, NV 89713, (702) 687–4620

New Hampshire

Darrell Gates, QC Supervisor, Quality Control Unit, NH Dept. of Employment Security, 10 West Street, Concord, NH 03301, (603) 228–4073

New Jersey

Paulette Laubsch, Assistant Commissioner, Employment Security & Job Training, New Jersey Department of Labor, CN 058, Trenton, NJ 08625, (609) 984–5666

New Mexico

Betty Campbell, BQC Supervisory, Quality Control Section, New Mexico Department of Labor, 401 Broadway N.E., P.O. Box 1928, Albuquerque, NM 87103, (505) 841–8491

New York

Charles G. Kilb, Director, Division of Audit & Compliance, NY State Department of Labor, State Office Campus, Building 12—Room 261, Albany, NY 12240, (518) 457–0284

North Carolina

Preston L. Johnson, Asst. Comm., for Unemployment Insurance, Employment Security Comm. of NC, P.O. Box 25903, Raleigh, NC 27611, (919) 733–1239

North Dakota

John Welder, Job Insurance Director, Job Service North Dakota, P.O. Box 1537, Bismarck, ND 58502, (701) 224–2825

Ohio

Gay M. Gilbert, Deputy Director, OH Bureau of Employment Services, 145 South Front Street, P.O. Box 1618, Columbus, OH 43216, (614) 466–9755

Oklahoma

Terry W. McHale, QC Supervisor, OK Employment Security Comm., Will Rogers Memorial Office Bldg., Rm 102, Oklahoma City, OK 73105, (405) 557–7206

Oregon

James Mosley, QC Supervisor, Oregon Employment Department, 875 Union Street N.E., Salem, OR 97311, (503) 373–7963

Pennsylvania

Jack Rudy, Director, Bureau of Unemployment Compensation Benefits and Allowances Division, Department of Labor & Industry, 415 Labor and Industry Building, Harrisburg, PA 17121, (717) 787–3547

Puerto Rico

Carmen Otero de McCulloch, Assistant Secretary, PR Dept. of Labor and Human Resources, 505 Munoz Rivera Avenue, Hato Rey, PR 00918, (809) 754–2131

Rhode Island

Lawrence Fitch, Director, Dept. of Employment Security, 24 Mason Street, Providence, RI 02903, (401) 277–3648

South Carolina

William H. Griffin, Deputy Exec. Dir., Unemployment Insurance, SC Employment Security Comm., P.O. Box 995, Columbia, SC 29202, (803) 737–2400

South Dakota

Dennis Angerhofer, Unemployment Insurance Division, Department of Labor, P.O. Box 4730, Aberdeen, SD 57402–4730, (605) 622–2005

Tennessee

Ann Ridings, BQC Supervisor, Quality Control Unit, TN Dept. of Employment Security, 10th Floor, Volunteer Plaza, 500 James Robertson Parkway, Nashville, TN 37245–0001, (615) 741–3190

Texas

Bert West, UI QC Supervisor, UI Quality Control, (512) 463–2394

or

Mike Sheridan, Director, Unemployment Insurance, (512) 463–0735

Both at:

Texas Employment Commission, 101 E 15th Street, Austin, TX 78778

Utah

Terry Burns, Director, Unemployment Insurance, Dept. of Employment Security, 174 Social Hall Avenue, P.O. Box 11249, Salt Lake City, UT 84147, (801 533–2201

Vermont

Robert Herbst, Quality Control Chief, Dept. of Employment & Training, P.O. Box 488, Montpelier, VT 05602, (802) 828–4382

Virginia

F.W. Tucker, IV, Chief of Benefits, Unemployment Insurance Services, Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23211, (804) 786–3032

Washington

Teresa Morris, Director, WA Employment Security Dept., Office of Management Review, P.O. Box 90465, Olympia, WA 98507–9046, (206) 493–9435

West Virginia

Andrew N. Richardson, Commissioner, Bureau of Employment Programs, 112 California Avenue, Charleston, WV 25305, (304) 558–2629

Wisconsin

Chet Frederick, WI Dept. of Industry, Labor and Human Relations, Quality Control Unit, P.O. Box 7905, Madison, WI 53707, (608) 266–8260

Wyoming

Beth Nelson, Administrator, UI Administration, P.O. Box 2760, Casper, WY 82602, (307) 235–3254

[FR Doc. 95–18698 Filed 7–28–95; 8:45 am]

BILLING CODE 4510–30–M

Public Meeting; Federal Committee on Apprenticeship

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

Pursuant to section 10(a)(2) of the Federal Advisory Committee act (Pub. L. 92–463; 5 U.S.C. App. 1), notice is hereby given that the Federal Committee on Apprenticeship (FCA) will conduct an open meeting on August 16, 1995, at the Sheraton Inn at Ann Arbor, 3200 Boardwalk, Ann Arbor, Michigan 48108.

The agenda will include:

9:00 a.m. Call to Order
Administrative Matters
- Meeting Logistics

Approval of Minutes
Report on National Skill Standards Board
Work Group Reports and Recommendations
- Reauthorization/funding Carl Perkins Vocational Education Act
- Pilot test projects for promotion/expansion of registered apprenticeship
- National Registered Apprenticeship Award Program
- Regulatory Barriers to Expansion of Registered Apprenticeship
- Legislation affecting registered apprenticeship Briefing on ''Apprenticeship: The Answer for America's Future'' (Oct. 1–3, 1995, Washington Hilton, Wash., DC)

National Association of State and Territorial Apprenticeship Directors (NASTAD) Report
National Association of Governmental Labor Officials (NAGLO) Report
Bureau of Apprenticeship and Training Report
Public Comments
Other Business
12:30 p.m. Adjournment

The agenda is subject to change due to time constraints and priority items which may come before the Committee between the time of this publication and the scheduled date of the FCA meeting.

Members of the public are invited to attend the proceedings. Individuals with disabilities should contact Marion M. Winters at (202) 219–5921, Ext. 114 no later than August 4, 1995, if special accommodations are needed.

Any member of the public who wishes to file written data, views or arguments pertaining to the agenda may do so by furnishing it to the Designated Federal Official at any time prior to the meeting. His address is: Mr. Anthony Swoope, Director, Bureau of Apprenticeship and Training, ETA, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N–4649, Washington, D.C. 20210.

Fifteen duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

Any member of the public who wishes to speak at this meeting should so indicate the nature of intended presentation and the amount of time needed by furnishing a written statement to the Designated Federal Official by August 11, 1995. The Chairperson will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Signed at Washington, D.C., this 25th day of July 1995.

Timothy M. Barnicle,

Assistant Secretary of Labor for Employment and Training.

[FR Doc. 95–18716 Filed 7–28–95; 8:45 am]

BILLING CODE 4510–30–M

Occupational Safety and Health Administration

Oregon State Standards; Notice of Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for occupational Safety and Health (hereinafter called the Assistant Secretary (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On December 28, 1972, notice was published in the **Federal Register** (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing the decision.

The Oregon plan provides for adoption of State standards which are at least as effective as comparable Federal standards promulgated under Section 6 of the Act. Section 1953.20 provides that where any alteration in the Federal program could have an adverse impact on the at least as effective as status of the State program, a program change supplement to a State plan shall be required. The Oregon plan also provides for the adoption of Federal standards as State standards by reference.

In response to Federal standard changes, the State has submitted by letter dated May 10, 1994, a standard amendment identical to 29 CFR 1910.110(d)(11), Storage and Handling of Liquefied Petroleum Gases, as published in the **Federal Register** (58 FR 15089) on March 19, 1993. This correction was made when the standard was reprinted on August 27, 1993.

In response to Federal standard changes, the State has submitted by letter dated April 21, 1994, State standard amendments identical to 29 CFR 1910.94, 1910.96 and 1910.100, Subpart G—Occupational Health and Environmental Control, as published in the **Federal Register** (58 FR 35308) on June 30, 1993. These corrections were made when the standard was reprinted on April 6, 1994.

In response to Federal standard changes, the State has submitted by letter dated November 4, 1994, State standard amendments identical to 29 CFR 1910.132, 1910.133, 1910.135, 1910.136 and 1910.138 and Appendices A and B, Personal Protective Equipment, as published in the **Federal Register** (59 FR 6126) on February 9, 1994. In addition, several Oregon-initiated rules at OAR 437–02–123 through 137 were delegated because the new Federal adoption now covers these areas. The changes were adopted in Administrative Order 5–1994, on September 30, 1994, and became effective on September 30, 1994.

In response to Federal standard changes, the State has submitted by letter dated November 4, 1994, State standard amendments identical to Federal changes to 29 CFR 1910.146(k)(2)(ii) and the ''Atmospheric monitoring'' section of Appendix E,

''Sewer System Entry'', of the Permit-Required Confined Spaces standard, as published in the **Federal Register** (59 FR 26114) on May 19, 1994. The change was adopted in Administrative Order 5–1994, on September 30, 1994, and became effective on September 30, 1994. OSHA previously approved Oregon's Permit-Required Confined Spaces standard in the **Federal Register** (58 FR 57631) on October 26, 1993.

On its own initiative, the State of Oregon has submitted by letter dated February 10, 1994, a repeal of most of the State standard OAR 437. Division 116, Carcinogens, and a renumbered State-initiated rule for Carcinogens in Laboratories, OAR 437–02–391. Oregon has repealed most of Division 116 because the carcinogens in this code have been replaced by separate federal standards for individual carcinogens. The State's original Carcinogens standard, OAR 437 Chapter 22–017(D), received Federal Register approval (40 FR 50583) on October 30, 1975. The State's standard was subsequently recodified, without change, as OAR 437, Division 116, and received Federal Register approval (52 FR 27077) on July 17, 1987. The change was adopted in Administrative Order 12–1993 on August 20, 1993, and became effective on November 1, 1993.

On its own initiative, the State of Oregon has submitted by letter dated February 10, 1994, from John A. Pompei, Administrator, to James W. Lake, Regional Administrator, and incorporated as part of the plan, a redesignated, renumbered and slightly amended standard for Thiram, which is not covered by OSHA. The State's original standard OAR 437, Division 130, received Federal Register approval (44 FR 71469) on December 11, 1979. The amendment to the standard deleted a minor exemption to an eye protection requirement. The change was adopted in Administrative Order 12–1993 on August 20, 1993, and became effective on November 1, 1993.

On its own initiative, the State of Oregon has submitted by letter dated February 10, 1994, a renumbered and slightly amended standard for MOCA (4, 4′–Methylene bis (2-Chloro-Aniline)), which is not covered by OSHA. The State's original standard OAR 437, Chapter 22–017(D) received Federal Register approval (40 FR 50583) on October 30, 1975. The State's original standard was subsequently recodified, without change, as OAR 437, Division 116, and received Federal Register approval (52 FR 27077) on July 17, 1987. This change is needed because the State's one code at Division 116, which covered all carcinogens, was replaced by 16 separate standards identical to the federal. However, since MOCA is not required by OSHA, a separate standard for MOCA is necessary. The only changes to the standard were to change the word carcinogen to MOCA, him/her to them and his/her to their. The change was adopted in Administrative Order 12–1993 on August 20, 1993, and became effective on November 1, 1993.

On its own initiative, the State of Oregon has submitted by letter dated February 10, 1994, repeal of OAR 437, Division 137 and adoption by reference of 29 CFR 1910.1002, Coal Tar Pitch Volatiles. The State's original standard received Federal Register approval (50 FR 20105) on May 14, 1985. The change was adopted in Administrative Order 12–1993 on August 20, 1993, and became effective on November 1 1993.

On its own initiative, the State of Oregon has submitted by letter dated February 10, 1994, a repeal of most of OAR 437, Division 116 and the adoption by reference of the toxic and hazardous substances at 29 CFR 1910.1003 and 1910.1004, and 1910.1006 through 1910.1016. The State's original standard, OAR Chapter 22–017(D), received Federal Register approval (40 FR 50583) on October 30, 1975. The State's standard was subsequently recodified, without change, as OAR 437, Division 116, and received Federal Register approval (52 FR 27077) on July 17, 1987. The change was adopted in Administrative Order 12–1993 on August 20, 1993, and became effective on November 1, 1993.

On its own initiative, the State of Oregon has submitted by letter dated February 10, 1994, a repeal of OAR 437, Division 131, and the adoption by reference of 29 CFR 1910.1017, Vinyl Chloride. The original standard received Federal Register approval (45 FR 81132) on December 9, 1980. The change was adopted in Administrative Order 12–1993 on August 20, 1993, and became effective on November 1, 1993.

On its own initiative, the State of Oregon has submitted by letter dated February 10, 1994, a repeal of OAR 437, Division 100, and the adoption by reference of 29 CFR 1910.1018, Inorganic Arsenic. The original standard received Federal Register approval (45 FR 47546) on July 15, 1980. The change was adopted in Administrative Order 12–1993 on August 20, 1993, and became effective on November 1, 1993.

On its own initiative, the State of Oregon has submitted by letter dated February 10, 1994, the adoption by reference of 29 CFR 1910.1029, Coke Oven Emissions. Previously, the State certified that there was no industry where the standard would apply. The change was adopted in Administrative Order 12–1993 on August 20, 1993, and became effective on November 1, 1993.

On its own initiative, the State of Oregon has submitted by letter dated February 10, 1994, a repeal of OAR 437, Division 146, and the adoption by reference of 29 CFR 1910.1043, Cotton Dust. The original standard received Federal Register approval (47 FR 7550) on February 19, 1982. The change was adopted in Administrative Order 12–1993 on August 20, 1993, and became effective on November 1, 1993.

On its own initiative, the State of Oregon has submitted by letter dated February 10, 1994, a repeal of OAR 437, Division 132, and the adoption by reference of 29 CFR 1910.1044, 1,2-Dibromo-3-Chloropropane. The original standard received Federal Register approval (44 FR 71470) on December 11, 1979. The change was adopted in Administrative Order 12–1993 on August 20, 1993, and became effective on November 1, 1993.

On its own initiative, the State of Oregon has submitted by letter dated February 10, 1994, a repeal of OAR 437, Division 135, and the adoption by reference of 29 CFR 1910.1045, Acrylonitrile. The original standard received Federal Register approval (45 FR 47546) on July 15, 1980. The change was adopted in Administrative Order 12–1993 on August 20, 1993, and became effective on November 1, 1993.

All State letters were sent from John A. Pompei, Administrator, to James W. Lake, Regional Administrator, and incorporated as part of the plan.

2. Decision

OSHA has determined that the State standard amendments are at least as effective as the comparable Federal standards, as required by Section 18(c)(2) of the Act. OSHA has also determined that these State standard amendments are identical to the Federal amendments, except for the Carcinogens in Laboratories, Thiram, and MOCA changes which are substantially identical to the previously approved standards. OSHA therefore approves the standards; however, the right to reconsider this approval is reserved for the Carcinogens in Laboratories, Thiram, and MOCA amendments should substantial objections be submitted to the Assistant Secretary.

3. Location of Supplement for Inspection and Copying

A copy of the standards, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator,

Occupational Safety and Health Administration, 1111 Third Avenue, Suite 715, Seattle, Washington 98101–3212; Oregon Occupational Safety and Health Division, Department of Consumer and Business Services, Salem, Oregon 97310; and the Office of State Programs, Occupational Safety and Health Administration, Room N–3476, 200 Constitution Avenue, NW, Washington, D.C. 20210.

4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Oregon State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standard changes are identical to the federal standards which were promulgated in accordance with the federal law including meeting requirements for public participation.

2. The standard changes were adopted in accordance with the procedural requirements of State law and further pubic participation would be repetitious.

This decision is effective July 31, 1995.

(Sec. 18, Pub. L. 91–596, 84 Stat. 6108 [29 U.S.C. 667]).

Signed at Seattle, Washington, this 20th day of March 1995.

Richard S. Terrill,

Acting Regional Administrator.

[FR Doc. 95–18699 Filed 7–28–95; 8:45 am]

BILLING CODE 4510–26–M

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 95–64; Exemption Application No. D–09878, et al.]

Grant of Individual Exemptions; Tenneco, Inc., Health Care Plan

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of proposed exemption were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990) and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Tenneco, Inc. Health Care Plan (the Plan) Located in Houston, Texas

[Prohibited Transaction Exemption 95–64; Exemption Application No. D–09878]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2), and 407(a) of the Act shall not apply to the contribution to the Plan of common stock (the Stock) of Tenneco, Inc. (Tenneco) by Tenneco or any of its subsidiaries, provided the following conditions are satisfied: (a) The Plan will dispose of the Stock received within 2 business days of receipt, either by sale on the open market or by sale to Tenneco; (b) any sale of the Stock from the Plan to Tenneco will comply with conditions (1) and (2) of section 408(e) of the Act; and (c) Tenneco will pay any and all transactional costs for any sales by the Plan on the open market.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on May 22, 1995 at 60 FR 27124.

Written Comments: The Department received nine written comments and numerous telephone inquiries with respect to the proposed exemption in which the writers and callers sought additional information concerning the proposed exemption. The Department provided this information by telephone. In addition, the Department received one written comment requesting that the Department deny the exemption application. The commentator complained about the increase in his required contribution to the Plan, and also stated that he disagreed with the applicant's representation that the market price of the Stock will not be diluted by the infusion of shares in the market as a result of the subject transaction.

The applicant responded to this comment by stating that the required increases in participants' contributions to the Plan were made for legitimate business reasons and were unrelated to the transaction which is the subject of the exemption request. With regard to the commentator's second point, the applicant responded that the sale of the Stock by the Plan should not lead to a dilution of the price of the Stock because the volume of Stock passing through the Plan will be relatively small. It is intended that the Plan will receive a contribution from Tenneco (and sell each share immediately thereafter) of approximately 691,000 shares of the Stock over a six-month period. In 1994, the average daily trading volume of Stock on the New York Stock Exchange was approximately 540,000 shares per day. Because the number of shares involved in the subject transaction is relatively small compared to the general trading volume of the Stock, the applicant anticipates that there will be no effect on the market price of the Tenneco shares.

The Department has considered the entire record, including the comments submitted and the applicant's responses thereto, and has determined to grant the exemption as it was proposed.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

The Brown Group, Inc. 401(k) Savings Plan (the Plan) Located in St. Louis, Missouri

[Prohibited Transaction Exemption 95–65; Exemption Application No. D–09951]

Exemption

The restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the guarantee (the Guarantee) by The Brown Group, Inc. (the Employer), the sponsor of the Plan, of amounts due the Plan with respect to a guaranteed investment contract issued by Confederation Life (Confederation Life), including the Employer's potential cash advances to the Plan (the Advances) pursuant to the Guarantee and the potential repayment of the Advances (the Repayments); provided that the following conditions are satisfied:

(A) No interest and/or expenses are paid by the Plan;

(B) The Advances are made in lieu of amounts due the Plan under the terms of the GIC;

(C) The Repayments are restricted to cash proceeds actually received by the Plan from Confederation Life or any other entity making payment with respect to Confederation Life's obligations under the terms of the GIC, or from the sale or transfer of the GIC to unrelated third parties (the GIC Proceeds), and no other Plan assets are used to make the Repayments; and

(D) The Repayments will be waived to the extent the Advances exceed the GIC Proceeds.

For a more complete statement of the facts and representations supporting this exemption, refer to the notice of proposed exemption published on May 10, 1995 at 60 FR 24903.

For Further Information Contact: Ronald Willett of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

BlackRock Financial Management L.P. (BlackRock) Located in New York, New York

[Prohibited Transaction Exemption 95–66; Application No. D–09963]

Exemption

The restrictions of sections 406(a)(1)(A) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) of the Code, shall not apply to the proposed cross-trading of equity or debt securities between various accounts managed by BlackRock (the Accounts) where at least one Account involved in any cross-trade is an employee benefit plan account (Plan Account) for which BlackRock acts as a fiduciary.

Conditions and Definitions

This exemption is subject to the following conditions:

1. (a) A Plan's participation in the cross-trade program is subject to a written authorization executed in advance by a fiduciary with respect to each such Plan, the fiduciary of which is independent of BlackRock;

(b) The authorization referred to in paragraph (a) is terminable at will without penalty to such Plan, upon receipt by BlackRock of written notice of termination; and

(c) Before an authorization is made, the authorizing Plan fiduciary must be furnished with any reasonably available information necessary for the authorizing fiduciary to determine whether the authorization should be made, including (but not limited to) a copy of this exemption, an explanation of how the authorization may be terminated, a description of BlackRock's cross-trade practices, and any other reasonably available information regarding the matter that the authorizing fiduciary requests.

2. (a) No more than three (3) business days prior to the execution of any cross-trade transaction, BlackRock must inform an independent fiduciary of each Plan involved in the cross-trade transaction: (i) that BlackRock proposes to buy or sell specified securities in a cross-trade transaction if an appropriate opportunity is available; (ii) the current trading price for such securities; and (iii) the total number of shares to be acquired or sold by each such Plan;

(b) Prior to each cross-trade transaction, the transaction must be authorized either orally or in writing by the independent fiduciary of each Plan involved in the cross-trade transaction;

(c) If a cross-trade transaction is authorized orally by an independent fiduciary, BlackRock will provide written confirmation of such authorization in a manner reasonably calculated to be received by such independent fiduciary within one (1) business day from the date of such authorization;

(d) The authorization referred to in this paragraph (2) will be effective for a period of three (3) business days; and

(e) No more than ten (10) days after the completion of a cross-trade transaction, the independent fiduciary authorizing the cross-trade transaction must be provided a written confirmation of the transaction and the price at which the transaction was executed.

3. (a) Each cross-trade transaction is effected at the current market value for the security on the date of the transaction, which shall be, for equity securities, the closing price for the security on the date of the transaction, and for debt securities, the fair market value for the security as determined in accordance with paragraph (b) of Rule 17a–7 issued by the Securities and Exchange Commission (SEC) under the Investment Company Act of 1940 (the 1940 Act);

(b) The cross-trade transaction is effected at a price that: (1) in the case of any equity security, is within 10 percent of the closing price for the security on the day before the date on which BlackRock receives authorization from the independent Plan fiduciary to engage in the cross-trade transaction; and (2) in the case of any debt security, is within 10 percent of the fair market value of the security on the last valuation date preceding the date on which BlackRock receives authorization by the independent Plan fiduciary to engage in the cross-trade transaction as determined in accordance with SEC Rule 17a–7(b) of the 1940 Act;

(c) The securities involved in the cross-trade transaction are those for which there is a generally recognized market;

(d) The cross-trade transaction is effected only where the trade involves less than five (5) percent of the aggregate average daily trading volume of the securities which are the subject of the transaction for the week immediately preceding the authorization of the transaction. A cross-trade transaction may exceed this limit only by express authorization of independent fiduciaries on behalf of Plans affected by the transaction, prior to the execution of the cross-trade.

4. For all accounts participating in the cross-trading program, if the number of units of a particular security which any accounts need to sell on a given day is less than the number of units of such security which any accounts need to buy, or vice versa, the direct cross-trade opportunity must be allocated among the buying or selling accounts on a pro rata basis.

5. (a) BlackRock furnishes the authorizing Plan fiduciary at least once every three months, and not later than 45 days following the period to which it relates, a report disclosing: (i) a list of all cross-trade transactions engaged in on behalf of the Plan; and (ii) with respect to each cross-trade transaction, the prices at which the securities involved in the transaction were traded on the date of such transaction; and

(b) The authorizing Plan fiduciary is furnished with a summary of the information required under this paragraph 4(a) at least once per year. The summary must be furnished within 45 days after the end of the period to which it relates, and must contain the following: (i) a description of the total amount of Plan assets involved in cross-trade transactions during the period; (ii) a description of BlackRock's cross-trade practices, if such practices have changed materially during the period covered by the summary; (iii) a statement that the Plan fiduciary's authorization of cross-trade transactions may be terminated upon receipt by BlackRock of the fiduciary's written notice to that effect; and (iv) a statement that the Plan fiduciary's authorization of the cross-trade transactions will continue in effect unless it is terminated.

6. The cross-trade transaction does not involve assets of any Plan established or maintained by BlackRock or any of its affiliates.

7. All Plans that participate in the cross-trade program have total assets of at least $25 million.

8. BlackRock receives no fee or other compensation (other than its agreed upon investment management fee) with respect to any cross-trade transaction.

9. BlackRock is a discretionary investment manager with respect to Plans participating in the cross-trade program.

10. For purposes of this exemption:

(a) ''Cross-trade transaction'' means a purchase and sale of securities between accounts for which BlackRock or an affiliate is acting as an investment manager;

(b) ''Affiliate'' means any person directly or indirectly through one or more intermediaries, controlling, controlled by, or under common control with BlackRock;

(c) ''Plan Account'' means an account holding assets of one or more employee benefit plans that are subject to the Act, for which BlackRock acts as a fiduciary.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on June 7, 1995, at 60 FR 30111.

For Further Information Contact: Mr. E.F. Williams of the Department, telephone (202) 219–8194. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions to which the exemptions does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 26th day of July 1995.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 95–18718 Filed 7–28–95; 8:45 am]

BILLING CODE 4510–29–P

[Application No. D–09783 et al.]

Proposed Exemptions; Texas Commerce Bank National Association

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restriction of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this Federal Register Notice. Comments and request for a hearing should state: (1) the name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, Room N–5649, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Attention: Application No. stated in each Notice of Proposed Exemption. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N–5507, 200 Constitution Avenue NW., Washington, D.C. 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Texas Commerce Bank National Association (Texas Commerce) Located in Houston, TX

[Application No. D–09783]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990). If the exemption is granted, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to the leasing, since September 15, 1993, of certain office space in a building (the Building) owned by the Maritime Association—I.L.A. Pension Fund (the Pension Plan) to Texas Commerce, a party in interest with respect to the Pension Plan.

This proposed exemption is conditioned on the following requirements:

(a) The trustees of the Pension Plan (the Trustees), who are independent of Texas Commerce, believe that the leasing of office space in the Building by the Plan to Texas Commerce is and will continue to be in the best interest of the Pension Plan and its participants and beneficiaries.

(b) The decision by the Pension Plan to enter into and continue leasing office space in the Building to Texas Commerce has been made and will continue to be made by the Trustees in consultation with an independent property manager and an independent fiduciary.

(c) The terms of the lease have remained and will remain at least as favorable to the Pension Plan as those obtainable in an arm's length transaction with an unrelated party.

(d) The rental charged by the Pension Plan under the lease has been based and will continue to be based upon arm's length negotiations with unrelated parties.

(e) The Trustees, in conjunction with the independent fiduciary, have and will continue to (i) monitor the terms and conditions of the lease as well as the terms and conditions of the exemption and (ii) take all actions that are necessary and proper to safeguard the interests of the Pension Plan and its participants and beneficiaries.

(f) The subject lease has involved and will continue to involve less than 25 percent of the Pension Plan's total assets.

Effective Date: If granted, this proposed exemption will be effective September 15, 1993.

Summary of Facts and Representations

1. The Pension Plan is a multiemployer, Taft-Hartley plan that has been established and maintained in accordance with section 302(c)(5) of the Labor Management Relations Act of 1947, as amended, between the South Atlantic and Gulf Coast District International Longshoremen's Association (the Union) and the West Gulf Maritime Association (the Association). The Pension Plan is administered by a board of 16 trustees, one-half of whom are appointed by the Association and one-half of whom are appointed by the Union. The principal offices of the Pension Plan are located in Houston, Texas, Investment decisions for the Pension Plan are made by the Trustees and various investment consultants. As of September 30, 1994, the Pension Plan had net assets of $409,325,675. As of August 4, 1994, the Pension Plan had 6,069 participants.

2. The Union and its affiliated locals represent longshoremen from Lake Charles, Louisiana to Brownsville, Texas. There are 31 affiliated locals in this geographic area.

3. The Association is a Texas nonprofit corporation exempt from taxation under section 501(c)(6) of the Code. Its members include business organizations engaged in the shipping industry from Lake Charles, Louisiana to Brownsville, Texas. Approximately 35 members of the Association contribute to the Plan.

4. Texas Commerce is a national banking association with locations in Houston and other Texas cities. It is a wholly owned subsidiary of Texas Commerce BrancShares, Inc., which is a wholly owned subsidiary of the New York City-based Chemical Banking Corporation. Texas Commerce provides a full range of banking and trust services to its customers. It currently serves as a fiduciary to the Pension Plan but it has no investment discretion with respect to the Pension Plan's real estate assets including the subject Building described herein.

5. First City Bank Texas (First City) was a national banking association with locations in Houston and other Texas cities. During 1979, First City entered into a lease agreement under which it leased space in a building located at 11550 Fuqua, Houston, Texas. The Building is a five-story office building containing 88,678 square feet of gross space and 83,636 square feet of net rentable space. It is situated on an approximately 3.5 acre tract of land. The owner of the Building was Crow-Southpoint #1, Ltd. (Crow), a Texas limited partnership. First City used the office space in the Building as a bank lobby.

6. In October 1982, the Plan purchased a 60 percent interest in the Building from Crow for $3.9 million. This transaction, together with a loan and lease agreement were covered by Prohibited Transaction Exemption (PTE) 85–79, (50 FR 18945), an administrative exemption that was granted by the Department on May 3, 1985. PTE 85–79, which was retroactive to October 27, 1982, provided for the formation of a joint venture (the Joint Venture) between the Pension Plan and Crow. Upon the formation of the Joint Venture, Crow became a party in interest with respect to the Pension Plan.

The terms of the Joint Venture were negotiated and approved by Mr. John D. O'Connell of O'Connell and O'Connell, Inc., a real estate consultant, who was designated by the trustees of the Pension Plan to serve as the independent fiduciary on behalf of the Pension Plan. Mr. O'Connell renders investment advice to the Pension Plan with respect to real estate transactions and supervises the making of real estate investments on behalf of the Pension Plan.

The terms of the Joint Venture were as follows: (a) Crow would be the managing general partner of the Joint Venture; (b) Crow would contribute the Building, a 3.5 acre site improved with a five-story office building to the Joint Venture in return for a 40 percent ownership interest; (c) the Pension Plan would be required to make a $3.9 million capital contribution to the Joint Venture in return for a 60 percent ownership interest; (d) the Pension Plan would be required to make a loan of $2 million to Crow at 11.25 percent interest only for a 15 year term, with interest payable annually on the anniversary date of the loan and principal due upon maturity; (e) the loan would be secured by Crow's 40 percent ownership interest in the Joint Venture and would be used to clear complete title to the Building and to repay Crow the funds it expended for the acquisition of the Building; (f) net cash flow from the operations of the Joint Venture would be distributed 60 percent to the Pension Plan and 40 percent to Crow; (g) Crow

would be appointed by the Joint Venture as manager of the Building receiving from the Joint Venture both a management fee and leasing commissions pursuing to a Management Agreement between Crow and the Joint Venture; (h) the Pension Plan would be required to approve leases in excess of 10,000 square feet or for terms in excess of five years and any capital expenditure in excess of $50,000 would have to be submitted to the Pension Plan for approval; and either (i) partner in the Joint Venture could cause a sale of the project subject to a right of first offer to the other partner.

Aside from the formation of the Joint Venture, PTE 85–79 provided specific exemptive relief that permitted the Pension Plan to make the $2 million loan to Crow under the terms specified above. PTE 85–79 also allowed Crow to receive lease commissions paid by the Joint Venture pursuant to the terms of the Management Agreement.

7. Also commencing in October 1982, the Pension Plan began occupying office space in the Building for its administrative offices and also leasing space therein to the Maritime Association—I.L.A. Welfare Fund (the Welfare Plan) and the Maritime Association I.L.A. Vacation Plan (the Vacation Plan). The Welfare Plan and the Vacation Plan are not parties in interest with respect to the Pension Plan but they do have common trustees. The applicant represents that the leasing arrangement between the Pension Plan, the Welfare Plan and the Vacation Plan satisfies the terms and conditions of PTE 77–10 (42 FR 33918, July 1, 1977).[1]

8. In October 1992, two events occurred involving the Pension Plan. First, Ameritrust Texas, N.A. (Ameritrust), a national banking association with locations in Houston and other Texas cities, began providing custodial, investment management and securities lending services to the Pension Plan as well as to the Welfare Plan and the Vacation Plan. At that time, Ameritrust had no relationship to First City or to Texas Commerce. Second, First City was taken over by the Federal Deposit Insurance Corporation (the FDIC) due to First City's insolvency.

9. In December 1992, the Pension Plan acquired the 40 percent interest in the Building that was held by Crow as a result of Crow's default, in October 1991, on the $2 million loan and failure to cure the event of default. The Pension Plan then foreclosed on Crow's interest in the Joint Venture. The Joint Venture was dissolved and the Pension Plan assumed exclusive ownership of the Building. The Pension Plan incurred no loss in connection with the assumption of the Building.

10. In February 1993, Texas Commerce acquired all of the assets of First City from the FDIC. The office space became a bank lobby for Texas Commerce and Texas Commerce executed a new lease with the Pension Plan effective April 18, 1993. The applicant represents that no administrative exemptive relief was requested because Texas Commerce was not a party in interest at the time of the execution of the lease.

11. The terms of the Texas Commerce lease provide for a primary term of five years with an option to renew and extend for up to three successive five year terms of five years each. The rentable area is 15,713 square feet of space. The rental amount includes base rent of $14.67 per square foot or $230,509.58 per year ($19,209.14 per month) and an operating expense of $6.67 per square foot or $104,805.71 per year. Thus, the total rent is $21.34 per square foot or $335,315.39 per year. The lease also includes an alteration allowance of $50,000.[2] In the event of a default, Texas Commerce is required to reimburse the Pension Plan on demand for all costs reasonably incurred by the Pension Plan on demand for all costs reasonably incurred by the Pension Plan in connection therewith, including attorney's fees, court costs and related costs plus interest thereon at an annual rate equal to the prime rate charged by Texas Commerce to its most creditworthy borrowers for short-term commercial loans. The same default provisions also apply in the event of a default by the Pension Plan.

12. The trustees of the Pension Plan utilized the services of Mr. Brint Davis of Trammel Crow Houston, Inc., an independent building property manager and Mr. O'Connell, the independent fiduciary for the Pension Plan in PTE 85–79, to represent the interests of the Pension Plan in negotiating the lease with Texas Commerce. The applicant represents that neither Mr. O'Connell nor Mr. Davis are employees, officers, or directors of Texas Commerce nor is there any other relationship or connection between these individuals and Texas Commerce. Mr. Davis's employer is the exclusive leasing agent and property manager for the Building. Mr. O'Connell reviews all leases in the Building on behalf of the Pension Plan to ascertain that the leases are comparable in terms to the conditions prevailing in the market. Mr. O'Connell states that he has advised the Pension Plan on real estate matters for more than 15 years.

13. In negotiating the terms of the lease for which Texas Commerce pays a base rent of $14.67 per square foot on an ''as is basis,'' Mr. O'Connell represents that the subject Building is located in an isolated area with very few comparables and no comparable bank leases. He explains that office space in this unique area enjoys almost 100 percent occupancy so that rents, if and when available, are about $16 per square foot. He further explains that the closest areas that might be considered comparable to the Building are the Clearlake area and the Hobby Airport area where rents are approximately $12 per square foot.

14. On September 15, 1993, Texas Commerce acquired 100 percent of the stock of Ameritrust. This event caused the existing lease to become a prohibited transaction in violation of the Act but not under the Code. Also effective as of September 15, 1993, Ameritrust was renamed Texas Commerce Trust Company, National Association (Texas Commerce Trust). Texas Commerce Trust continued to provide to the Plans the same services initially provided by Ameritrust.

On December 17, 1993, Texas Commerce Trust was dissolved and merged into the Trust Department of Texas Commerce. As a result of the merger, the lease became a prohibited transaction under the Code as well as under the Act.[3]

[1] The Department expresses no opinion herein on whether the leasing arrangement between the Pension Plan, the Welfare Plan and the Vacation Plan complies with PTE 77–10.

[2] Article 9.01 of the Texas Commerce lease allows the lessee to move, relocate or demolish interior walls inside the leased space and to paint or finish the walls as the lessee may choose. The lessee is also permitted to add cabinets and fixtures as needed for its business and to select floor coverings for the area.

Notwithstanding the alteration allowance provision set forth in the lease, it is represented that the Trustees of the Pension Plan did not allow the office space currently occupied by Texas Commerce to be altered in such a manner that such space could be leased only to certain types of lessees. The applicant states that the original buildout of the subject space was pursuant to a 1979 lease between Crow and First City. The applicant further represents that the 1979 lease was negotiated at arm's length by unrelated parties and had a primary term of 20 years. The applicant notes that the Pension Plan did not acquire an equity interest in the Building until 1982.

[3] According to the applicant, Texas Commerce was a party in interest with respect to the Pension Plan under section 3(14)(H) of the Act because it was a 10 percent or more shareholder of Texas Commerce Trust, which was a service provider to the Pension Plan. Because section 4975 of the Code does not include 10 percent shareholders of service providers in the list of disqualified persons, the applicant represents that the lease transaction was not subject to the excise tax provisions under

Continued

Neither First City, Texas Commerce, Ameritrust, Texas Commerce Trust, nor any of their affiliates have ever had any relationship to the Pension Plan other than as a result of the lease and the services provided by Ameritrust and its successors, Texas Commerce Trust and Texas Commerce.

15. Currently, Texas Commerce provides the same custodial, investment management and securities lending services to the Pension Plan, the Welfare Plan, the Vacation Plan and certain miscellaneous accounts (the Accounts) that were provided by Ameritrust and Texas Commerce Trust. The fees associated with custodial services totaled $126,100 for the Plans and the Miscellaneous Accounts for the year ending December 31, 1994. Also for the year ending December 31, 1994, the fees associated with investment management services totaled $106,660, excluding the Building. Further, the fees associated with securities lending services provided the Plans and the Miscellaneous Accounts by Texas Commerce and its predecessors totaled $48,000 for the period, October 1, 1993 through July 31, 1994.

16. Since the inception of the lease, Texas Commerce has continued to pay rent to the Pension Plan in a timely manner without default or rental delinquencies. However, the applicant is aware of the fact that a prohibited transaction occurred in violation of the Act on September 15, 1993. Therefore, the applicant has requested exemptive relief with respect to the past and continued leasing of office space in the Building by the Pension Plan to Texas Commerce. If granted, the proposed exemption will be retroactive to September 15, 1993.[4]

17. Mr. O'Connell notes that the space presently leased to Texas Commerce was originally leased to First City. In the course of time, he states that Texas Commerce acquired most of the assets of First City which resulted in a duplication or overlap of banking facilities in many areas of Harris County including the area in which the Building is situated. Mr. O'Connell further notes that he, the Pension Plan Trustees and Mr. Davis, determined that Texas Commerce was the most attractive lessee given the failure of First City, the relative proximity of Texas Commerce and the substantial cost that would be incurred to renovate the space to a non-bank lessee since the space had been originally configured for a bank tenant. Mr. O'Connell also represents that the Texas Commerce lease has required no improvements or alterations by the lessee and has provided immediate income to the Pension Plan with no out-of-pocket costs. Moreover, he states that the presence of the city's largest bank has been a valuable enhancement to the Building. Given these factors, Mr. O'Connell represents that the rental charged for the subject space is above fair market value and that the lease continues to be a valuable asset of the Pension Plan.

Mr. O'Connell also confirms that his firm has continuously monitored rental rates for other properties comparable to the Building over the past five years. Further, during this period, he represents that his firm has continuously monitore the terms and conditions of all leases involving the Building. Without qualification, he represents that the terms and conditions of the lease between the Plan and Texas Commerce have, at all times, been at arm's length and have provided the Plan with fair market value rent since the inception of the subject lease to present, including September 15, 1993 when the lease became a prohibited transaction.

18. In addition to Mr. O'Connell's review of the lease, the Trustees of the Pension Plan have reviewed the investment needs of the Pension Plan and the terms and conditions of the Texas Commerce lease. Based upon their consideration of such matters, the Trustees believe the lease is in the best interest of the Pension Plan. The Trustees, in conjunction with Mr. O'Connell, are monitoring the lease on behalf of the Pension Plan, enforcing the payment of rent and the proper performance of all other obligations of Texas Commerce thereunder. In addition, the Trustees have the obligation to assess the prudence of the continued ownership by the Pension Plan of the Building and to negotiate, when appropriate, favorable terms with respect to the sale, lease or other disposition of the Building. Further, the Trustees are also responsible for ensuring that all terms and conditions of the exemption are, at all times, satisfied.

19. In summary, it is represented that the transactions satisfy the criteria for an administrative exemption under section 408(a) of the Act because:

(a) The Trustees believe that the leasing of office space in the Building by the Plan to Texas Commerce is and will continue to be in the best interest of the Pension Plan and its participants and beneficiaries.

(b) The decision by the Pension Plan to enter into and continue leasing office space in the Building to Texas Commerce has been made and will continue to be made by the Trustees in consultation with an independent property manager and an independent fiduciary.

(c) The terms of the lease have remained and will remain at least as favorable to the Pension Plan as those obtainable in an arm's length transaction with an unrelated party.

(d) The rental charged by the Pension Plan under the lease has been based and will continue to be based upon arm's length negotiations with unrelated parties.

(e) The Trustees, in conjunction with the independent fiduciary, have and will continue to (i) monitor the terms and conditions of the lease as well as the terms and conditions of the exemption and (ii) take all actions that are necessary and proper to safeguard the interests of the Pension Plan and its participants and beneficiaries.

(f) The subject lease has involved and will continue to involve less than 125 percent of the Pension Plan's total assets.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 219–8881. (This is not a toll-free number.)

Retirement Plan for Employees of Automobile Club of New York, Inc. (the Plan) Located in Garden City, New York

[Application No. D–09882]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 C.F.R. Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990.) If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) the purchase (the Purchase) by the Plan of a certain office building (the Building) from Automobile Club of New York, Inc. (the Club), a sponsor of the Plan and a party

section 4975 of the Code until the merger of Texas Commerce Trust into Texas Commerce in December 1993. At that time, Texas Commerce became a service provider to the Plan by reason of section 4975(e)(2)(B) of the Code.

[4] It is represented that once the Trustees and Texas Commerce realized that a prohibited transaction had occurred, the parties caused an exemption application to be prepared in January 1994 and subsequently finalized in July 18, 1994. It is also represented that the Trustees and Texas Commerce did not initially realize that the acquisition by Texas Commerce of Ameritrust made the lease a prohibited transaction. Further, the applicant notes that the exemption request was not filed as a result of an investigation by either the Department or the Internal Revenue Service.

in interest with respect to the Plan; (2) a subsequent leaseback (the Lease) of the Building by the Plan to the Club; and (3) the potential future exercise of (a) a repurchase option (the Repurchase Option) between the Club and the Plan; and (b) a make whole obligation (the Make Whole Obligation) whereby the Club will pay the Plan the difference between the original acquisition price paid by the Plan for the Building, and the price received by the Plan upon the sale of a Building to a purchaser other than the Club; provided that the following conditions are satisfied:

(1) all terms and conditions of the Purchase, the Lease, the Repurchase Option, and the Make Whole Obligation are and will be at least as favorable to the Plan as those the Plan could obtain in an arm's-length transaction with an unrelated party;

(2) the Lease will have an initial term of fifteen years with three five-year renewal options, and will be a triple net lease under which the Club as the tenant is obligated for all operating expenses, including real estate taxes, insurance, repairs, maintenance, electricity and other utilities;

(3) the fair market value of the Building has been determined by an independent qualified appraiser, and will be updated as of the date of purchase by the Plan;

(4) with respect to the Lease, the fair market rental amount has been and will be determined by an independent qualified appraiser, which amount will never be below the initial fair market annual rental amount of $470,000;

(5) with respect to the Lease, appraisals of the Building will be performed at three-year intervals during the initial fifteen-year term of the Lease, and at five-year intervals with respect to the three renewal periods for purposes of updating the fair market rental amount to be received by the Plan;

(6) the fair market value of the Building will not exceed 25% of the Plan's total assets. Notwithstanding this condition, if the 25% limitation is ever exceeded the Club will have 60 days to comply with the 25% limit. In the event the 25% limit cannot be met within the 60 days, the Plan will undertake an orderly disposition of the Building in such manner as to cure the violation within nine (9) months of the date when the 25% limit was initially exceeded. If at any time during the 9-month disposition period, the Building exceeds 30% of the Plan's total assets, the exemption, if granted, will no longer be available;

(7) an independent fiduciary will be appointed to review, approve and monitor the transactions described herein, and the fees received by the independent fiduciary for serving in such capacity, combined with any other fees derived from the Club or related parties, will not exceed 1% of its annual income for each fiscal year that it continues to serve in the independent fiduciary capacity with respect to these transactions;

(8) U.S. Trust, as the independent fiduciary, will evaluate the transactions described herein and deemed them to be administratively feasible, protective and in the interest of the Plan;

(9) U.S. Trust, as the independent fiduciary, will monitor the terms and the conditions of the exemption and the Lease throughout its initial term plus the three renewal periods, and will take whatever action is necessary to protect the Plan's rights;

(10) U.S. Trust, as the independent fiduciary, will monitor the net subleasing amount received by the Club during any annual period under the Lease. If such subleasing amount results in a profit to the Club, the Club will contribute this profit to the Plan; and

(11) the Plan will bear no costs or expenses with respect to the transactions described herein.

Summary of Facts and Representations

1. The Plan is a defined benefit plan established in 1965. As of December 31, 1993, the Plan had approximately 703 participants. As of May 31, 1995, the market value of the Plan's total assets was $24,185,650. The Plan administrator is the retirement committee which is appointed by the Board of Directors of the Club. United States Trust Company of New York (U.S. Trust) is the Plan trustee and the independent fiduciary with respect to the transactions described herein. The Club, established in 1934, is a not for profit subchapter ''C'' corporation organized under New York State Law. The Club is affiliated with the American Automobile Association, and is in the business of providing certain travel services to its members. The named fiduciary under the Plan is the Club.

2. The applicant proposes to enter into the following transactions. First, the Plan will purchase the Building from the Club at fair market value and hold the title to the Building through a tax exempt 501(c)(2) corporation. U.S. Trust represents that this will insulate the Plan's other assets from liabilities associated with owning the Building. Subsequently, the Club will lease the Building from the Plan at fair market rental, and sublease certain portions of the Building to parties unrelated to the Plan.

3. The Building was initially appraised (Initial Appraisal) as of October 19, 1993, by Martin B. Levine, MAI (Mr. Levine) and Paul Leprohon (Mr. Leprohon, collectively, the Appraisers). Messrs. Levine and Leprohon are qualified independent Appraisers with Koeppel Tener Rigaldi, Inc. (KTR), a national real estate appraisal and consulting firm. Mr. Levine is a director of the New York appraisal division of KTR. In the Initial Appraisal, the Appraisers determined the fair market value of the leased fee interest of the Building to be $4,700,000. In this regard, it is represented that $32,500 is payable directly to the Club by the operator of the adjacent Harkness property as a result of a certain air rights lease, and that this income was a factor in determining the value of the Building.[5] Because the Building is a multi-tenanted income producing facility, the Appraisers primarily relied on the income capitalization approach supported by the sales comparison approach. The Building is the property located at 1881 Broadway, New York, New York, and it is situated at the northwest corner of Broadway and West 62nd Street. The Building is a 4 story plus basement, class ''B'' office building, with retail space on the grade floor. The Building contains approximately 24,005 square feet of gross leasable area, of which 8,405 square feet is retail space comprised of 3,405 square feet at grade level and 5,000 square feet of finished, non-selling, below grade space.

4. In the Initial Appraisal, the Appraisers also established a fair market rental for the Building. The Appraisers analyzed recent lease transactions within the Building itself in conjunction with leases recently signed within competing buildings which are located on the West Side of Midtown Manhattan. As such, the Appraisers concluded that the market rent for the Building's office component is $20.00 per square foot. For the retail component, the market rent is estimated to be $85.00 for grade floor space and $12.75 per square foot for below grade space.

5. On January 10, 1995, the Appraisers prepared a limited scope appraisal of the Building (Updated Appraisal) as an update to the Initial Appraisal. In the Updated Appraisal, the Appraisers also relied on the income

[5] The air rights income, in the amount of $32,500 per year, is the rent due under the air rights lease, which permitted air rights over 1881 Broadway (i.e., the Building) to be used to erect a larger building than would otherwise be possible on 1887 Broadway site. The air rights lease expires in 86 years.

capitalization and sales comparison approaches, and concluded that as of December 31, 1994, the free and clear market value of the leased fee interest in the Building, including the income from the air rights lease, is $5,200,000. This increase in the fair market value is due to the market conditions improving in the year 1994, as evidenced by declining vacancy rate and concessions in the form of free rent, large tenant improvement allowances and favorable below-market renewal options becoming less common.

In the Updated Appraisal, the Appraisers stated that the market rent for the Building's office component is $21 per square foot, and the market rent for the retail component is estimated to be $90 per square foot for the grade floor space and $13.50 per square foot for the below grade space. Therefore, in establishing the fair rental value of the Building, the Appraisers determined that as of December 31, 1994, the fair market rental of the Building under a triple net lease is $470,000 for the first year, and that this figure includes the $32,500 income from leasing the air rights for the next 84 years. The Appraisers also stated that based upon their market analysis, they project that all retail and basement rents will increase by 4% per year, and office rents will increase by 4% per year for renewal purposes.

6. Once the Plan purchases the Building from the Club, the Plan will lease (the Lease) the Building back to the Club, and the Club will sublease portions of the Building to unrelated, third parties. The Lease will be a triple net lease and will be net of all operating expenses, including real estate taxes, insurance, repairs, maintenance, electricity and other utilities.[6] The Lease will have an initial term of fifteen (15) years, with three renewable options of five years each at the discretion of U.S. Trust. Renewal periods of the Lease will occur upon the Club, as the lessee, notifying the Plan, as lessor, in writing no later than ten months before the end of the expiring term. The rental rate will be determined by reference to an independent qualified appraiser retained by the Plan as the lessor. The fair market rent will be binding upon the Club as the lessee, unless the Club disputes it in thirty days. In the case of such a dispute, the matter would go to arbitration, which according to U.S. Trust, is customary in commercial lease agreements. If the arbitrators cannot reach an agreement between themselves within fifteen days, they shall appoint a third independent appraiser. For purposes of the Lease, appraisals of the Building are scheduled at 3 year intervals during the initial 15 year term of the Lease, and at five year intervals with respect to the three renewal periods. Annual appraisals will be required, however, to determine the annual funding obligation for the Plan, Form 5500 financial statements and to monitor compliance with the 25% limitation.

7. The Lease provides that the annual base rent (Base Rent) during the initial 15 year term shall be the higher of the annual rental rate for the preceding three year period, or the appraised rental value. Therefore, once the Base Rent is established for the first 3 years of the term of the Lease, the rental rate cannot fall below that amount, it can only go higher. During the three renewal periods, the Base Rent will be adjusted every five years and will be increased at least 10% during each Renewal period. The applicant further represents that rental amounts under the Lease will never be below the initial fair market annual rental amount of $470,000, as established by the Appraisers. The Lease also provides for a security deposit (Security Deposit) to be paid by the lessee to the lessor, and U.S. Trust represents that the Security Deposit will be ⅙ of the Base Rent payable in a given year. The Lease also provides for certain additional rent, which is expenses related to the Building that will be borne by the Club as the tenant. U.S. Trust represents that this is more protective of the rights and remedies available to the landlord (i.e., the Plan) in the event of nonpayment of rent. The Club will also obtain a fire and hazard/casualty insurance policy for the Building. The Plan will be the beneficiary and loss payee with respect to the hazard and liability insurance on the Building.

8. The applicant also represents that if during any annual period of the Lease, the net subleasing amount received by the Club results in a profit to the Club, the Club will contribute this profit to the Plan. In this regard, the total subleasing amounts will be subject to an annual audit by an independent auditor which is currently Peat Marwick. Specifically, upon performing annual audits of the Club's books, Peat Marwick will submit accounting to U.S. Trust, showing total rents collected from subleases, including recoverables,[7] and total operating expenses for the Building during that year.[8] U.S. Trust has agreed to provide necessary oversight in this matter.

9. The Plan will also have the right to require the Club to repurchase the Building, at a price which will be the greater of the Building's fair market value or the Plan's purchase price (the Repurchase Option). The Repurchase Option can be exercised under certain circumstances under discretion of U.S. Trust as the independent fiduciary, including, material misrepresentations regarding the Building in the contract for sale; the Building's fair market value exceeding 25% of the Plan's assets; at the expiration of the Lease; upon the breach of the Lease by the Club; if the Club defaults on the Lease; to satisfy the cash needs of the Plan; and, in the event of a material loss to the Building by fire, condemnation, etc. It is also represented that the Repurchase Option can be exercised at the end of the initial 15 year term of the Lease, and at the end of each renewal period. In the event the Club fails to repurchase the Building under the Repurchase Option, the Plan has the following remedies. If the Plan has to sell the Building to a third party for an amount less than payable by the Club under the Repurchase Option, the Club is obligated to pay the Plan any difference. Furthermore, the calculation of the difference between the price paid by the third party and the price payable by the Club will include the fact that the Club is obligated to pay all costs and expenses associated with the purchase of the Building, while in a sale to a third party, the Plan may have to pay certain expenses related to that sale, as is customary for a seller in a commercial transaction. In this regard, the applicant represents that the Club will pay the Plan the fair market rental for the entire Building, as well as for the space it occupies within the Building.

10. In the event the Club fails to repurchase the Building within sixty (60) days of the Building being put to it by the Plan under the Repurchase Option, the Club will pay the Plan the difference (if any) between the original acquisition price paid by the Plan for the Building and the price received by the Plan on the sale of the Building to a purchaser other than the Club (the ''Make Whole Obligation''). In this regard, U.S. Trust has examined the Club's financial statements and held discussions with the Club's management, and concluded that the

[6] The applicant represents that the Lease will provide that any fees that may be incurred by the Plan in connection with the Lease, the Building or the transactions described herein, will be reimbursed to the Plan and/or paid by the Club.

[7] Recoverables means any amounts collected over and above basic rents, such as escalations for light, power, taxes and maintenance, etc.

[8] Annual operating expenses for the Building include real estate taxes, building maintenance and repairs, security, insurance, air conditioning, power, electricity, carting, water and sewer, etc.

Club currently has sufficient net worth to satisfy the Repurchase Agreement and the Make Whole Obligation by either repurchasing the Building, or paying the difference between the price paid by the Plan for the Building and the price realized on the sale of the Building by the Plan. U.S. Trust will continue to monitor the Club's financial condition before it finalizes the purchase of the Building by the Plan. It is also represented that if the Building is to be sold to another party in interest with respect to the Plan, as defined by section 3(14) of the Act, the applicant will seek exemptive relief from the Department prior to the consummation of the sale.

11. The independent fiduciary for the Purchase, the Lease, the Repurchase Option and the Make Whole Organization will be U.S. Trust, a bank and trust company formed under the laws of New York and an experienced employee benefits trust fiduciary with approximately $31 billion in assets under management, and custodial assets of $397 billion.[9] U.S. Trust and its wholly owned subsidiary, U.S. Trust Company of California, N.A. have extensive experience serving as fiduciaries for ERISA plans. U.S. Trust also represents that it has considerable experience in monitoring ownership interests relating to leases for large pension plans.

12. U.S. Trust represents that it has the following relationships to the Plan and the Club. U.S. Trust was appointed trustee (the Trustee) of the Plan on November 4, 1965. Under the terms of the Trust Agreement, U.S. Trust, as the Plan Trustee, has full discretion to invest the Plan's assets within the framework of the general investment guidelines provided by the Club. As the Trustee for the Plan, U.S. Trust may determine the value of any Plan's assets for which there is no publicly quoted price, and U.S. Trust manages approximately $24 million of assets for the Plan. In addition to the Plan Trustee role, U.S. Trust manages approximately $1,200,000 in a cash fund for the Club, which represents 0.004% of the total assets managed by U.S. Trust.[10] U.S. Trust also maintains that the income received by it for serving in the independent fiduciary capacity in these transactions, combined with any other fees derived from the Club or related parties will not exceed 1% of its annual income for each fiscal year that U.S. Trust continues to serve in the independent fiduciary capacity with respect to the transactions described herein.

13. In its capacity as the independent fiduciary, U.S. Trust has reviewed the condition of the Building, the financial condition of the Club, the Plan's current investment portfolio and its general investment guidelines. U.S. Trust represents that it has been advised by legal counsel of its ERISA fiduciary responsibilities. U.S. Trust represents that it will have the following responsibilities under the Lease and the renewal periods. In this regard, the triple net Lease places upon the Club, as the tenant, all responsibility with respect to the Building; its repair, maintenance, etc., and all costs and expenses related thereto, including without limitation, those costs related to real estate taxes and insurance. U.S. Trust will monitor the collection of rent from the Club as the tenant, the Club's compliance with other Lease obligations, the value of the Plan's assets to make sure the value of the Building does not exceed 25% of the total Plan assets, and assure periodic valuations of the Building by an independent appraiser.

14. U.S. Trust has concluded that the transactions described herein should be structured as follows. The Building purchase price to the Plan should not exceed fair market value. The base payments under the triple net Lease should at least equal the Building's fair rental value. The fair market value and the fair rental value should be determined by an independent qualified appraiser, and negotiated by the parties at arm's length. In this regard, U.S. Trust represents that it reserves the right to negotiate a purchase price below the appraised fair market value of the Building and with respect to the Lease, and to negotiate a Base Rent above the fair market rent as established by an appraiser. U.S. Trust represents that this approach would benefit the Plan. U.S. Trust also states that the Plan will achieve at least an 11% return on its investment (the Rate of Return), which will be based on the purchase price the Plan pays for the Building. The Plan will also receive the return due to any appreciation in the market value of the Building. This Rate of Return will exceed the Plan's historical rate of return which ranged from 9.3% to 9.6%. The applicant states that the Rate of Return will have an effect on the fair market rent paid by the Club to the Plan under the Lease. For example, the Updated Appraisal gives the fair market value of the Building as $5,200,000, and as such a minimum return of 11% would require that the annual net payment under the Lease by the Club to the Plan be at least $572,000. However, the Rate of Return can increase when another appraisal of the Building is done at closing, and U.S. Trust analyzes the prevailing market conditions and the Club's financial condition.

15. U.S. Trust compared the risk and rate of return on the Building with other investments (including real estate investments) available to the Plan, the expenses and liabilities associated with the acquisition and ownership of the Building, the Club's financial condition and prospects, and its ability to satisfy its obligations under the Lease. U.S. Trust represented that the Plan has sufficient liquidity to acquire the Building, and that none of the Plan's assets are currently invested in real property. U.S. Trust also stated that the Club should have the financial resources to satisfy either the Repurchase Option or the Make Whole Obligation. U.S. Trust concluded that the transactions described herein are more favorable to the Plan than similar transactions with an unrelated party, and are inherently protective of the Plan.

16. U.S. Trust has evaluated the Plan's total investment portfolio and the safeguards for this investment, including the Repurchase Option and the Make Whole Obligation, as well as the Club's ability to satisfy these obligations. U.S. Trust has determined that the acquisition of the Building by the Plan will not impair the Plan's ability to pay benefits and expenses. U.S. Trust has concluded that the acquisition of the Building by the Plan is consistent with the diversification requirements of section 404(a)(1) of the Act, as the Building will represent approximately 21.5% of the Plan's assets.

17. U.S. Trust proposes to monitor that the Building does not exceed 25% of the Plan's assets in several ways. The Plan will obtain annual appraisals of the Building's fair market value at the end of the Plan's fiscal year (December 31) for purposes of complying with the 25% limitation. U.S. Trust represents that the total plan assets may be subject to periodic scrutiny for purposes of determining compliance with the 25% of plan assets' limitation. The Club will have sixty (60) days to cure any violation of the 25% limitation. In this

[9] In this regard, the applicant makes a request regarding a successor independent fiduciary. Specifically, if it becomes necessary in the future to appoint a successor independent fiduciary (the Successor) to replace U.S. Trust, the applicant will notify the Department sixty (60) days in advance of the appointment of the Successor. Any Successor will have responsibilities, experience and independence similar to those of U.S. Trust.

[10] In this regard, U.S. Trust represents that the $1.2 million do not represent assets of the Club managed by U.S. Trust as the Plan trustee, but that they are assets managed by U.S. Trust in a separate capacity.

regard, U.S. Trust can request the Club to take one of several remedial actions. The Club can make additional cash contributions to the Plan, it can prepay rent to the Plan, it can purchase the Building from the Plan under the Repurchase Option; or the Club can take other measures as may be acceptable to U.S. Trust.[11] Failing these remedies, from the date the 25% limitation is first exceeded the Plan will undertake an orderly disposition of the Building in such manner as to cure the violation within 9 months (the Disposition Period).

18. In summary, the applicant represents that the transaction satisfies the statutory criteria of section 408(a) of the Act and section 4975(c)(2) of the Code because:

(1) all terms and conditions of the Purchase, the Lease, the Repurchase Option, and the Make Whole Obligation are and will be at least as favorable to the Plan as those the Plan could obtain in an arm's-length transaction with an unrelated party;

(2) the Lease will have an initial term of fifteen years with three five year renewal options, and will be a triple net lease under which the Club as the tenant is obligated for all operating expenses, including real estate taxes, insurance, repairs, maintenance, electricity and other utilities;

(3) the fair market value of the Building has been determined by an independent qualified appraiser, and will be updated as of the date of purchase by the Plan;

(4) with respect to the Lease, the fair market rental amount has been and will be determined by an independent qualified appraiser, which amount will never be below the initial fair market annual rental amount of $470,000;

(5) with respect to the Lease, appraisals of the Building will be performed at three year intervals during the initial fifteen year term of the Lease, and at five year intervals with respect to the three renewal periods for purposes of updating the fair market rental amount to be received by the Plan;

(6) the fair market value of the Building, generally, will not exceed 25% of the Plan's total assets;

(7) an independent fiduciary will be appointed to review, approve and monitor the transactions described herein, and the fees received by the independent fiduciary for serving in such capacity, combined with any other fees derived from the Club or related parties, will not exceed 1% of its annual income for each fiscal year that it continues to serve in the independent fiduciary capacity with respect to these transactions;

(8) U.S. Trust, as the independent fiduciary, will evaluate the transactions described herein and deemed them to be administratively feasible, protective and in the interest of the Plan;

(9) U.S. Trust, as the independent fiduciary, will monitor the terms and the conditions of the exemption and the Lease throughout its initial term plus the three renewal periods, and will take whatever action is necessary to protect the Plan's rights;

(10) U.S. Trust, as the independent fiduciary, will monitor the net subleasing amount received by the Club during any annual period under the Lease. If such subleasing amount results in a profit to the Club, the Club will contribute this profit to the Plan; and

(11) the Plan will bear no costs or expenses with respect to the transactions described herein.

Notice to Interested Persons

The applicant represents that, within five (5) days of the publication of the notice of proposed exemption (the Notice) in the **Federal Register**, all interested persons will receive a copy of the Notice, the beginning and ending information that appears with the Notice, and a copy of the supplemental statement, as required, pursuant to 29 CFR 2570.43(b)(2), either by posting on bulletin boards at locations at which employees covered under the Plan are employed, or by first class mail to the last known address to all other interested persons, including retirees, separated vested employees and beneficiaries of deceased participants. Comments and hearing requests on the proposed exemption are due thirty-five (35) days after the date of publication of this proposed exemption in the **Federal Register.**

For Further Information Contact: Ekaterina A. Uzlyan, U.S. Department of Labor, telephone (202) 219–8883. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest of disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 26th day of July, 1995.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 95–18717 Filed 7–28–95; 8:45 am]

BILLING CODE 4510–29–P–M

[11] The Department notes that if at any time during the 9 month Disposition Period, the Building exceeds 30% of the Plan's total assets, the exemption, if granted, will no longer be available. The Department further notes that it expects U.S. Trust, consistent with its fiduciary responsibilities under Title I of the Act, to periodically monitor the financial condition of the Club in order to take a remedial action not requiring the disposition of the Building.

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–382]

Entergy Operations, Inc., Waterford Steam Electric Station, Unit No. 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption

from Facility Operating License No. NPF–38, issued to Entergy Operations, Inc., (the licensee), for operation of the Waterford Steam Electric Station Unit, No. 3 (Waterford 3) located in St. Charles Parish, Louisiana.

Environmental Assessment

Identification of the Proposed Action

This Environmental Assessment has been prepared to address potential environmental issues related to the licensee's application of November 16, 1993, as supplemented on August 19, 1994, march 30, and June 19, 1995. The proposed action would exempt the licensee from the requirements of 10 CFR Part 50, Appendix J, Paragraph III.D.1.(a), to the extent that a one-time interval extension for the Type A test (containment integrated leak rate test) by approximately 18 months, from the September 1995 refueling outage to the refueling outage in 1997, would be granted.

The Need for the Proposed Action

The proposed action is needed to permit the licensee to defer the Type A test from the September 1995 refueling outage, to the 1997 refueling outage, thereby saving the cost of performing the test and eliminating the test period from the critical path time of the outage.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed one-time exemption would not increase the probability or consequences of accidents previously analyzed and the proposed one-time exemption would not affect facility radiation levels or facility radiological effluents. The licensee has analyzed the results of previous Type A tests performed at Waterford 3 to show good containment performance and will continue to be required to conduct the Type B and C local leak rate tests which historically have been shown to be the principal means of detecting containment leakage paths with the Type A tests confirming the Type B and C test results. It is also noted that the licensee will perform the visual containment inspection although it is only required by Appendix J to be conducted in conjunction with Type A tests. The NRC staff considers that these inspections, though limited in scope, provide an important added level of confidence in the continued integrity of the containment boundary.

The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is so measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the NRC staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impact of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Waterford Steam Electric Station, Unit No. 3.

Agencies and Persons Consulted

In accordance with its stated policy, on June 30, 1995, the NRC staff consulted with the Louisiana State official, Prosanta Chowdhun of the LA Radiation Protection Division, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 16, 1993, as supplemented by letters dated August 19, 1994, March 30, and June 19, 1995, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and the local public document room located at the University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, LA 70122.

Dated at Rockville, Maryland, this 14th day of July 1995.

For the Nuclear Regulatory Commission.

Chandu P. Patel,

Project Manager, Project Directorate IV–1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–18685 Filed 7–28–95; 8:45 am]

BILLING CODE 7590–01–M

Proposed Generic Communication and Draft Regulatory Guide; Issuance, Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of opportunity for public comment on the proposed bulletin and draft guide.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to issue a bulletin titled ''Potential Plugging of Emergency Core Cooling Suction Strainers for Debris in Boiling Water Reactors''; the text of the bulletin is included in this notice under the Supplementary Information heading. The proposed bulletin would request boiling water reactor (BWR) licensees to implement appropriate procedural measures and plant modifications to minimize the potential for clogging of suppression pool suction strainers of emergency core cooling systems (ECCS) by debris generated during a loss-of-coolant accident (LOCA). The NRC has also issued a related Draft Regulatory Guide, DG–1038, ''Water Sources for Long-Term Recirculation Cooling Following a Loss-of-Coolant Accident,'' which is a proposed Revision 2 to Regulatory Guide 1.82. The draft guide provides additional technical guidance to BWR licensees. The draft guide has not received complete staff review and does not represent an official NRC staff position.

The proposed bulletin and draft guide are being issued to involve the public in the development of a regulatory position in this area. The NRC is seeking comment from interested parties regarding both the technical and regulatory aspects of the proposed bulletin and draft guide. The titles of the proposed bulletin and draft guide should be mentioned in all correspondence.

The staff is also seeking specific technical comments from interested parties on the following questions:

1. Does reflective metallic insulation contribute to the potential clogging of the ECCS suction strainers? Provide any available supporting data with the response.

2. How effective are alternative strainer designs (e.g., the ''star'' strainer or the ''stacked disk'' strainer) at preventing or reducing the potential for strainer clogging? Provide any available supporting test data with the response.

3. How effective are active features (e.g., self-cleaning strainer designs or backflushing of strainers) at mitigating or preventing strainer clogging? Provide any available supporting test data with the response.

4. What criteria should be used for determining adequate sizing of passive ECCS suction strainers? The staff is seeking specific comments and supporting technical justification regarding what assumptions should be used in estimating the strainer head loss including types and amounts of debris generated, debris characteristics (e.g., size and shape), amounts of debris transported from the drywell to the suppression pool, calculation of debris quantities entrained on the strainer surfaces, and head loss correlations. Where possible, supporting data should be provided along with recommended assumptions.

5. What actions would be required by licensees to ensure operability of active features (e.g., backflush and self-cleaning strainers) installed in response to the proposed bulletin's requested actions? The staff is also seeking suggestions on ways to incorporate appropriate actions and surveillance requirements into the Technical Specifications (TS) which are consistent with the form of the improved standard TS for the associated safety systems.

The proposed bulletin, draft guide, and supporting documentation were discussed in meeting number 275 of the Committee to Review Generic Requirements (CRGR) on June 27, 1995. The relevant information that was sent to the CRGR to support its review of the proposed bulletin is available in the NRC Public Document Room under accession number 9507200223. The NRC will consider comments received from interested parties before issuing the final version of the proposed bulletin and draft guide. The NRC's evaluation will include a review of the technical position and, as appropriate, an analysis of the value/impact on licensees.

Public Meeting: During the public comment period, the staff will hold a public meeting with the Boiling Water Reactor Owners Group to discuss the above questions as well as any other comments on the proposed bulletin and draft guide. The meeting will be held on August 24 and 25, 1995. The meeting will run from 8:00 a.m. to 5:00 p.m. on August 24th and from 8:00 a.m. to 12:00 p.m. on August 25th. The public meeting will be held at the Two White Flint North Auditorium, U.S. Nuclear Regulatory Commission, 11545 Rockville Pike, Rockville, Maryland. A meeting notice will be issued approximately two weeks prior that will provide the agenda for the meeting. Interested parties, who have questions about the proposed bulletin or draft guide and plan to attend this meeting, are requested to submit their questions in writing to the staff at least a week before the meeting, so that the staff may be better prepared to respond to the questions at the meeting. Written questions for the meeting should be sent to M. David Lynch, U.S. Nuclear Regulatory Commission, Mail Stop 0–13 D1, Washington, DC 20555–0001.

Visitor parking is very limited around the NRC office in Rockville, Maryland. No visitor parking is available in the NRC buildings. It is recommended that people attending the meeting commute to the meeting via the Metro. The NRC is located immediately across the street from the White Flint Metro stop.

DATES: Comment period expires October 2, 1995. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: The proposed bulletin and the draft guide are available for inspection at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC. Single copies of the proposed bulletin or the draft guide may be obtained free of charge by writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Distribution and Mail Services Section. Requests for single copies of the proposed bulletin or draft guide may also be faxed to (301) 415–2260. Telephone requests cannot be accommodated. Regulatory guides and bulletins are not copyrighted, and NRC approval is not required to reproduce them. Both the proposed bulletin and draft guide can be accessed electronically; instructions for doing this are provided below.

Written comments on the proposed bulletin and draft guide may be submitted to the Rules Review and Directives Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Written comments may also be delivered to 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m., Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington, DC.

ELECTRONIC ACCESS: The proposed bulletin and draft guide may be viewed electronically, and comments may be submitted electronically, in either ASCII text or WordPerfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board Service (BBS) on FedWorld. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet.

By using a personal computer and modem, the NRC subsystem on FedWorld can be accessed directly by dialing the toll free number: 1–800–303–9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT–100 terminal emulation, the NRC NUREGs and RegGuides for Comment subsystem can then be accessed by selecting the ''Rules Menu'' option from the ''NRC Main Menu.'' For further information about options available for NRC at FedWorld, consult the ''Help/Information Center'' from the ''NRC Main Menu.'' Users will find that the ''FedWorld Online User's Guides'' are particularly helpful. Many NRC subsystems and databases also have a ''Help/Information Center'' option that is tailored to the particular subsystem.

The NRC subsystem on FedWorld can also be accessed by a direct dial phone number for the main FedWorld BBS, 703–321–3339, or by using Telnet via Internet, fedworld.gov. If using 703–321–3339 to contact FedWorld, the NRC subsystem may be accessed from the main FedWorld menu by selecting the ''Regulatory, Government Administration and State Systems,'' then selecting ''Regulatory Information Mall.'' At that point, a menu will be displayed that has an option ''U.S. Nuclear Regulatory Commission'' that will take the user to the NRC Online main menu. The NRC Online area also can be accessed directly by typing ''/go nrc'' at a FedWorld command line. If the user accesses NRC from FedWorld's main menu, the user may return to FedWorld by selecting the ''Return to FedWorld'' option from the NRC Online Main Menu. However, if the user accesses NRC at FedWorld by using the NRC's toll-free number, the user will have full access to all NRC systems, but

will not have access to the main FedWorld system.

If the user contacts FedWorld using Telnet, the user will see the NRC area and menus, including the Rules menu. The user will be able to download documents and leave messages, but will not be able to write comments or upload files (comments). If the user contacts FedWorld using file transfer protocol (FTP), all files can be accessed and downloaded but uploads are not allowed; the user will only see a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is included. There is a 15-minute time limit for FTP access.

Accessing FedWorld through the World Wide Web, like FTP, only provides access for downloading files and does not display the NRC Rules menu.

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–5780, e-mail axd3@nrc.gov.

FOR FURTHER INFORMATION CONTACT: M. David Lynch at (301) 415–3023, e-mail mdl@nrc.gov or Robert Elliott at (301) 415–1397, e-mail rbe@nrc.gov.

SUPPLEMENTARY INFORMATION:

United States Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, Washington, DC 20555

NRC Bulletin 95–XX: Potential Plugging of Emergency Core Cooling Suction Strainers by Debris in Boiling Water Reactors

Addressees

All holders of operating licenses or construction permits for boiling-water reactors (BWRs).

Purpose

The U.S. Nuclear Regulatory Commission (NRC) is issuing this bulletin to: (1) Request addressees to implement appropriate procedural measures and plant modifications to minimize the potential for clogging of emergency core cooling system (ECCS) suppression pool suction strainers by debris generated during a loss-of-coolant accident (LOCA), and

(2) Require that addressees report to the NRC whether and to what extent the requested actions will be taken and notify the NRC when actions associated with this bulletin are complete.

Background

On July 28, 1992, an event occurred at Barseback Unit 2, a Swedish BWR, which involved the plugging of two ECCS suction strainers. The strainers were plugged by mineral wool insulation that had been dislodged by steam from a pilot-operated relief valve that spuriously opened while the reactor was at 3,100 kPa [435 psig]. Two of the five strainers on the suction side of the containment spray pumps were in service and became partially plugged with mineral wool. Following an indication of high differential pressure across both suction strainers 70 minutes into the event, the operators shut down the containment spray pumps and backflushed the strainers. The Barseback event demonstrated that the potential exists for a pipe break to generate insulation debris and transport a sufficient amount of the debris to the suppression pool to clog the ECCS strainers.

On January 16 and April 14, 1993, two events involving the clogging of ECCS strainers also occurred at the Perry Nuclear Power Plant, a domestic BWR. The first Perry event involved clogging of the suction strainers for the residual heat removal (RHR) pumps by debris in the suppression pool. The second Perry event involved the deposition of filter fibers on these strainers. The debris consisted of glass fibers from temporary drywell cooling unit filters that had been inadvertently dropped into the suppression pool, and corrosion products that had been filtered from the pool by the glass fibers which accumulated on the surface of the strainer. The Perry events demonstrated the deleterious effects on strainer pressure drop caused by the filtering of suppression pool particulates (corrosion products or ''sludge'') by fibrous glass materials entrained on the ECCS strainer surfaces. These corrosion products are typically present in large quantities in domestic BWRs. Separate test programs have been conducted by the Boiling Water Reactor Owners Group (BWROG) and the staff to quantify this filtering effect.

Based on these events, the NRC issued Bulletin 93–02, ''Debris Plugging of Emergency Core Cooling Suction Strainers,'' on May 11, 1993. The bulletin requested licensees to remove fibrous air filters and other temporary sources of fibrous material, not designed to withstand a LOCA, from the containment. In addition, licensees were requested to take any immediate compensatory measures necessary to ensure the functional capability of the ECCS.

Following these events, the staff performed calculations to assess the vulnerability of each domestic BWR. The results of these calculations showed that the potential existed for the ECCS pumps to lose net positive suction head (NPSH) margin due to clogging of the suction strainers by LOCA-generated debris. The staff then conducted a detailed study of a reference BWR 4 plant with a Mark I containment. The preliminary results of the staff study are contained in a draft report, ''Parametric Study of the Potential for BWR ECCS Strainer Blockage Due to LOCA Generated Debris,'' which was published in August 1994. The preliminary study results reaffirmed the results of the earlier staff calculations.

Members of the NRC staff also attended an Organization for Economic Cooperation and Development/Nuclear Energy Agency (OECD/NEA) workshop on the Barseback incident held in Stockholm, Sweden, on January 26 and 27, 1994. Representatives from other countries at this conference discussed actions taken or planned which would prevent or mitigate the consequences of BWR strainer blockage. Based on the preliminary results of the staff's study, as reinforced by information learned at the OECD/NEA workshop, the staff issued NRC Bulletin 93–02, Supplement 1, ''Debris Plugging of Emergency Core Cooling Suction Strainers,'' on February 18, 1994. The purpose of the bulletin supplement was to request that BWR licensees take the appropriate interim actions to ensure reliability of the ECCS so that the staff and industry would have sufficient time to develop a permanent resolution. In addition, the bulletin supplement informed licensees of pressurized water reactors (PWRs) and BWRs of new information on the vulnerability of ECCS suction strainers in BWRs and containment sumps in PWRs to clogging during the recirculation phase of a LOCA.

Licensee responses to NRC Bulletin 93–02 and its supplement have demonstrated that appropriate interim measures have been implemented by licensees to ensure adequate protection of public health and safety, and to allow continued operation until the final actions requested in this bulletin are implemented.

In responding to these bulletins, licensees ensured: (1) the availability of alternate water sources (both safety and non-safety related sources) to mitigate a strainer clogging event, (2) that emergency operating procedures (EOPs) provided adequate guidance on mitigating a strainer clogging event, (3) that operators were adequately trained to mitigate a strainer clogging event, and (4) that loose and temporary fibrous materials stored in containment were removed. In addition, a generic safety assessment conducted by the Boiling Water Reactor Owners Group (BWROG)

concluded that operators would have adequate time to make use of alternate water sources (25–35 minutes). The staff also notes that the probability of the initiating event is low. The actions requested in this bulletin will ensure that the ECCS can perform its safety function and minimize the need for operator action to mitigate a LOCA.

Discussion

The results of the staff study, initially documented in the draft NUREG/CR–6224, demonstrate that for the reference plant, there is a high probability that the available NPSH margin for the ECCS pumps will be inadequate following dislodging of insulation caused by a LOCA and transport of insulation debris to the suction strainers. In addition, the study calculated that the loss of NPSH could occur quickly (less than 10 minutes into the event). The study also demonstrated that determining the adequacy of NPSH margin for an ECCS system is highly plant-specific because of the large variations in such plant characteristics as containment type, ECCS flow rates, insulation types, plant layout, and available NPSH margin. The final version of NUREG/CR–6224 is scheduled for issuance in September 1995.

The Barsebäck event demonstrated that a pipe break can generate and transport large quantities of insulation debris to the suppression pool where they can be deposited onto strainer surfaces and potentially cause the ECCS to lose NPSH. The Perry events further demonstrated that fibrous insulation debris combined with corrosion products present in the suppression pool (sludge) can exacerbate the problem. This phenomenon was confirmed in the staff study which showed that the calculated loss of NPSH could occur soon (less than 10 minutes) after ECCS initiation. The effect of filtering sludge from the suppression pool water by fibrous debris deposited on the strainer surface was further confirmed in NRC-sponsored testing conducted at the Alden Research Laboratory which demonstrated that the pressure drop across the strainer was greatly increased by this filtering effect. Additional testing sponsored by the NRC at Alden Research Laboratory demonstrated that the energy conveyed to the suppression pool during the ''chugging'' phase of a LOCA is sufficient to ensure that the fibrous debris and sludge are well-mixed and evenly distributed in the suppression pool, and can remain suspended for a sufficiently long period of time to allow large quantities to be deposited onto the strainer surfaces. The staff has concluded that this problem is applicable to all domestic BWRs. The basis for the staff's conclusion is as follows: (1) there does not appear to be any features specific to a particular plant, class of plants, or containment type which would mitigate or prevent the generation, transport to the suppression pool, or deposition on the ECCS strainers of sufficient material to clog the strainers, and (2) parametric analyses performed in support of the NUREG/CR–6224 study using parameter ranges which bound most domestic BWRs failed to find parameter ranges which would prevent BWRs with other containment types from being susceptible to this problem. In addition, the staff study was conducted on a Mark I; Barsebäck had a strainer clogging event and is similar in design to a Mark II; and Perry, a Mark III, also had a strainer clogging event.

Section 50.46 of Title 10 of the Code of Federal Regulations (10 CFR 50.46) requires that licensees design their ECCS systems to meet five criteria, one of which is to provide long-term cooling capability of sufficient duration following a successful system initiation so that the core temperature shall be maintained at an acceptably low value and decay heat shall be removed for the extended period of time required by the long-lived radioactivity remaining in the core. The ECCS is designed to meet this criterion, assuming the worst single failure. Experience gained from operating events and detailed analysis, as previously discussed, demonstrate that excessive buildup of debris from thermal insulation, corrosion products, and other particulates on ECCS pump strainers is highly likely to occur, creating the potential for a common-cause failure of the ECCS, which could prevent the ECCS from providing long-term cooling following a LOCA. The staff concludes; therefore, that this issue must be resolved by licensees in order to ensure compliance with the regulations; specifically, to ensure that long-term cooling can be provided in accordance with 10 CFR 50.46.

Plant-specific analyses to resolve this issue are difficult to perform because a substantial number of uncertainties are involved. Examples of these uncertainties include the amount of debris that would be generated by a pipe break for various insulation types; the amount of the debris that would be transported to the suppression pool; the characteristics of debris reaching the suppression pool (e.g., size and shape); and head loss correlations for various insulation types combined with suppression pool corrosion products, paint chips, dirt, and other particulates. Many of these uncertainties would be plant-specific because of the differences in plant characteristics, such as plant layout, insulation types, ECCS flow rates, containment types, and NPSH margin. Testing may be required to quantify these uncertainties for licensees to demonstrate compliance with 10 CFR 50.46.

The staff has also closely followed the work of the BWROG to resolve this issue. The BWROG has evaluated several potential solutions, and is currently testing three new strainer designs: two passive strainer designs and one self-cleaning design. The ongoing BWROG effort is consistent with the options proposed in this bulletin for resolution of the the ECCS potential strainer clogging issue. These options are discussed in the next section under Requested Actions. The BWROG is also developing a utility resolution guidance (URG) document for providing the utilities with: 1) guidance on evaluation of the ECCS potential strainer clogging issue for their plant, 2) a standard industry approach to resolution of the issue which is technically sound, and 3) guidance which is consistent with the requested actions in this bulletin for demonstrating compliance with 10 CFR 50.46. The staff considers this document to be an important part of the implementation of the final resolution of this issue, and will closely monitor the development and application of the URG.

Requested Actions

All BWR licensees are requested to implement appropriate measures to ensure the capability of the ECCS to perform its safety function following a LOCA. The staff has identified three potential resolution options; however, licensees may propose others which provide an equivalent level of assurance that the ECCS will be able to perform its safety function following a LOCA. The three options identified by the staff are as follows:

Option 1: Installation of a large capacity passive strainer design. Draft Regulatory Guide DG–1038, proposed Revision 2 of Regulatory Guide 1.82 (RG 1.82), ''Water Sources for Long-Term Recirculation Cooling Following a Loss-of-Coolant Accident,'' has been revised to provide additional technical guidance to BWR licensees on the conduct of evaluations to ensure compliance with 10 CFR 50.46. If this option is selected by a licensee, the strainer design used should have sufficient capacity to ensure that debris loadings equivalent to a scenario calculated in accordance with Section C.2.2 of DG–1038 do not cause

a loss of net positive suction head (NPSH) for the ECCS. This option has two main advantages. First, it is completely passive and, therefore, requires no operator intervention. Second, it does not require an interruption of ECCS flow. While this is the most advantageous of the options identified, the staff recognizes that it may be difficult for most licensees to implement this option due to the difficulty in providing sufficient structural support for the strainers to handle LOCA-induced hydrodynamic loads. However, the staff notes that licensees may take appropriate measures in combination with this option to reduce the potential debris sources in containment and the suppression pool, which would, in turn, reduce the required capacity and physical size of the strainer, and therefore, assist in reducing the structural burden of the strainer installation. Licensees choosing this option for resolution should establish programs, as necessary, to ensure that the potential for debris to be generated and transported to the strainer surface does not at any time exceed the assumptions used in estimating the amounts of debris for sizing of the strainers in accordance with DG–1038.

Option 2: Installation of a self-cleaning strainer.

This option automatically prevents strainer clogging by providing continuous cleaning of the strainer surface with a scraper blade or brush. Like Option 1, the self-cleaning strainer design would not rely on operator action or interrupt ECCS flow. However, this option does rely on an active component which is fully exposed to the LOCA effects in the suppression pool to keep the strainer surface clean. Therefore, appropriate measures should be taken to ensure the operability of the strainer. Installation of this type of strainer should be combined with the following measures to protect the strainer and ensure its operability: (1) implementation of reasonable measures to eliminate debris sources which could potentially damage or overload the strainer during a LOCA, including, as a minimum, removal of all debris from the suppression pool every refueling outage, and (2) implementation of surveillances to ensure periodic cleaning of the suppression pool and the operability of the strainer.

Option 3: Installation of a backflush system.

The backflush system is a reactive system that relies on operator action to remove debris from the surface of the strainer to prevent it from clogging. In order to ensure that operators can adequately deal with a strainer clogging event, installation of this type of system should be combined with the following measures: (1) reasonable measures to maximize the amount of time before clogging could occur; (2) instrumentation and alarms to indicate when strainer differential pressure increases; (3) operator training on recognition and mitigation of a strainer clogging event, and (4) implementation of surveillances to ensure the operability of the strainer instrumentation and backflush system. A supporting analysis for installation of a backflush system which is consistent with Section C.2.2 of DG–1038 should be performed to demonstrate that operators have sufficient time to recognize the onset of clogging and to take appropriate action, taking into consideration their other responsibilities after a LOCA. In addition, this analysis should ensure that operators have the capability and sufficient time to cycle backflushing at the expected frequency and for the required total number of actuations anticipated in providing long-term core cooling following a LOCA.

Compliance with 10 CFR 50.46 requires the use of safety grade equipment. Any request to deviate from this position would require an exemption with a supporting technical analysis, and must meet the specific requirements of 10 CFR 50.12. Active features such as backflush and the self-cleaning strainer must be supported by test data that demonstrate the design effectiveness for removal of debris entrained on the surface of the strainer. Strainers installed for Option 1 must be supported by test data that demonstrate their performance characteristics, and their ability to handle the worst case scenario for debris deposition on the strainer surface.

On July 22, 1993, the Commission published its final policy statement on Technical Specifications (TS) improvements for nuclear power reactors in the **Federal Register** (58 FR 39132). Part of that policy statement stated that the purpose of TS is to impose those conditions or limitations upon reactor operation necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety by identifying those features that are of controlling importance to safety and establishing on them certain conditions of operation which cannot be changed without prior Commission approval. Based on this purpose and 10 CFR 50.36, the Commission also provided four criteria that delineate those constraints on design and operation of nuclear power plants that belong in TS. Criterion 3 of the policy statement states that a structure, system or component which is part of the primary success path and which functions or actuates to mitigate a Design Basis Accident or Transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier should be captured in the TS. The staff believes that self-cleaning strainers, backflush systems, and instrumentation installed to support backflush systems meet Criterion 3 of the Commission's policy and should be captured in the TS because these components are necessary for the primary success path (i.e., the ECCS) to mitigate design basis LOCA. TS should be proposed to support the above actions and should include, where appropriate for the option selected: (1) appropriate limiting conditions for operation (LCOs); (2) channel checks, channel functional tests, and calibrations of strainer instrumentation at an interval commensurate with other ECCS instrumentation, and (3) testing of active features at the same interval as functional tests of the low-pressure coolant injection (LPCI) system. The final version of this bulletin will include sample TS for Options 2 and 3.

Plant procedures and other actions implemented in response to NRC Bulletin 93–02 and its supplement, should remain in place until the final corrective actions requested in this bulletin have been implemented.

All licensees are requested to implement these actions by December 31, 1997. This timeframe for implementation of the final resolution is considered appropriate by the staff due to the interim actions already taken by licensees and the low probability of the initiating event.

Required Response

All addressees are required to submit the following written reports:

(1) Within 180 days of the date of this bulletin, a report indicating whether the addressee intends to comply with these requested actions, including a detailed description of planned actions and mitigative strategies to be used, the schedule for implementation, and proposed TS; or, if the licensee does not intend to comply with these actions, a detailed description of the safety basis for the decision. The report must contain a detailed description of any proposed alternative course of action, the schedule for completing this alternative course of action, the safety basis for determining the acceptability of the planned alternative course of action, and proposed TSs, if

appropriate, that support the proposed alternative course of action and are consistent with the Commission's Policy Statement on TS. The staff considers the 180-day response period to be appropriate given the amount of engineering that licensees may wish to perform before they provide their formal response to the staff.

(2) Within 30 days of completion of all requested actions, a report confirming completion and summarizing any actions taken.

Address the required written reports to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555–0001, under oath or affirmation under the provisions of Section 182a, the Atomic Energy Act of 1954, as amended, and 10 CFR 50.54(f). In addition, submit a copy of the reports to the appropriate regional administrator.

Related Generic Communications

NRC Bulletin 93–02, ''Debris Plugging of Emergency Core Cooling Suction Strainers,'' dated May 11, 1993 and its supplement dated February 18, 1994.

Backfit Discussion

The actions requested by this bulletin are considered backfits in accordance with NRC procedures and are necessary to ensure that licensees are in compliance with existing NRC rules and regulations. Specifically, 10 CFR 50.46 requires that adequate ECCS flow be provided to maintain the core temperature at an acceptably low value and to remove decay heat for the extended period of time required by the long-lived radioactivity remaining in the core following a design-basis accident. Therefore, this bulletin is being issued as a compliance backfit under the terms of 10 CFR 50.109(a)(4)(i), and a full backfit analysis was not performed. An evaluation was performed in accordance with NRC procedures, including a statement of the objectives of and the reasons for the requested actions and the basis for invoking the compliance exception. A copy of this evaluation will be made available in the NRC Public Document Room.

Paperwork Reduction Act Statement

The information collections contained in this request are covered by the Office of Management and Budget clearance number 3150–0011, which expires July 31, 1997. The public reporting burden for this collection of information is estimated to average 160 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information and Records Management Branch (T–6 F33), U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001, and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB–10202, (3150–0011), Office of Management and Budget, Washington, D.C. 20503.

Compliance with the following request for information is purely voluntary. The information would assist NRC in evaluating the cost of complying with this bulletin:

(1) The licensee staff time and costs to perform requested inspections, corrective actions, and associated testing;

(2) The licensee staff time and costs to prepare the requested reports and documentation;

(3) The additional short-term costs incurred as a result of the inspection findings, such as the costs of the corrective actions or the costs of down time;

(4) An estimate of the additional long-term costs that will be incurred in the future as a result of implementing commitments such as the estimated costs of conducting future inspections or increased maintenance.

Dated at Rockville, Maryland, this 19th day of July 1995.

For the Nuclear Regulatory Commission.

Brian K. Grimes,

Director Division of Project Support Office of Nuclear Reactor Regulation.

John W. Craig,

Deputy Director Division of Engineering Technology Office of Nuclear Regulatory Research.

[FR Doc. 95–18686 Filed 7–28–95; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–361 and 50–362]

Southern California Edison Company, et al.; San Onofre Nuclear Generating Station, Units 2 and 3; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has acted on a Petition for action under 10CFR 2.206 received from Richard M. Dean, dated September 19, 1994, as supplemented on December 2 and December 7, 1994, for the San Onofre Nuclear Generating Station (SONGS), Units 2 and 3.

In a letter dated September 19, 1994, the Petitioner requested that the NRC shut down the SONGS facility based upon gross negligence by Southern California Edison Company in not having an escape plan. The Petitioner asserted as a basis for this request that the closure of the Pacific Coast Highway at the Dana Point/San Clemente border (due to a landslide on January 16, 1993) invalidates the emergency evacuation plans for the residents of San Clemente. In letters dated December 2 and December 7, 1994, the Petitioner again requested the NRC to close the SONGS facility. The Petitioner asserted as a basis for this request that the recent financial losses incurred by Orange County called into question the County's ability to effectively participate in emergency evacuation plans in the event of a emergency at SONGS. Since these concerns were closely related to those expressed in the Petitioner's September 19, 1994, petition, they were treated as supplements to this petition.

The Director of the Office of Nuclear Reactor Regulation has determined that the request should be denied for the reasons stated in the ''Director's Decision Under 10 CFR 2.206'' (DD–95–14), the complete text of which follows this notice and which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555, and at the Local Public Document Room located at the University of California Main Library, P.O. Box 19577, Irvine, California 92713.

Dated at Rockville, Maryland, this 24th day of July 1995.

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

Appendix to Director's Decision Under 2.206

I. Introduction

By Petition dated September 19, 1994, Mr. Richard M. Dean (Petitioner) requested that the Nuclear Regulatory Commission (NRC) take action with regard to San Onofre Nuclear Generating Station (SONGS). The Petitioner requested that the NRC shut down the SONGS facility based upon gross negligence by Southern California Edison Company in not having an escape plan. The Petitioner asserted as a basis for this request that the closure of the Pacific Coast Highway (PCH) at the Dana Point/San Clemente border (due to a landslide on January 16, 1993) invalidates the emergency evacuation plans for the residents of San Clemente. Notice of receipt of the Petition indicating that a final decision with respect to the requested action would be forthcoming at a later date was

published in the Federal Register on November 9, 1994 (59 FR 55900).

The Petitioner, in letters dated December 2 and December 7, 1994, again requested the NRC to close the SONGS facility. The Petitioner asserted as a basis for this request that the recent financial losses incurred by Orange County called into question the county's ability to effectively participate in emergency evacuation plans in the event of an emergency at SONGS. Since these concerns were closely related to those expressed in the Petitioner's September 19, 1994, Petition, they were treated as supplements to that Petition.

Because the Petition involves matters related to offsite emergency planning, the NRC requested the assistance of the Federal Emergency Management Agency (FEMA) in responding to the issues raised by the Petition. By Presidential directive, FEMA has been assigned the responsibility for assessing the adequacy of offsite emergency plans for the area surrounding a nuclear plant. The NRC is responsible for assessing the adequacy of onsite emergency plans and has the final licensing authority. FEMA responded to NRC's request for assistance by letter dated March 22, 1995.

II. Discussion

Title 10 of the Code of Federal Regulations (CFR), Part 50, § 50.54(q), states in part that ''A licensee authorized to posses and operate a nuclear power reactor shall follow and maintain in effect emergency plans which meet the standards in § 50.47(b).'' Section 50.54(s)(1) states in part that ''Each licensee who is authorized to possess and/or operate a nuclear power reactor shall submit to NRC within 60 days of the effective date of this amendment the radiological emergency response plans of State and local governmental entities in the United States that are wholly or partially within a plume exposure pathway EPZ, as well as the plans of State governments wholly or partially within an ingestion pathway EPZ.'' Section 50.47(a)(1) states in part that ''no initial operating license for a nuclear power reactor will be issued unless a finding is made by the NRC that there is reasonable assurance that adequate protection can and will be taken in the event of a radiological emergency.'' Section 50.47(a)(2) further states in part, ''The NRC will base its findings on a review of the Federal Emergency Management Agency (FEMA) findings and determinations as to whether State and local emergency plans are adequate and whether there is reasonable assurance that they can be implemented.'' The review and approval of State and local radiological emergency plans and preparedness by FEMA are performed under the provisions of 44 CFR Part 350.

Officials from the State of California, Orange County, the City of San Clemente, and other jurisdictions in the emergency planning zone (EPZ) for the SONGS facility have participated in the development of the Radiological Emergency Preparedness (REP) plans to be implemented in the event of an incident at the facility. These REP plans have been evaluated in detail during each of the biennial REP exercises that began in May 1981; findings of these exercises have been reported to the NRC by FEMA. During these biennial exercises, evacuation route impediments, such as landslides, are simulated to test the capability of the offsite response organization to deal with such a contingency. The California State and local officials have continued to meet such challenges successfully during these biennial REP exercises. The most recent exercise was conducted in September 1993. As documented in (1) the October 13, 1993, letter from the NRC to Southern California Edison Company, forwarding the staff's inspection report of the September 1993 exercise, and (2) the March 27, 1995, letter from FEMA to the NRC, forwarding its report on the exercise, the offsite radiological emergency response plans and preparedness for the State of California and the affected local jurisdictions can be implemented and are adequate to provide reasonable assurance that appropriate measures can be taken off site to protect the health and safety of the public in the event of a radiological emergency at the site.

The Petitioner's assertion that with the closure of the PCH, Interstate 5 is the only route out of San Clemente is incorrect. The SONGS EPZ has a total of 10 sectors for evacuation purposes. Three of these sectors comprise to the City of San Clemente. The portion of the PCH affected by the landslide only affects the evacuation of one sector, Sector 3, of the City of San Clemente.

The landslide on January 16, 1993, closed the PCH at the San Clemente and Dana Point border. More landslides occurred in February 1993. However, an alternate route was established around the landslide area by local officials to act as a substitute evacuation route while the PCH was being repaired. The PCH had been scheduled to reopen in January 1995. However, in January 1995, the entire area received extremely heavy rainfall, causing further delays in the reopening of this portion of the PCH. The PCH was officially reopened on April 5, 1995. During reconstruction activities, the PCH was not open to the general public. However, two lanes were open for construction traffic and they could have been used to supplement the alternate route, if needed, as a means for evacuating the area. As stated by FEMA in its letter dated March 22, 1995, since an alternate evacuation route was established during the period when the PCH was closed to normal traffic and since the PCH was available for emergency use, the safe evacuation of the citizens of San Clemente was not compromised.

With respect to the Petitioner's concerns regarding the ability of Orange County to effectively participate in emergency evacuation activities considering the County's current financial difficulties, FEMA concludes that Orange County is meeting its obligations in this matter. According to FEMA's letter dated March 22, 1995, Orange County officials are aware that the current financial situation presents a major challenge in restructuring and prioritizing services to meet their objectives and mandates within their available resources. However, the Board of Supervisors recognizes that the primary mission of the County or of the local County government is the protection of health, safety, and welfare of the citizens and visitors to the County. During this financial crisis, the Board has repeatedly reiterated and publicly confirmed that these services are the highest priority for all County agencies and departments, including those services provided to contract cities such as San Clemente. In addition, a representative of the County is an active participant on the SONGS Interjurisdictional Planning Committee (IPC), which meets on a formal basis with officials of SONGS, the affected cities, the Camp Pendleton Marine Corps Base, the State Department of Parks and Recreation, the Capistrano Unified School District, San Diego County, and Federal and State emergency organizations to coordinate their nuclear power plant plans, preparedness, and procedures for emergency response to an emergency or incident at the SONGS site. The IPC also coordinates the multiagency planning, training, and drills for multihazard emergency response. The IPC representatives meet at least monthly to ensure their planning and preparedness measures are thoroughly coordinated and current. Accordingly, as stated by FEMA in its letter dated March 22, 1995, Orange County's financial difficulties are not preventing it from meeting its emergency evacuation responsibility.

III. Conclusion

The institution of proceedings pursuant to section 2.206 is appropriate only if substantial health and safety issues have been raised. *See Consolidated Edison Co. of New York* (Indian Point, Units 1, 2, and 3), CLI–75–8, 2 NRC 173, 175 (1975); *Washington Public Power Supply System* (WPPSS Nuclear Project No. 2), DD–84–7, 19 NRC 899, 924 (1984). This is the standard that has been applied to the concerns raised by the Petitioner to determine whether the action requested by the Petitioner is warranted. With regard to the request made by the Petitioner to shut down the SONGS facility, I find no basis for taking this action. The respective local jurisdictions have maintained their emergency plans in effect and continue to monitor them on a regular basis to ensure they remain current and coordinated. Appropriate evacuation routes are available. Local officials are aware of their resource limitations and have focused resources to ensure that the health, safety, and welfare of the citizens are of priority. FEMA has repeatedly determined that offsite emergency response plans and preparedness can be implemented and are adequate to provide reasonable assurance that appropriate measures can be taken offsite to protect the health and safety of the public in the event of a radiological emergency at the SONGS facility. On the basis of FEMA's findings, the NRC continues to find that there is reasonable assurance that adequate protection can and will be taken in the event of a radiological emergency at the SONGS facility. For the reasons discussed above, no basis exists for taking any action in response to the Petition as no substantial health or safety issues have been raised by the Petition. Accordingly, the Petitioner's request for action pursuant to Section 2.206 is denied.

A copy of this Decision will be filed with the Secretary of the Commission for the

Commission to review in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after issuance, unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland, this 24 day of July 1995.

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 95–18744 Filed 7–28–95; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Form Under Review by the Office of Management and Budget

Agency Clearance Officer: Michael E. Bartell, (202) 942–8800

Upon Written Request, Copy Available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:

Rule 103f–3—File No. 270–237

Proposed Revisions:

Rule 52—File No. 270–326

Rule 45—File No. 270–164

Form U–1—File No. 270–128

Proposed New Rule and Form:

Rule 58 and Form U–9C–3—File No. 270–400

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted to OMB requests for approval on the following rules and forms:

Rule 10f–3 permits, under certain conditions, purchases of securities from underwriting syndicates whose members include affiliated persons of the purchasing investment company. The rule requires disclosure of those transactions in the investment company's Form N–SAR, and also requires investment companies to keep records of transactions made in reliance upon the rule. It is estimated that 600 respondents will expend 600 burden hours annually to comply with Rule 10f–3.

Rule 52 permits public-utility and nonutility subsidiary companies of registered holding companies to issue and sell certain securities without filing a declaration if certain conditions are met. Within ten days after the issue or sale of any security exempt under rule 52 (or, in some cases, on a quarterly basis), the issuer or seller must file with the Commission a certificate of notification on Form U–6B–2 containing the information prescribed by that form. The proposed amendments to rule 52 would exempt additional public-utility and nonutility financing. The current reporting requirement would not change as a result of these amendments.

Rule 45 requires the filing of a declaration to obtain Commission approval for a registered holding company or subsidiary company to extend its credit, indemnify or make any capital contribution to any company in the same holding company system, and provides exceptions from the declaration requirement. The proposed amendment to rule 45 would expand the exceptions to conform to the proposed amendments to rule 52. It is estimated that 14 respondents will expend a total 46 burden hours annually to comply with Rule 45.

Form U–1 is used to file applications and declarations requesting Commission authorization of transactions for the acquisition of securities by a company in a registered holding company system. It is estimated that 111 respondents will expend a total of 17,206 burden hours annually.

Proposed rule 58 would permit a registered holding company and its subsidiaries to acquire securities of an ''energy-related company'' or a ''gas-related company'', as defined in the rule, without filing an application on Form U–1, subject to certain limitations. Within 60 days after the end of the first calendar quarter in which any exempt acquisition is made, and each calendar quarter thereafter, the registered holding company would be required to file with the Commission a certificate of notification on Form U–9C–3 containing the information prescribed by that form. It is estimated that 61 respondents would expend 4 hours per quarterly filing (or 16 hours per year) to comply with Rule 58 and Form U–9C–3.

General comments regarding the estimated burden hours should be directed to the Clearance Officer for the Securities and Exchange Commission at the address below. Any comments concerning the accuracy of the estimated average burden hours for compliance with Commission rules and forms should be directed to Michael E. Bartell, Associate Executive Director, Office of the Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, and SEC Clearance Officer, Office of Management and Budget, Paperwork Reduction Projects 3235–0226 (Rule 10f–3), 3235–0369 (Rule 52), 3235–0154 (Rule 45) 3235–0125 (Form U–1) and Rule 58 and Form U–9C–3, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: July 17, 1995.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18657 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

Forms Under Review by the Office of Management and Budget

Agency Clearance Officer: Michael E. Bartell, (202) 942–8800

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of Filings and Information Services, 450 Fifth Street, N.W., Washington, D.C. 20549

Approval; Amendments to:

Regulation S–X—File No. 270–3

Form N–1A—File No. 270–21

Form N–2—File No. 270–21

Form N–3—File No. 270–281

Form N–4—File No. 270–282

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for OMB approval amendments to Regulation S–X under the Securities Act of 1933 (the ''1933 Act'') and Form N–1A, Form N–2, Form N–3, and Form N–4 under the 1933 Act and the Investment Company Act of 1940 (the ''1940 Act''). The amendments pertain to the disclosure of investment company (''funds'') expenses when such expenses are paid by third parties in exchange for allocation of fund brokerage or use of fund assets.

The amendment to regulation S–X requires funds to include in their statements of operations the amount of any expenses paid by third parties in exchange for allocation of fund brokerage or use of fund assets. The amendments to Form N–1A, Form N–2, Form N–3 and Form N–4 require that this ''total expense'' figure also be set forth in the fee table and financial highlights table in fund prospectuses and be used, in part, to calculate fund yield. The change in burden associated with these amendments will be reflected in the burdens associated with the various forms to be amended.

It is estimated that 300 funds that file on Form N–1A will each incur 3.0 burden hours in addition to the time currently required to complete the Form, 750 funds that file on Form N–1A will each incur 2.0 additional burden hours, and 1,950 funds that file on Form N–1A will each incur 1.0 additional burden hour. It is estimated that 12 funds that file on Form N–2 will each incur 2.5 burden hours in addition to the time currently required to

complete the Form, 31 funds that file on Form N–2 will each incur 1.5 additional burden hours, and 82 funds that file on Form N–2 will each incur 1.0 additional burden hour. It is estimated that five funds that file on Form N–3 will each incur 1.5 burden hours in addition to the time currently required to complete Form N–3, while 13 funds that file on Form N–3 will each incur 1.0 additional burden hour. Finally, it is estimated that 28 funds that file on Form N-4 will each incur 1.5 burden hours in addition to the time currently required to complete Form N–4, while 72 funds that file on Form N–4 will each incur 1.0 additional burden hour.

The estimates of burden hours set forth above are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the cost of SEC rules and forms.

General comments may be directed to the OMB Clearance Officer for the Securities and Exchange Commission at the address below. Comments concerning the accuracy of the estimated average burden hours for compliance with Commission rules and forms should be directed to Michael E. Bartell, Associate Executive Director, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, and to the Securities and Exchange Commission's Clearance Officer, Office of Information and Regulatory Affairs, Paperwork Reduction Act numbers 3235–0009 (for Regulation S–X), 3235–0307 (for Form N–1A), 3235–0026 (for Form N–2), 3235–0316 (for Form N–3), and 3235–0318 (for Form N–4), Office of Management and Budget, Room 3228, New Executive Office Building, Washington, D.C. 20543.

Dated: July 21, 1995.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18667 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36020; File Nos. SR–CBOE–95–11; SR–PSE–95–04; SR–Phlx–95–12; SR–Amex–95–07]

Self-Regulatory Organizations; Order Approving Proposed Rule Changes and Notice of Filing and Order Granting Accelerated Approval of Related Amendments by the Chicago Board Options Exchange, Inc., the Pacific Stock Exchange, Inc., and the Philadelphia Stock Exchange, Inc.; and Notice of Filing and Order Granting Accelerated Approval to Proposed Rule Change and Related Amendments by the American Stock Exchange, Inc., Relating to Listing Standards for Options on Securities Issued in Certain Corporate Restructuring Transactions

July 24, 1995.

I. Introduction

On January 26, February 13, February 15, and February 17 the Chicago Board Options Exchange, Inc. (''CBOE''), the Philadelphia Stock Exchange, Inc. (''Phlx''), the Pacific Stock Exchange, Inc. (''PSE''), and the American Stock Exchange, Inc. (''Amex'') (collectively the ''Exchanges''), respectively, 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] proposed rule changes to adopt listing standards for options on securities issued in certain corporate restructuring transactions.

On February 17, 1995, February 21, 1995, February 21, 1995 and July 11, 1995, the CBOE, PSE, Phlx and Amex, respectively, submitted to the Commission Amendment No. 1 to their proposed rule changes in order to make certain technical corrections to the text of the proposals.[3] On May 10, 1995, the CBOE submitted to the Commission Amendment No. 2 to its proposed rule change.[4] On June 13, 1995, the CBOE submitted to the Commission Amendment No. 3 to its proposed rule change.[5] On July 11, 1995, the Amex submitted to the Commission Amendment Nos. 2 and 3 to its proposed rule change.[6] On June 26, July 11 and July 11, 1995, the Phlx, PSE, and the Amex submitted to the Commission Amendment Nos. 2, 2, and 4, respectively, to their proposed rule changes.[7] On July 11, 1995, the Phlx submitted to the Commission Amendment No. 3 to its proposed rule changes.[8]

Notices of the CBOE, PSE and Phlx proposals and Amendment No. 1 to PSE's and Phlx's proposed rule changes were published for comment in the **Federal Register** on February 8, 1995, March 1, 1995 and March 1, 1995, respectively.[9] No comments were

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The CBOE, PSE, Phlx and Amex submitted identical revisions to their proposed rule changes in order to clarify that comparative asset values and revenues shall be derived from *the later of* the most recent annual or most recently available comparable interim financial statements of each of the respective issuers. *See* Letters from Michael Meyer, Attorney, Schiff, Hardin & Waite, dated February 17, 1995, Michael Pierson, Senior Attorney, PSE, dated February 21, 1995, and Michele Weisbaum, Associate General Counsel, Phlx, dated February 21, 1995, to Beth Stekler, Attorney, Office of Market Supervision (''OMS''), Division of Market Regulation (''Market Regulation''), Commission. *See also* Letter from Claire McGrath, Special Counsel, Amex, to Michael Walinskas, Branch Chief, OMS, Market Regulation, Commission, dated July 11, 1995 (''Amex Letter'') (collectively ''Amendment No. 1'').

[4] Amendment No. 2 to CBOE's proposal makes certain technical changes and states that under narrowly defined circumstances, the CBOE may determine that the public ownership of shares and holder requirements for the Restructure Security are satisfied based on these same characteristics of the Original Security. *See* Letter from Michael Meyer, Attorney, Schiff Hardin & Waite, to Sharon Lawson, Assistant Director, OMS, Market Regulation, Commission, dated May 10, 1995 (''CBOE Amendment No. 2'').

[5] Amendment No. 3 to CBOE's proposed rule change makes further technical changes, and eliminates the reference to rights offerings in paragraph (c) of proposed new Interpretation and Policy .05 to CBOE Rule 5.3. *See* Letter from Michael Meyer, Attorney, Schiff Hardin & Waite, to Sharon Lawson, Assistant Director, OMS, Market Regulation, Commission, dated June 13, 1995 (''CBOE Amendment No. 3'').

[6] The Amex submitted Amendment No. 2 to its proposed rule change in order to delete any and all references to restructuring transactions involving shareholders other than existing shareholders of the issuer of the Original Security. The Amex also submitted Amendment No. 3 to its proposed rule change to correct a technical error in proposed rule 916.01(6) by properly referencing various commentaries. *See* Amex Letter, *supra* note 3.

[7] The Phlx, PSE, and Amex amended the text of their proposed rules to conform to the language filed by the CBOE. *See* Letter from Michele Weisbaum, Associate General Counsel, Phlx, to Michael Walinskas, OMS, Market Regulation, Commission, dated June 26, 1995 (''Phlx Amendment No. 2''), Letter from Michael Pierson, Senior Attorney, PSE, to John Ayanian, Attorney, OMS, Market Regulation, Commission, dated July 11, 1995 (''PSE Amendment No. 2''). *See also* Amex Letter, *supra* note 3.

[8] The Phlx submitted Amendment No. 3 to its proposed rule change to make certain technical clarifications, and to revise paragraph (b) of proposed new Commentary .05 to Phlx Rule 1009 to state that option contracts may not be initially listed for trading on a Restructure Security until shares of the Restructure Security are issued and outstanding and are the subject of trading that is not on a ''when issued'' basis. *See* Letter from Michele Weisbaum, Associate General Counsel, Phlx, to John Ayanian, Attorney, OMS, Market Regulation, Commission, dated July 11, 1995 (''Phlx Amendment No. 3'').

[9] *See* Securities Exchange Act Release Nos. 35315 (February 1, 1995), 60 FR 7598 (File No. SR–CBOE–

Continued

received on the proposals. This order approves the proposed rule changes by the CBOE, PSE, Phlx and Amex. The proposed rule change by the Amex, as amended, and certain amendments by the CBOE, PSE, and Phlx, have been approved on an accelerated basis.

II. Background

The Exchanges currently maintain uniform standards regarding the approval for listing of underlying securities for options trading.[10] Specifically, to be the subject of options trading, the underlying security must meet the following guidelines: (1) Trading volume in all markets of at least 2.4 million shares in the preceding twelve months (''Volume Test''); (2) market price per share of at least $7.50 for the majority of business days during the three calendar month period preceding the date of selection (''Price Test''); (3) a minimum public ownership of 7 million shares (''Public Ownership Requirement''); [11] and (4) a minimum of 2,000 holders (''Holder Requirement'').[12] An exchange must determine that a security satisfies the above requirements, as of the date it is selected for options trading (''selection date''), which is the date the exchange files for certification of the listing of the option with the Options Clearing Corporation (''OCC''). Depending upon the interest and response from other options exchanges, the exchange may begin options trading from three or five business days after the selection date.

The Exchanges have adopted maintenance criteria for withdrawal of approval of an underlying security subject to options trading.[13] A security previously approved for options transactions shall be deemed not to meet the guidelines for continued listing if (1) Trading volume in all markets is less than 1.8 million shares in the preceding twelve months (''Maintenance Volume Test''); (2) market price per share closes below $5.00 on a majority of business days during the preceding six calendar months (''Maintenance Price Test''); [14] (3) public ownership amounts to fewer than 6.3 million shares (''Maintenance Public Ownership Requirement''); or (4) there are fewer than 1,600 holders (''Maintenance Holder Requirement'').[15]

Both the initial and maintenance listing criteria are intended to ensure, among other things, that options are only traded on stocks with adequate depth and liquidity so that the options and their underlying components are not readily susceptible to manipulation.

III. Description of the Proposals

The Exchanges propose to amend their rules to facilitate the earlier listing of options on securities issued in certain corporate restructuring transactions. The proposals will apply to securities (''Restructure Security'') issued by a public company to existing shareholders, with existing publicly traded shares subject to options trading, in connection with certain ''restructuring transactions.''[16]

Under the current standards, an exchange is generally precluded from listing eligible options on newly issued securities for at least three months, given that the guidelines require three months of price history to determine if the underlying security meets the Price Test. Additionally, an exchange may only list eligible options on newly issued securities, if the underlying security meets the Volume Test which requires trading volume in all markets of at least 2.4 million shares in the preceding twelve months. The proposed rule changes, however, would facilitate the earlier listing of options on a Restructure Security by permitting an exchange to determine whether a Restructure Security satisfies the Volume Test and Price Test by reference to the trading volume and market price history of an outstanding equity security (''Original Security'') previously issued by the issuer of the Restructure Security, or affiliate thereof. In addition, the Exchanges propose specific criteria for evaluating the distribution of shares of a Restructure Security for purposes of meeting the Public Ownership and Holder Requirements. To the extent that the initial options listing requirements are satisfied based upon these ''lookback'' provisions to the Original Security and the other provisions of the proposal, then an exchange will permit options trading to begin on the ex-date for the transaction.[17]

Before an exchange may invoke this proposed ''lookback'' provision and utilize the volume and price of the Original Security for purposes of meeting the options eligibility criteria for the Restructure Security, the Restructure Security must first satisfy one of four alternate conditions. The first three alternate conditions are intended to ensure that the trading volume and market price history of the Original Security represent a reasonable surrogate for determining the likely future trading volume and price data of the Restructure Security. Under these conditions either, (a) the aggregate market value of the Restructure Security, (b) the aggregate book value of the assets attributed to the business represented by the Restructure Security (minimum $50 million) or (c) the revenues attributed to the business represented by the Restructure Security (minimum $50 million) must exceed one of two stated percentages of the same measure for the Original Security.[18] The threshold percentages will be 25% if the applicable measure determined with respect of the Original Security represents an interest in the combined enterprise prior to the restructuring transaction, and 33⅓% if the applicable measure determined with respect of the Original Security represents an interest in the remainder

95–11); 35410 (February 22, 1995), 60 FR 11158 (File No. SR–PSE–95–04 and Amendment No. 1); and 35409 (February 22, 1995), 60 FR 11159 (File No. SR–Phlx–95–12 and Amendment No. 1).

[10] *See* Amex Rule 915; CBOE rule 5.3; PSE Rule 3.6; Phlx Rule 1009; and NYSE Rule 715.

[11] Shares that are owned by persons required to report their stock holdings under Section 16(a) of the Act (*i.e.*, directors, officers, and 10% beneficial owners) are excluded from this calculation.

[12] This proposal addresses price, volume, public ownership, and holder requirements specifically. For a Restructure Security to meet initial listing requirements, however, it must additionally comply with all requirements set forth by the Exchanges in their options eligibility rules. For example, the security must be registered, and listed on a national securities exchange, or traded through the facilities of a national securities association and reported as a ''national market system'' (''NMS'') security as set forth in Rule 11Aa3–1 under the Act, and the issuer must be in compliance with any applicable requirements of the Act. *See supra* note 10.

[13] *See* Amex Rule 916; CBOE Rule 5.4; PSE Rule 3.7; Phlx Rule 1010; and NYSE Rule 716.

[14] Additional criteria permits the underlying security under certain circumstances to trade as low as $3.00 for a temporary period of time. *See* Id.

[15] This proposal addresses maintenance criteria for market price and trading volume specifically. For a Restructure Security to meet maintenance requirements for an underlying security subject to options trading, however, it must additionally comply with all requirements set forth by the Exchanges in their options eligibility rules. *See supra* note 13.

[16] The proposal defines a ''restructuring transaction'' as a spin-off, reorganization, recapitalization, restructuring or similar corporate transaction.

[17] Option contracts may not be initially listed for trading in respect of a Restructure Security until the ex-date. The ex-date occurs at such time when shares of the Restructure Security become issued and outstanding and are the subject of trading that are not on a ''when issued'' basis or in any other way contingent on the issuance or distribution of the shares. *See e.g.*, Phlx Amendment No. 3, *supra* note 8.

[18] Aggregate market value will be based on share prices that are either (a) all closing prices in the primary market on the last business day preceding the selection date or (b) all opening prices in the primary market on the selection date. The aggregate market value of the Restructure Security may be determined from ''when issued'' prices, if available.

Asset values and revenues will be derived from the later of (a) the most recent annual financial statements or (b) the most recent interim financial statements of the respective issuers covering a period of not less than three months. Such financial statements may be audited or unaudited and may be pro forma.

of the enterprise after the restructuring transaction. The fourth alternate condition is that the aggregate market value represented by the Restructure Security be at least $500 million. This condition is based on the Exchanges' view that even if a Restructure Security does not meet the comparative tests outlined above, a Restructure Security with an aggregate market value of 4500 million, by virtue of its absolute size, represents a substantial portion of the Original Security, and thus should qualify for the ''lookback'' provision.

If any one of the four conditions set forth above is satisfied, a Restructure Security will qualify for the ''lookback'' provision. Under the ''lookback'' provision, a Restructure Security may be eligible for options trading immediately upon its issuance provided the following requirements are satisfied. First, the Restructure Security must satisfy the options Volume and Price Tests. Under the proposals, an exchange may be permitted to determine whether a Restructure Security satisfies the Volume and Price Tests by reference to the trading volume and market price history of the Original Security. Under the proposed rule change, the trading volume and market price history of the Original Security that occurs *prior to the restructuring ex-date* can be used for these calculations (emphasis added).[19] Volume and price data may be derived from ''when issued'' trading in the Restructure Security. However, once an exchange uses ''when issued'' volume or prices for the Restructure Security to satisfy the relevant guidelines, it may not use the Original Security for that purpose on any subsequent trading day. In addition, both the trading volume and market price history of the Original Security must be used, if either is so used.

Additionally, an exchange must determine whether a Restructure Security will satisfy the Public Ownership and Holder Requirements. This determination will either be based on facts and circumstances that will exist on the intended date for listing the option, or based on assumptions that are permitted under the proposal. Because the shares of the Restructure Security are to be issued or distributed to the shareholders of the issuer of the Original Security, the Exchanges propose that these requirements may be satisfied based upon the exchange's knowledge of the existing number of outstanding shares and holders of the Original Security.

The Exchanges further proposes that if a Restructure Security is to be listed on an exchange or in an automatic quotation system that subjects it to an initial listing requirement of no less than 2,000 holders, then the options exchange may assume that the Holder Requirement will be satisfied. Similarly, if a Restructure Security is to be listed on an exchange or in an automatic quotation system subject to an initial listing requirement of no less than public ownership of 7 million shares, then the options exchange may assume that Public Ownership Requirement will be satisfied. Additionally, if an exchange determines that at least 40 million shares of a Restructure Security will be issued and outstanding in a restructuring transaction, then it may assume that the Restructure Security will satisfy both the Public Ownership and Holder Requirements.[20]

An exchange, however, shall not rely on the above assumptions if, after reasonable investigation, it determines that either the public ownership of shares or the holder requirement, in fact, will not be satisfied on the intended date for listing the option. In addition, pursuant to the proposal, other exchanges will have the opportunity to challenge the certification by demonstrating that the Restructure Security will not meet the initial listing criteria with respect to public ownership and holders.

Finally, the proposal will adopt a similar ''lookback'' provision for the Maintenance Volume Test and the Maintenance Price Test. Specifically, for purposes of satisfying these requirements, the trading volume and market price history of the Original Security, as well as any ''when issued'' trading in the Restructure Security, can be used for such calculations, provided that they are only used for determining price and volume history for the period prior to commencement of trading in the Restructure Security.

IV. Commission Finding and Conclusions

The Commission finds that the proposed rule changes are 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)(5),[21] in that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, and, in general, to protect investors and the public interest.

The Commission believes that it is necessary for securities to meet certain minimum standards regarding both the quality of the issuer and the quality of the market for a particular security to become options eligible. These standards are imposed to ensure that those issuers upon whose securities options are to be traded are financially sound companies whose trading volume, market price, number of holders, and public ownership of shares are substantial enough to ensure adequate depth and liquidity to sustain options trading that is not readily susceptible to manipulation. The Commission also recognizes that under current equity options listing criteria, existing shareholders of an issuer that becomes involved in a restructuring transaction, may be precluded for a significant period from employing an adequate hedging strategy involving options on any newly acquired Restructure Security received in connection with such transaction.

Accordingly, to determine whether the earlier listing of options overlying a Restructure Security is reasonable, the Commission must balance the benefits of providing adequate hedging strategies to shareholders of the issuer of the Restructure Security, and the risks of approving certain securities for options trading before such securities actually satisfy the options eligibility criteria, which currently, for newly issued securities, can not occur, at the very least, prior to three months after the security begins trading.[22] The Commission believes that the proposed limited exception to established equity options listing procedure strikes such a reasonable balance.

As discussed in more detail below, the Commission believes that the conditions of the new rule will help to ensure that only those securities that are most likely to have adequate depth and liquidity will be eligible for options trading prior to the establishment of a recognized trading history. Additionally, by facilitating the earlier listing of options on a Restructure Security, the Commission believes that investors formerly holding the Original Security, upon which options are currently traded, should be able to

[19] *See supra* Section II.

[20] According to the CBOE, for most restructuring transactions, it should be possible to know or to deduce from publicly available information on the distribution of the Restructure Security (or a worst case estimate of the number of shares that will be publicly held and the number of shareholders) upon completion of the restructuring transaction. As proposed, an exchange could make the necessary determination prior to the ex-date and could certify the Restructure Security for options trading on that basis. *See* Letter from Michael Meyer, Attorney, Schiff Hardin & Waite, to Sharon Lawson, Assistant Director, OMS, Market Regulation, dated January 25, 1995 (''CBOE Letter'').

[21] 15 U.S.C. 78f(b)(5).

[22] *See supra* Section II.

better hedge the risk of their newly acquired stock position in the Restructure Security.[23]

Despite the benefits of the proposal, the Commission believes that the proposal should only apply to restructuring transactions that involve financially sound and sufficiently large companies. The Commission believes that the Exchanges have addressed this concern by adding conditions to the proposal that require that Restructure Security to either satisfy certain comparative test (comparing the Restructure Security, or its related business with that of the Original Security, or its related business),[24] or meet a very high aggregate market value standard ($500 million).

The Commission believes that if one of the comparative tests is satisfied, the Restructure Security should adequately resemble the Original Security to qualify for the ''lookback'' provision. Under the ''lookback'' provision, a Restructure Security will be able to satisfy the Volume and Price Tests if the trading volume and market price history of the Restructure Security, together with the trading volume and market price history of the Original Security occurring prior to the ex-date, meet the existing related requirements. Moreover, the Commission believes that, given the limited scope of the proposal, it is appropriate to conclude that a Restructure Security with an aggregate market value of at least $500 million appropriately qualifies for the ''lookback'' provision.

The Commission also believes that it is appropriate for an exchange to count ''when issued'' trading in the Restructure Security when determining if the Restructure Security will satisfy the Volume and Price Tests set forth in the initial options listing requirements. However, once an exchange begins to use ''when issued'' volume or price history for the Restructure Security to satisfy the Volume or Price Tests, it may not use the Original Security for such purposes on any subsequent trading day. In addition, both the trading volume and market price history of the Original Security must be used, if either is so used. For example, if in order to satisfy the Volume Test for a Restructure Security for which the ex-date is expected to be February 1, 1996, an exchange may elect to base its determination on the trading volume of the Original Security from February 1, 1995 through December 27, 1995, and then utilize the trading volume in the when-issued market for the Restructure Security from December 28, 1995 through January 31, 1996, in determining whether options covering the Restructure Security may be listed on the February 1 ex-date. Under this example, after December 28, 1995, only when-issued trading data for the Restructure Security may be used in determining whether it meets the Volume and Price Tests. An exchange, however, would be permitted to use the volume and price history of the Original Security throughout the entire period prior to February 1, 1996, provided that it did not rely on any when-issued trading data during that period.

The Commission notes that an exchange shall not use trading history relating to the Original Security after the ex-date to meet the initial options listing requirements for the option contracts overlying the Restructure Security. Additionally, the condition that option contracts overlying a Restructure Security shall not be initially listed for trading until such time as shares of the Restructure Security are issued and outstanding and are the subject of trading that is not on a ''when issued'' basis or in any other way contingent on the issuance or distribution of the shares will ensure that options will only be traded a Restructure Security when it is certain the security is actually issued and outstanding.

In addition to satisfying the Volume and Price Tests, a Restructure Security must also meet certain distribution requirements before an exchange can deem such security to be options eligible. Specifically, the Restructure Security must have 2,000 holders, and 7 million shares must be owned by persons not required to report their stock holdings under Section 16(a) of the Act to be options eligible. Under the most typical restructuring transaction, a spin-off to existing shareholders of the issuer of the Original Security, an exchange should be able to determine from publicly available information or otherwise reasonably deduce whether the Restructure Security will satisfy the 2,000 shareholders requirement and the public ownership of 7 million shares requirement.[25] As an example, if Issuer A, having public ownership of 10 million shares of common stock owned by 5,000 holders intends to effect a spin-off of a subsidiary, whereby one share of the subsidiary is issued to existing shareholders of Issuer A for each currently held outstanding share of Issuer A, immediately following the spin-off the former subsidiary will have public ownership of 10 million shares and 5,000 holders. As a result, the former subsidiary will satisfy both the public ownership of 7 million shares and 2,000 holder requirements.

As an alternative to the above, the proposal provides that an exchange may make certain limited assumptions based on facts and circumstances that will exist on the intended date for listing the options in order to determine the Public Ownership and Holder Requirements. First, if a Restructure Security is to be listed on an exchange or in an automatic quotation system that has, and applies to the Restructure Security, an initial listing requirement that the issuer have no less than 2,000 holders, the Commission believes that it is reasonable for an exchange to assume that its comparable option listing requirement will be satisfied. Second, if a Restructure Security is to be listed on an exchange or in an automatic quotation system that has, and applies to the Restructure Security, an initial listing requirement of no less than public ownership of 7 million shares, the Commission believes that it is reasonable for the an exchange to assume that its comparable option listing requirement will be satisfied.

The Commission notes that currently no exchange or automatic quotation system has a public ownership initial stock listing standard that is as stringent as those required under the options eligibility requirements. Moreover, a stock exchange may now be able to list stocks pursuant to alternate listing standards. For example, the Commission has recently approved alternate listing standards for companies listed on the New York Stock Exchange (''NYSE''), including, among other things, the distribution of shares.[26] Under these alternate listing standards, the NYSE is currently allowed to list certain companies with 500 shareholders that meet heightened requirements in other areas in lieu of its 2,200 total shareholder requirement.

---

[23] Although the proposals do not specifically address it, the Commission understands that the application of the proposals is limited to instances where options are listed on the Original Security.

[24] *See supra* note 18 and accompanying text. The Commission notes that the Exchanges proposed that comparative asset values and revenues, when used to determine whether the above-mentioned conditions are satisfied, shall be derived ''from the later of the most recent annual or most recently available comparable interim *(not less than three months* financial statements.'' This provision means that the interim financial statements must cover a period of not less than three months.

[25] The Commission notes that ''public ownership of shares, as referred to herein, are shares that are owned by persons not required to report their stock holdings under Section 16(a) of the Act (*i.e.*, directors, officers, and 10% beneficial owners).

[26] *See* Paragraph 102.01 of the NYSE's Listed Company Manual. *See also* Securities Exchange Act Release No. 35571 (April 5, 1995), 60 FR 18649 (April 12, 1995) (order approving proposed rule change relating to domestic listing standards).

Therefore, the Exchanges should be careful to precisely determine which listing standards are being applied to the listing of the Restructure Security prior to making a determination as to whether the Restructure Security meets the corresponding options listing criteria.

Additionally, the proposal provides that if at least 40 million shares of a Restructure Security will be issued and outstanding in a restructuring transaction, an exchange may assume that the Restructure Security will satisfy both the public ownership of shares and holder requirements. The Commission believes this is appropriate because it appears unlikely that a Restructure Security with at least 40 million issued and outstanding shares, will have fewer than 2,000 holders or less than 7 million shares owned by persons not required to report holdings under Section 16(a) the Act.

The Commission believes that concerns associated with the ability of an exchange to make important listing decisions based on assumptions rather than confirmed facts are alleviated by the crucial provision contained in the proposal that an exchange shall not rely on the above assumptions if, after a reasonable investigation, it determines that either the public ownership of shares or the holder requirement, in fact, will not be satisfied on the intended date for listing the option. At the very least, an exchange should investigate the basis for its assumptions regarding the public ownership of shares and number of shareholders just prior to selecting the option and just prior to trading the option, utilizing a worst case analysis in making its assumptions that the Restructure Security will meet these listing standards upon completion of the restructuring transaction.[27]

In addition, other exchanges will continue to have the opportunity to challenge the certification by demonstrating that the Restructure Security will not meet the initial listing criteria with respect to public ownership and holders. The Commission believes that this provision provides an important check and should help to ensure that no unqualified securities are listed for options trading.

The Commission also believes that it is appropriate for an exchange to apply the ''lookback'' provision, to determine if a Restructure Security will satisfy the Maintenance Volume and Price Tests. The Commission believes that it is appropriate to use the trading volume and market price history of the Original Security, as well as any ''when issued'' trading in the Restructure Security for such calculations, provided that they are only used for determining price and volume history for the period prior to commencement of trading in the Restructure Security.

The Commission notes that because the Maintenance Volume and Price Test are calculated on a rolling forward basis, ''when issued'' trading history for the Restructure Security or trading history for the Original Security prior to the ex-date may be used for maintenance calculations for no more than twelve months after the ex-date for the Restructure Security with respect to the Maintenance Volume Test, and for no more than six months after the ex-date for the Restructure Security with respect to the Maintenance Price Test. For example, if in order to satisfy the Maintenance Volume Test for a Restructure Security on November 1, 1995, for which the ex-date is September 1, 1995, an exchange may elect to base its determination on the trading volume of the Original Security from November 1, 1994 through August 1, 1995, the trading volume in the when-issued market for the Restructure Security from August 2, 1995 through August 31, 1995, but must use the trading volume in the Restructure Security from September 1, 1995 through November 1, 1995. Similarly, in order to satisfy the Maintenance Price Test for the same Restructure Security on November 1, 1995, an exchange may elect to base its determination on the trading price of the Original Security from August 1, 1995 through August 15, 1995, the trading price in the when-issued market for the Restructure Security from August 16, 1995 through August 31, 1995, but must use the trading price in the Restructure Security form September 1, 1995 through November 1, 1995.

The Commission notes that the Exchanges' proposals only permit them to avail themselves of the accelerated listing procedures for a traditional restructuring transaction that is limited to the distribution of shares to existing shareholders of the issuer of the Original Security. Accordingly, the Commission notes that this proposal does not address or apply to restructuring transactions that involve a sale of such securities to the general public, including, but not limited to, initial public offerings or secondary offerings. The Commission is approving the current proposal based, in part, on the need for investors and other market participants with combined stock/option positions in an Original Security to be able to maintain their positions immediately following a restructuring transaction. Otherwise, holders of the Original Security might be temporarily prevented (until the Restructure Security independently satisfies the options listing criteria) from adequately hedging their involuntarily received new positions in the Restructure Security.

The Commission also notes that this proposal does not address or apply to restructuring transactions that involve a sale of such securities in a rights offering to existing holders of the Original Security. The Commission believes that the contingencies in the terms of such an offering make it too difficult to determine whether the number of subscribers for such an offering would be adequate to meet the Pubic Ownership and Holder Requirements and therefore such an offering does not justify the immediate availability of options for the underlying security.

The Commission believes that any future exchange proposing to expand the scope of this proposal beyond that of restructuring transactions involving distributions of securities to existing shareholders or expanding the rule to include rights offerings must address potential concerns associated with being able to adequately determine the minimum number of publicly owned shares and holders of the Restructure Security that will exist on the intended date for listing the options in order to justify accelerated availability of options trading.

The Commission finds good cause for approving the proposed rule change by the Amex prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register.** Specifically, the Commission notes that the Amex's proposed rule change is substantively similar to those proposed by the CBOE, PSE, and Phlx. The Amex rule change proposal raises no issues that are not raised by the other exchanges. Additionally, the Commission notes that the CBOE, PSE, and Phlx proposals were subject to a full notice and comment period, and no comments were received, Accordingly, the Commission believes that it is consistent with section 6(b)(5) of the Act to approve Amex's proposed rule change, as amended, on an accelerated basis.

The Commission also finds good cause for approving identical Amendment No. 1 to the proposed rule changes from the CBOE and Amex prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register.** This amendment clarifies that comparative asset values

[27] *See e.g.* CBOE Letter, *supra* note 20.

and revenues shall be derived from *the later of* the most recent annual or most recently available comparable interim financial statements of each of the respective issuers. The Commission believes that this amendment helps to clarify the method of determining comparative asset values and revenues and contains only minor variations from the original proposals. Accordingly, the Commission believes that it is consistent with Sections 6(b)(5) of the Act to approve Amendment No. 1 to CBOE's and Amex's proposed rule changes on an accelerated basis.

The Commission finds good cause for approving Amendments Nos. 2 and 3 to the Amex's proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register.** Amendment No. 2 to Amex's proposal addresses the scope of transactions qualifying for the proposed equity options listing criteria by deleting any and all references to restructuring transactions involving shareholders other than existing shareholders of the issuer of the Original Security. This amendment ensures that the accelerated options listing procedures as proposed by the exchanges, apply only to a restructuring transaction involving existing shareholders of the issuer of the Original Security. The Commission believes that Amendment No. 2 to Amex's proposal effectively narrows the scope, and accurately reflects the original intent, of the proposed rule change. Amendment No. 3 to Amex's proposal corrects a technical error in proposed rule 916.01(6) by properly referencing various commentaries. The Commission does not believe the amendment raises any new or unique regulatory issues. Therefore, the Commission believes it is consistent with Sections 6(b)(5) of the Act to approve Amendment Nos. 2 and 3 to Amex's proposal on an accelerated basis.

The Commission finds good cause for approving Amendments Nos. 2 and 3 to the CBOE's proposed rule changes, prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register.** Specifically, Amendment No. 2, to CBOE's proposal makes certain technical changes to clarify the meaning of the proposed rule changes to achieve greater uniformity with the language of the other exchanges, and to properly reflect the original intent of the proposed rule change. Additionally, Amendment No. 2 to CBOE's proposal states that under narrowly defined circumstances, the CBOE may determine that the public ownership of shares and holder requirements are satisfied based on these same characteristics in respect of the Original Security. Amendment No. 3 to CBOE's proposed rule changes makes further technical changes, and eliminates the reference to rights offerings in paragraph (c) of proposed new Interpretation and Policy .05 to CBOE Rule 5.3. The Commission does not believe these amendments raise any new or unique regulatory issues. In particular, the Commission believes that the amendments clarify the meaning, and reflect the scope of the proposed rule change, as originally intended. Therefore, the Commission believes it is consistent with Sections 6(b)(5) of the Act to approve Amendments Nos. 2 and 3 to CBOE's proposed rule changes, respectively, on an accelerated basis.

The Commission finds good cause for approving Amendments Nos. 2, 2, and 4 to the Phlx's, PSE's, and Amex's proposed rule changes, respectively, prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register.** These amendments merely conform the Phlx's, PSE's, and Amex's proposed rule changes to Amendment Nos. 2 and 3 to CBOE's proposal. The Commission does not believe the amendments raised any new or unique regulatory issues. Therefore, the Commission believes it is consistent with Sections 6(b)(5) of the Act to approve Amendments Nos. 2, 2 and 4 to Phlx's, PSE's, and Amex's proposed rule changes, respectively, on an accelerated basis.

The Commission finds good cause for approving Amendment No. 3 to the Phlx's proposed rule changes prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. Specifically, Amendment No. 3 to Phlx's proposal makes certain technical clarifications and revises paragraph (b) of proposed new Commentary .05 to Phlx Rule 1009 to state that option contracts may not be initially listed for trading on a Restructure Security until shares of the Restructure Security are issued and outstanding and are the subject of trading that is not on a ''when issued'' basis. Because Phlx Amendment No. 3 merely reverses an unintended amendment to the proposed rule change as originally filed, the Commission does not believe the amendment raises any new or unique regulatory issues. Therefore, the Commission believes it is consistent with Section 6(b)(5) of the Act to approve Amendment No. 3 to Phlx's proposal on an accelerated basis.

Interested persons are invited to submit written data, views and arguments concerning the Amex proposal Amendments Nos. 1, 2, 3 and 4 to Amex's proposal; CBOE Amendment Nos. 1, 2 and 3; Phlx Amendment Nos. 2 and 3; and PSE Amendment No. 2. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal offices of the Exchanges. All submissions should refer to SR–CBOE–95–11; SR–PSE–95–04; SR–Phlx–95–12; and SR–Amex–95–07 and should be submitted by August 21, 1995.

V. Conclusion

Based on the above findings, the Commission believes the proposals are consistent with Section 6(b)(5) of the Act by facilitating transactions in securities while at the same time ensuring continued protection of investors. As noted above, the strict conditions of the rule should help to identify for accelerated options eligibility only those Restructure Securities that will have adequate depth and liquidity to support options trading. At the same time it will provide investors with a better opportunity to hedge their positions in both the Original and the Restructure Security.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[28] that the proposed rule changes (SR–CBOE–95–11; SR–PSE–95–04; SR–Phlx–95–12; and SR–Amex–95–07), as amended, are approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[29]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18707 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[28] 15 U.S.C. 78s(b)(2).

[29] 17 CFR 200.30–3(a)(12).

[Release No. 34–36008; File No. SR–NSCC–95–08]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Regarding a Technical Correction to its Fee Schedule

July 21, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on July 5, 1995, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR–NSCC–95–08) as described in Items I, II, and III below, which items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit comment on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change makes a technical correction to NSCC's fee schedule to include a fee inadvertently deleted when changes were made to NSCC's rules and fees to accommodate three day settlement of securities transactions (''T+3'').

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC 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

Prior to the recent amendments to its rules and fees to accommodate T+3 settlement, NSCC's fee structure had a category labeled Basket Trades in the Trade Comparison and Recording Fee section and a separated basket fee in the Pass Through and Other Fees section. Within the Trade Comparison section, NSCC had two charges, a $30 charge for the processing of baskets (*i.e.* processing of a basket includes such things as the bursting of the basket into the underlying security components) and a $10 charge for the processing of mini baskets. The $30 fee category also was used to charge members for the creation and redemption of index receipts. The fee schedule also had a separate charge of $125 per month which covered the production of the composition file for baskets and index receipts. When NSCC revised its rules and fees for T+3, it deleted references to and fees for baskets because NSCC does not process these items any longer. This resulted in the unintentional deletion of the fee category used for the creation and redemption of index products. It did not delete the $125 charge for the production of a composition file for baskets.

The purpose of the proposed rule change is to restore and to rename the $30 fee that NSCC charges to process index receipts (*i.e.*, to accept creation and redemption instructions) and to rename the fee associated with the production of the composition file. The new names will reflect the fact that the fees are for services provided in connection with index receipts.

The proposed rule change is consistent with Section 17A(b)(3)(D)[3] of the Act, as amended, which requires that the rules of a registered clearing agency provide for the equitable allocation of reasonable fees for the services which it provides to participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not perceive 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

No written comments have been solicited or received. NSCC will notify the Commission of any written comments received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective on filing pursuant to Section 19(b)(3)(A)(ii)[4] of the Act and pursuant to Rule 19b–4(e)(2)[5] in that the proposed rule change establishes or changes a due, fee, or other charge imposed by NSCC. At any time within sixty days of the filing of this proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference 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 offices of NSCC.

All submissions should refer to File No. SR–NSCC–95–08 and should be submitted by August 21, 1995.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18704 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36019; File No. SR–NYSE–95–16]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving and Notice of Filing and Order Granting Accelerated Approval of Amendment to a Proposed Rule Change Relating to the Options Market Maker Exemption From the NASD Short Sale Bid Test for Certain Merger and Acquisition Securities

July 24, 1995.

I. Introduction

On April 21, 1995, the New York Stock Exchange, Inc. (''NYSE'' or

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] The Commission has modified parts of these statements.

[3] 15 U.S.C. 78q–1(b)(3)(D) (1988).

[4] 15 U.S.C. 78s(b)(3)(A)(ii) (1988).

[5] 17 CFR 240.19b–4(e)(2) (1994).

[6] 17 CFR 200.30–3(a)(12) (1993).

''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposal to extend the market maker exemption from the NASD's bid test rule to Nasdaq National Market (''Nasdaq/NM'' or ''NM'') securities involved in merger and acquisition (''M&A'') transactions. The proposed rule change was published for comment and appeared in the **Federal Register** on May 10, 1995.[3] On May 31, 1995, the NYSE filed Amendment No. 1 to its proposal.[4] This order approves the proposal, as amended.

II. Description of the Proposal

In November 1994, the Commission approved proposals submitted by the options exchanges concerning a market maker exemption[5] to the NASD bid test rule[6] applicable to short sales of NM securities traded through Nasdaq. The Exchanges' proposals were approved on a temporary basis to remain in effect concurrently with the NASD's bid test rule pilot program.[7]

The NYSE's market maker exemption from the NASD short sale rule is codified as Rule 759A. NYSE Rule 759A allows each exchange options specialist and Competitive Options Trader (''COT'') to rely on the NASD's options market maker exemption to effect short sales in Nasdaq/NM securities at or below the best bid when the displayed bid is below the preceding best bid if the short sale qualifies as an ''exempt hedge transaction.''[8] The NYSE now proposes to expand the definition of ''exempt hedge transaction'' to include certain short sales in M&A securities, defined as the securities of a company that is a party (or a prospective party) to a publicly announced M&A with an issuer of a Nasdaq/NM security that underlies an Exchange-listed option.[9] Specifically, exempt hedge transactions would include short sales in M&A securities effected by a qualified Exchange options market maker to hedge, and which in fact serves to hedge, an existing or prospective position[10] in an Exchange-listed option overlying an NM security of another company that is a party to the M&A.[11] Thus, with respect to an Exchange options specialist, the exemption would apply to short sales of a company that is a party to an M&A with a company whose Nasdaq/NM security underlies a speciality stock option; with respect to a COT, the exemption would apply to short sales of a company that is a party to an M&A with a company whose Nasdaq/NM security underlies an Exchange-listed stock option.

Finally, the Exchange's proposal effects certain minor technical changes to the wording of its Rule 759A.

III. Discussion

The Commission believes that the Exchange's proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges. In particular, the Commission believes the Exchange's proposal is consistent with the requirements of Section 6(b)(5) of the Act[12] in that it is designed to remove impediments to, and perfect the mechanism of, a free and open market, and to protect investors and the public interest.

The Commission approved the NASD's short sale rule on a temporary basis on June 29, 1994.[13] In so doing, the Commission stated that the short sale rule, together with the market maker exemption, is a reasonable approach to regulating short sales of Nasdaq/NM securities. The Commission believes that the Exchange's proposal is consistent with the NASD's bid test rule and addresses the limitations established by the NASD concerning the applicability of the market maker exemption.

Specifically, the Exchange's proposal is designed to extend the market maker exemption to the stock of a company that is involved in a publicly announced M&A with a company whose stock is designated Nasdaq/NM security. The Commission believes that when a designated Nasdaq/NM security becomes involved in an M&A, options specialists and COTs may need to hedge positions in options overlying such a designated Nasdaq/NM security by buying or selling the securities of the other company involved in the M&A, whether or not the other company's stock has listed overlying options. Indeed, where there are no options on the other company's stock, buying or selling that company's stock at times may be the only feasible way for an options specialist or COT to hedge positions in options on the designated Nasdaq/NM security, given the risk arbitrage relationship that is likely to exist between the two stocks. Therefore, the Commission believes that by allowing options specialists and COTs to sell short, for hedging purposes, shares of a company that is involved in an M&A with a company whose stock is a designated Nasdaq/NM security, and by designating such sales as bid test exempt, the Exchange's proposal will enhance the ability of its options specialists and COTs to perform their market making functions, thereby

---

[1] 15 U.S.C. 78s(b)(1)(1988).

[2] 17 CFR 240.19b–4 (1994).

[3] *See* Securities Exchange Act Release No. 35672 (May 4, 1995), 60 FR 24942.

[4] In Amendment No. 1, the Exchange modifies its proposal to clarify that to qualify as an exempt hedge transaction, a short sale in an M&A security must in fact serve to hedge a market maker's position. In addition, Amendment No. 1 includes a revised *Exhibit 1* that incorporates certain non-substantive language inadvertently omitted from the original filing. Letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Francois Mazur, Staff Attorney, Division of Market Regulation, Commission, dated May 26, 1995 (''Amendment No. 1'').

[5] Securities Exchange Act Release No. 34632 (September 2, 1994), 59 FR 46999 (approving proposals by the American Stock Exchange, Inc. (''Amex''), Chicago Board Options Exchange, Inc. (''CBOE''), NYSE, Pacific Stock Exchange, Inc., and Philadelphia Stock Exchange, Inc.).

[6] The NASD bid test rule prohibits broker-dealers from effecting short sales, for themselves or their customers, at or below the ''bid'' when the current ''inside'' or best bid is below the previous inside bid. NASD Rules of Fair Practice (''NASD Rules''), Art. III, § 48. *See* Securities Exchange Act Release No. 34277 (June 6, 1994), 59 FR 34885 (amending the NASD Rules to add the short sale rule). The NASD bid test rule is also referred to as the ''short sale rule.''

[7] *See* Securities Exchange Act Release No. 34632, *supra* note 5. The Commission approved the NASD's short sale rule on an eighteen month temporary basis, effective September 6, 1994, through March 5, 1996. *Id.*

[8] The NYSE currently defines an ''exempt hedge transaction,'' in relevant part, as a short sale in an NM security effected to hedge, and which in fact serves to hedge, an existing offsetting options position or an offsetting options position that was created in one or more transactions contemporaneous with the short sale. *See* NYSE Rule 759A(a)(i).

[9] Proposed NYSE Rule 759A(a)(ii).

[10] A ''prospective position'' refers to a position that might be created as the result of specific, communicated indications of interest that the specialist or COT has initiated prior to the hedge transaction.

[11] The NASD provides an exemption from the bid test rule for risk arbitragers (and other NASD members) who take positions in stocks involved in M&A transactions. *See* Securities Exchange Act Release No. 34277, *supra* note 6. The NASD short sale rule states that once an M&A has been publicly announced, a qualified market maker in one of the two affected securities may immediately register as a qualified market maker in the other M&A security. *See* NASD Rules, Article III, § 48(1)(3)(iii). Consequently, such a market maker may rely on the market maker exemption for short sales of the other M&A security.

Recently, the Amex, CBOE, and PSE amended their respective rules to extend the market maker exemption from the bid test rule to certain short sales of the stock of a company that is involved in a publicly announced M&A with a company whose stock is a designated Nasdaq/NM security. Securities Exchange Act Release No. 35211 (January 10, 1995), 60 FR 3887. A ''designated NM security'' is an NY security which the market maker has designated as qualifying for the bid test exemption. *See e.g.*, CBOE Rule 15.10(c)(2)(B).

[12] 15 U.S.C. § 78f(b)(5) (1988).

[13] Securities Exchange Act Release No. 34277, *supra* note 6.

contributing to the liquidity of the market for options, as well as the liquidity of the market for the stocks of both companies.

The Commission notes that the proposed extension of the market maker exemption from the short sale rule is limited to publicly announced M&As. Moreover, the Exchange's options specialists and COTs may avail themselves of the M&A extension to the exemption only if the short sales are made to hedge existing or prospective positions in Exchange-listed options on a security of another company involved in the M&A, and the short sales are or will be ''exempt hedge transactions'' as defined by the Exchange.[14]

The Commission finds good cause for approving Amendment No. 1 prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. Amendment No. 1 states that to qualify as an exempt hedge transaction, a short sale in a Nasdaq/NM security must in fact serve to hedge an overlying options position. Amendment No. 1 also includes certain non-substantive language inadvertently omitted from the original filing.

The Commission believes that these changes serve to clarify the Exchange's proposal and make it consistent with the provisions of the other Exchanges relating to the market maker short sale exemption for certain M&A securities. Accordingly, the Commission believes the Amendment raises no new or unique regulatory issues. Therefore, the Commission believes it is consistent with Sections 6(b)(5) and 19(b)(2) of the Act[15] to approve Amendment No. 1 to the proposal on an accelerated basis.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 1. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–95–16 and should be submitted by August 21, 1995.

V. Conclusion

For the reasons discussed above, the Commission finds that the proposal is consistent with the Act, and, in particular, Section 6 of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[16] that the proposed rule change (File No. SR–NYSE–95–16), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[17]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18706 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[14] *See supra* note 8.

[15] 15 U.S.C. 78f(b)(5) and 78s(b)(2) (1988).

[16] 15 U.S.C. 78s(b)(2) (1988).

[17] 17 CFR 200.30–3(a)(12) (1994).

[Release No. 34–36013; File No. SR–PHILADEP–95–04]

Self-Regulatory Organizations; Philadelphia Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fees and Charges

July 24, 1995.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act''), notice is hereby given that on July 10, 1995, the Philadelphia Depository Trust Company (''Philadep'') 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 Philadep. The Commission is publishing this notice to solicit comments from interested persons on the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Philadep is filing the proposed rule change in order to revise, consolidate, and restate its published schedule of fees and charges (attached as Exhibit 1).

[1] 15 U.S.C. 78s(b)(1) (1988).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Philadep 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. Philadep 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 revise, consolidate, and restate Philadep's published schedule of fees and charges. It has been nearly four years since Philadep filed a comprehensive fee schedule. Philadep has adjusted the graduated Legal Deposit Fees to reflect a new tier of volume related discounts which provides that Philadep participants with monthly legal deposits of 2,501 to 3,000 will be charged a flat rate of $3.50 per deposit and that Philadep participants having monthly legal deposits of 3,001 or more will be charged at flat rate of $2.75 per deposit.[3] Philadep believes these fees will be highly competitive and will encourage current and prospective Philadep participants to increase their use of this service. Philadep also has consolidated and restated all other existing fees and charges and hereafter annually will file a comprehensive schedule of fees and charges.

The proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder because it provides for the equitable allocation of dues, fees, and other charges among Philadep's participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

Philadep does not perceive any burdens on competition as a result of the proposed rule change.

[2] The Commission has modified the text of the summaries prepared by Philadep.

[3] Previously, Philadep participants were charged $3.50 for every deposit over 2,500.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

A Philadep participant bulletin will notify participants of the fee schedule changes and advise them to whom they may direct questions upon receipt of the new fee schedule.

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)[4] of the Act and pursuant to Rule 19b–4(e)(2)[5] promulgated thereunder because the proposal establishes or changes a due, fee, or other charge imposed by Philadep. 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 NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of Philadep. All submissions should refer to File No. SR–PHILADEP–95–04 and should be submitted by August 21, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

Exhibit 1

SR–Philadep–95–04

PHILADELPHIA DEPOSITORY TRUST COMPANY CONSOLIDATED RESTATEMENT OF FEES [1]

Service	Fee
1. Account fees:	
a. General Maintenance Fee	$360.00 per month with account activity. $150.00 per month for accounts with less than $10.00 of depository activity.
b. Pledge Bank Fee	$100.00 per month.
c. Manual Interface Fee	$150.00 per month in addition to the general maintenance fee.
d. Bearer Municipal Bonds	$200.00 per month in addition to the general maintenance fee. $260.00 per month for bearer bond account only.
2. Custody fees:	
a. Registered Securities	Base fee of $0.50 per issue, per month. Plus for each 100 shares or $4,000.00 in bonds: 0–1 Million Shares—$0.01. 1–5 Million Shares—$0.005. Over 5 Million Shares—$0.0025. Additional $0.50 fee per issue if Philadep eligible only, per month.
b. Bearer Municipal Bonds	Base fee of $1.45 per issue, per month. Plus for each $1,000 of par value: $0–$0.5 Billion—$0.010. $0.5–$1.0 Billion—$0.007. More than $1 Billion—$0.005.
3. Deposit fees:	
a. Registered Securities	$1.60 per deposit*.
b. Bearer Municipal Bonds	$8.00 per deposit.
4. Deposit reject fees:	
a. Registered Securities	No charge if total deposit rejects are less than 1% of total deposits for the month. Charge of $10.00 per reject if more than 1%.
b. Bearer Municipal Bonds	$10.00 per reject.
5. Legal deposits	Processing fees are based on monthly deposit volume:

Volume level	Per deposit
0–100	$8.50.
101–500	$6.00.
501–1,000	$5.50.
1001–1,700	$5.00.
1701–2,500	$4.50.
[2,501 and over	$3.50].
2,501–3,000	$3.50 flat fee for all legal deposits.
3,001 and over	$2.75 flat fee for all legal deposits.

[4] 15 U.S.C. 78s(b)(3)(A)(ii) (1988).

[5] 17 CFR 240.19b–4(e)(2) (1994).

[6] 17 CFR 200.30–3(a)(12) (1994).

	No charge for deposit rejects. Transfer agent charges will be passed through to the participant on an item for item basis.
6. Withdrawals:	
a. Registered Securities	$2.60 per manual (paper) transfer.*
	$1.65 per computer to computer transfer.*
	$2.60 per terminal originated transfer.*
b. By Certificate	$17.95 per urgent certificate withdrawal (same-day or next-day).*
7. Customer name mailing:	
a. Full Service	$0.65 per transfer, plus appropriate transfer withdrawal charge (fee does not include postage and delivery valuation charges)
b. Interdepository	$0.75 per transfer, for securities delivered interdepository plus appropriate transfer withdrawal charge (fee does not include postage and delivery valuation charges)
8. Certificate fees	$5.75 deposits.
	$7.50 transfers.
9. Accommodation transfers and ironclads	$5.00 per request, plus applicable transfer agent fees.
10. MDO movements:	
a. Automated Bookentry Delivery/Receive	$0.75 per movement.
b. Manual Bookentry Delivery/Receive	$1.50 per movement.
c. Automatic Bookentry Interdepository Deliveries	$0.50 per CUSIP (daily deliveries).
	$0.55 per CUSIP (weekly deliveries).
	$0.60 per CUSIP (bi-weekly deliveries).
	$0.65 per CUSIP (monthly deliveries).
c. Bearer Municipal Bonds Automated or Manual	$0.94 per movement.
11. CNS/PHILADEP Movements	$0.20 per movement.
12. Underwritings	$400.00 plus $3.00 per million (plus applicable activity charges).
13. Pledge fees:	
a. Bank loan pledge or release	$0.35 each per line item to broker and bank.
b. OCC pledge or release	$0.35 per line item.
c. SCCP margin pledge (no charge for release)	$0.10 per line item.
14. Dividend and interest payments	$1.50 per cash line item.
	$10.00 per stock dividend payment.
15. Reorganization fees:	
a. Mandatory Exchanges	$23.00 per position.
b. Voluntary Offers	$30.00 per instruction received before cut-off.
	$50.00 per instruction received after cut-off, with authorization.
c. Redemptions: Stocks, Corporate Bonds, Registered Municipal Bonds, others.	$25.00 per position.
d. Post Corporate Actions	$17.50 per item (plus costs).
16. Combined legal deposits and letters of correction (ironclads)	$6.25 per item (one legal deposit and one letter of correction is defined as one item).
17. Research fees:	
a. Per photocopy of records	$4.00.
b. Per microfiche copy	$4.00.
c. Items less than 90 days old	No charge.
d. Items 1 year old or less	$15.00 per hour.
e. Items over 1 year old	$15.00 per hour, $25.00 minimum, plus archive retrieval costs.
18. Reports on microfiche	$1.25 per page.
19. Eligibility book	$8.00 per book.
20. Stock loan program—Interest charge to lender	Percentage of bank broker call rate.
21. National institutional delivery system (NIDS):	
a. Confirms	$0.40 per confirm.
b. For each unaffirmed trade reported	$0.09 to broker.
c. For each eligible trade reported	$0.09 to broker and clearing agent.
d. For each ineligible trade reported	$0.09 to broker and clearing agent.
e. Automated Settlement	$0.26 per receive and per delivery to broker and clearing agent.
22. Philadep discounts—Participants may select one of the following discount plans (the greater discount will apply):	
a. Volume	5% off Philadep charges for participants with 10,001 to 15,000 trades per month.
	An additional 5% off Philadep charges for participants with 15,001 to 30,000 trades per month.
	An additional 5% off Philadep charges for participants with 30,001 to 45,00 trades per month.
	An additional 5% off Philadep charges for participants with 45,001 or more trades per month.
b. Automated Deposit Reporting Service (ADRS)	$0.40 per deposit for participants utilizing Philadep ADRS and CNM services.
23. Computer Transmission/tapes:	
a. Eligibility Files:	
1. Daily Update	$50.00 per month.
2. Weekly Full File	$200.00 per month.
3. Monthly or on Request	$75.00 each request.
b. Bookkeeping Positions:	
1. Daily	$150.00 per month.
2. Weekly	$100.00 per month.

3. Monthly or on Request	$50.00 each request.
c. Activity:	
b. Bookkeeping Positions:	
1. Daily	$150.00 per month.
d. Bookkeeping plus Activity:	
1. Daily	$250.00 per month.
2. Weekly	$200.00 per month.
e. Cash Settlement (fee includes both dividends and reorganizations; transmissions are separate)	
1. Daily	$100.00 per month.
f. Record Date Positions:	
1. Daily	$100.00 per month.
g. Status of Withdrawals by Transfer:	
1. Daily	$100.00 per month.
24. Philanet terminal:	
a. Dedicated Line	$250.00 per month.
b. Dial-up Line	$150.00 per month.
c. Installation	$600.00.
d. Usage	No charge.
25. Position listings	$45.00—per individual request (per date, per CUSIP) (plus costs) $360.00 annually—monthly basis (plus costs). $1,300.00 annually—weekly basis (plus costs).

[1] June 29, 1995 Board resolved amendments denoted—deletions bracketed, additions italicized.
*Transfer and deposit activity subject to pass-through costs.

[FR Doc. 95–18702 Filed 7–28–95; 8:45 am]
BILLING CODE 8010–01–M

[Release No. 34–36012; File No. SR–SCCP–95–02]

Self-Regulatory Organizations; Stock Clearing Corporation of Philadelphia; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fees and Charges

July 24, 1995.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act''), notice is hereby given that on July 10, 1995, the Stock Clearing Corporation of Philadelphia (''SCCP)'') 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 SCCP. The Commission is publishing this notice to solicit comments from interested persons on the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

SCCP is filing the proposed rule change in order to revise, consolidate, and restate its published schedule of fees and charges (attached as Exhibit 1).

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, SCCP 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. Summaries of the most significant aspects of such statements are set forth in sections (A), (B), and (C) below.

(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 revise, consolidate, and restate SCCP's published schedule of fees and charges. It has been nearly four years since SCCP filed a comprehensive fee schedule. SCCP has deleted from its published fee schedule certain charges for services no longer offered to SCCP participants. Such services include draft services, physical deliveries and receives, national transfer services, signature guarantees, and correspondent delivery collection services.[2] SCCP also has modified the New York office transactions fee schedule section from the previous five general categories, which excluded pass through costs, to seventeen individual fees which reflect the inclusion of such pass through costs. Finally, SCCP has consolidated and restated all other existing fees and charges and hereafter annually will file a comprehensive schedule of all fees and charges.

The proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder because it provides for the equitable allocation of dues, fees, and other charges among SCCP's participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

SCCP does not perceive any burdens on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

A SCCP participant bulletin will notify participants of the fee schedule changes and will advise them to whom they may direct questions upon receipt of the new fee schedule.

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)[3] of the Act and pursuant to Rule 19b-4(e)(2)[4] promulgated thereunder because the proposal establishes or changes a due, fee, or other charge imposed by SCCP. 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.

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] SCCP also is eliminating the separate charge for daily transmission of T+4 settling trades information. SCCP participants will still be able to obtain information for purchase and sale trades plus T+2 settling trades for one charge.

[3] 15 U.S.C. 78s(b)(3)(A)(ii) (1988).

[4] 17 CFR 240.19b–4(e)(2) (1994).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of SCCP. All submissions should refer to File No. SR–SCCP–95–02 and should be submitted by August 21, 1995.

For the Commission by the Division of Market Regulation pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

Exhibit 1

SR–SCCP–95–02

STOCK CLEARING CORPORATION OF PHILADELPHIA CONSOLIDATED RESTATEMENT OF FEES [1]

Service	Fee
1. Account fees:	
a. Maintenance Fee	$150.00 per month (20 or fewer trades per month). $250.00 per month (over 20 trades per month). $650.00 per month (specialist).
b. Additional Suffix	$32.00 per month per suffix.
2. Trade recording fees:	
a. Regular Trades	$0.47 per side.
b. PACE Trades	$0.30 per side.
c. Municipal Bonds Trades	$1.00 per compared side.
d. Yellow Tickets (between two accounts)	$0.47 per side.
e. Basket Trades	$0.60 per side for 1–1,000 trades per month. $0.54 per side for 1,001–3,000 trades per month. $0.48 per side for 3,001–5,000 trades per month. $0.40 per side for more than 5,000 trades per month.
3. Value fees:	
a. CNS Accounts	$0.05 per $1,000 of contract value.
b. Margin Accounts	$0.035 per $1,000 of contract value.
c. PACE Trades	None.
d. Maximum Value Charge	$25.00 per trade per side.
4. Volume discounts (trade recording fees and value charges):	
a. CNS Trades settling at SCCP (utilizing PACE)	$0.77 per side maximum with 4,000 or more PACE trades per month.
5. Specialist discounts for trades cleared through a SCCP margin account:	

Volume level (including PACE trades)	Discount per side
2,501 to 10,000 sides per month	$0.05
10,001 to 15,000 sides per month	$0.10
15,001 to 20,000 sides per month	$0.15
20,001 to 25,000 sides per month	$0.20
25,001 to 30,000 sides per month	$0.25
30,001 to 35,000 sides per month	$0.30
35,001 to 40,000 sides per month	$0.35
40,001 and over	$0.40

6. Municipal bond margin service	$500.00 per month with activity.
7. Treasury transactions:	
a. Per trade transaction	$40.00 (plus pass through costs).
b. Per withdrawal—Bearer	$15.00.
c. Per withdrawal—Registered	$10.00.
d. Per transfer	$10.00.
8. Margin account pledge fees	$1.00.
9. New York office transactions:	
a. Over the Window Delivery Clearing House	$5.00.
b. Over the Window Delivery Paid or Suspended	$5.00.
c. Over the Window Delivery ''Don't Know''	$10.00.
d. Over the Window Receive Clearing House	$6.00.
e. Dividend Settlement Service	$5.00.
f. Envelope Settlement Service/InterCity/Funds Only Settlement Service.	$5.00.
g. Over the Window Delivery Fed Funds	$22.50.
h. Over the Window Receive Fed Funds	$22.50.
i. Syndicate Re-Delivery Paid	$14.00.
j. Syndicate Re-Delivery ''Don't Know''	$17.00.

[5] 17 CFR 200.30–3(a)(12) (1994).

k. Securities Hold	$5.00.
l. Reorganization Pick-up	$5.00.
m. Reorganization Reject	$10.00.
n. Reorganization Agent Delivery	$15.00.
o. Syndicate Pick-Up	$17.00.
p. Miscellaneous	$5.00.
q. Deliveries to New Jersey	$12.00 per item (plus costs).
10. Margin account interest:	
Charge on net debit balances	½% above bank broker call rate.
11. Research fees:	
a. Per photocopy of input forms	$4.00.
b. Per microfiche copy	$4.00.
c. Items less than 90 days old	No charge.
d. Items 1 year old or less	$15.00 per hour.
e. Items over 1 year old	$15.00 per hour, $25.00 minimum, plus archive retrieval costs.
12. Computer transmission/tapes:	
a. Purchase and Sale Trade Data (daily)	$100.00 per month.
[b. T+4 Settling Trades (daily)	$100.00 per month].
[c.]*b.* Purchase and Sale Trades plus T+[4]*2* Settling Trades (daily)	$150.00 per month.
[d.]*c.* Miscellaneous	$150.00 per month; includes 6 tapes/transmission.
	$25.00 per additional tape/transmission.
13. Lost and stolen securities program	$100.00 per year, $2.50 per inquiry.
14. P&L statement charges	$0.01 per line.
15. Buy-ins	$5.00 per item submitted.
16. Member to member envelope service	$5.00 per envelope (charged to sender), plus carrier costs.
[17. Draft fees	$6.50 per item, plus additional bank charge].
[18. Physical deliveries/receives	$5.00 per item (plus costs)].
[19. National transfer service (NTS):	
a. Per envelope for delivery to New York, New Jersey, Boston, Hartford and Providence.	$1.50 (plus costs).
b. Per envelope for delivery to all other areas (plus $0.05 per $1,000 value)].	$1.00 (plus costs).
[20. Signature guarantee program:	
a. Less than $26.00/mo. in over the window deposit activity	$21.00 per month.
b. $26.01 to $130.00/mo. in over the window deposit activity	$50.00 per month.
c. $130.00 and over/mo. in over the window deposit activity]	$100.00 per month.
[21. Correspondent delivery collection service (CDCS):	
a. Per item	$5.00 (plus costs).
b. Per reclamation	$6.00 (plus costs).
c. Per item overnight	$6.00 (plus costs).

[1] June 29, 1995 Board resolved amendments denoted—deletions bracketed, additions italicized.

[FR Doc. 95–18703 Filed 7–28–95; 8:45 am]
BILLING CODE 8010–01–M

[Investment Company Act Release No. 21228; 811–7968]

Nuveen California Premium Income Municipal Fund 2; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen California Premium Income Muncipal Fund 2.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, D.C. 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On August 10, 1993, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of its common stock. The registration statement was declared effective on September 17, 1993 and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On November 19, 1993 applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered shares of preferred stock (''MuniPreferred''), Series M. The registration statement was declared effective on December 20, 1993, and the initial public offering of its preferred shares commenced shortly thereafter.

3. On June 29, 1994, applicant's Board of Trustees approved a plan of reorganization whereby Nuveen California Premium Income Municipal Fund, a Massachusetts business trust registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a–8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On July 22, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on August 23, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on October 21. 1994.

5. As of November 7, 1994, the effective date of the reorganization, applicant had outstanding 2,233,987 shares of common stock and 640 shares of MuniPreferred, Series M. As of that date, applicant's aggregate net assets were $37,803,999.42, and the liquidation value of its MuniPreferred, Series M, was $16,000,000, and the net asset value per common share of the applicant was $9.76. Substantially all of applicants assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of the applicant's liabilities, (b) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series M), and (c) 640 shares of the Acquiring Fund's MuniPreferred, Series M.

6. Applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholders the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholders one share of Acquiring Fund MuniPreferred, Series M, in exchange for each share of the applicant's MuniPreferred, Series M, held by its preferred shareholders. Previously, on October 28, 1994, the applicant had declared a dividend of all investment company taxable income in the amount of $207,090.59 (as of the close of business on November 7, 1994) payable to common shareholders of record as of November 7, 1994. On November 7, 1994 a dividend of all accumulated but unpaid dividends on shares of MuniPreferred, Series M of the applicant through and including November 7, 1994 was declared, payable no later than November 8, 1994, in the amount of $9,510.41.

7. Applicant and the Acquiring Fund incurred expenses of $208,081 in connection with the reorganization. These expenses were borne by the foregoing entities based on their respective asset size, with applicant paying a total of $82,704, and the Acquiring Fund paying a total of $125,377.

8. As of the date of the filing of the application, applicant had no remaining assets, no debts or other liabilities and no securityholders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file for termination with the Commonwealth of Massachusetts as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18647 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

[Investment Company Act Release No. 21239; 811–7714]

Nuveen Florida Premium Income Municipal Fund; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Florida Premium Income Municipal Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On May 13, 1993, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of its common stock. The registration statement was declared effective on June 18, 1993 and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On August 17, 1993, applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered shares of preferred stock (''MuniPreferred''), Series F. The registration statement was declared

effective on September 20, 1993 and the initial public offering of its preferred shares commenced shortly thereafter.

3. On August 30, 1994, applicant's Board of Trustees approved a plan of reorganization whereby Nuveen Florida Quality Income Municipal Fund, a Massachusetts business trust registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a–8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On October 12, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on October 31, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on December 22, 1994.

5. As of January 10, 1995, the effective date of the reorganization, applicant had outstanding 2,650,533 shares of common stock and 800 shares of MuniPreferred, Series F. As of that date, applicant's aggregate net assets were $49,625,429.68, and the liquidation value of its MuniPreferred, Series F, was $20,000,000, and the net asset value per common share of the applicant was $11.18. Substantially all of applicants assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of the applicant's liabilities, (b) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series F), and (c) 800 shares of the Acquiring Fund's MuniPreferred, Series F.

6. Application was subsequently liquidated and distributed (a) *pro rata* to its common shareholders the Acquiring Fund common shares (or cash in lieu of fractional shares) received by applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholders one share of Acquiring Fund MuniPreferred, Series F, in exchange for each share of the applicant's MuniPreferred, Series F, held by its preferred shareholders. Previously, on December 30, 1994, the applicant declared a dividend of all investment company taxable income in the amount of $280,691.44 (as of the close of business on January 10, 1995) payable to common shareholders of record as of January 10, 1995. On January 6, 1995 a dividend of all accumulated but unpaid dividends on MuniPreferred, Series F of the applicant through and including January 10, 1995 was declared, payable on January 17, 1995, in the amount of $4,046.08.

7. Applicant and the Acquiring Fund incurred expenses of $173,471 in connection with the reorganization. These expenses were borne by the foregoing entities based on their respective asset size, with applicant paying a total of $39,391, and the Acquiring Fund paying a total of $134,080.

8. As of May 31, 1995, applicant had liabilities accrued in connection with the reorganization for which it has retained cash in the amount of $6,049.81. Otherwise, applicant has no debts or liabilities other than those that will be paid by the Acquiring Fund. As of the date of the filing of the application, applicant had no security-holders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file for termination with the Commonwealth of Massachusetts as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18660 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

[Investment Company Act Release No. 21238; 811–7496]

Nuveen Insured Florida Premium Income Municipal Fund 2; Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Insured Florida Premium Income Municipal Fund 2.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1.1 Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On February 11, 1993, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of its common stock. The registration statement was declared

effective on March 18, 1993 and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On June 9, 1993 applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered 820 shares of preferred stock (''MuniPreferred''), Series W. The registration statement was declared effective on July 12, 1993 and the initial public offering of its preferred stock commenced shortly thereafter.

3. On August 30, 1994, applicant's Board of Trustees approved a plan of reorganization whereby Nuveen Insured Florida Premium Income Municipal Fund, a Massachusetts business trust registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a–8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On October 7, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on October 31, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on December 22, 1994.

5. As of January 9, 1995, the effective date of the reorganization, applicant had outstanding 5,508,850 shares of common stock and 1,640 shares of MuniPreferred, Series W shares. As of that date, applicant's aggregate net assets were $104,559,214.71, and the liquidation value of its MuniPreferred, Series W, was $41,000,000, and the net asset value per common share of the applicant was $11.54. Substantially all of applicants assets were transferred to the Acquiring Fund in exchange for the assumption of substantially all of the applicant's liabilities and the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series W), and 1,640 shares of the Acquiring Fund's MuniPreferred, Series W.

6. Applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholders the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholder and (b) to its preferred shareholders one share of the Acquiring Fund MuniPreferred, Series W, in exchange for each share of the applicant's MuniPreferred, Series W, held by its preferred shareholders. Previously, on December 30, 1994, the applicant had declared a dividend of all investment company taxable income and realized capital gains in the amount of $645,637.22 (as of the close of business on January 9, 1995) payable to common shareholders of record as of January 9, 1995. On January 4, 1995 a dividend of all accumulated but unpaid dividends on shares of MuniPreferred, Series W of the applicant through and including January 9, 1995 was declared, payable on January 12, 1995, in the amount of $23,311.48.

7. Applicant and the Acquiring Fund together incurred expenses of $180,590 in connection with the reorganization. Applicant and the Acquiring Fund bore $70,204 and $110,386, respectively, of such expenses based on their respective asset size.

8. As of May 31, 1995, applicant has liabilities accrued in connection with the reorganization for which it has retained cash in the amount of $6,652.65. Otherwise, the applicant has no debts of other liabilities other than those that will be paid by the Acquiring Fund. As of the date of the filing of the application, applicant had no securityholders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file for termination with the Commonwealth of Massachusetts as soon as practicable after the granting of the order requested by the application.

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Security.

[FR Doc. 95–18658 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21245; 811–7480]

Nuveen Insured New York Premium Income Municipal Fund 2; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Insured New York Premium Income Municipal Fund 2.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment

company organized as a Massachusetts business trust. On February 11, 1993, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of its common stock. The registration statement was declared effective on March 18, 1993 and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On June 9, 1993 applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered shares of preferred stock (''MuniPreferred''), Series T. The registration statement was declared effective on July 12, 1993, and the initial public offering of its preferred stock commenced shortly thereafter.

3. On July 27, 1994, applicant's Board of Trustees approved a plan of reorganization whereby Nuveen Insured New York Premium Income Municipal Fund Inc., a Minnesota corporation registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a-8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On September 1, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on September 21, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on November 18, 1994.

5. As of December 7, 1994, the effective date of the reorganization, applicant had outstanding 4,252,118 shares of common stock and 1,280 shares of MuniPreferred, Series T. As of that date, applicant's aggregate net assets were $78,846,744.05, and the liquidation value of its MuniPreferred, Series T, was $32,000,000, and the net asset value per common share of the applicant was $11.02. Substantially all of applicants assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of the applicant's liabilities, (b) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series T), and (c) 1,280 shares of the Acquiring Fund's MuniPreferred, Series T.

6. Applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholder the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholders one share of Acquiring Fund MuniPreferred Series T, in exchange for each share of the applicant's MuniPreferred, Series T, held by its preferred shareholders. Previously, on November 25, 1994, the applicant had declared a dividend of all investment company taxable income in the amount of $410,754.60 (as of the close of business on December 7, 1994) payable to common shareholders of record as of December 7, 1994. On December 6, 1994 a dividend of all accumulated but unpaid dividends on shares of MuniPreferred Series T of the applicant through and including December 7, 1994 was declared, payable on December 14, 1994, in the amount of $2,980.85.

7. Applicant and the Acquiring Fund together incurred expenses of $189,611 in connection with the reorganization. Applicant and the Acquiring Fund bore $98,665 and $95,946, respectively, of such expenses based on their respective asset size.

8. As of May 31, 1995, applicant had liabilities accrued in connection with the reorganization for which it has retained cash in the amount of $25,478.78. Otherwise, Applicant has no debts or other liabilities other than those that will be paid by the Acquiring Fund. As of the date of the filing of the application, applicant had no securityholders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file for termination with the Commonwealth of Massachusetts as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18653 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a-8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

[Investment Company Act Release No. 21237; 811–7790]

Nuveen Maryland Premium Income Municipal Fund 2; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Maryland Premium Income Municipal Fund 2.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0546 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On June 14, 1993, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of its common stock. The registration statement was declared effective on July 23, 1993, and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On September 13, 1993, applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered shares of preferred stock (''MuniPreferred''), Series W. The registration statement was declared effective on November 5, 1993, and the initial public offering of its preferred shares commenced shortly thereafter.

3. On July 27, 1994, applicant's Board of Trustees approved a plan of reorganization whereby Nuveen Maryland Premium Income Municipal Fund, a Massachusetts business trust registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a–8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On September 2, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on September 28, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on November 18, 1994.

5. As of December 8, 1994, the effective date of the reorganization, applicant had outstanding 4,616,257 shares of common stock and 1,404 shares of MuniPreferred, Series W. As of that date, applicant's aggregate net assets were $84,880,037.42, and the liquidation value of its MuniPreferred, Series W, was $35,100,000, and the net asset value per common share of the applicant was $10.78. Substantially all of applicants assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of the applicant's liabilities, (b) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series W), and (c) 1,404 shares of the Acquiring Fund's MuniPreferred, Series W.

6. Applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholder the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholders one share of the Acquiring Fund MuniPreferred, Series W, in exchange for each share of the applicant's MuniPreferred, Series W, held by its preferred shareholders. Previously, on November 25, 1994, the applicant had declared a dividend of all investment company taxable income in the amount of $436,236.29 (as of the close of business on December 8, 1994). On December 7, 1994 a dividend of all accumulated but unpaid dividends on shares of MuniPreferred, Series W of the applicant through and including December 8, 1994 was declared, payable on December 15, 1994, in the amount of $3,461.86.

7. Applicant and the Acquiring Fund incurred expenses of $195,590 in connection with the reorganization. These expenses were borne by the foregoing entities based on their respective asset size, with applicant paying a total of $88,500, and the Acquiring Fund paying a total of $107,090.

8. As of May 31, 1995, applicant had liabilities accrued in connection with the reorganization for which it has retained cash in the amount of $22,231.61. Otherwise, Applicant has no debts or other liabilities other than those that will be paid by the Acquiring Fund. As of the date of the filing of the application, applicant had no securityholders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file for termination with the Commonwealth of Massachusetts as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18659 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

[Investment Company Act Release No. 21244; 811–7498]

Nuveen Michigan Premium Income Municipal Fund 2; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Michigan Premium Income Municipal Fund 2.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issue contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC 450 Fifth Street, N.W., Washington, D.C. 20549.

Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On February 11, 1993, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of its common stock. The registration statement was declared effective on March 18, 1993 and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On June 9, 1993, applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered shares of preferred stock (''MuniPreferred''), Series M. The registration statement was declared effective on July 12, 1993, and the initial public offering of its preferred shares commenced shortly thereafter.

3. On June 29, 1994, applicant's Board of Trustees approved a plan of reorganization whereby Nuveen Michigan Premium Income Municipal Fund, Inc., a Minnesota corporation registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a–8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On July 15, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on August 19, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on October 6, 1994.

5. As of November 8, 1994, the effective date of the reorganization, applicant had outstanding 2,871,673 shares of common stock and 840 shares of MuniPreferred, Series M. As of that date, applicant's aggregate net assets were $52,646,602.98, and the liquidation value of its MuniPreferred, Series M, was $21,000,000, and the net asset value per common share of the applicant was $11.02. Substantially all of applicant's assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of the applicant's liabilities, (b) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series M), and (c) 840 shares of the Acquiring Fund's MuniPreferred, Series M.

6. The applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholders the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholders one share of the Acquiring Fund MuniPreferred, Series M, in exchange for each share of the applicant's MuniPreferred, Series M, held by its preferred shareholders. Previously, on October 28, 1994, the applicant had declared a dividend of all investment company taxable income in the amount of $258,163.40 (as of the close of business on November 8, 1994) payable to common shareholders of record as of November 8, 1994. On November 7, 1994 a dividend of all accumulated but unpaid dividends of shares of MuniPreferred, Series M of the applicant through and including November 8, 1994 was declared, to be paid no later than November 15, 1994, in the amount of $1,941.60.

7. Applicant and the Acquiring Fund incurred expenses of $207,366 in connection with the reorganization. These expenses were borne by the foregoing entities based on their respective asset size, with applicant paying a total of $86,442, and the Acquiring Fund paying a total of $120,924.

8. As of May 31, 1995, applicant had liabilities accrued in connection with the reorganization for which it has retained cash in the amount of $50,178.31. Otherwise, Applicant has no debts or other liabilities other than those that will be paid by the Acquiring Fund. As of the date of the filing of the application, applicant had no securityholders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file for termination with the Commonwealth of Massachusetts as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18652 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 21232; 811–6381]

Nuveen New Jersey Quality Income Municipal Fund, Inc.; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT : Nuveen New Jersey Quality Income Municipal Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by

mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Minnesota corporation. On August 13, 1991, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1993 to register shares of its common stock. The registration statement was declared effective on October 17, 1991 and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On January 10, 1992, applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered shares of preferred stock (''MuniPreferred''). Series TH. The registration statement was declared effective on February 13, 1992, and the initial public offering of its preferred shares commenced shortly thereafter.

3. On August 30, 1994, applicant's Board of Trustees approved a plan of reorganization whereby Nuveen New Jersey Investment Quality Municipal Fund, Inc., a Minnesota corporation registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a–8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On October 7, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on October 31, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on December 22, 1994.

5. As of January 10, 1995, the effective date of the reorganization, applicant had outstanding 7,251,162 shares of common stock and 2,000 shares of MuniPreferred, Series TH. As of that date, applicant's aggregate net assets were $150,384,882.50, the liquidation value of its MuniPreferred, Series TH, was $50,000,000, and the net asset value per common share of the applicant was $13.84. Substantially all of applicants assets were transferred to the Acquiring Fund in exchange for (1) the assumption of substantially all of the applicant's liabilities, (2) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series TH), and 2,000 shares of the Acquiring Fund's MuniPreferred, Series TH.

6. Applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholders the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholders one share of Acquiring Fund MuniPreferred, Series TH, in exchange for each share of the applicant's MuniPreferred, Series TH, held by its preferred shareholders. Previously, on December 30, 1994, the applicant declared a dividend of all investment company taxable income in the amount of $757,021.31 (as of the close of business on January 10, 1995) payable to common shareholders of record as of January 10, 1995. On January 5, 1995 a dividend of all accumulated but unpaid dividends on shares of MuniPreferred, Series TH of the applicant through and including January 10, 1995 was declared, payable on January 13, 1995, in the amount of $27,742.85.

7. Applicant and the Acquiring Fund together incurred expenses of $225,078 in connection with the reorganization. Applicant and the Acquiring Fund bore $87,589 and $137,489, respectively, of such expenses, based on their respective asset size.

8. As of May 31, 1995, applicant had liabilities accrued in connection with the reorganization for which it has retained cash in the amount of $1,845.28. Otherwise, Applicant has no debts or other liabilities other than those that will be paid by the Acquiring Fund. As of the date of the filing of the application, applicant had no securityholders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file a certificate of dissolution with the Secretary of State of Minnesota as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18662 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 21247; 811–7494]

Nuveen New Jersey Premium Income Municipal Fund 2; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen New Jersey Premium Income Municipal Fund 2.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On February 11, 1993, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to registered shares of its common stock. The registration statement was declared effective on March 18, 1993, and the initial public offering of its common shares commenced shortly thereafter.

2. On June 9, 1993, applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered shares of preferred stock (''MuniPreferred''), Series W. The registration statement was declared effective on July 12, 1993, and the initial public offering of its preferred shares commenced shortly thereafter.

3. On August 30, 1994, applicant's Board of Trustees approved a plan of reorganization whereby Nuveen New Jersey Premium Income Municipal Fund, Inc., a Minnesota corporation registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of the applicant's liabilities in exchange for shares of the Acquiring Fund's common stock. In accordance with rule 17a–8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On October 7, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on October 28, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholder's meeting held on January 13, 1995.

5. As of February 6, 1995, the effective date of the reorganization, applicant had outstanding 4,857,358 shares of common stock and 1,400 shares of MuniPreferred, Series W. As of that date, applicant's aggregate net assets were $96,377,670.41, and the liquidation value of its MuniPreferred, Series W, was $36,000,000, and the net asset value per common share of the applicant was $12.43. Substantially all of applicants assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of the applicant's liabilities, (b) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series W), and (c) 1,440 shares of Acquiring Fund MuniPreferred, Series W.

6. Applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholders the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholders one share of Acquiring Fund MuniPreferred Series W, in exchange for each share of the applicant's MuniPreferred, Series W, held by its preferred shareholders. Previously, on January 26, 1995, the Applicant had declared a dividend of all investment company taxable income in the amount of $384,217.02 (as of the close of business on February 6, 1995) payable to common shareholders of record as of February 6, 1995. On February 1, 1995, a dividend of all accumulated but unpaid dividends on shares of MuniPreferred, Series W of the applicant through and including February 6, 1995, was declared, payable on February 9, 1995, in the amount of $16,025.15.

7. Total expenses incurred by the Applicant, New Jersey Premium Income Municipal Fund 3 and the Acquiring Fund in the reorganization were $209,175. Based on their respective asset sizes, Applicant, Nuveen New Jersey Premium Income Municipal Fund 3, and the Acquiring Fund bore $78,967, $42,371 and $87,837, respectively, of such expenses.

8. As of the date of the application, applicant had no remaining assets, no debts or other liabilities other than those to be paid by the Acquiring Fund, and no securityholders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file for termination with the Commonwealth of Massachusetts as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18654 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

[Investment Company Act Release No. 21235; 811–7718]

Nuveen New Jersey Premium Income Municipal Fund 3; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Reregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen New Jersey Premium Income Municipal Fund 3.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, DC 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On May 13, 1993, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of its common stock. The registration statement was declared effective on June 18, 1993 and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On August 17, 1993, applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered shares of preferred stock (''MuniPreferred''), Series T. The registration statement was declared effective on September 20, 1993, and the initial public offering of its preferred shares commenced shortly thereafter.

3. On August 30, 1994, applicant's Board of Trustees approved a plan of reorganization whereby Nuveen New Jersey Premium Income Municipal Fund, Inc., a Minnesota corporation registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a–8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On October 7, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on October 28, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on January 13, 1995.

5. As of February 6, 1995, the effective date of the reorganization, applicant had outstanding 2,084,643 shares of common stock and 624 shares of MuniPreferred, Series T. As of that date, applicant's aggregate net assets were $40,792,573.56, and the liquidation value of its MuniPreferred, series T, was $15,600,000, and the net asset value per common share of the applicant was $12.08. Substantially all of applicant's assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of the applicant's liabilities, (b) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series T), and (c) 624 shares of the Acquiring Fund's MuniPreferred, Series T.

6. Applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholder the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholders one share of Acquiring Fund MuniPreferred, Series T, in exchange for each share of the applicant's MuniPreferred, Series T, held by its preferred shareholders. Previously, on January 26, 1995, the applicant had declared a dividend of all investment company taxable income in the amount of $79,007.97 (as of the close of business on February 6, 1995) payable to common shareholders of record as of February 6, 1995. On January 31, 1995 a dividend of all accumulated but unpaid dividends on shares of MuniPreferred, Series T of the applicant through and including February 6, 1995 was declared, payable on February 8, 1995, in the amount of $7,691.22.

7. Applicant, Nuveen New Jersey Premium Income Municipal Fund 2, and the Acquiring Fund incurred expenses of $209,175 in connection with the reorganization. These expenses were borne by the foregoing entities based on their respective asset size, with applicant paying a total of $42,371, Nuveen New Jersey Premium Income Municipal Fund 2 paying a total of $78,967, and the Acquiring Fund paying a total of $87,837.

8. As of the date of the filing of the application, applicant had no remaining assets, no debts or other liabilities other than those that will be paid by the Acquiring Fund, and no securityholders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up its affairs.

10. Applicant intends to file for termination with the Commonwealth of Massachusetts as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18666 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

[Investment Company Act Release No. 21240; 811–6080]

Nuveen New York Municipal Market Opportunity Fund, Inc.; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen New York Municipal Market Opportunity Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from he SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Minnesota corporation, On April 6, 1990, applicant registered under the At and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of it common stock. The registration statement was declared effective on May 18, 1990, and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On June 18, 1990, applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered shares of preferred stock (''MuniPreferred''), Series M. The registration statement was declared effective on July 23, 1990, and the initial pubic offering of its preferred shares commenced shortly thereafter.

3. On July 27, 1994, applicant's Board of Directors approved a plan of reorganization whereby Nuveen New York Performance Plus Municipal Fund, Inc., a Minnesota corporation registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a–8 under the Act, the Board of Directors of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On September 8, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on September 30, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on December 8, 1994.

5. As of January 10, 1995, the effective date of the reorganization, applicant had outstanding 5,880,403 shares of common stock and 1,600 shares of MuniPreferred, Series M. As of that date, applicant's aggregate net assets were $130,279,930.69, and the liquidation value of its MuniPreferred, Series M, was $40,000,000, and the net asset value per common share of the applicant was $15.35. Substantially all of applicants assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of the applicant's liabilities, (b) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series M), and (c) 1,600 shares of the Acquiring Fund's MuniPreferred, Series M.

6. Applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholders the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholders one share of Acquiring Fund MuniPreferred, Series M, in exchange for each share of the applicant's MuniPreferred, Series M, held by its preferred shareholders. Previously, on December 30, 1994, the applicant declared a dividend of all investment company taxable income in the amount of $725,678.75 (as of the close of business on January 10, 1995) payable to common shareholders of record on January 10, 1995. On January 9, 1995 a dividend of all accumulated but unpaid dividends on shares of MuniPreferred, Series M of the applicant through and including January 10, 1995 was declared, payable on January 17, 1995, in the amount of $3,835.78.

7. Applicant and the Acquiring Fund, and Nuveen New York Premium Income Municipal Fund together incurred expenses of $312,799 in connection with the reorganization. These expenses were borne by the foregoing entities based on their respective asset size, with applicant paying a total of $118,312, Acquiring Fund paying a total of $141,236, and Nuveen New York Premium Income Municipal Fund paying a total of $53,251.

8. As of May 31, 1995, applicant had liabilities accrued in connection with the reorganization for which it has retained cash in the amount of $23,229.91. Otherwise, Applicant has no debts or other liabilities other than those that will be paid by the Acquiring Fund. As of the date of the filing of the application, applicant had no securityholders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

than those necessary for the winding-up of its affairs.

10. Applicant intends to file a certificate of dissolution with the Secretary of State of Minnesota as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18656 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21243; 811–7716]

Nuveen New York Premium Income Municipal Fund; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen New York Premium Income Municipal Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state that nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as Massachusetts business trust. On May 13, 1993, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1993 to register shares of its common stock. The registration statement was declared effective on June 18, 1993, and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On August 17, 1993, applicant filed a registration statement on Form N–2 under the Securities Act of 1993 whereby it registered shares of preferred stock (''MunicPreferred''), Series F. The registration statement was declared effective on September 20, 1993, and the initial public offering of its preferred shares commenced shortly thereafter.

3. On July 27, 1994, applicant's Board of Trustee approved a plan of reorganization whereby Nuveen New York Performance Plus Municipal Fund, Inc., a Minnesota corporation registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a–8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On September 8, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on September 30, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on December 8, 1994.

5. As of January 10, 1995, the effective date of the reorganization, applicant had outstanding 1,909,411 shares of common stock and 572 shares of MuniPreferred, Series F. As of that date, applicant's aggregate net assets were $34,156,148.19, and the liquidation value of its MuniPreferred, Series F, was $14,300,000, and the net asset value per common share of the applicant was $10.40. Substantially all of applicants assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of the applicant's liabilities, (b) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of MuniPreferred, Series F), and (c) 572 shares of the Acquiring Fund's MuniPreferred, Series F.

6. Applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholder the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholder one share of the Acquiring Fund's MuniPreferred, Series F, in exchange for each share of the applicant's MuniPreferred, Series F, held by its preferred shareholders. Previously, on December 30, 1994, the applicant had declared a dividend of all investment company taxable income in the amount of $180,630.28 (as of the close of business on January 10, 1995) payable to common shareholders of record as of January 10, 1995. On January 6, 1995 a dividend of all accumulated but unpaid dividends on shares of MuniPreferred, Series F of the applicant through and including January 10, 1995 was declared, payable on January 17, 1995, in the amount of $2,702.65.

7. Applicant, Nuveen New York Municipal Market Opportunity Fund, Inc., and the Acquiring Fund incurred expenses of $312,799 in connection with the reorganization. These expenses were borne by the foregoing entities based on their respective asset size, with applicant paying a total of $53.251, Nuveen New York Municipal Market Opportunity Fund, Inc. paying a total of $118,312, and the Acquiring Fund paying a total of $141,236.

8. As of May 31, 1995, applicant has liabilities accrued in connection with the reorganization for which it has retained cash in the amount of $20,167.27. Otherwise, Applicant has

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

no debts or other liabilities other than those that will be paid by the Acquiring Fund. As of the date of the filing of the application, applicant has no security holders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file for termination with the Commonwealth of Massachusetts as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18649 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21227; 811–7124]

Nuveen Ohio Premium Income Municipal Fund, Inc.; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Ohio Premium Income Municipal Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Minnesota corporation. On August 21, 1992, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of its common stock. The registration statement was declared effective on December 17, 1992, and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On March 18, 1993, applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered shares of preferred stock (''MuniPreferred''), Series TH. The registration statement was declared effective on April 8, 1993, and the initial public offering of its preferred shares commenced shortly thereafter.

3. On June 29, 1994, applicant's Board of Directors approved a plan of reorganization whereby Nuveen Ohio Quality Income Municipal Fund, Inc., a Minnesota corporation registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would require substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a–8 under the Act, the Board of Directors of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On August 9, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on August 31, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on October 6, 1994.

5. As of November 8, 1994, the effective date of the reorganization, applicant had outstanding 3,341,640 shares of common stock and 1,000 shares of MuniPreferred, Series TH. As of that date, applicant's aggregate net assets were $63,748,522.80, the liquidation value of its MuniPreferred, Series TH, was $25,000,000, and the net asset value per common share of the applicant was $11.60. Substantially all of applicant's assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of the applicant's liabilities, (b) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series TH), and (c) 1,000 shares of the Acquiring Fund's MuniPreferred Series TH.

6. Applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholders the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholders one share of Acquiring Fund MuniPreferred, Series TH, in exchange for each share of the applicant's MuniPreferred, Series TH, held by its preferred shareholders. Previously, on October 28, 1994, the applicant had declared a dividend of all investment company taxable income in the amount of $324,473.24 (as of the close of business on November 8, 1994) payable to common shareholders of record as of November 8, 1994. On November 3, 1994 a dividend of all accumulated but unpaid dividends on shares of MuniPreferred, Series TH of the applicant through and including November 8, 1994 was declared, payable no later than November 9, 1994, in the amount of $11,216.65.

7. Applicant, Nuveen Ohio Premium Income Municipal Fund 2, and the

[1] Applicant and the Aquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

Acquiring Fund incurred expenses of $294,729 in connection with the reorganization. These expenses were borne by the foregoing entities based on their respective asset size, with applicant paying a total of $93,676, Nuveen Ohio Premium Income Municipal Fund 2 paying a total of $74,151, and the Acquiring Fund paying a total of $126,952.

8. As of May 31, 1995, applicant had liabilities accrued in connection with the reorganization for which it has retained cash in the amount of $43,761.29. Otherwise, Applicant has no debts or other liabilities other than those that will be paid by the Acquiring Fund. As of the date of the filing of the application, applicant had no securityholders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file a certificate of dissolution with the Secretary of State of Minnesota as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18646 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21233; 811–7786]

Nuveen Ohio Premium Income Municipal Fund 2; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Ohio Premium Income Municipal Fund 2.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On June 14, 1993, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of common stock. The registration statement was declared effective on July 23, 1993 and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On September 13, 1993, applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered shares of preferred stock (''MuniPreferred''), Series M. The registration statement was declared effective on November 5, 1993 and the initial public offering of its preferred shares commenced shortly thereafter.

3. On June 29, 1994, applicant's Board of Trustees approved a plan of reorganization whereby Nuveen Ohio Quality Income Municipal Fund, Inc., a Minnesota corporation registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a–8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On August 9, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on August 31, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on October 6, 1994.

5. As of November 8, 1994, the effective date of the reorganization, applicant had outstanding 2,229,722 shares of common stock and 680 shares of MuniPreferred, Series M. As of that date, applicant's aggregate net assets were $40,428,812.80, and the liquidation value of its MuniPreferred, Series M, was $17,000,000, and the net asset value per common share of the applicant was $10.51. Substantially all of applicant's assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of the applicant's liabilities, (b) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series M), and (c) 680 shares of the Acquiring Fund's MuniPreferred, Series M.

6. Applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholders the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholders one share of Acquiring Fund MuniPreferred, Series M, in exchange for each share of the applicant's MuniPreferred, Series M, held by its preferred shareholders. Previously, on October 28, 1994, the applicant had declared a dividend of all investment company taxable income in

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

the amount of $176,593.98 (as of the close of business on November 8, 1994) payable to common shareholders of record as of November 8, 1994. On November 7, 1994 a dividend of all accumulated but unpaid dividends on shares of MuniPreferred, Series M of the applicant through and including November 8, 1994 was declared, payable no later than November 15, 1994, in the amount of $1,211.37.

7. Applicant, Nuveen Ohio Premium Income Municipal Fund, Inc., and the Acquiring Fund incurred expenses of $294,779 in connection with the reorganization. these expenses were borne by the foregoing entities based on their respective asset size, with applicant paying a total of $74,151, Nuveen Ohio Premium Income Municipal Fund, Inc. paying a total of $93,676, and the Acquiring Fund paying a total of $126,952.

8. As of May 31, 1995, applicant had liabilities accrued in connection with the reorganization for which it has retained cash in the amount of $40,080.99. Otherwise, Applicant has no debts or other liabilities other than those that will be paid by the Acquiring Fund. As of the date of the filing of the application, applicant had no securityholders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file for termination with the Commonwealth of Massachusetts as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18663 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21229; 811–7122]

Nuveen Pennsylvania Premium Income Municipal Fund; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Pennsylvania Premium Income Municipal Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On August 21, 1992, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of its common stock. The registration statement was declared effective on December 17, 1992, and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On March 18, 1993, applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered shares of preferred stock (''Munipreferred''), Series F. The registration statement became effective April 8, 1993 and the initial public offering of its preferred shares commenced shortly thereafter.

3. On August 30, 1994, and October 26, 1994, applicant's Board of Trustees approved a plan of reorganization whereby Nuveen Pennsylvania Premium Income Municipal Fund 2, a Massachusetts business trust registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a–8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On October 7, 1994, the Acquiring fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on October 31, 1994. The reorganization was approved by the applicant's shareholders approved by the applicant's shareholders at the annual shareholders's meeting held on January 13, 1995.

5. As of February 7, 1995, the effective date of the reorganization, applicant has outstanding 5,803,736 shares of common stock and 1,800 share of MuniPreferred, Series F. As of that date, applicant's aggregate net assets were $121,701,117.75 and the liquidation value of its MuniPreferred, Series F, was $45,000,000, and the net asset value per common share of the applicant was $13.22. Substantially all of applicant's assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of the applicant's liabilities, (b) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series F), and (c) 1,800 shares of the Acquiring Fund's MuniPreferred, Series F.

6. Applicant was subsequently liquidated and distributed (a) *pro rata* to

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

its common shareholders the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholders one share of Acquiring Fund MuniPreferred, Series F, in exchange for each share of the applicant's MuniPreferred, Series F, held by its preferred shareholders. Previously, on January 26, 1995, the applicant declared a dividend of all investment company taxable income in the amount of $433,539.08 (as of the close of business on February 7, 1995) payable to common shareholders of record as of February 7, 1995. On February 3, 1995 a dividend of all accumulated but unpaid dividends on shares of MuniPreferred, Series F of the applicant through and including February 7, 1995 was declared, payable on February 13, 1995, in the amount of $9,370.28.

7. Applicant, Nuveen Pennsylvania Premium Income Municipal Fund 3, and the Acquiring Fund incurred expenses of $231,564 in connection with the reorganization. These expenses were borne by the foregoing entities based on their respective asset size, with applicant paying a total of $87,207, Nuveen Pennsylvania Premium Income Municipal Fund 3 paying a total of $46,740, and the Acquiring Fund paying a total of $97,617.

8. As of the date of the filing of the application, applicant had no remaining assets, no debts or other liabilities and no shareholders.

9. Applicant has not, in the last 18 months, transferred any of its asset to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file for termination with the Commonwealth of Massachusetts as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18661 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21241; 811–6380]

Nuveen Pennsylvania Quality Income Municipal Fund; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Pennsylvania Quality Income Municipal Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organizes as a Massachusetts business trust. On August 13, 1991, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of its common stock. The registration statement was declared effective on October 17, 1991, and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On January 10, 1992, applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered shares of preferred stock (''MuniPreferred''), Series TH. The registration statement was declared effective on February 13, 1992 and the initial public offering of its preferred shares commenced shortly thereafter.

3. On August 30, 1994, and October 26, 1994, applicant's Board of Trustees approved a plan of reorganization whereby Nuveen Pennsylvania Investment Quality Municipal Fund, a Massachusetts business trust registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a–8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On October 7, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on October 31, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on December 22, 1994.

5. As of January 9, 1995, the effective date of the reorganization, applicant had outstanding 7,142,414 shares of common stock and 2,000 shares of MuniPreferred, Series TH. As of that date, applicant's aggregate net assets were $152,750,727.28, and the liquidation value of its MuniPreferred, Series TH, was $50,000,000, and the net asset value per common share of the applicant was $14.39. Substantially all of applicants assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

the applicant's liabilities, (b) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series TH), and (c) 2,000 shares of the Acquiring Fund's MuniPreferred, Series TH.

6. The applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholders the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholder one share of Acquiring Fund MuniPreferred, Series TH, in exchange for each share of the applicant's MuniPreferred, Series TH, held by its preferred shareholders. Previously, on December 30, 1994, the applicant declared a dividend of all investment company taxable income in the amount of $665,672.98 (as of the close of business on January 9, 1995) payable to common shareholders of record as of January 9, 1995. On January 5, 1995 a dividend of all accumulated but unpaid dividends on shares of MuniPreferred, Series TH of the applicant through and including January 9, 1995 was declared, payable on January 13, 1995, in the amount of $21,863.33.

7. Applicant and the Acquiring Fund together incurred expenses of $220,386 in connection with the reorganization. Applicant and the Acquiring Fund bore $100,103 and $120,283, respectively, of such expenses, based on their respective asset size.

8. As of May 31, 1995, applicant had liabilities accrued in connection with the reorganization for which it has retained cash in the amount of $9,093.29. Otherwise, Applicant has no debts or other liabilities other than those that will be paid by the Acquiring Fund. As of the date of the filing of the application, applicant had no securityholders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file for termination with the Commonwealth of Massachusetts as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18651 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21246; 811–7712]

Nuveen Pennsylvania Premium Income Municipal Fund 3; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Pennsylvania Premium Income Municipal Fund 3.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On May 13, 1993, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of its common stock. The registration statement was declared effective on June 18, 1993, and the initial public offering of applicant's common stock commenced shortly thereafter.

2. On August 17, 1993, applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered shares of preferred stock (''MuniPreferred''), Series M. The registration statement was declared effective on September 20, 1993, and the initial public offering of its preferred shares commenced shortly thereafter.

3. On August 30, 1994, and October 26, 1994, applicant's Board of Trustees approved a plan of reorganization whereby Nuveen Pennsylvania Premium Income Municipal Fund 2, a Massachusetts business trust registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a–8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On October 7, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on October 31, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on January 13, 1995.

5. As of February 7, 1995, the effective date of the reorganization, applicant had

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

outstanding 2,820,654 shares of common stock and 844 share of MuniPreferred, Series M. As of that date, applicant's aggregate net assets were $2,820,654, and the liquidation value of its MuniPreferred, Series M, was $21,000,000, and the net asset value per common share of the applicant was $12.04. Substantially all of applicants assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of the applicant's liabilities, (b) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series M), and (c) 844 shares of the Acquiring Fund's MuniPreferred, Series M.

6. Applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholder the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholders one share of the Acquiring Fund MuniPreferred, Series M, in exchange for each share of the applicant's MuniPreferred, Series M, held by its preferred shareholders. Previously, on January 26, 1995, the applicant had declared a dividend of all investment company taxable income in the amount of $161,623.47 (as of the close of business on February 7, 1995) payable to common shareholders of record as of February 7, 1995. On February 6, 1995 a dividend of all accumulated but unpaid dividends of shares of MuniPreferred, Series M of the applicant through and including February 7, 1995 was declared, payable on February 14, 1995, in the amount of $2,184.75.

7. Applicant, Nuveen Pennsylvania Premium Income Municipal Fund, and the Acquiring Fund incurred expenses of $231,564 in connection with the reorganization. These expenses were borne by the foregoing entities based on their respective asset size, with applicant paying a total of $46,740, Nuveen Pennsylvania Premium Income Municipal Fund paying a total of $87,201, and the Acquiring Fund paying a total of $97,617.

8. As of the date of the filing of the application, applicant had no remaining assets, no debts or other liabilities other than those that will be paid by the Acquiring Fund, and no security holders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file for termination with the Commonwealth of Massachusetts as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18655 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21242; 811–7126]

Nuveen Premium Income Municipal Fund 3, Inc.; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Premium Income Municipal Fund 3, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington DC 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Minnesota corporation. On August 21, 1992, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of its common stock. The registration statement was declared effective on October 23, 1992 and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On January 12, 1993, applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered shares of preferred stock (''MuniPreferred''), Series M. The registration statement was declared effective on February 8, 1993 and the initial public offering of its preferred shares commenced shortly thereafter.

3. On April 26 and April 27, 1994, applicant's Board of Directors approved a plan of reorganization whereby Nuveen Premium Income Municipal Fund 4, Inc., a Minnesota corporation registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a–8 under the Act, the Board of Directors of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On June 3, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

reorganization by applicant's shareholders. The registration statement was declared effective on June 21, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on August 12, 1994.

5. As of September 8, 1994, the effective date of the reorganization, applicant had outstanding 7,144,440 shares of common stock and 2,200 shares of MuniPreferred, Series M. As of that date, applicant's aggregate net assets were $156,784,456.75, the liquidation value of its MuniPreferred, Series M, was $55,000,000, and the net asset value per common share of the applicant was $14.25. Substantially all of applicant's assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of the applicant's liabilities, (b) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series M), and (c) 2,200 shares of the Acquiring Fund's MuniPreferred, Series M.

6. Applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholders the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of applicant held by its common shareholders and (b) to its preferred shareholders one share of the Acquiring Fund's MuniPreferred, Series M, in exchange for each share of applicant's MuniPreferred, Series M, held by its preferred shareholders. Previously, on August 29, 1994, the applicant had declared dividends of all investment company taxable income in the amount of $420,487.18 (as of the close of business on September 8, 1994) payable to common shareholders of record as of September 8, 1994. On September 1, 1994 a dividend of all accumulated but unpaid dividends on shares of MuniPreferred, Series M of the applicant through and including September 8, 1994 was declared, payable no later than September 9, 1994, in the amount of $47,058.

7. Applicant, Nuveen Premium Income Municipal Fund 5 (''NPU''), Nuveen Premium Income Municipal Fund 6 (''NPB'') and the Acquiring Fund incurred expenses of $573,095 in connection with the reorganization. These expenses were borne by the foregoing entities based on their respective asset size, with applicant paying a total of $111,067, NPU paying a total of $126,119, NPB paying a total of $87,491, and the Acquiring Fund paying a total of $248,418.

8. As of May 31, 1995, applicant had liabilities accrued in connection with the reorganization for which it has retained cash in the amount of $32,044.91. Otherwise, Applicant has no debts or other liabilities other than those that will be paid by the Acquiring Fund. As of the date of filing of the application, applicant had no securityholders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file a certificate of dissolution with the Secretary of State of Minnesota as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18650 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21230; 811–7604]

Nuveen Premium Income Municipal Fund 5; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Premium Income Municipal Fund 5.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC 450 Fifth Street, NW., Washington, DC 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On April 2, 1993, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of its common stock. The registration statement was declared effective on May 20, 1993 and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On August 2, 1993, applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered shares of preferred stock (''MuniPreferred''), Series T and Series F. The registration statement was declared effective on August 17, 1993, and the initial public offering of its preferred shares commenced shortly thereafter.

3. On April 26 and April 27, 1994, applicant's Board of Trustees approved a plan of reorganization whereby Nuveen Premium Income Municipal Fund 4, Inc., a Minnesota corporation registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Funds. In accordance with rule 17a–8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the

applicant would not be diluted as a result of the reorganization.[1]

4. On June 3, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on June 21, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on August 12, 1994.

5. As of September 8, 1994 the effective date of the reorganization, applicant had outstanding 8,657,118 shares of common stock, 1,328 shares of MuniPreferred, Series T, and 1,328 shares of MuniPreferred, Series F. As of that date, applicant's aggregate net assets were $174,334,454.86, and the liquidation value of the MuniPreferred, Series T, was $33,200,000, and the liquidation value of MuniPreferred, Series F, was $33,200,000 and the net asset value per common share of the applicant was $12.47. Substantially all of applicant's assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of applicants assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of the applicant's liabilities, (b) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series T and Series F), and (c) 1,328 shares of the Acquiring Fund's MuniPreferred, Series T2, and 1,328 shares of the Acquiring Fund's MiniPreferred, Series F2.

6. Applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholder the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholders one share of the Acquiring Fund MuniPreferred, Series T2 and Series F2, respectively, in exchange for each share of the applicant's MuniPreferred, Series T and Series F, respectively, held by its preferred shareholders. Previously, on August 29, 1994, the applicant had declared a dividend of all investment company taxable income and realized capital gains in the amount of $643,223.87 (as of the close of business on September 8, 1994) payable to common shareholders of record as of September 8, 1994. On September 6 and September 2, 1994, respectively, a dividend of all accumulated but unpaid dividends on shares of MuniPreferred, Series T and Serires F of the applicant through and including September 8, 1994 was declared, payable no later than September 9, 1994, in the amount of $5,820.44 and $8,047.68, respectively.

7. Applicant, Nuveen Premium Income Muncipal Fund 3, Inc. (''NPN''), Nuveen Premium Income Municipal Fund 6 (''NPB'') and the Acquiring Fund incurred expenses of $573,095 in connection with the reorganization. These expenses were borne by the foregoing entities based on their respective asset size, with applicant paying a total of $126,119, NPN paying a total of $111,067, NPB paying a total of $87,491, and Acquiring Fund paying a total of $248,418.

8. As of the date of the application, applicant had no remaining assets, no debts or other liabilities other than those that will be paid by the Acquiring Fund, and no securityholders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file for termination with the Commonwealth of Massachusetts as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18645 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

[Investment Company Act Release No. 21234; 811–7966]

Nuveen Premium Income Municipal Fund 6; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Premium Income Municipal Fund 6.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On August 10, 1993, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of its common stock. The registration statement was declared effective on September 17, 1993, and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On November 19, 1993, applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered shares of preferred

stock (''MuniPreferred''), Series W. The registration statement was declared effective on December 20, 1993, and the initial public offering of its preferred shares commenced shortly thereafter.

3. On April 26 and April 27, 1994, applicant's Board of Trustees approved a plan of reorganization whereby Nuveen Premium Income Municipal Fund 4, Inc., a Minnesota corporation registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a–8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On June 3, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on June 21, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on August 12, 1994.

5. As of September 8, 1994, the effective date of the reorganization, applicant had outstanding 5,745,310 shares of common stock and 1,680 shares of MuniPreferred, Series W. As of that date, applicant's aggregate net assets were $111,120,891.47, and the liquidation value of its MuniPreferred, Series W, was $42,000,000, and the net asset value per common share of the applicant was $12.03. Substantially all of applicants assets were transferred to the Acquiring Fund in exchange for (1) the assumption of substantially all of the applicant's liabilities, (b) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series W), and (c) 1,680 shares of the Acquiring Fund's MuniPreferred, Series W.

6. Applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholders the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholders one share of Acquiring Fund MuniPreferred, Series W, in exchange for each share of the applicant's MuniPreferred, Series W, held by its preferred shareholders. Previously, on August 29, 1994, the applicant had declared a dividend of all investment company taxable income and realized capital gains in the amount of $413,087.79 (as of the close of business on September 8, 1994) payable to common shareholders of record as of September 8, 1994. On September 7, 1994 a dividend of all accumulated but unpaid dividends on shares of MuniPreferred, Series W of the applicant through and including September 8, 1994 was declared, payable no later than September 9, 1994, in the amount of $3,336.00.

7. Applicant, Nuveen Premium Income Municipal Fund 3, Inc. (''NPN''), Nuveen Premium Income Municipal Fund 5 (''NPU'') and the Acquiring Fund incurred expenses of $573,095 in connection with the reorganization. These expenses were borne by the foregoing entities based on their respective asset size, with applicant paying a total of $87,491, NPN paying a total of $111,067, NPU paying a total of $126,119, and the Acquiring Fund paying a total of $248,418.

8. As of the date of the application, applicant had no remaining assets, no debts or other liabilities other than those that will be paid by the Acquiring Fund, and no securityholders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file for termination with the Commonwealth of Massachusetts as soon as practicable after the granting of the order requested by the application.

[1] Applicant and Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18665 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21236; 811–7050]

Nuveen Select Tax-Free Income Portfolio 4; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Select Tax-Free Income Portfolio 4.

RELEVANT ACT SECTION: Section 8(f).

SUMMRY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment

company organized as a Massachusetts business trust. On July 28, 1992, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of its common stock. The registration statement was declared effective on September 18, 1992 and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On April 13, 1994, applicant's Board of Trustees approved a plan of reorganization whereby Nuveen Select Tax-Free Income Portfolio 3, a Massachusetts business trust registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a–8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

3. On May 6, 1994, the Acquiring Fund filed a registration statement of Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on June 10, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on August 3, 1994.

4. As of August 4, 1994, the effective date of the reorganization, applicant had outstanding 6,353,141 shares of common stock. As of that date, applicant's aggregate net assets were $89,634,486.14, and the net asset value per common share of the applicant was $14.11. Substantially all of applicant's assets were transferred to the Acquiring Fund in exchange for the assumption of substantially all of the applicant's liabilities and the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets.

5. Applicant was subsequently liquidated and distributed pro rata to its shareholders the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its shareholders. Previously, on July 22, 1994, the applicant had declared a dividend of all investment income taxable income in the amount of $202,665.00 (as of the close of business on August 4, 1994) payable to shareholders of the record as of August 4, 1994.

6. Applicant and the Acquiring Fund incurred expenses of $171,169 in connection with the reorganization. These expenses were borne by the foregoing entities based on their respective asset size, with applicant paying a total of $86,082, and the Acquiring Fund paying a total of $85,087.

7. As of the date of the filing of the application, applicant had no remaining assets, no debts or other liabilities other than those that will be paid by the Acquiring Fund, and no securityholders.

8. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

9. Applicant intends to file for termination with the Commonwealth of Massachusetts as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18644 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

[Investment Company Act Release No. 21226; 811–7128]

Nuveen Texas Premium Income Municipal Fund; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act''): .

APPLICANT: Nuveen Texas Premium Income Municipal Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On August 21, 1992, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of its common stock. The registration statement was declared effective on December 17, 1992, and the initial public offering of its common shares commenced shortly thereafter.

2. On March 18, 1993, applicant filed a registration statement on Form N–2 under the Securities Act of 1993 whereby it registered shares of preferred stock (''MuniPreferred''), Series M. The registration statement was declared effective on April 8, 1993, and the initial public offering of its preferred shares commenced shortly thereafter.

3. On June 29, 1994, applicant's Board of Trustees approved a plan of reorganization whereby Nuveen Texas

Quality Income Municipal Fund, a Massachusetts business trust registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund's common stock. In accordance with rule 17a–8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On July 26, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on August 23, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on October 6, 1994.

5. As of November 8, 1994, the effective date of the reorganization, applicant had outstanding 2,476,985 shares of common stock and 760 shares of MuniPreferred, Series M. As of that date, applicant's aggregate net assets were $47,805,776.03, the liquidation value of its MuniPreferred, Series M, was $19,000,000, and the net asset value per common share of the applicant was $11.63. Substantially all of applicants assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of the applicant's liabilities, (b) the number of Acquiring Fund common shares having an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series M), and (c) 760 shares of Acquiring Fund MuniPreferred, Series. M.

6. Applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholders the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholders one share of Acquiring Fund MuniPreferred, Series M, in exchange for each share of the applicant's MuniPreferred, Series M, held by its preferred shareholders. Previously, on October 28, 1994, the Applicant declared a dividend of all investment company taxable income in the amount of $228,625.72 (as of the close of business on November 8, 1994) payable to common shareholders or record as of November 8, 1994. On November 7, 1994, a dividend of all accumulated but unpaid dividends on shares of MuniPreferred, Series M of the applicant through and including November 8, 1994, was declared, to be paid no later than November 15, 1994, in the amount of $1,743.66.

7. Total expenses incurred by the Applicant and the Acquiring Fund in connection with the reorganization were $195,419. Applicant and the Acquiring Fund bore $64,727 and $130,692, respectively, of such expenses, based on their respective asset sizes.

8. As of May 31, 1995, applicant had liabilities for which it has retained cash in the amount of $43,382,32, for certain liabilities accrued for in connection with the reorganization. Otherwise, Applicant has no debts or other liabilities other than those that will be paid by the Acquiring Fund. As of the date of the application, applicant had no securityholders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file for termination with the Commonwealth of Massachusetts as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18648 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

[Investment Company Act Release No. 21231; 811–7788]

Nuveen Virginia Premium Income Municipal Fund 2; Notice of Application

July 21, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Nuveen Virginia Premium Income Municipal Fund 2.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring it has ceased to be an investment company.

FILING DATE: The application was filed on June 23, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on August 15, 1995, and should be accompanied by proof of service on the applicant in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 333 West Wacker Drive, Chicago, Illinois 60606.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a closed-end diversified management investment company organized as a Massachusetts business trust. On June 14, 1993, applicant registered under the Act and filed a registration statement on Form N–2 pursuant to section 8(b) of the Act and under the Securities Act of 1933 to register shares of its common stock. The

registration statement was declared effective on July 23, 1993 and the initial public offering of applicant's common shares commenced shortly thereafter.

2. On September 13, 1993, applicant filed a registration statement on Form N–2 under the Securities Act of 1933 whereby it registered shares of preferred stock (''MuniPreferred''), Series T. The registration statement was declared effective on November 5, 1993 and the initial public offering of its preferred shares commenced shortly thereafter.

3. On July 27, 1994, applicant's Board of Trustees approved a plan of reorganization whereby Nuveen Virginia Premium Income Municipal Fund, a Massachusetts business trust registered under the Act as a closed-end management investment company (the ''Acquiring Fund''), would acquire substantially all of applicant's assets and assume substantially all of applicant's liabilities in exchange for shares of the Acquiring Fund. In accordance with rule 17a–8 under the Act, the Board of Trustees of the applicant determined that the reorganization was in the best interest of the applicant and that the interests of the existing shareholders of the applicant would not be diluted as a result of the reorganization.[1]

4. On August 31, 1994, the Acquiring Fund filed a registration statement on Form N–14, which contained proxy materials soliciting the approval of the reorganization by applicant's shareholders. The registration statement was declared effective on September 28, 1994. The reorganization was approved by the applicant's shareholders at the annual shareholders' meeting held on November 3, 1994.

5. As of December 8, 1994, the effective date of the reorganization, applicant had outstanding 2,730,426 shares of common stock and 832 shares of MuniPreferred, Series T. As of that date, applicant's aggregate net assets were $49,584,291.77, and the liquidation value of its MuniPreferred, Series T, was $20,800,000, and the net asset value per common share of the applicant was $10.54. Substantially all of applicants assets were transferred to the Acquiring Fund in exchange for (a) the assumption of substantially all of the applicant's liabilities, (b) the number of Acquiring Fund common shares have an aggregate net asset value equal to the value of the applicant's net assets (calculated net of the liquidation preference of applicant's MuniPreferred, Series T), and (c) 832 shares of the Acquiring Fund's MuniPreferred, Series T.

6. The applicant was subsequently liquidated and distributed (a) *pro rata* to its common shareholders the Acquiring Fund common shares (or cash in lieu of fractional shares) received by the applicant pursuant to the reorganization in exchange for the common shares of the applicant held by its common shareholders and (b) to its preferred shareholders one share of Acquiring Fund MuniPreferred, Series T, in exchange for each share of the applicant's MuniPreferred, Series T, held by its preferred shareholders. Previously, on November 25, 1994, the applicant had declared a dividend of all investment company taxable income in the amount of $260,760.95 (as of the close of business on December 8, 1994) payable to common shareholders of record as of December 8, 1994. On December 6, 1994 a dividend of all accumulated but unpaid dividends on shares of MuniPreferred, Series T of the applicant through and including December 8, 1994 was declared, payable on December 14, 1994, in the amount of $3,078.40.

7. Applicant and the Acquiring Fund incurred expenses of $171,635 in connection with the reorganization. These expenses were borne by the foregoing entities based on their respective asset size, with applicant paying a total of $60,601, and the Acquiring Fund paying a total of $111,034.

8. As of May 31, 1995, applicant had liabilities accrued in connection with the reorganization for which it has retained cash in the amount of $13,356.50. Otherwise, Applicant has no debts or other liabilities other than those that will be paid by the Acquiring Fund. As of the date of the filing of the application, applicant had no securityholders.

9. Applicant has not, within the last 18 months, transferred any of its assets to a separate trust, the beneficiaries of which were or are, securityholders of the applicant. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

10. Applicant intends to file for termination with the Commonwealth of Massachusetts as soon as practicable after the granting of the order requested by the application.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18664 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

[1] Applicant and the Acquiring Fund may be deemed to be affiliated persons of each other by reason of having a common investment adviser, common directors, and common officers. Although purchases and sales between affiliated persons generally are prohibited by section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common directors, and/or common officers.

[Rel. No. IC–21249/812–9480]

SunAmerica Series Trust, et. al.; Notice of Application

July 25, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: SunAmerica Series Trust (''SunAmerica Trust''), Anchor Pathway Fund (''Anchor Fund''), Anchor Series Trust (''Anchor Trust''); and SunAmerica Equity Funds, SunAmerica Income Funds and SunAmerica Money Market Funds, Inc. (collectively, the ''Retail Funds'').

RELEVANT ACT SECTIONS: Order requested under sections 6(c) and 17(b) for an exemption from section 17(a) and rule 17g–1(b) thereunder.

SUMMARY OF APPLICATION: Applicants request an order to permit each of applicants' present and future series (each, a ''Fund'') to (a) purchase fidelity bond coverage and/or directors' and officers'/errors and omissions (''D&O/E&O'') insurance (fidelity bond and D&O/E&O insurance collectively referred to as ''Insurance Coverage'') from National Union Fire Insurance Company of Pittsburgh, PA or any other insurance company that may be an affiliated person of an affiliated person of such Fund solely because the affiliated person is a subadvisor to the Fund and (b) settle any claims that may arise in connection with such Insurance Coverage. The order also would permit Anchor Fund to be named as a joint insured on a fidelity bond with the other Funds, even though Anchor Fund does not meet the requirements of rule 17g–1(b)(3) under the Act.

FILING DATE: The application was filed on February 13, 1995 and amended on July 6, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be

received by the SEC by 5:30 p.m. on August 21, 1995, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, D.C. 20549. Applicant, 733 Third Avenue, New York, New York 10017.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Staff Attorney, at (202) 942–0574, or Robert A. Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. SunAmerica Trust, a registered open-end management investment company, has fourteen series Funds. Shares of SunAmerica Trust are issued only in connection with investments in variable annuity contracts issued by Anchor National Life Insurance Company (''Anchor National''). Anchor National is a wholly owned subsidiary of Sun Life Insurance Company of America, a wholly owned subsidiary of SunAmerica Inc. SunAmerica Asset Management Corp. (''SAAMCo''), an indirect wholly owned subsidiary of Anchor National, serves as investment adviser for all the Funds of SunAmerica Trust. All of the Funds of SunAmerica Trust, except the High-Yield Bond Portfolio and the Cash Management Portfolio, have a subadviser which is not an affiliated person or an affiliated person of an affiliated person of SAAMCo.

2. Anchor Fund, a registered open-end management investment company, has seven series Funds. Shares of the Anchor Fund are issued in connection with investments in variable annuity contracts issued by Anchor National. Capital Research and Management Company serves as the investment adviser to the Anchor Fund. Anchor Investment Adviser, Inc., an indirect wholly owned subsidiary of Anchor National and an affiliate of SAAMCo and SunAmerica Capital Services, Inc. (''SACS''), is the Anchor Fund's business manager.

3. Anchor Trust, a registered open-end management investment company, has twelve series funds. Shares of Anchor Trust are issued only in connection with investments in variable annuity and variable life insurance contracts issued by Anchor National, Phoenix Mutual, First SunAmerica Life Insurance Company and Presidential Life Insurance Company. First SunAmerica Life Insurance Company is an indirect wholly-owned subsidiary of SunAmerica Inc. SAAMCo serves as investment adviser, and Wellington Management Company serves as subadviser, to all the Funds of Anchor Trust.

4. SunAmerica Equity Funds and SunAmerica Income Funds are registered open-end management investment companies. SunAmerica Equity Funds has six series Funds and SunAmerica Income Funds has five series Funds. SunAmerica Money Market funds, Inc., a registered open-end management investment company, has one series fund. Shares of these Retail Funds are offered to the public. SACS acts as distributor to the Retail Funds and is an indirect wholly owned subsidiary of Anchor National and an affiliate of SAAMCo. SAAMCo is the investment adviser for all Funds comprising the Retail Funds. GSAM International and American International Group Asset Management, Inc. (''AIGAM'') serve as subadvisers for certain portions of the Global Balanced fund series of SunAmerica Equity Funds. In addition, AIGAM has subcontracted with its affiliate, AIGAM International Limited, to provide the Global Balanced Fund with asset allocation and subadvisory services in respect to European securities markets. Each of AIGAM and AIGAM's affiliated companies is an indirect wholly owned subsidiary of American International Group, Inc., an international insurance organization.

5. National Union Fire Insurance Company of Pittsburgh, PA (''National Union'') is a wholly-owned subsidiary of American International Group, Inc. Neither National Union nor any affiliated person thereof is an affiliated person of SAAMCo, Anchor Investment Adviser, Inc., Anchor National, or any officer, trustee, director or employee of any applicant. Neither National Union nor any affiliated person thereof owns 5% or more of the shares of any Fund.

6. Applicants request that a Fund be permitted to (a) Purchase Insurance Coverage from National Union or any other insurance company who may be an affiliated person of an affiliated person of such Fund solely because the affiliated person is a subadviser to the fund and (b) settle any claims that may arise in connection with such Insurance Coverage. Applicants further request relief for any other registered investment company, or series thereof, which in the future is advised by SAAMCo, or an entity in control of, controlled by, or under common control with SAAMCo, or whose shares are distributed by SACS, or an entity in control of, controlled by, or under common control with SACS, and which is a member of the SunAmerica ''[g]roup of investment companies'' as defined in rule 11a–3(a)(5) under the Act. At present, the only existing Fund that may rely on the requested relief is the Global Balanced Fund because of the relationship between AIGAM and National Union.

7. Applicants also request that Anchor Fund be named as a joint insured on a fidelity bond with the other Funds.

8. All of the Funds (except Anchor Fund) are currently joint insureds under one fidelity bond and one D&O/E&O policy in order to obtain the maximum coverage for the lowest possible cost. One of the methods of negotiating coverage and premiums is to solicit quotations from as many different insurance companies as possible. Applicants believe that there are only five major carriers of fidelity bond coverage, including National Union, with a combined capacity of over $100 million, and that there are several other carriers that provide excess rather than primary coverage. National Union is one of the highest rated of these companies and applicants believe that National Union accounts for a significant amount of this capacity. Given the limited universe of insurance companies that provide fidelity bond coverage, applicants believe that it is not in the best interests of the Funds or their shareholders to preclude the funds from purchasing Insurance Coverage from an insurance company such as National Union merely because of its affiliation with the subadviser to one or more of the Funds.

9. Applicants state that no person who is potentially in a position to control or influence SAAMCo or the Funds' decisions with respect to Insurance Coverage will have a relationship with any affiliated insurance company from which coverage will be purchased or with which settlements will be negotiated. Pursuant to the conditions set forth below, in addition to the finings to be made by the trustees of each Fund at the time of purchasing Insurance Coverage, rule 17g–1 requires that the trustees of each Fund who are not interested persons of the Fund (the ''disinterested

trustees''), approve the form and amount of fidelity bond coverage for each Fund, as well as the allocation of the premium of a joint insured bond. Similarly, rule 17d–1(d)(7) requires the disinterested to make certain findings relating to each Fund's participation in a joint D&O/E&O insurance policy and the proposed allocation of premiums. Applicants believe that the requirements of approval by the disinterested trustees impose an additional level of protection against any conflicts of interest which could arise from the use of an affiliated insurance company.

10. Anchor Fund is currently covered by a single insured bond. Applicants state that the inclusion of Anchor Fund as an additional insured on a joint bond will result in cost savings for Anchor Fund for at least comparable coverage to that which it currently maintains. Applicants believe that there are economies of scale realized in the pricing of fidelity bonds. Applicants state that the inclusions of Anchor Fund as an additional insured on the other Funds' joint bond will potentially result in lower costs of coverage for such other Funds. Therefore, the addition of Anchor Fund could potentially allow a greater number of insureds to share the same costs, thereby reducing the cost for each insured.

Applicants' Legal Analysis

1. Section 17(a), in pertinent part, prohibits an affiliated person of a registered investment company, acting as principal, from selling to or purchasing from such registered company, any security or other property. Section 17(b) provides that the SEC may exempt a transaction from section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act. The sale of fidelity bond coverage to a fund by an affiliated person or an affiliated person of an affiliated person is a principal transaction prohibited by section 17(a). The settlement of claims under such a fidelity bond also would be prohibited by section 17(a) because the settlement of a claim under an insurance policy entails the release of a property right (i.e., of a right to sue under the policy with respect to the claim).

2. Applicants state that the only type of principal transaction intended to be permitted under the requested order is one that might be deemed to be prohibited by section 17(a) solely because of an insurance company's relationship with the subadviser to one or more Funds. Applicants believe that the proposed transactions will meet the standards of section 17(b). SAAMCo is the entity responsible for negotiating the Insurance Coverage on behalf of each Fund, as well as any settlements of claims submitted to the insurance company. SAAMCo and its affiliates will be unaffiliated with any insurance company that may be considered to provide any part of such Insurance Coverage. In all cases for which relief is being sought, the sudadviser and the affiliated insurance company will be separate legal entities. Accordingly, if SAAMCo decides to purchase all or any portion of the Funds' Insurance Coverage from an affiliated insurance company, or to settle a claim with an affiliated insurance company for less than the face amount thereof, SAAMCo can neither lose nor gain financially on the basis of whether the transaction is beneficial or detrimental to such affiliated insurance company.

3. SAAMCo, SACS and Sun America Fund Services, Inc. (''SAFS''), (an affiliate of SAAMCo and SACS which serves as shareholder servicing agent for the Retail Funds), are joint insureds under the Fund's current Insurance Coverage. SAAMCo therefore has an interest in obtaining the best possible coverage at the lowest possible cost for all of the insureds. Furthermore, applicants state that in negotiating the amount of any extra-judicial settlement under Insurance Coverage on behalf of a Fund with an affiliated insurance company, SAAMCo has an interest in maximizing the Fund's recovery. SAAMCo's advisory fees are determined as a percentage of Fund assets, and, accordingly, SAAMCo has an interest in maximizing the assets of each Fund. Applicants believe that because there will be no conflict of interest inherent in the Funds' decision to purchase Insurance Coverage from an affiliated insurance company or to settle a claim under such coverage, there is no danger of overreaching on the part of any person concerned with the transaction.

4. Section 17(g) and rule 17g–1 thereunder require that officers and employees of investment companies with access to company assets be bonded against larceny and embezzlement by a reputable fidelity insurance company. Under the rule, a group of related investment companies or an investment company and certain affiliates may use a joint insured bond. Rule 17f–1(b)(3) specifies the types of persons that may be joint insureds under a fidelity bond. Under section 6(c), the SEC may exempt classes of transactions from any provisions of the Act or of any rule if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

5. Applicants request that Anchor Fund be permitted to be named as a joint insured on a joint fidelity bond with the other Funds, SAAMCo, SACS and SAFS, even though Anchor Fund does not meet the requirements of rule 17g–1(b)(3). Applicants state that Anchor Investment Adviser, Inc., an affiliate of SAAMCo, is the business manager for Anchor Fund and as such acts as administrator for Anchor Fund. In addition, the officers and trustees of Anchor Fund are the same persons as the officers and trustees of SubAmerica Trust. Applicants believe that there is a reasonable business relationship between Anchor Fund and the other Funds and that the inclusion of Anchor Fund in a bond with the other Funds is consistent with the intention reflected in rule 17g–1(b)(3) to permit participation in a joint bond by investment companies that are related.

Conditions

Applicants agree that the order granting the requested relief shall be subject to the following conditions:

1. Prior to the purchase of any Insurance Coverage from an affiliated insurance company, and before any material amendment to such Insurance Coverage, a majority of the trustees of each of the Funds, and a majority of the trustees who are not interested persons of the Funds, will find that the Insurance Coverage selected will provide the best available protection for shareholders of the Funds ad the lowest cost available in light of the coverage.

2. In the event of a loss covered by such Insurance Coverage, the trustees of the Fund incurring the loss, including a majority of the trustees who are not interested persons of the Fund, will evaluate and approve the amount of the loss, and the Fund will submit a claim for that amount to the affiliated insurance company. If the affiliated insurance company makes a insurance offer for less than the amount submitted, the adequacy of the settlement offer will be evaluated by the Fund's trustees. Such a settlement may be accepted if the trustees of the Fund, including a majority of the trustees who are not interested persons of the Fund, determine that the settlement offer is reasonable and fair and does not involve overreaching on the part of the affiliated

insurance company and is in the best interest of the Fund and its shareholders.

3. The board will record and preserve a description of al affiliated insurance company transactions, their findings, the information or materials upon which their findings are based and the basis thereof. All such records will be maintained for a period of not less than six years, the first two years in an easily accessible place, and will be available for inspection by the staff of the SEC.

For the Commission, by the Division of Implementation Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–18705 Filed 7–28–95; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2800]

Florida; Declaration of Disaster Loan Area

Pasco County and the contiguous Counties of Hernando, Hillsborough, Pinellas, Polk, and Sumter in the State of Florida constitute a disaster area as a result of damages caused by flooding which occurred on July 18. Applications for loans for physical damage may be filed until the close of business on September 25, 1995, and for economic injury until the close of business on April 25, 1996, at the address listed below:

U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308

or other locally announced locations.

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 280006 and for economic injury the number is 857800.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: July 25, 1995.

Philip Lader,

Administrator.

[FR Doc. 95–18674 Filed 7–28–95; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended July 21, 1995

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST–95–329
Date filed: July 19, 1995
Parties: Members of the International Air Transport Association
Subject: TC23 Telex Mail Vote 749, Europe-Southwest Pacific General Increase, r–1—Intermediate Fares r–2—First Class Fares
Proposed Effective Date: September 1, 1995

Docket Number: OST–95–330
Date filed: July 19, 1995
Parties: Members of the International Air Transport Association
Subject: TC12 Telex Mail Vote 748, North Atlantic-Africa Rescission Resolution 003
Proposed Effective Date: August 31, 1995

Docket Number: OST–95–333
Date filed: July 19, 1995
Parties: Members of the International Air Transport Association
Subject: TC12 Reso/P 1677 dated July 11, 1995, US-Europe resolutions r–1 to r–33
Proposed Effective Date: August 31, 1995

Paulette V. Twine,

Chief, Documentary Services Division

[FR Doc. 95–18682 Filed 7–28–95; 8:45 am]

BILLING CODE 4910–62–P

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended July 21, 1995

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–95–331
Date filed: July 19, 1995
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: August 16, 1995
Description: Application of Midway Airlines Corporation pursuant to 49 U.S.C. § 4402 and Subpart Q of the Regulations, applies for a certificate of public convenience and necessity to permit Midway to provide scheduled foreign air transportation of persons, property and mail between: (1) Raleigh/Durham, North Carolina and St. Maarten, Netherlands Antilles, and (2) Raleigh/Durham, North Carolina and Cancun, Mexico.

Docket Number: OST–95–335
Date filed: July 20, 1995
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: August 17, 1995
Description: Application of Eva Airways Corporation, pursuant to 49 U.S.C. § 41302 and Subpart Q of the Regulations, applies for an amendment to its foreign air carrier permit to engage in the scheduled foreign air transportation of persons, property and mail beyond EVA's authorized U.S. points (Guam, Honolulu, Seattle, San Francisco, Los Angeles, Dallas and New York) to Panama City, Panama, and vice versa.

Paulette V. Twine,

Chief, Documentary Services Division.

[FR Doc. 95–18681 Filed 7–28–95; 8:45 am]

BILLING CODE 4910–62–P

Federal Aviation Administration

Extension of the Public Comment Period Regarding the Notice of Intent to Prepare Supplemental Environmental Impact Statement; Cal Black Memorial Airport, Halls Crossing, Utah

AGENCY: Federal Aviation Administration (FAA).

ACTION: Extension of comment period.

SUMMARY: The Northwest Mountain Region of the FAA announces it has extended the public comment period regarding its notice of intent to prepare Draft and Final Supplemental

Environmental Impact Statements (SEIS) for further study of potential noise impacts associated with operation of Cal Black Memorial Airport at Halls Crossing, Utah. Interested agencies and persons are invited to submit written comments as to their concerns regarding potential noise impacts upon areas surrounding the airport and how those impacts could be addressed in the Draft SEIS.

DATES: In order to be considered, written comments must be received on or before September 29, 1995.

ADDRESSES: Send comments to Mr. Dennis G. Ossenkop, Federal Aviation Administration, Airports Division, 1601 Lind Ave. S.W., Renton, WA 98055–4056. Questions concerning the draft EIS or the process being applied by the FAA in connection with this study should also be directed to Mr. Ossenkop.

SUPPLEMENTARY INFORMATION: The public scoping (comment) period for the Supplemental Environmental Impact Statement, Cal Black Memorial Airport, Halls Crossing, Utah, has been extended because of possible misunderstanding that might have occurred due to two typographical errors in the Notice of Intent published in the **Federal Register** dated March 23, 1995, on page 15320. Specifically, under Supplementary Information, the word ''reserved'' should have read ''reversed''. Secondly, under Supplementary Information, the case number ''988'' should have read case number ''998''. The FAA regrets any inconvenience these errors may have created.

Issued in Renton, Washington on July 17, 1995.

Lowell H. Johnson,

Manager, Airports Division, Federal Aviation Administration, Northwest Mountain Region, Renton, Washington.

[FR Doc. 95–18733 Filed 7–28–95; 8:45 am]

BILLING CODE 4910–13–M

RTCA, Inc., Special Committee 186 Standards for Airport Security Access Control

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2) notice is hereby given for special committee 186 meeting to be held August 16–17, 1995. The August 16 Working Groups 1 and 2 sessions will be 9 a.m.–12 noon, and the Plenary Session will begin at 1:00 p.m. The August 17 Plenary Session will begin at 9 a.m. The meeting will be held at RTCA, Inc., 1140 Connecticut Avenue, N.W., Suite 1020, Washington, DC, 20036.

The agenda will include: (1) Chairman's Introductory Remarks/ Review of Meeting Agenda; (2) Review and Approval of Minutes of the Previous Meeting; (3) Report of Working Group Activities: a. Working Group 1 Report (Operations Working Group); b. Working Group 2 Report (Technical Working Group); (4) Report on FAA DLORT Activity; (5) Reports on Activities at MITRE: a. Analysis of the Necessary Capabilities of an ADS–B System; b. Update on the Universal Access Transceiver (UAT); (6) Secondary Methods of Position Determination: a. Airborne—Passive Listening to Interrogations/Replies; b. Ground—Multilateration of ADS–B Signals; (7) TCAS/ADS–B Architectures; (8) Presentation of Self-Organizing TDMA Data Link; (9) Other Business; (10) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, N.W., Suite 1020, Washington, D.C. 20036; (202) 833–9339 (phone) or (202) 833–9434 (fax). Members of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on July 25, 1995.

Janice L. Peters,

Designated Official.

[FR Doc. 95–18735 Filed 7–28–95; 8:45 am]

BILLING CODE 4810–13–M

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with 49 CFR Sections 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received from the National Railroad Passenger Corporation (AMTRAK) a request for a waiver of compliance with a requirement of Federal rail safety standards. The petition is described below, including the regulatory provisions involved and the nature of the relief being requested.

National Railroad Passenger Corporation Waiver Petition Docket Number H–95–3

The National Railroad Passenger Corporation (AMTRAK) seeks a waiver of compliance with certain provisions of the Locomotive Safety Regulations (49 CFR Part 229). AMTRAK is requesting a temporary waiver of compliance with Section 229.29, for eleven locomotives equipped with the New York Air Brake Company/Knorr Brake Corporation Computer Controlled Brake (CCB). Section 229.29 stipulates that all brake valves must be cleaned, tested and inspected every 736 calendar days. On January 29, 1985, FRA granted approval for the 26–L type air brake equipment to be cleaned, inspected and tested every 1,104 calendar days. The petition requests that the CCB brake valves be maintained on a 5-year test interval.

The CCB brake equipment combines certain pneumatic features of the 26L brake with microprocessor controls. The CCB pneumatic and electro-pneumatic devices rely on poppet valve and seat technology which has been proven in service in other Knorr brake equipment.

Locomotive AMTRAK 809 was equipped with the CCB brake equipment when built by General Electric Company (GE) in 1993. It was placed in service on August 31, 1993, and has since accumulated over 260,000 miles in intercity revenue operation both as a lead and trail unit. Early software logic defects were corrected as they occurred and the CCB system has been reliable since. Amtrak is requesting the waiver for this locomotive and for 10 additional P40 locomotives (Amtrak 700–709) now being delivered by GE.

The CCB system consists of a console desk controller, an electronic control system unit and a pneumatic interface unit. The electronic control system unit contains the logic processor (computer), power supply, input/output interfaces, diagnostic program and brake operation programs. The desk console controller contains the standard automatic and independent brake operating handles. The console controller also contains a direct connection to brake pipe which is utilized for emergency brake applications. The pneumatic interface unit contains the connections to the standard train line and locomotive multiple unit pneumatic lines. The pneumatic unit contains all of the devices which are driven by the electronic control system to perform all functions currently carried out by the 26–L brake system.

The brake system includes advanced diagnostics and a self test program. The self test program is manually initiated and provides a test of all electronic and pneumatic interface functions. Any faults detected are displayed on the system unit. In-service faults are detected and stored in non-volatile memory. The railroad states that safety is enhanced by the CCB Equipment in (1) constant vigilance for deviation from performance by the microcomputer, (2) the control of faults to a known safe

condition, and (3) the capability of warning the operator of a fault condition. These features are not available in the existing 26–L Brake Equipment. Life of all components are rated in excess of 5-years.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number H–95–3) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received within 45 days of the date of publication of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Issued in Washington, DC on July 26, 1995.

Phil Olekszyk,

Deputy Associate Administrator for Safety Compliance and Program Implementation

[FR Doc. 95–18680 Filed 7–28–95; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

July 21, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220. Special Request: In order to conduct the customer satisfaction survey described below in early August, the Department of Treasury is requesting Office of Management and Budget (OMB) review and approval of this information collection by July 27, 1995. To obtain a copy of this survey, please write to the IRS Clearance Officer at the address listed below.

Internal Revenue Service (IRS)

OMB Number: 1545–1349.

Project Number: SOI–011.

Type of Review: Revision.

Title: Customer Satisfaction Study for New 1040 Forms.

Description: There is an ongoing effort within the IRS to both increase customer satisfaction with the forms that taxpayers are required to submit, as well as increase the efficiency with which the IRS uses modern technology to machine read and process those forms. In order to further this effort, the IRS, under the guidance of the Tax Forms Standardization project office, is performing some final testing on a new version of the 1040 form.

Respondents: Individuals or households.

Estimated Number of Respondents: 350.

Estimated Burden Hours Per Respondent: 1 hour, 34 minutes.

Frequency of Response: Other.

Estimated Total Reporting Burden: 546 hours.

Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, N.W., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports, Management Officer.

[FR Doc. 95–18642 Filed 7–28–95; 8:45 am]

BILLING CODE 4830–01–P

Office of the Comptroller of the Currency

Information Collections Submitted to OMB for Review

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

ACTION: Notice of information collections submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Office of the Comptroller of the Currency (OCC) hereby gives notice that it has sent to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act, various information collections.

DATES: Comments on these information collections are welcome and should be submitted by August 28, 1995.

ADDRESSES: A copy of any information collection may be obtained by calling or writing the OCC contact.

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Office of the Comptroller of the Currency (OCC) has sent to OMB information collections for review under the Paperwork Reduction Act as follows:

I. OMB Control Number 1557–0070

Title: (MA)—Insider Transactions (12 CFR 31).

Type of Review: Regular submission.

Description: This information collection implements statutes that require national bank insiders to report indebtedness and national banks to disclose the indebtedness of executive officers and principal stockholders to the bank or its correspondent banks.

Form Number: FFIEC 004.

OMB Number: 1557–0070.

Affected Public: Businesses or other for-profit.

Number of Respondents: 33,350 respondents.

Total Annual Responses: 67,100 responses.

Average Hours Per Response: 1.4 hours.

Total Annual Burden Hours: 96,533 hours.

OMB Reviewer: Milo Sunderhauf, (202)395–7340, Paperwork Reduction Project 1557–0070, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

OCC Contact: John Ference or Jessie Gates, (202)874–5090, Legislative and Regulatory Activities Division (1557–0070), Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

Comments: Comments regarding the information collection should be addressed to both the OMB reviewer and the OCC contact listed above.

II. OMB Control Number 1557–0155

Title: Payment of Dividends; Capital Limitations (12 CFR 5.61(c), 5.61(d), and 5.62(e)).

Type of Review: Regular submission.

Description: These regulations prescribe capital and earnings limitations on the payment of dividends by national banks. The regulations require maintenance of records and the submission of requests for approval to pay dividends in excess of certain limitations. The regulations are necessary for bank safety and soundness.

Form Number: None.

OMB Number: 1557–0155.

Respondents: Businesses or other for-profit.

Number of Respondents: 192 respondents.

Total Annual Responses: 192 responses.

Average Hours Per Response: 3.2 hours.

Total Annual Burden Hours: 617 hours.

OMB Reviewer: Milo Sunderhauf, (202)395–7340, Paperwork Reduction Project 1557–0155, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

OCC Contact: John Ference or Jessie Gates, (202)874–5090, Legislative and Regulatory Activities Division (1557–0155), Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

Comments: Comments regarding the information collection should be addressed to both the OMB reviewer and the OCC contact listed above.

III. OMB Control Number 1557–0156

Title: (MA)—Monthly Consolidated Foreign Currency Report.

Type of Review: Regular submission.

Description: This information is needed to monitor the foreign exchange positions of major institutions and to detect changes in policy in individual banks. Also used as an aid in the analysis of foreign markets. All respondents are major U.S. banks or branches or agencies of foreign banks.

Form Number: FFIEC 035.

OMB Number: 1557–0156.

Respondents: Businesses or other for-profit.

Number of Respondents: 29 respondents.

Total Annual Responses: 348 responses.

Average Hours Per Response: 12.7 hours.

Total Annual Burden Hours: 4,413 hours.

OMB Reviewer: Milo Sunderhauf, (202)395–7340, Paperwork Reduction Project 1557–0156, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

OCC Contact: John Ference or Jessie Gates, (202)874–5090, Legislative and Regulatory Activities Division (1557–0156), Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

Comments: Comments regarding the information collection should be addressed to both the OMB reviewer and the OCC contact listed above.

IV. OMB Control Number 1557–0176

Title: Record and Disclosure Requirements—FRB Regs B, C, E, M, and Z.

Type of Review: Regular submission.

Description: This burden is attributable to FRB Regs B (Equal Credit Opportunity), C (Home Mortgage Disclosure), E (Electronic Funds Transfer), M (Consumer Leasing), and Z (Truth-in-Lending).

Form Number: None.

OMB Number: 1557–0176.

Respondents: Businesses or other for-profit.

Number of Respondents: 3,650 respondents.

Total Annual Responses: 3,650 responses.

Average Hours Per Response: 1,558 hour.

Total Annual Burden Hours: 5,842,600 hours.

OMB Reviewer: Milo Sunderhauf, (202)395–7340, Paperwork Reduction Project 1557–0176, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

OCC Contact: John Ference or Jessie Gates, (202)874–5090, Legislative and Regulatory Activities Division (1557–0176), Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

Comments: Comments regarding the information collection should be addressed to both the OMB reviewer and the OCC contact listed above

V. OMB Control Number 1557–0193

Title: Community Development Information Collection.

Type of Review: Regular submission.

Description: The OCC needs hard data to determine the level and type of national bank activity in local community development. The OCC uses the information collected from national banks to determine the effectiveness of its program to encourage national banks to continue and expand their community development efforts.

Form Number: None.

OMB Number: 1557–0193.

Respondents: Businesses or other for-profit.

Number of Respondents: 3,150 respondents.

Total Annual Responses: 3,150 responses.

Average Hours Per Response: 2 hours.

Total Annual Burden Hours: 6,300 hours.

OMB Reviewer: Milo Sunderhauf, (202)395–7340, Paperwork Reduction Project 1557–0193, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

OCC Contact: John Ference or Jessie Gates, (202)874–5090, Legislative and Regulatory Activities Division (1557–0193), Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

Comments: Comments regarding the information collection should be addressed to both the OMB reviewer and the OCC contact listed above.

Dated: July 25, 1995.

James F.E. Gillespie,

Director, Legislative & Regulatory Activities.

[FR Doc. 95–18671 Filed 7–28–95; 8:45 am]

BILLING CODE 4810–33–P

Internal Revenue Service

Privacy Act of 1974, as Amended; System of Records

AGENCY: Internal Revenue Service, Treasury Department.

ACTION: Notice of alteration of Privacy Act system of records.

SUMMARY: The Treasury Department, Internal Revenue Service, gives notice of a proposed alteration to the system of records entitled Integrated Data Retrieval System (IDRS) Security Files—Treasury/IRS 34.018, which is subject to the Privacy Act of 1974, 5 U.S.C. 552a. The system notice was last published in its entirety in the **Federal Register**, vol. 57, page 14056, on April 17, 1992.

DATES: Comments must be received no later than August 30, 1995. The alteration to the system of records will be effective September 11, 1995, unless comments are received which result in a contrary determination.

ADDRESSES: Comments should be sent to Chief Information Officer, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224. Comments will be made available for public inspection and copying in the Internal Revenue Service's Freedom of Information Reading Room, 1111 Constitution Avenue, NW, Room 1621, Washington, DC 20224, telephone number (202) 622–5164, (not a toll free call).

FOR FURTHER INFORMATION CONTACT: Barbara Macken, Project Manager, IDRS Monitoring Project, Systems Development Projects Management IS:D, Chief Information Officer, Internal Revenue Service, (703) 235–0147.

SUPPLEMENTARY INFORMATION: The purpose of the alteration is to enable the Internal Revenue Service to implement the Electronic Audit Research Log (EARL) system, which is being implemented to enhance voluntary compliance through the assurance of ethical conduct by IRS employees. The alteration to the existing Privacy Act notice is to ensure this system of records, including the EARL system, is in compliance with the Privacy Act. Several other changes are being made to the notice due to organizational changes and changes in reference to resource materials. We are also proposing an amendment of 31 CFR 1.36 to exempt this system of records from certain provisions of the Privacy Act. The exemption is intended to comply with legal prohibitions against the disclosure of certain kinds of information and to protect certain information on individuals maintained in this system of records.

The specific changes to the record system being altered are set forth below.

Under ''System Location:'', after ''Service Centers'' add ''Regional Offices, Customer Service Sites, Submission Processing Centers, Development Centers, Computing Centers, Field Information Systems Offices (FISO)''.

Under ''Categories of Records in the System'', add '', including record logs of employees who have accessed taxpayer records in a manner that appears to be inconsistent with standard IRS practice(s).''

Under ''Authority for Maintenance of the System'', 26 U.S.C. 6103 is being added.

Under ''Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:'', delete ''Disclosures are not made outside the Department.'' Add the following routine use:

''Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.''

Under ''Storage:'', delete current text, and replace with ''Magnetic media, hard copy and optical storage media.''

Under ''Retrievability:'', delete current text and replace with ''Indexed by employee's Social Security Number and employee identification number. Also may be retrieved by the Taxpayer Identification Number (TIN) of the taxpayer whose account is being accessed, date and time, command code, and terminal.''

Under ''Safeguards:'', delete ''Manager's Security Handbook, IRM 1(16)12'', and replace with ''Automated Information Systems Security Handbook, IRM 2(10)00.''

Under ''System Manager(s) and Address:'', delete ''Systems Management Division, Information Systems Management'', and replace with ''Operations Division, Network and Systems Management.''

Under ''Notification Procedure:'', delete current text, and replace with ''This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.''

Under ''Record Access Procedure:'', delete current text, and replace with ''This system is exempt and may not be accessed for purposes of inspection or for contest of content of records.''

Under ''Record Source Categories:'', delete current text, and replace with ''This system of records contains, (1) tax returns and return information, (2) account transaction and inputs to tax accounts, (3) employee user identification and profile information, (4) access record logs to tax accounts, and (5) data may also be retrieved from other published IRS systems of records used in the operation of this system.''

Under ''Exemptions Claimed for this System:,'' delete the word, ''none'', and replace with ''This system is exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

The system notice, as amended, is published in its entirety below. A proposed rule exempting this system from certain provisions of the Privacy Act is to be published separately in the **Federal Register**.

Dated: July 20, 1995.

Alex Rodriguez,

Deputy Assistant Secretary (Administration).

TREASURY/IRS 34.018

SYSTEM NAME:

Integrated Data Retrieval System (IDRS) Security Files—Treasury/IRS.

SYSTEM LOCATION:

National Office, District Offices, Internal Revenue Service Centers, Regional Offices, Customer Service Sites, Submission Processing Centers, Development Centers, Computing Centers, Field Information Systems Offices (FISO) and the Austin Compliance Center. (See IRS Appendix A for addresses at 57 FR 14110, April 17, 1992.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Employees who input or who are authorized to input IDRS transactions and (2) taxpayers whose accounts are accessed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record logs of the employees who are authorized access to IDRS and of employee inputs and inquiries processed through IDRS terminals, including record logs of employees who have accessed IDRS in a manner that appears to be inconsistent with standard IRS practice(s).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 6103, 7602, 7801 and 7802.

PURPOSE(S):

To aid the ongoing efforts of the IRS to enhance the protection of confidential tax returns and return information from unauthorized access, by assuring the public that their tax information is being protected in an ethical and legal manner, thereby promoting voluntary taxpayer compliance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATETORIES OF USERS AND THE PURPOSE OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM ;

STORAGE:

Magnetic media, hard copy, and optical storage media.

RETRIEVABILITY:

Indexed by employee's Social Security Number and employee identification number. Also may be retrieved by the Taxpayer Identification Number (TIN) of the taxpayer whose account is being accessed, date and time, command code, and terminal identification.

SAFEGUARDS:

Access controls will not be less than those provided by the Automated Information Systems Security Handbook, IRM 2(10)00.

RETENTION AND DISPOSAL:

Records are maintained in accordance with Records Disposition Handbook, IRM 1(15)59.1 through 1(15)59.32.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Program Management and Evaluation Section, Information

Systems Security Program Branch, Operations Management Division, Network and Systems Management, Information Systems, National Office.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system is exempt and may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

RECORD SOURCE CATEGORIES:

This system of records contains (1) tax returns and return information, (2) account transactions and inputs to tax accounts, (3) employee user identification and profile information, (4) access record logs to accounts, and (5) data may also be retrieved from other IRS published systems of records used in the operation of this system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

[FR Doc. 95–18719 Filed 07–28–95; 8:45 am]

BILLING CODE 4810–30–P

Office of Thrift Supervision

Standard Federal Savings Association, Frederick, MD; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in Subdivision (C) of § 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly replaced the Resolution Trust Corporation as Conservator Standard Federal Savings Association, Frederick, Maryland (''Association''), with the Resolution Trust Corporation as sole Receiver for the Association on June 30, 1995.

Dated: July 25, 1995.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 95–18630 Filed 7–28–95; 8:45 am]

BILLING CODE 6720–01–M

[AC–39; OTS No. 03971]

First Federal Savings and Loan Association of Gadsden, Gadsden, AL; Approval of Conversion Application

Notice is hereby given that on July 24, 1995, the Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of First Federal Savings and Loan Association of Gadsden, Gadsden, Alabama, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, and the Atlanta Regional Office, Office of Thrift Supervision, 1475 Peachtree Street, NE., Atlanta, GA 30309.

Dated: July 25, 1995.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 95–18634 Filed 7–28–95; 8:45 am]

BILLING CODE 6720–01–M

[AC–36; OTS No. 06450]

First Federal Savings Bank, Cynthiana, KY; Approval of Conversion Application

Notice is hereby given that on July 5, 1995, the Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of First Federal Savings Bank, Cynthiana, Kentucky, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, and the Central Regional Office, Office of Thrift Supervision, 111 East Wacker Drive, Suite 800, Chicago, Illinois 60601–4360.

Dated: July 25, 1994.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 95–18631 Filed 7–28–95; 8:45 am]

BILLING CODE 6720–01–M

[AC–38; OTS No. 00341]

Hardin Federal Savings Bank, Hardin, MO; Approval of Conversion Application

Notice is hereby given that on July 24, 1995, the Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Hardin Federal Savings Bank, Hardin, Missouri, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the Midwest Regional Office, Office of Thrift Supervision, 122 W. John Carpenter Freeway, Suite 600, Irving, Texas 75039–2010.

Dated: July 25, 1995.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 95–18633 Filed 7–28–95; 8:45 am]

BILLING CODE 6720–01–M

[AC–37; OTS No. 03307]

Klamath First Federal Savings and Loan Association, Klamath Falls, OR; Approval of Conversion Application

Notice is hereby given that on July 24, 1995, the Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Klamath First Federal Savings and Loan Association, Klamath Falls, Oregon, to convert to the stock form of organization. Copies of the application are available for inspection at the information Services Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, and the West Regional Office, Office of Thrift Supervision, 1 Montgomery Street, Suite 400, San Francisco, California 94104.

Dated: July 25, 1995.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 95–18632 Filed 7–28–95; 8:45 am]

BILLING CODE 6720–01–M

[AC–40; OTS No. 06664]

Harrodsburg First Federal Savings and Loan Association, Harrodsburg, KY; Approval of Conversion Application

Notice is hereby given that on July 24, 1995, the Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Harrodsburg First Federal Savings and Loan Association, Harrodsburg, Kentucky, to convert to the stock form

of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the Central Regional Office, Office of Thrift Supervision, 111 East Wacker Drive, Suite 60601–4360.

Dated: July 25, 1995.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 95–18635 Filed 7–28–95; 8:45 am]

BILLING CODE 6720–01–M

[AC–41; OTS No. 07274]

Nelson County Federal Savings and Loan Association, Bardstown, Kentucky; Approval of Conversion Application

Notice is hereby given that on July 24, 1995, the Assistant Director, Corporate Activities Division, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Nelson County Federal Savings and Loan Association, Bardstown, Kentucky, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the Central Regional Office, Office of Thrift Supervision, 111 East Wacker Drive, Suite 60601–4360.

Dated: July 25, 1995.

By the Office of Thrift Supervision.

Kimberly M. White,

Corporate Technician.

[FR Doc. 95–18636 Filed 7–28–95; 8:45 am]

BILLING CODE 6720–01–M

Sunshine Act Meetings

Federal Register
Vol. 60, No. 146
Monday, July 31, 1995

This section of the FEDERAL REGISTER contains notices of meetings published under the ''Government in the Sunshine Act'' (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

NATIONAL WOMEN'S BUSINESS COUNCIL

SUMMARY: In accordance with the Women's Business Ownership Act, Public Law 100–403 as amended, the National Women's Business Council announces forthcoming Council Meetings. The meeting will cover the National Women's Business Council and the Interagency Committee on Women's Business Enterprise's annual report and outreach.

DATE: August 8, 1995 from 2:00 pm to 6:00 pm.

ADDRESS: The White House Conference Center, 726 Jackson Place, Truman Conference Room, Washington, D.C.

DATE: August 9, 1995 from 9:00 am to 11:00 am.

ADDRESS: White House—Indian Treaty Room.

STATUS: Open to the public/Open to the press.

CONTACT: For further information contact Amy Millman, Executive Director or Juliette Tracey, Deputy Director, National Women's Business Council, 409 Third Street, S.W., Suite 5850, Washington, D.C. 20024, (202) 205–3850.

Natasha Ning,

Public Relations Coordinator, National Women's Business Council.

[FR Doc. 95–18889 Filed 7–27–95; 3:55 pm]

BILLING CODE 8025–01–M

Corrections

Federal Register

Vol. 60, No. 146

Monday, July 31, 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 COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071295A]

Marine Mammals

Correction

In notice document 95–17690 appearing on page 37054 in the issue of Wednesday, July 19, 1995, in the first column, under the heading **DATES**, in the fifth line, ''[*insert date 30 days after date of publication in the Federal Register*]'' should read ''August 18, 1995.''

BILLING CODE 1505–01–D

DEPARTMENT OF ENERGY

Office of Energy Eficiency and Renewable Energy

10 CFR Part 430

[Docket No. EE-RM-93-801]

Energy Conservation Program for Consumer Products: Proposed Rulemaking Regarding Energy Conservation Standards for Refrigerators, Refrigerator-Freezers, and Freezers

Correction

In proposed rule document 95–17625 beginning on page 37388 in the issue of Thursday, July 20, 1995, make the following correction:

§ 430.32 [Corrected]

On page 37415, in § 430.32, in the table, in the third column, in the ninth entry, ''38.0'' should read ''398.0''.

BILLING CODE 1505–01–D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 50

Office of the Secretary

45 CFR Part 94

RIN 0905-AE01

Objectivity in Research

Correction

In rule document 95–16799 beginning on page 35810, in the issue of Tuesday, July 11, 1995, make the following corrections:

1. On pages 35818 through 35819, §§50.604, 50.605, and 50.606 should be removed.

2. The following sections were inadvertently omitted and should read as set forth below:

§ 94.4 Institutional responsibility regarding conflicting interests of investigators.

Each Institution must:

(a) Maintain an appropriate written, enforced policy on conflict of interest that complies with this part and inform each Investigator of that policy, the Investigator's reporting responsibilities, and of these regulations. If the Institution carries out the PHS-funded research through subcontractors, or collaborators, the Institution must take reasonable steps to ensure that Investigators working for such entities comply with this part, either by requiring those Investigators to comply with the Institution's policy or by requiring the entities to provide assurances to the Institution that will enable the Institution to comply with this part.

(b) Designate an institutional official(s) to solicit and review financial disclosure statements from each Investigator who is planning to participate in PHS-funded research.

(c)(1) Require that by the time an application is submitted to PHS, each Investigator who is planning to participate in the PHS-funded research has submitted to the designated official(s) a listing of his/her known Significant Financial Interests (and those of his/her spouse and dependent children):

(i) That would reasonably appear to be affected by the research for which PHS funding is sought; and

(ii) In entities whose financial interests would reasonably appear to be affected by the research.

(2) All financial disclosures must be updated during the period of the award, either on an annual basis or as new reportable Significant Financial Interests are obtained.

(d) Provide guidelines consistent with this part for the designated official(s) to identify conflicting interests and take such actions as necessary to ensure that such conflicting interests will be managed, reduced, or eliminated.

(e) Maintain records of all financial disclosures and all actions taken by the Institution with respect to each conflicting interest for three years after final payment or, where applicable, for the other time periods specified in 48 CFR part 4, subpart 4.7.

(f) Establish adequate enforcement mechanisms and provide for sanctions where appropriate.

(g) Certify, in each contract proposal, that:

(1) There is in effect at that Institution a written and enforced administrative process to identify and manage, reduce or eliminate conflicting interests with respect to all research projects for which funding is sought from the PHS;

(2) Prior to the Institution's expenditure of any funds under the award, the Institution will report to the PHS Awarding Component the existence of any conflicting interest (but not the nature of the interest or other details) found by the Institution and assure that the interest has been managed, reduced or eliminated in accordance with this part; and, for any interest that the Institution identifies as conflicting subsequent to the Institution's initial report under the award, the report will be made and the conflicting interest managed, reduced, or eliminated, at least on an interim basis, within sixty days of that identification.

(3) The Institution agrees to make information available, upon request, to the HHS regarding all conflicting interests identified by the Institution and how those interests have been managed, reduced, or eliminated to protect the research from bias; and

(4) The Institution will otherwise comply with this part.

§ 94.5 Management of conflicting interests.

(a) The designated official(s) must: Review all financial disclosures; and determine whether a conflict of interest exists, and is so, what actions should be taken by the institution to manage, reduce, or eliminate such conflict of interest. A conflict of interest exists when the designated official(s) reasonably determines that a Significant Financial Interest could directly and significantly affect the design, conduct, or reporting of the PHS-funded research. Examples of conditions or restrictions that might be imposed to manage conflicts of interest include, but are not limited to:

(1) Public disclosure of significant financial interests;
(2) Monitoring of the research by independent reviewers;
(3) Modification of the research plan;
(4) Disqualification from participation in all or a portion of the research funded by the PHS;
(5) Divestiture of significant financial interests, or;
(6) Severance of relationships that create actual or potential conflicts.

(b) In addition to the types of conflicting financial interests described in this paragraph that must be managed, reduced, or eliminated, an Institution may require the management of other conflicting financial interests, as the Institution deems appropriate.

§ 94.6 Remedies.

(a) If the failure of an Investigator to comply with the conflict of interest policy of the Institution has biased the design, conduct, or reporting of the PHS-funded research, the Institution must promptly notify the PHS Awarding Component of the corrective action taken or to be taken. The PHS Awarding Component will consider the situation and, as necessary, take appropriate action or refer the matter to the institution for further action, which may include directions to the Institution on how to maintain appropriate objectivity in the funded project.

(b) The HHS may at any time inquire into the Institutional procedures and actions regarding conflicting financial interests in PHS-funded research, including a review of all records pertinent to compliance with this part. HHS may require submission of the records or review them on site. To the extent permitted by law HHS will maintain the confidentiality of all records of financial interests. On the basis of its review of records and/or other information that may be available, the PHS Awarding Component may decide that a particular conflict of interest will bias the objectivity of the PHS-funded research to such an extent that further corrective action is needed or that the Institution has not managed, reduced, or eliminated the conflict of interest in accordance with this part. The issuance of a Stop Work Order by the Contracting Officer may be necessary until the matter is resolved.

(c) In any case in which the HHS determines that a PHS-funded project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment has been designed, conducted, or reported by an Investigator with a conflicting interest that was not disclosed or managed as required by this part, the Institution must require disclosure of the conflicting interest in each public presentation of the results of the research.

BILLING CODE 1505–01–D

Federal Register

Monday
July 31, 1995

Part II

Postal Service

39 CFR Part 111

Revisions to Standards for Palletization; Proposed Rule

POSTAL SERVICE

39 CFR Part 111

Revisions to Standards for Palletization

AGENCY: Postal Service.
ACTION: Proposed rule.

SUMMARY: This proposed rule modifies previously published proposed revisions to the Domestic Mail Manual (DMM) standards concerning the preparation of mail on pallets. See 59 FR 42536–42540 (August 18, 1994). As a result of further review of postal operating needs and comments received in response to the proposal, both in writing and at a public meeting, the Postal Service has modified its original proposal and has decided to provide additional opportunity for comment.

This proposed rule is intended to establish certain basic preparation standards, such as levels of sortation and maximum pallet loads, that mailers will be required to meet for all classes of mail. Mailers will have more flexibility in other areas of pallet preparation, such as top-capping, stacking, pallet box construction, absolute minimum volumes, and stretchwrapping of pallets.

DATES: Comments must be received on or before August 30, 1995.

ADDRESSES: Written comments should be mailed or delivered to the Manager, Business Mail Acceptance, U.S. Postal Service, 475 L'Enfant Plaza SW, Room 8430, Washington, DC 20260–6808. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in room 8430 at the above address.

FOR FURTHER INFORMATION CONTACT: Cheryl Beller, (202) 268–5166.

SUPPLEMENTARY INFORMATION: The proposed revised makeup standards grew out of the proposed rule published in the **Federal Register** on August 18, 1994 (59 FR 42536–42540). These standards are based both on current Postal Service processing needs and safety concerns and on mailers' comments concerning their processing abilities, service needs, and transportation methods.

1. General

This proposed rule is intended to establish certain basic preparation standards, such as levels of sortation and maximum pallet loads, that mailers will be required to meet for all classes of mail. Mailers will have more flexibility in other areas of pallet preparation, such as top-capping, stacking, pallet box construction, absolute minimum volumes, and stretchwrapping of pallets.

Pallet loads may be prepared according to best industry practices, provided that these standards result in pallets that can be handled safely and that maintain their integrity throughout transportation and postal processing. Recommended guidelines, developed by Postal Service Engineering, will also be published in the DMM for those mailers seeking assistance in establishing optimal preparation methods to ensure that their products arrive at the proper destinations in the condition expected.

The use of pallets that are not provided by the Postal Service and that are not prepared to the required levels of sortation (sometimes referred to as ''courtesy pallets'') is recognized as a key issue to many mailers. A revised policy regarding the definition, preparation, and acceptance of such pallets is included in the new proposed rule published below.

The Postal Service will rely on a consistent mechanism to enforce standards and provide feedback to those mailers who are not preparing pallets in a manner that maintains the integrity of loads throughout transportation and processing. Under the revised proposed standards, all pallets presented to the Postal Service for acceptance, whether the pallets are provided by the Postal Service or the mailer, must meet the basic standards in the DMM pertaining to the following:

a. Pallet labels.

b. Physical pallet dimensions (40 inches by 48 inches, designed for four-way entry, etc.).

c. Pallet load integrity, stacking, and minimum and maximum loads and heights.

d. Package, sack, and tray preparation.

e. Permissible levels of sortation applicable to the class and type of mail placed on the pallets.

The flexibility in pallet minimum weights and the increase in maximum pallet height and tiers of trays described below should promote and facilitate mailers' adherence to makeup requirements. Exceptions for acceptance of pallets that do not meet basic DMM standards for height, weight, safety, load integrity, and permissible levels of sortation undermine efforts to assure safe and efficient handling of palletized loads. Such exceptions will not be permitted. (See section 8, Pallets Not Prepared to Finest Depth of Sort, which provides some relief for mailers who currently have difficulty preparing mailings on pallets to the required levels of sortation.)

In addition, the Postal Service will consider individual pallet shipments that are entered under the plant-verified drop shipment (PVDS) program to be bedloaded if the load integrity of the pallets is compromised when they are presented for acceptance at a destination entry postal facility, such that the shipment requires driver unloading.

The Postal Service will establish a standardized system to monitor load integrity of customers' pallets at mailers' plants where mailings are prepared (when mail is verified by on-site postal personnel) and at postal facilities where mailings are entered and will inform mailers when their preparation methods result in pallets that do not meet the basic pallet integrity and safety standards (for example, the load on pallet is not secure, has toppled, is leaning, or exceeds the maximum weight or height restrictions). In conjunction with a steering committee of customers, the Postal Service is currently formulating specific standards for identifying, quantifying, handling, and providing feedback regarding pallet load integrity problems and requests comments on that issue. Where possible, this feedback system will be incorporated into the existing Drop Shipment Appointment System (DSAS).

After notification and an opportunity to make changes to improve load integrity, if the mailer's methods still do not work, the mailer will be required to meet the specifications developed by Postal Service Engineering for strapping of single pallets, stretchwrapping of pallets, pallet box construction and dimensions, stacking of pallets, maximum height/tiers of trays, and top-cap use. The specifications were published in the original proposed rule and are included in the proposed DMM revisions that follow. Mailers will be suspended from the pallet program if their pallets continue to fail to meet the minimum load integrity levels that Postal Service Engineering specifications are aimed to reach.

2. Bulk Mail Center Processing Needs

The proposed sortation and preparation standards described below will address existing capacity constraints and keep the bulk mail center (BMC) network flowing smoothly by moving as much mail as possible farther into the distribution network through pallet cross-dock operations.

These standards will further the Postal Service's current priority of providing relief to the BMCs for processing packages of flats and trayed letter mail. Relaxed standards on pallet minimum and maximum load size for

these mail types will provide the most relief to the BMCs without extending Postal Service pallet-handling resources beyond supportable limits.

The initial proposal to require that all trays on BMC pallets and working pallets must be strapped, regardless of where the pallets are deposited, remains unchanged. Mailers will not be required to strap trays placed on pallets made up to finer levels of sortation. This option will provide an inducement to mailers to prepare pallets to the finest depth of sort, allowing for greater cross-dock opportunities at the BMCs and providing relief for BMC operations heavily affected by unstrapped trays.

The requirement that exists in current regulations to sleeve all trays containing letter-size automation rate mail that does not originate and destinate in the delivery area of the same SCF and that may be processed at a BMC or AMF is extended to include trays containing non-automation rate letter-size mail.

3. Height and Weight Restrictions

The maximum weight for any single pallet or any pallets stacked together (pallets and mail) is 2,200 pounds as originally proposed.

Pallet maximum height restrictions are increased to 84 inches for stacked pallets as well as for single pallets with pallet boxes. Pallet loads exceeding 84 inches, however, pose safety concerns and handling problems because of the heights of dock doors and ceilings within postal facilities and the heights of doors and internal spaces within Postal Service trailers and other vehicles. This change is more consistent with current practices of many mailers using pallet boxes and stacking smaller pallets to make optimum use of transportation for drop shipping and is an increase from the initial proposed maximum of 77 inches for all pallets including stacked pallets.

The maximum height for single pallets containing packages or sacks (not placed in pallet boxes) will remain at 77 inches as originally proposed. This height limit should not negatively impact mailers because packages on pallets will usually reach the weight maximum of 2,200 pounds before reaching the height limit.

If the Postal Service identifies any non-BMC postal facilities that cannot accommodate a pallet load as high as 84 inches because of physical limitations (for example, low dock door or ceiling heights or other physical obstructions), mailers participating in the plant-verified drop shipment (PVDS) program will be advised of these limitations when they make appointments to deposit mailings. In any such limited situation, mailers may be asked to prepare pallets less than 84 inches high until the plants are modified to accept standard pallet loads.

Under the revised rules for packages, parcels, and sacks on pallets, mailers must prepare a required level of pallet when they have 500 pounds of mail for that destination. When smaller loads are desirable, mailers may prepare pallets for any required or optional levels of sortation when they have from 250 to 499 pounds of mail for a destination. The minimum weight used to build pallet loads may vary from 250 to 500 pounds for pallets within a single mailing. The original proposal required pallet preparation at 250 pounds.

Trays of letter-size mail on pallets are prepared based on the number of tiers. The revised rules give mailers the option of preparing a pallet when they have from three to five tiers of 1- or 2-foot managed mail (MM) or extended managed mail (EMM) trays with a mandatory preparation requirement at six tiers. The minimum may vary for pallets within a single mailing.

The maximum load for trays on pallets is 12 tiers, not to exceed 2,200 pounds gross. The original proposal would have required mailers to prepare a pallet when they had three tiers of MM trays or two tiers of EMM trays for a required level of sortation.

When placing trays on pallets, mailers must take extra precautions to place the fullest trays on the bottom and the least full trays on top to avoid crushing the lower trays and causing the entire load to topple.

Mailers are reminded that under the Postal Service's guidelines for the plant-verified drop shipment (PVDS) program, the driver is required to unload mail entered at delivery units. In some instances, this unloading requires breaking down palletized loads because of the physical limitations of a delivery unit such as small or congested offices that cannot accommodate large or stacked pallets.

4. Stacking Pallets

The Postal Service is proposing to allow mailers to double-stack or triple-stack pallets up to the maximum allowable height and weight (84 inches/2,200 pounds total for the stacked pallets), provided that such pallets are presented for acceptance at the mailer's plant or a postal facility in a manner that ensures safe and efficient unloading, handling, and transporting. Triple-stacking will allow mailers to make better use of transportation for drop shipments when low-weight pallets are prepared.

When stacking pallets, the mailer must place the heaviest pallet on the bottom and the lightest pallet on the top to prevent crushing or other damage to mail on the bottom. If part of the load is crushed, the entire load is likely to collapse.

Stacked pallets must be top-capped (except for the top pallet) and banded together. The top caps must provide a flat surface for safe and efficient stacking and must be of sufficient quality to maintain the integrity of the load and protect the mailpieces. The Postal Service will closely monitor the preparation of all stacked pallets, particularly those that are triple-stacked, to ensure that they can be handled safely and without damage to the mail on the pallets.

Whenever possible, Mailers are requested to place pallets for the same processing facility together to facilitate moving as much mail as possible directly into cross-dock operations at BMCs for further movement into the distribution network.

5. Pallet Boxes

Pallet boxes may be used to hold parcels and sacks. The revised proposal allows mailers to use pallet boxes constructed of single-wall or double-wall corrugated fiberboard, as well as triple-wall corrugated fiberboard, provided that the pallet box and its load maintain their stability and integrity throughout transportation and postal processing. In the original proposal, mailers were required to use pallet boxes constructed of triple-wall corrugated fiberboard.

The height of pallet boxes will not be limited except by the maximum combined pallet, box, and mail load (contents of the box) height of 84 inches or by those non-BMC postal facilities that do not have equipment for handling or unloading full-size pallet boxes (boxes more than 60 inches high).

Boxes must be secured to the pallet to ensure that they can be safely unloaded from vehicles (and reloaded, if necessary) and processed as a single unit to the point where the contents are distributed. The mail must be evenly distributed within the pallet box so that the load does not shift in transit and cause the box to break, topple, or fall off the pallet in transit or during processing.

The flexibility in box construction will provide mailers with the opportunity to use boxes that are compatible with those used in their other manufacturing processes and to minimize costs. However, if the Postal Service notifies a mailer that the mailer's pallet boxes continually fail to

remain intact or that the loads in any way do not meet the basic pallet integrity standards (for example, the load on pallet is not secure or completely contained, has toppled, is leaning, or exceeds the maximum weight or height restrictions), the mailer will be required to meet the Postal Service preparation standards developed by Postal Service Engineering, including the use of triple-wall corrugated fiberboard boxes.

6. Top-Capping

Under the new proposal, mailers are required to top-cap only stacked pallets (the bottom pallet if pallets are presented to the Postal Service double-stacked; the bottom and middle pallets if pallets are presented triple-stacked). Mailers may determine the best method for ensuring pallet integrity and will have the opportunity to use manufacturing materials that already come into their plants as top-capping material. Mailers must not use flimsy paper obtained from ends of paper rolls or similar material as top caps because this material, used alone, can cause stack failure.

The Postal Service's original proposal required top caps meeting strict Postal Service Engineering construction standards on all pallets other than on full-size pallet boxes. Mailers will be required to meet these strict standards only after they are informed by the Postal Service that their methods do not ensure the integrity of mail on pallets that they prepare.

7. Pallet Strapping

The original proposal to require mailers to strap or band (the terms are used interchangeably) all pallets is also relaxed. Depending on the characteristics of a mail load, strapping might not be the most effective method of ensuring load integrity throughout transportation and processing.

Loads can compress themselves during storage in a mailer's plant or while in transit, causing strapping to become loose. In those instances, stretchwrap can be more effective in securing loads on a single pallet.

Mailers are required to strap all stacked pallets together with at least two straps. The strap must be plastic or metal at least ½ inch wide. The minimum breaking strength for plastic strapping must be at least 800 pounds and for metal strapping at least 1,200 pounds. These minimums ensure that the strapping does not break and cause injuries to postal employees handling pallets.

8. Pallets Not Prepared to Finest Level of Sort

The Postal Service recognizes that some mailers have difficulty preparing mailings on pallets to the proposed required levels of sortation and that these mailers will need an opportunity to make necessary changes to their systems and to work with their customers to generate mailings in a manner that is more compatible with placing the mailings onto the required levels of pallets.

To accommodate these needs, the Postal Service will allow mailers to place mailings onto pallets that are not prepared to the required finest levels of sortation for a period not to exceed 6 months from the effective date of the final rule implementing this proposed rule.

Regardless of the level of sortation and whether postal or mailer-provided pallets are used, all pallets must meet all other DMM standards for preparation and labeling based on the class and type of mail.

During this 6-month transition, mailers will be required, at a minimum, to sort individual mailings (a mailing represented by a single mailing statement) to a destination BMC (state distribution center (SDC) for second-class mail) when there are 500 pounds or more of mail (or six tiers of trays) within a single mailing to that BMC/SDC if mailings are presented to destination entry offices under the PVDS program.

Remaining mail may be sacked or bedloaded or placed onto residual or working pallets properly labeled to the origin BMC/SDC or plant (see section 10, Pallet Sortation). Mailers will be required to comply with all DMM standards after the 6-month phase-in.

9. Placement of Automation and Non-Automation Rate Letter-Size Mailings in Trays on Pallets

Mailers may place trays from letter-size automation rate mailings onto pallets together with trays from letter-size non-automation rate mailings prepared to any level of sortation except the optional 5-digit level. This placement will allow mailers to achieve finer levels of sortation using fewer pallets.

10. Pallet Sortation

The proposed required and optional sortations, which are consistent with national distribution network policy changes, are shown in the following chart.

Class and category	Sortation
2C/3C letter-size mail (in trays/sacks on pallets)	Required: SCF, BMC [1] (3C)/SDC(2C). Optional: 5D, ADC, working pallet.[2]
2C/3C/4C flats, irregular parcels, and outside parcels	Required: 5D, SCF. Optional: 3D, ADC, BMC [1] (3C/4C)/SDC(2C), working pallet.[2]
3C/4C machinable parcels	Required: 5D, BMC.[1] Optional: working.[2]

[1] Or ASF for third-class and fourth-class DBMC discounts, as applicable.

[2] Origin BMC(3C/4C)/SDC(2C) or plant pallet for residual mail. Labeled to BMC/SDC or plant serving post office where mailings are entered (accepted) into mailstream. May be prepared after all required and optional levels of pallets are prepared. Limited to 10 percent of total pallets in any mailing or job. When insufficient volume to prepare finer levels of required pallets for a mailing or job, working pallets for non-PVDS mailings may be prepared in excess of 10 percent limit (all possible optional BMC/SDC pallets must be prepared first, where applicable).

The proposed option to prepare area distribution center (ADC) pallets for mail other than machinable parcels will improve processing opportunities.

Current DMM standards preclude mailers from placing onto pallets SDC, state, and mixed-states packages of second-, third-, and fourth-class mail and trays of residual mail from automation-rate mailings. SDC, state, and mixed-states packages are generally placed into sacks.

These sacks, like trays of residual mail, may not be placed onto an authorized level of pallet and are generally bedloaded, placed loose in a vehicle on top of authorized pallets, or placed onto unauthorized or ''courtesy pallets'' for transport to an entry postal facility.

Because of these restrictions, some mailers cannot create 100 percent palletized mailstreams and these mailers might have to retain sacking operations for a small portion of their mail, while preparing the balance as packages placed directly onto pallets.

These operational inefficiencies also affect the Postal Service when these partially palletized loads are unloaded from vehicles at entry or downstream postal facilities.

In order to provide mailers with additional opportunities to eliminate split production lines (for example, packages on pallets and packages in sacks), the new proposed rule allows mailers to palletize trays of residual letter-size mail and to place SDC, state, and mixed-states packages of flats meeting the package preparation standards for packages onto pallets.

Trays of residual mail from automation mailings may be placed onto the appropriate level of pallet where possible (for example, AADC trays on ADC or BMC pallets). Trays of working mail and SDC, state, and mixed-states packages may be placed onto working pallets labeled to the origin BMC or SDC or to the plant serving the office where mailings are entered.

As noted above, working pallets must not exceed 10 percent of the total number of pallets for a single mailing or job. These working pallets must be loaded to the maximum to minimize pallet handlings.

When placing mail onto pallets, if there is a conflict between the labeling lists (service area ZIP Codes) of the container (for example, tray or sack) and the pallet on which it is placed (for example, the range of ZIP Codes assigned to a single SCF or a single AADC may be assigned (split) to two or more BMCs), mailers must place the container onto the pallet for the facility serving the ZIP Code on the destination (top) line of the container. Any applicable destination entry discounts may be claimed for mail properly palletized in this manner.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), 553(c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comments on the following proposed revisions of the Domestic Mail Manual, incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Revise the following units of the Domestic Mail Manual as noted below:

E—Eligibility

* * * * *

E300 THIRD-CLASS MAIL

* * * * *

E333 CARRIER ROUTE PRESORT

* * * * *

3.0 PRESORT

[Introductory paragraph 3.1 previously revised in Postal Bulletin 21888, March 2, 1995, as follows:]

3.1 Qualifying Mail

Each qualifying piece must be part of a group of 10 or more addressed pieces correctly packaged to the same carrier route that is, in turn, correctly placed in a carrier route, 5-digit carrier routes, or 3-digit carrier routes tray or sack. Such trays must be full; sacks must contain at least 125 addressed pieces or 15 pounds of addressed pieces. Qualifying mail also includes:

* * * * *

[Add new 3.1c as follows:]

c. Correctly presorted carrier route packages correctly sorted to the appropriate level of pallet.

* * * * *

E350 Destination Entry Discounts

* * * * *

3.0 Deposit

* * * * *

[Revise the heading and introductory paragraph of 3.8 as follows:]

3.8 Unloading

The unloading of vehicles is subject to these conditions:

[Add new 3.8a and redesignate current 3.8a through 3.8c as 3.8b through 3.8d, respectively.]

a. Properly prepared containerized loads (e.g., pallets) are unloaded by the USPS at BMCs, ASFs, and SCFs. The USPS does not unload or permit a mailer/mailer agent to unload containerized loads that have not maintained their integrity in transit.

[Amend redesignated 3.8b by deleting the second sentence as follows:]

b. At delivery units, the driver must unload containerized drop shipments within 1 hour of arrival.

* * * * *

E400 FOURTH-CLASS MAIL

* * * * *

E416 Special Fourth-Class Rates

* * * * *

2.0 SPECIAL FOURTH-CLASS PRESORT

* * * * *

[Revise the first sentence of the introductory paragraph of 2.6 (previously revised and redesignated from 2.5 to 2.6 in Postal Bulletin 21884, January 5, 1995) as follows:]

2.6 Level A

To qualify for the special fourth-class presort level A rate, a piece must be in a mailing of at least 500 pieces receiving identical service, properly prepared and presorted under M404 in full 5-digit sacks or under M044 on 5-digit pallets. These conditions also apply:

* * * * *

[Revise the first sentence of 2.7 (previously revised and redesignated from 2.6 to 2.7 in Postal Bulletin 21884, January 5, 1995) as follows:]

2.7 Level B

To qualify for the special fourth-class presort level B rate, a piece must be in a mailing of at least 500 pieces receiving identical service, properly prepared and presorted under M404 in full or substantially full bulk mail center (BMC) sacks or under M044 on destination BMC pallets. Mailings of at least 500 nonmachinable outside parcels may qualify for presort level B if made up to preserve presort by BMC as prescribed by the mailing office postmaster. The postmaster may require up to a 24-hour notice before the mailing is presented.

* * * * *

E450 DESTINATION BMC/ASF DISCOUNT

* * * * *

3.0 DEPOSIT

* * * * *

[Revise the introductory paragraph of 3.8 as follows:]

3.8 Unloading

The unloading of DBMC mailings is subject to these conditions:

[Revise 3.8a as follows:]

a. Properly prepared containerized loads (e.g., pallets) are unloaded by the USPS. The USPS does not unload or permit a mailer/mailer agent to unload containerized loads that have not maintained their integrity in transit.

* * * * *

L—Labeling Lists

* * * * *

[Revise the heading of L101 as follows:]

L101 ADCs—PRESORTED FIRST-CLASS, ALL ZIP+4 BARCODED FLAT-SIZE MAILINGS, AND ALL ADC PALLETS

* * * * *

M—Mail Preparation and Sortation

M000 GENERAL PREPARATION STANDARDS

* * * * *

M030 Container Preparation

M031 Labels

* * * * *

[Amend 4.8 by deleting the words ''optional city'' in the first sentence as follows:]

4.8 Delivery Office, SCF, DDU, and DSCF Rates

If a 5-digit, 3-digit, or SCF pallet contains copies claimed at second-class delivery office and SCF zone rates, or third-class DDU and DSCF rates, as applicable, the contents line of the pallet label must show the designation DDU/SCF, after the description of the contents.

* * * * *

M033 Sacks and Trays

1.0 BASIC STANDARDS

* * * * *

[Add new 1.4 and 1.5 as follows:]

1.4 Sleeving and Strapping

Except under 1.5, each letter mail tray must be sleeved. All nonpalletized trays of letter mail transported from the mailer's plant to a BMC, ASF, or AMF on USPS or mailer transportation and all trays placed on BMC or mixed BMC/SDC pallets must also be secured by a plastic strap placed tightly around the length of the tray. The strap must not crush the tray or sleeve. Strapping is not required on trays placed on pallets prepared to finer levels of sortation.

1.5 Sleeving Exception

When all pieces in a mailing originate and destinate in the delivery area of the same SCF and the trays containing those pieces are not processed at a BMC or AMF, the processing and distribution manager may (on request) issue a written authorization to the mailer to submit the mailing in trays without sleeves.

* * * * *

[Revise the heading of 3.0 as follows:]

3.0 BASIC STANDARDS FOR TRAYS—AUTOMATION RATES

* * * * *

[Delete current 3.6 and 3.7.]

M040 Palletization

[Revise the heading of M041 as follows:]

M041 Standards for Palletized Mailings

[Revise the heading of 1.0 as follows:]

1.0 PHYSICAL PALLET CHARACTERISTICS

[Amend 1.1 by deleting ''and a volume of up to 65 cubic feet'' in the second sentence as follows:]

1.1 Construction

Whether provided by the USPS or mailer, all pallets in a palletized mailing must be made of high-quality material. Pallets must be designed to hold loads equal to a gross weight of 2,200 pounds.

* * * * *

[Revise the heading of 1.4 and amend the section by adding ''Except for pallet boxes under 4.3,'' as follows:]

1.4 Stretchwrap

Except for pallet boxes under 4.3, loaded pallets of mail must be wrapped with shrinkable or stretchable plastic strong enough to retain the integrity of the pallet during transportation and handling.

[Add new 1.5 and 1.6 as follows:]

1.5 Nonstandard Pallets Prohibited

All mail on pallets presented to the USPS, whether on postal pallets or mailer-provided pallets, must meet the standards in 1.1 through 1.4 and the standards applicable to the class and type of mail placed on the pallets.

1.6 Nonconforming Mailers

The USPS informs mailers when their preparation methods result in pallets that fail to meet the basic pallet integrity and safety standards (e.g., load on pallet is not secure, has toppled, is leaning, exceeds the maximum weight or height restrictions). Where possible, this feedback system is incorporated into the existing Drop Shipment Appointment System (DSAS). Once notified and given an opportunity to make changes to improve load integrity, if a mailer—s methods do not work, the mailer is considered nonconforming and is required to meet the specifications in 2.0 through 5.0 for nonconforming mailers for top-cap use, stacking of pallets, pallet box construction, and maximum height/tiers of trays. Mailers are suspended from the pallet program if their pallets continue to fail to meet the minimum load integrity levels.

[Revise current 2.0 as follows:]

2.0 TOP CAPS

2.1 Use

Top caps are required on the lower pallet(s) when pallets are stacked. Pallets that are not stacked when presented to the USPS for acceptance are not required to be top-capped. Flimsy paper (e.g., the ends of paper rolls) or similar material must not be used alone as a top cap. Any other material that protects the integrity of the mail may be used.

2.2 Securing

When used, a top cap must be secured to the pallet, horizontal to the plane of the pallet, with strapping, banding, or stretchwrap strong enough to keep the cap in place so that it protects the mail and maintains the integrity of the pallet load. At least two straps are required.

2.3 Nonconforming Mailers

Nonconforming mailers (see 1.6) must use top caps on all loaded pallets, regardless of weight, holding letter trays (MM and EMM) of mail, packages of mail, and bricklayed parcels. Top caps are not required on loaded pallets, regardless of weight, holding either sacks or parcels contained in fiberboard pallet boxes prepared under 4.0. Top caps must be approximately 48 inches long, 40 inches wide, and meet any of these construction standards:

a. Five wood boards with uniform edges and nine-leg pallet contact for stacking.

b. Fiberboard box end style, with minimum 3-inch side, with wall material a minimum of double-wall corrugated fiberboard C and/or B flute.

c. Fiberboard honeycomb covered on both sides with heavy linerboard, minimum ½ inch thick.

d. Corrugated fiberboard C flute sheet covering the entire top of the load with standard pallet solid fiberboard corner edge protectors.

[Amend current 3.0 by combining current 3.1 and 3.2 and adding new 3.2 and 3.3 as follows:]

3.0 STACKING PALLETS

3.1 Double- or Triple-Stacking

Pallets may be double- or triple-stacked if the combined gross weight of the stacked pallets is not more than 2,200 pounds; the heaviest pallet is on the bottom and the lightest pallet is on the top; the pallets are banded together with appropriate strapping material to maintain their integrity during transportation and handling; each lower pallet is top-capped; and the combined height of the stacked pallets is not more than 84 inches.

3.2 Same Facility

Pallets for the same processing facility should be stacked together when possible.

3.3 Nonconforming Mailers

Nonconforming mailers (see 1.6) who stack pallets must do so as follows:

a. Pallets may be double-stacked if the combined gross weight of the stacked

pallets is not more than 2,200 pounds; the heavier pallet is on the bottom; the pallets are banded together with appropriate strapping material to maintain their integrity during transportation and handling; and the combined height of the stacked pallets is not more than 77 inches. Pallets of sacks not placed in fiberboard boxes must not be double-stacked.

b. Pallets holding MM or EMM trays of letter-size mail or bricklayed parcels may be triple-stacked if the combined gross weight of the stacked pallets is not more than 2,200 pounds. No other type of pallet may be triple-stacked. The heaviest pallet must be on the bottom and the lightest on the top; the pallets must be banded together with appropriate strapping material to maintain their integrity during transportation and handling; and the combined height of the stacked pallets must not be more than 77 inches.

[Redesignate current 4.0 as 5.0; add new 4.0 as follows:]

4.0 PALLET BOXES

4.1 Use

Mailers may use pallet boxes constructed of single-, double-, or triple-wall corrugated fiberboard placed on pallets to hold sacks or parcels prepared under M042, M043, or M044. The box must protect the mail and maintain the integrity of the pallet load throughout transportation, handling, and processing.

4.2 Maximum Height

The combined height of the pallet, pallet box, and mail must not be more than 84 inches. The USPS may restrict the use of pallet boxes more than 60 inches high at non-BMC postal facilities that do not have equipment for handling or unloading such containers.

4.3 Securing

A pallet box must be secured to the pallet base with strapping, banding, stretchable plastic, shrinkwrap, or by any other means that ensures that the pallet can be safely unloaded from vehicles (and reloaded, if necessary) and processed as a single unit to the point where the contents are distributed. The mail must be evenly distributed within the pallet box so that the load remains intact and does not shift in transit causing the box to break, topple, or fall off the pallet in transit or during processing.

4.4 Nonconforming Mailers

Nonconforming mailers (see 1.6) may use pallet boxes only if constructed of triple-wall corrugated fiberboard (C and/or B flute) material with a maximum height of 77 inches.

[Revise the heading of redesignated 5.0 as follows:]

5.0 PALLET PREPARATION

[Revise redesignated 5.1 as follows:]

5.1 Presort

Pallet preparation and sortation is subject to the specific standards in M042 through M048. Pallet sortation is intended to presort the palletized portion of a mailing to at least the finest extent required for the rate claimed. Generally, pallet sortation is sequential from the lowest (finest) level to the highest and must be completed at each required level before the next optional or required level is prepared. As applicable, presort levels and standard preparation terms for pallets are defined in M020, M042, M043, M044, and M048.

[Revise redesignated 5.2 as follows:]

5.2 Minimum Load

In a single mailing, the minimum load per pallet is 250 pounds (of second-, third-, and fourth-class packages, parcels, and sacks); or three layers of MM or EMM trays (of second- or third-class letter-size mail).

[Renumber redesignated 5.3 as 5.7; add new 5.3, 5.4, 5.5, and 5.6 as follows:]

5.3 Required Preparation

Pallets are prepared as follows:

a. A pallet must be prepared to a required level of sortation whenever there are 500 pounds of mail (for second-, third-, and fourth-class packages, sacks, and parcels) or six layers of MM or EMM trays (for second- and third-class letter-size mail).

b. Up to 10 percent of the total pallets in any mailing or job may be working pallets labeled to the BMC (third- or fourth-class mail) or SDC (second-class mail) serving the post office where mailings are entered (accepted) into the mailstream. The processing and distribution manager may issue a written authorization to the mailer to label working pallets to the post office or processing and distribution center serving the post office where mailings are entered. For non-PVDS mailings, the 10 percent limit may be exceeded when finer levels of pallets could not be prepared.

5.4 Maximum Weight

The maximum weight is 2,200 pounds (mail and pallet) for all pallets.

5.5 Maximum Height

The combined height of a single pallet and its load must not exceed the following:

a. 84 inches for a fiberboard pallet box and its contents (sacks or parcels) on a pallet.

b. 77 inches for packages, bundles, parcels, or sacks on pallets.

c. 12 layers of MM or EMM trays.

5.6 Nonconforming Mailers

For nonconforming mailers (see 1.6) the combined height of a pallet and its load must not exceed 77 inches for sacks, packages, bundles, parcels, and full-size fiberboard pallet boxes; or five layers of EMM trays; or six layers of MM trays.

5.7 Mixed Rates

Regular rate and special rate mail may be placed on the same pallet, subject to the terms of the mailer's pallet authorization and the standards applicable to the rates claimed.

[Add new 6.0 as follows:]

6.0 ADDITIONAL STANDARDS FOR TRAYS (LETTER MAIL), PACKAGES, BUNDLES, AND SACKS ON PALLETS

6.1 Other Standards

Trays of letter mail, packages, bundles, and sacks must be prepared under the respective standards for the class of mail and rate claimed.

6.2 Trays—Second- and Third-Class Mail

Trays from automation rate mailings must not be placed on 5-digit pallets with trays from non-automation rate mailings.

6.3 Records—Second- and Third-Class Mail

When two or more mailings are placed together on pallets, the mailer must maintain records for each mailing as required by standard.

6.4 Packages, Bundles, and Sacks

Subject to the applicable standards, mailers must sack mail that is not prepared as packages or bundles on pallets. For second-class mail, mailers must separately sack packages of each second-class publication not palletized under M042 or excluded from palletization; however, packages of each publication and edition may be sacked together if adequate documentation is provided. Sacks (including sacks of packages not placed on pallets) containing packages remaining after all pallets are prepared may be presented with the palletized mail (on the same mailing statement) if segregated from the palletized portion of the mailing.

M042 Second-Class Mail

* * * * *

2.0 PACKAGES

[Amend 2.1 by adding a second sentence as follows:]

2.1 Standards

Package presort and labeling must meet the applicable general standards in M020 and M030, except as noted below. The palletized portion of a mailing may not include packages sorted to foreign destinations.

* * * * *

[Delete current 2.5.]

3.0 OPTIONAL BUNDLES

[Amend 3.1 by adding a second sentence as follows:]

3.1 Standards

Bundle presort and labeling must meet the applicable general standards in M020 and M030, except as noted below. The palletized portion of a mailing may not include bundles sorted to foreign destinations.

* * * * *

[Revise 3.3 as follows:]

3.3 Sortation

Sortation is in the same sequence as sacks.

* * * * *

[Delete current 3.5.]

[Add new 4.0 as follows; delete current 6.0 and redesignate current 4.0 and 5.0 as 5.0 and 6.0, respectively.]

4.0 PALLET PRESORT AND LABELING

Presort sequence and labeling:

a. 5-digit (required for packages, bundles, sacks, and machinable parcels; optional for trays); use destination of packages, etc., for Line 1.

b. 3-digit (optional); use L002, Column A, for Line 1.

c. SCF (required); use L002, Column B, for Line 1.

d. ADC (optional); use L101 for Line 1.

e. SDC (required); use L201 for Line 1.

f. Working (optional), mixed SDC; use L201 for Line 1 based on ZIP Code of entry office (in ''Destination ZIP Codes'' column); (label to plant serving entry post office if authorized by processing and distribution manager).

[Revise the heading of redesignated 5.0 as follows:]

5.0 ADDITIONAL STANDARDS FOR PALLETS OF PACKAGES, BUNDLES, OR SACKS

[Delete redesignated 5.1, 5.3, and 5.5; renumber redesignated 5.2 and 5.4 as 5.1 and 5.2, respectively.]

* * * * *

[Amend renumbered 5.2 by deleting ''optional city'' in the first sentence as follows:]

5.2 Delivery Office Rates

When a 5-digit, 3-digit, or SCF pallet contains copies claimed at delivery office rates and copies claimed at other rates, the copies claimed at delivery office rates must be placed on the top of the pallet. These copies must be separated from the other copies. Any effective method (such as a slipsheet) may be used.

[Revise the heading of redesignated 6.0 as follows:]

6.0 PALLETS OF COPALLETIZED FLAT-SIZE PUBLICATIONS

[Delete redesignated 6.3, 6.4, and 6.6; renumber redesignated 6.5 and 6.7 through 6.10 as 6.3 and 6.4 through 6.7, respectively.]

* * * * *

[Revise 6.2 as follows:]

6.2 Exclusion

The palletized portion of a mailing may not include packages or bundles sorted to foreign destinations.

* * * * *

M043 Third-Class Mail

* * * * *

[Revise the heading of 2.0 as follows:]

2.0 PACKAGES

[Amend 2.1 by adding a second sentence as follows:]

2.1 Standards

Package presort and labeling must meet the applicable general standards in M020 and M030, except as noted below. The palletized portion of a mailing may not include packages sorted to foreign destinations.

* * * * *

[Delete current 2.5.]

3.0 OPTIONAL BUNDLES

[Amend 3.1 by adding a second sentence as follows:]

3.1 Standards

Bundle presort and labeling must meet the applicable general standards in M020 and M030, except as noted below. The palletized portion of a mailing may not include bundles sorted to foreign destinations.

* * * * *

[Revise 3.3 as follows:]

3.3 Sortation

Sortation is the same sequence as sacks.

* * * * *

[Add new 4.0; delete current 9.0 and redesignate current 4.0 through 8.0 as 5.0 through 9.0, respectively.]

4.0 PALLET PRESORT AND LABELING

4.1 Pallets of Packages, Bundles, Sacks, or Trays

Presort sequence and labeling:

a. 5-digit (required for packages, bundles, and sacks; optional for trays); use destination of packages, etc., for Line 1.

b. 3-digit (optional); use L002, Column A, for Line 1.

c. SCF (required); use L002, Column B, for Line 1.

d. ADC (optional); use L101 for Line 1 (deposit pallet at BMC serving 3-digit ZIP Code on Line 1 if DBMC rate claimed).

e. Destination BMC (required); use L705 (or L708 if DBMC rate claimed) for Line 1 and show any required processing code right-justified on Line 2.

f. Working (optional), mixed BMC; use L705 for Line 1 based on ZIP Code of entry office (in ''Destination ZIP Codes'' column) and show any required processing code right-justified on Line 2; (label to plant serving entry post office if authorized by processing and distribution manager).

4.2 Pallets of Machinable Parcels

Presort sequence and labeling:

a. 5-digit (required); use destination of parcels for Line 1.

b. ASF (allowed and required only if DBMC rate is claimed for mail deposited at ASF); use L708 for Line 1.

c. Destination BMC (required); use L705 for Line 1 (or L708 if DBMC rate claimed) and show any required processing code right-justified on Line 2.

d. Mixed BMC (optional); use L705 for Line 1 based on ZIP Code of entry office (in ''destination ZIP Codes'' column) and show any required processing code right-justified on Line 2.

4.3 Line 2

Line 2: 3C, processing category, and any processing code if required by 4.2.

[Revise the heading of redesignated 5.0 as follows:]

5.0 ADDITIONAL STANDARDS FOR PALLETS OF PACKAGES OR BUNDLES

[Delete redesignated 5.1, 5.3, and 5.6; renumber redesignated 5.2, 5.4, and 5.5 as 5.1, 5.2, and 5.3, respectively.]

* * * * *

[Amend 5.2 by deleting ''optional city'' in the first sentence as follows:]

5.2 DDU Rates

When a 5-digit, 3-digit, or SCF pallet contains pieces claimed at destination delivery unit (DDU) rates and pieces claimed at other rates, the pieces claimed at DDU rates must be placed on the top of the pallet. These pieces must be separated from the other pieces. Any effective method (such as a slipsheet) may be used.

* * * * *

[Revise the heading of redesignated 7.0 as follows:]

7.0 ADDITIONAL STANDARDS FOR PALLETS OF COPALLETIZED FLAT-SIZE MAILINGS

[Amend redesignated 7.1 by changing the references from ''4.2 through 4.6'' to ''5.1 through 5.3.'']

7.1 Standards

Copalletized flat-size mailings must meet the standards in 5.1 through 5.3 and those below.

* * * * *

[Delete redesignated 7.3, 7.4, and 7.9 and renumber 7.5 through 7.12 as 7.3 through 7.9, respectively.]

* * * * *

[Revise the heading of redesignated 8.0 as follows:]

8.0 ADDITIONAL STANDARDS FOR PALLETS OF MACHINABLE THIRD-CLASS PARCELS

[Delete redesignated 8.1, 8.2, 8.3, and 8.5; renumber 8.4 as 8.0. Amend 8.0 by changing the references in the first sentence from ''7.2a through 7.2c'' to ''4.2a through 4.2c'' and in the second sentence from ''7.2b and 7.2c'' to ''4.2b and 4.2c'' as follows:] Pieces may be eligible for the 3/5 presort rate if prepared under 4.2a through 4.2c. This eligibility includes pieces correctly presorted under 4.2b and 4.2c to the service area of the origin ASF/BMC.

* * * * *

[Revise the heading of redesignated 9.0 as follows:]

9.0 ADDITIONAL STANDARDS FOR PALLETS OF THIRD- AND FOURTH-CLASS MACHINABLE PARCELS

[Delete redesignated 9.1, 9.2, 9.3, and 9.6; renumber 9.4 through 9.8 as 9.1 through 9.4, respectively.]

[Amend 9.1 by changing the reference ''8.3'' to ''4.2'' as follows:]

9.1 Line 2

Line 2: 3C/4C MACH and any processing code if required by 4.2.

[Amend 9.2 by changing the references in the first sentence from ''8.2a through 8.2c'' to ''4.2a through 4.2c'' and in the second sentence from ''8.2b and 8.2c'' to ''4.2b and 4.2c'' as follows:]

9.2 3/5 Presort Rate

Pieces may be eligible for the 3/5 presort rate if prepared under 4.2a through 4.2c. This eligibility includes pieces correctly presorted under 4.2b and 4.2c to the service area of the origin ASF/BMC.

* * * * *

M044 Fourth-Class Mail

* * * * *

[Revise the heading of 2.0 as follows:]

2.0 PACKAGES

[Amend 2.1 by adding a second sentence as follows:]

2.1 Standards

Package presort and labeling must meet the applicable general standards in M020 and M030, except as noted below. The palletized portion of a mailing may not include packages sorted to foreign destinations.

* * * * *

[Delete current 2.4.]

[Add new 3.0; delete current 5.0; redesignate current 3.0 and 4.0 as 4.0 and 5.0, respectively.]

3.0 PALLET PRESORT AND LABELING

3.1 Pallets of Packages, Bundles, or Sacks

Presort sequence and labeling:

a. 5-digit (required); use destination of packages, etc., for Line 1.

b. 3-digit (optional); use L002, Column A, for Line 1.

c. SCF (required); use L002, Column B, for Line 1.

d. ADC (optional); use L101 for Line 1 (deposit pallet at BMC serving 3-digit ZIP Code on Line 1 if DBMC rate claimed).

e. Destination BMC (optional); use L705 (or L708 if DBMC rate claimed) for Line 1 and show any required processing code right-justified on Line 2.

f. Working (optional), mixed BMC; use L705 for Line 1 based on ZIP Code of entry office (in ''Destination ZIP Codes'' column) and show any required processing code right-justified on Line 2; (label to plant serving entry post office if authorized by processing and distribution manager).

3.2 Pallets of Machinable Parcels

Presort sequence and labeling:

a. 5-digit (required); use destination of parcels for Line 1.

b. ASF (allowed and required only if DBMC rate is claimed for mail deposited at ASF); use L708 for Line 1.

c. Destination BMC (required); use L705 for Line 1 (or L708 if DBMC rate claimed) and show any required processing code right-justified on Line 2.

d. Mixed BMC (optional); use L705 for Line 1 based on ZIP Code of entry office (in ''Destination ZIP Codes'' column) and show any required processing code right-justified on Line 2.

3.3 Pallets of Special Fourth-Class Presort

a. 5-digit (Level A only; required); use destination of pieces or packages for Line 1.

b. Destination BMC (Level B only; required); use L705 for Line 1 and show any required processing code right-justified on Line 2.

3.4 Line 2

Line 2: 4C, processing category, and any processing code if required by 3.1 through 3.3.

[Revise the heading of redesignated 4.0 as follows:]

4.0 ADDITIONAL STANDARDS FOR PALLETS OF PACKAGES

[Delete redesignated 4.1, 4.2, and 4.4; renumber 4.3 and 4.5 as 4.1 and 4.2, respectively.]

* * * * *

[Revise the heading of redesignated 5.0 as follows:]

5.0 ADDITIONAL STANDARDS FOR PALLETS OF MACHINABLE PARCELS

[Delete redesignated 5.1, 5.2, and 5.3; renumber 5.4 through 5.6 as 5.1 through 5.3, respectively.]

* * * * *

M048 Automation-Compatible Flats

* * * * *

2.0 PACKAGE AND PALLET PREPARATION

[Revise 2.1 as follows:]

2.1 Packages

Packages to be presented on pallets must be prepared and presorted under the general standards in M020 and M030 and those applicable to the class and rate claimed.

[Revise 2.2 as follows:]

2.2 Pallets

Pallets must be prepared under the general standards in M041.

* * * * *

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 95–18629 Filed 7–28–95; 8:45 am]

BILLING CODE 7710–12–P

Federal Register

Monday
July 31, 1995

Part III

Department of Transportation

Federal Aviation Administration

Airflight Patterns Over the State of New Jersey; Effects of Changes; Final Environmental Impact Statement; Notice

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 28241]

Final Environmental Impact Statement; Effects of Changes in Aircraft Flight Patterns Over the State of New Jersey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Availability of Final Environmental Impact Statement (EIS) and Invitation to Comment.

SUMMARY: On July 28, 1995, the FAA issued a Final Environmental Impact Statement (FEIS) required under Section 9119 of the Aviation Safety and Capacity Expansion Act of 1990 (ASCEA), Public Law 101–508. That section directed the FAA to prepare an EIS pursuant to the National Environmental Policy Act (NEPA) on the effects of changes in aircraft flight patterns over the State of New Jersey as a result of the implementation of the Expanded East Coast Plan (EECP).

The proposed Federal action is to continue the current routes and procedures that were implemented as part of the EECP in 1987 and 1988, and modified to 1991. FAA has identified the continuation of current routes and procedures, as modified to incorporate a mitigation measure identified as the Solberg Mitigation Proposal, as both the preferred alternative and the environmentally preferable alternative. The Solberg Mitigation Proposal reduces aircraft noise in the Scotch Plains, and Fanwood areas of Union County, New Jersey. This is one of the five areas that experienced increased noise as a result of the implementation of the EECP.

The FAA prepared the FEIS based upon the findings in the post-scoping document issued in June 1991, the Draft EIS (DEIS) issued in November 1992, and the Supplemental DEIS (SDEIS) issued in September 1994.

The SDEIS contained the analysis of the Solberg Mitigation Proposal, the agency's analysis of the New Jersey Coalition Against Aircraft Noise (NJCAAN) Ocean Routing Proposal, responses to comments on the DEIS, Appendix F, and other new information. In response to the large number of comments concerning noise impacts over particular communities, the FAA included Appendix F, which provides the changes in noise levels predicted for each census block in New Jersey with each alternative, the mitigation proposal, and the NJCAAN ocean routing proposal.

The FAA also carefully considered testimony from over 480 Federal, state, and local elected and appointed officials and citizens and from the 2800 written comments received at more than 30 public hearings and meetings during the 515-day comment period.

After issuance of the Record of Decision and reporting to Congress pursuant to Section 9119 of ASCEA concerning this EIS process, the FAA intends to continue working with affected communities to identify and develop new strategies to mitigate aircraft noise as part of a ''follow-on'' study. That study will be a follow-on study insofar as it will address aeronautical and aircraft noise issues. It will be a planning study independent of the statutory EIS requirement.

The following is a summary of key portions contained in the FEIS and is not intended to duplicate or cover every aspect of the FEIS.

Alternatives

The FAA conducted an extensive scoping process to identify a reasonable range of alternatives for study in the EIS. The scoping process indicated that citizen concerns focused on arrivals and departures at the three major airports in the New York metropolitan area.

In the FEIS, the FAA analyzed the following alternatives based on citizen input and independent evaluation:

- Alternative A. Maintain the current (as defined in 1991) EECP structure (Proposed Action and No Action).
- Alternative B. Return to 1986 air traffic routes and procedures using 1991 traffic (Rollback).
- Alternative C2. Route Newark south flow departure traffic over Raritan Bay to the ocean at night only (Oceanic/ military routing (nighttime only) for Newark departures).
- Alternative D3. Spread aircraft departing Newark runways 22L and 22R to three different headings (Spreading or fanning).

Environmental Consequences

Twenty-one environmental categories were analyzed for environmental consequences. The impact categories of chief concern were noise, air, and water quality. Analysis revealed that none of the alternatives, except Return to 1986 Routes and Procedures, would cause significant impacts.

The following is a brief description of the noise impacts associated with the alternatives and the Solberg Mitigation Proposal contained in the FEIS. Other Environmental Consequences are summarized in more detail in Section 1.7, Chapter 1 of the FEIS.

1. Alternative B, Return to 1986 Routes and Procedures

Noise analysis indicates that, in comparison to implementation of the EECP, return to 1986 routes and procedures with 1991 traffic would increase noise by DNL 5 dB or greater above DNL 45 dB for 1.45 million people. Approximately 45,622 individuals would experience a reduction in noise by DNL 5 dB or greater above DNL 45 dB. It would also increase noise by 1.5 dB within the 65 DNL contour in one small area of Holgate, New Jersey. The latter impact on Holgate appears to result solely from the assumptions used to reconstruct and model this alternative.

2. Alternatives C2 and D3, Nighttime Use of Ocean Routing and Spreading

Nighttime Use of Ocean Routing and Spreading would provide marginal noise relief. Nighttime Ocean Routing would increase noise by DNL 5 dB or greater above DNL 45 dB for about 4,349 people and would not decrease noise by a similar amount, while the Spreading alternative would neither increase nor decrease noise impacts by DNL 5 dB or greater above DNL 45 dB. Both the Nighttime Ocean Routing and Spreading alternatives have potential impacts outside of New Jersey.

3. Solberg Mitigation Proposal

The Solberg Mitigation Proposal described below under the section ''Mitigation'' would reduce noise by DNL 5 dB or greater above DNL 45 dB for approximately 18,755 residents of the Scotch Plains and Fanwood areas of Union County. This is one of the five areas that experienced noise increases of DNL 5 dB or greater above DNL 45 dB as a result of implementing the EECP. No increases by DNL 5 dB or greater above DNL 45 dB would occur in the study area. The Solberg Mitigation Proposal would allow for unrestricted climb by Newark westbound departures and would only shift, not lower, potentially conflicting arrivals to LaGuardia, 10 miles to the south.

Mitigation Measures

Opportunities for mitigation were explored although the levels of noise increase and exposure resulting from implementation of the EECP and its alternatives, with the exception of one area affected by Alternative B, are well below the established thresholds at which FAA considers compatible for residential land uses. The Solberg mitigation measure would realign westbound departure routes from Newark International Airport to the Solberg navigational aid in Readington,

New Jersey. It would reduce the noise impacts in the Scotch Plains and Fanwood areas of Union County, areas that experienced increased noise as a result of implementation of the EECP.

The Solberg mitigation measure and mitigation measures considered, but not retained for detailed study, are discussed in detail in Chapter 6 of the FEIS.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Marx, Program Manager, ATM–700, Federal Aviation Administration, 800 Independence Avenue, Washington, D.C. 20591.

Any person may obtain a copy of the executive summary of the FEIS or the entire FEIS by submitting a request to the FAA contact identified above. Copies of the comments on the DEIS and SDEIS are available for review in the FAA Docket, Numbers 26987 and 27649, also at the above address. Appendix A of the FEIS contains responses to public comments.

The FEIS will also be available for review at the following public libraries:

Teaneck Public Library, 840 Teaneck Road, Teaneck, NJ 07868

Newark Public Library, 5 Washington Street, P.O. Box 630, Newark, NJ 01701–0830

Parsippany-Troy Hills Free Public Library, P.O. Box 5303, Parsippany, NJ 07054

Piscataway Township Free Public Library, John F. Kennedy Memorial Library, 500 Hoes Lane, Piscataway, NJ 08854

Cherry Hill Free Public Library, 100 Kings Highway North, Cherry Hill, NJ 08034

Jersey City Public Library, 472 Jersey Ave., Jersey City, NJ 07302–3499, Attn: Directors Office

Staten Island, New York Public Library, St. George Library Center, 5 Central Place, Staten Island, NY 10301

Camden Free Public Library, 616 Broadway, Camden, NJ 08103

Vineland Free Public Library, 1058 E. Landis Ave., Vineland, NJ 08360

Middletown Township Public Library, 55 New Monmouth Road, Middletown, NJ 07748

Free Public Library of the City of Trenton, 120 Academy Street, Trenton, NJ 08607–2448

Ridgewood Public Library, 125 North Maple Ave., Ridgewood, NJ 07450–3288

Free Public Library of Woodbridge, George Frederick Plaza, Woodbridge, NJ 07195, Attn: Reference Desk

Elizabeth Public Library, 11 S. Broad Street, Elizabeth, NJ 07201

Paterson Free Public Library, Danforth Memorial Library, 250 Broadway, Paterson, NJ 07501

Cranford Public Library, 224 Walnut Ave., Cranford, NJ 07016

Rochelle Park Public Library, 405 Rochelle Ave., Rochelle Park, NJ 07882

Runnemede Public Library, Broadway & Black Horse Pike, P.O. Box 119, Runnemede, NJ 08078

Tinton Falls Public Library, 684 Tinton Ave., Tinton Falls, NJ 07724

New Jersey State Library, Department of Education, 185 W. State Street, Trenton, NJ 08825–0520

Joint Free Public Library of Morristown and Morris Township, 1 Miller Road, Morristown, NJ 07960

Cape May County Library, Mechanic Street, Cape May Courthouse, NJ 08210

Ocean County Library, 101 Washington Street, Toms River, NJ 08753

Hunterdon County Library, Route 12, Flemington, NJ 08822

Sussex County Library, RD–3, Box 170, Route 655, Homestead Road, Newton, NJ 07860

Warren County Library, Court House Annex, Belevedre, NJ 07823, Attn: Reference Day Dept.

Atlantic city Library, 1 North Tennessee Ave., Atlantic City, NJ 08401

Gloucester County Library, 200 Holly Dell Drive, Sewell, NJ 08080

Somerset County Library, P.O. Box 6700, Bridgewater, NJ 08807

Salem Library, Broadway, Salem, NJ 08079

Burlington County Library, 1257 Westwoodlane Road, Mt. Holly, NJ 08060

Comment Period: Although the Council on Environmental Quality regulations do not provide for a formal comment period after issuance of a FEIS, due to the technical complexity of issues raised and to maximize public participation FAA is soliciting comments on the FEIS for a period of 45 days. These comments will be considered by the decision maker in determining FAA's course of action and issuing the Record of Decision. The opportunity to comment will extend from July 28, until September 11, 1995.

Written comments on the FEIS should be received at the following address, in triplicate, by September 11, 1995: Headquarters Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–10), Docket No. 28241, 800 Independence Avenue, SW., Washington, DC 20591. Comments may be delivered or inspected at Room 915G in FAA headquarters between 8:30 a.m. and 5 p.m., Monday through Friday, excluding Federal holidays. Late-filed comments will be considered to the extent practicable.

Issued in Washington, DC on July 28, 1995.

James H. Washington,

Deputy Director of Air Traffic.

[FR Doc. 95–18730 Filed 7–28–95; 8:45 am]

BILLING CODE 4910–13–M

Federal Register

Monday
July 31, 1995

Part IV

The President

Proclamation 6813—To Amend the Generalized System of Preferences

Notice of July 28, 1995—Continuation of Iraqi Emergency

Federal Register
Vol. 60, No. 146
Monday, July 31, 1995

Presidential Documents

Title 3—

The President

Proclamation 6813 of July 28, 1995

To Amend the Generalized System of Preferences

By the President of the United States of America

A Proclamation

1. Pursuant to section 504(c) of the Trade Act of 1974, as amended (''Trade Act'')(19 U.S.C. 2464(c)), beneficiary developing countries are subject to limitations on the preferential treatment afforded under the Generalized System of Preferences (GSP). Pursuant to section 504(c)(3) of the Trade Act, the President may waive the application of section 504(c) of the Trade Act after receiving the advice of the International Trade Commission, determining that the waiver is in the national economic interest of the United States, and publishing such determination in the **Federal Register**. Pursuant to section 504(c)(5) of the Trade Act, a country that is no longer treated as a beneficiary developing country with respect to an eligible article may be redesignated as a beneficiary developing country with respect to such article if imports of such article from such country did not exceed the limitations in section 504(c)(1) of the Trade Act during the preceding calendar year. Pursuant to section 504(d)(2) of the Trade Act (19 U.S.C. 2464(d)(2)), the President may disregard the limitations provided in section 504(c)(1)(B) of the Trade Act with respect to any eligible article if the appraised value of the total imports of such article into the United States during the preceding calendar year is not in excess of an amount that bears the same ratio to $5,000,000 as the gross national product of the United States for that calendar year (as determined by the Department of Commerce) bears to the gross national product of the United States for calendar year 1979.

2. Section 502(b)(7) of the Trade Act (19 U.S.C. 2462(b)(7)) provides that a country that has not taken or is not taking steps to afford workers in that country internationally recognized worker rights, as defined in section 502(a)(4) of the Trade Act (19 U.S.C. 2462(a)(4)), is ineligible for designation as a beneficiary developing country for purposes of the GSP. Section 502(c)(7) of the Trade Act (19 U.S.C. 2462(c)(7)) provides that, in determining whether to designate a country as a beneficiary developing country under the GSP, the President shall take into account whether the country has taken or is taking steps to afford internationally recognized worker rights to workers in that country. Section 504 of the Trade Act (19 U.S.C. 2464) authorizes the President to withdraw, suspend, or limit the application of duty-free treatment under the GSP with respect to any country after considering the factors set forth in sections 501 and 502(c) of the Trade Act (19 U.S.C. 2461 and 2462(c)).

3. Pursuant to section 504(c)(3) of the Trade Act, I have determined that it is appropriate to waive the application of section 504(c) of the Trade Act with respect to certain eligible articles from a beneficiary developing country. I have received the advice of the International Trade Commission on whether any industries in the United States are likely to be adversely affected by such waivers and I have determined, based on that advice and the considerations described in sections 501 and 502(c) of the Trade Act, that such waivers are in the national economic interest of the United States. Pursuant to section 504(c)(5) of the Trade Act, I have determined that a country should be redesignated as a beneficiary developing country with respect to certain eligible articles. Pursuant to section 504(d)(2) of

the Trade Act, I have determined that section 504(c)(1)(B) of the Trade Act should not apply with respect to certain eligible articles.

4. Pursuant to sections 502(b)(7), 502(c)(7), and 504 of the Trade Act, I have determined that Maldives has not taken and is not taking steps to afford internationally recognized worker rights to workers in Maldives. Accordingly, I have determined that it is appropriate to suspend the designation of Maldives as a beneficiary developing country for purposes of the GSP.

5. Pursuant to sections 501 and 502 of the Trade Act, and having due regard for the eligibility criteria set forth therein, I have determined that it is appropriate to designate Moldova as a beneficiary developing country for purposes of the GSP.

6. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of the provisions of that Act, and of other acts affecting import treatment, and actions thereunder.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 501, 502, 504, and 604 of the Trade Act, do proclaim that:

(1) In order to restore preferential tariff treatment under the GSP to a country that has been excluded from the benefits of the GSP for certain eligible articles, the Rates of Duty 1–Special subcolumn for HTS subheadings 0713.31.40, 1102.30.00, 1103.14.00, 4104.39.20, 7113.11.50, 7113.20.50, 9401.40.00, 9401.61.60, 9401.69.80, 9403.30.80, 9403.40.90, and 9403.50.90 are modified by deleting the symbol ''A*'' in parentheses, and by inserting the symbol ''A'' in lieu thereof.

(2) In order to provide that a country that has not been treated as a beneficiary developing country with respect to certain eligible articles should be restored as a beneficiary developing country with respect to such articles for purposes of the GSP, general note 4(d) to the HTS is modified by deleting the following from such note: ''0713.31.40 Thailand'', ''1102.30.00 Thailand'', ''1103.14.00 Thailand'', ''4104.39.20 Thailand'', ''7113.11.50 Thailand'', ''7113.20.50 Thailand'', ''9401.40.00 Thailand'', ''9401.61.60 Thailand'', ''9401.69.80 Thailand'', ''9403.30.80 Thailand'', ''9403.40.90 Thailand'', and ''9403.50.90 Thailand''.

(3)(a) The waivers of the application of section 504(c) of the Trade Act shall apply to imports of eligible articles from Thailand that are provided for in HTS subheadings 6702.90.65, 7113.11.20, 7113.19.50, and 9403.60.80.

(b) In order to restore preferential tariff treatment: (i) the Rates of Duty 1–Special subcolumn for HTS subheadings 6702.90.65, 7113.11.20, and 9403.60.80 are modified by deleting the symbol ''A*'' in parentheses, and by inserting the symbol ''A'' in lieu thereof; (ii) general note 4(d) is modified by deleting the following from such note: ''6702.90.65 Thailand'', ''7113.11.20 Thailand'', and ''9403.60.80 Thailand''; and (iii) general note 4(d) is modified by deleting ''Thailand'' set out opposite 7113.19.50.

(4) General note 4 to the HTS, listing those countries whose products are eligible for benefits of the GSP, is modified by: (a) deleting ''Maldives'' from the list of independent countries in general note 4(a), and deleting ''Maldives'' from the list of least-developed beneficiary developing countries in general note 4(b); and

(b) inserting ''Moldova'' in alphabetical order in the list of independent countries in general note 4(a).

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

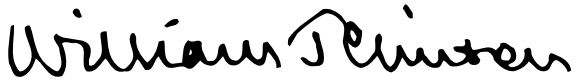
(6)(a) The modifications to the HTS made by paragraphs (1) and (2) shall be effective July 31, 1995.

(b) The United States Trade Representative shall issue a notice in the **Federal Register** announcing when the modifications to the HTS made by paragraph (3)(b) shall be effective.

(c) The modifications to the HTS made by paragraph (4)(a) shall be effective 60 days after the date of publication of this proclamation in the **Federal Register**.

(d) The modification to the HTS made by paragraph (4)(b) shall be effective with respect to articles that are: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after 15 days after the date of publication of this proclamation in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of July, in the year of our Lord nineteen hundred and ninety-five, and of the Independence of the United States of America the two hundred and twentieth.



[FR Doc. 95–18923
Filed 7–28–95; 10:36 am]
Billing code 3195–01–P

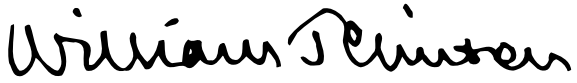
Presidential Documents

Notice of July 28, 1995

Continuation of Iraqi Emergency

On August 2, 1990, by Executive Order No. 12722, President Bush declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of the Government of Iraq. By Executive Orders Nos. 12722 of August 2, 1990, and 12724 of August 9, 1990, the President imposed trade sanctions on Iraq and blocked Iraqi government assets. Because the Government of Iraq has continued its activities hostile to the United States interests in the Middle East, the national emergency declared on August 2, 1990, and the measures adopted on August 2 and August 9, 1990, to deal with that emergency must continue in effect beyond August 2, 1995. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Iraq.

This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
July 28, 1995.

[FR Doc. 95–18924
Filed 7–28–95; 10:37 am]
Billing code 3195–01–P

Reader Aids

Federal Register

Vol. 60, No. 146

Monday, July 31, 1995

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	**202–523–5227**
Public inspection announcement line	**523–5215**
Corrections to published documents	**523–5237**
Document drafting information	**523–3187**
Machine readable documents	**523–4534**

Code of Federal Regulations

Index, finding aids & general information	**523–5227**
Printing schedules	**523–3419**

Laws

Public Laws Update Service (numbers, dates, etc.)	**523–6641**
Additional information	**523–5230**

Presidential Documents

Executive orders and proclamations	**523–5230**
Public Papers of the Presidents	**523–5230**
Weekly Compilation of Presidential Documents	**523–5230**

The United States Government Manual

General information	**523–5230**

Other Services

Data base and machine readable specifications	**523–4534**
Guide to Record Retention Requirements	**523–3187**
Legal staff	**523–4534**
Privacy Act Compilation	**523–3187**
Public Laws Update Service (PLUS)	**523–6641**
TDD for the hearing impaired	**523–5229**

ELECTRONIC BULLETIN BOARD

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

FAX-ON-DEMAND

You may access our Fax-On-Demand service. You only need a fax machine and there is no charge for the service except for long distance telephone charges the user may incur. The list of documents on public inspection and the daily Federal Register's table of contents are available using this service. The document numbers are 7050-Public Inspection list and 7051-Table of Contents list. The public inspection list will be updated immediately for documents filed on an emergency basis.
NOTE: YOU WILL ONLY GET A LISTING OF DOCUMENTS ON FILE AND NOT THE ACTUAL DOCUMENT. Documents on public inspection may be viewed and copied in our office located at 800 North Capitol Street, N.W., Suite 700. The Fax-On-Demand telephone number is: **301–713–6905**

FEDERAL REGISTER PAGES AND DATES, JULY

34453–34842 3
34843–35112 5
35113–35320 6
35321–35460 7
35461–35690 10
35691–35828 11
35829–36026 12
36027–36202 13
36203–36338 14
36339–36634 17
36635–36950 18
36951–37322 19
37323–37554 20
37555–37802 21
37803–37932 24
37933–38226 25
38227–38474 26
38475–38664 27
38665–38946 28
38947–39100 31

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
6810 37321
6811 38227
6812 38945
6813 39095
Executive Orders:
12966 36949
February 1, 1886 (Revoked in part by PLO 7148) 36736
12722 (See Notice of July 28, 1995) 39099
12724 (See Notice of July 28, 1995) 39099
Administrative Orders:
Memorandums:
June 29, 1995 35113
Presidential Determinations:
No. 95–27 of June 23, 1995 35461
No. 95–28 of June 23, 1995 35463
No. 95–29 of June 28, 1995 35465
No. 95–31 of July 2, 1995 35827
Notice of July 28, 1995 39099

4 CFR

28 35115
29 35115

5 CFR

Ch. XXXIII 37555
213 35119
316 35119
532 ..... 35467, 36203, 36204
575 35601
581 35468
1601 36630
2610 38665
Proposed Rules:
532 36238
550 35342

7 CFR

29 36027
201 35829
273 37556
301 38666
360 35831
400 37323
401 37933
457 ..... 35832, 37934
723 38229
868 ..... 36028, 36030
920 36032
921 36204
945 36339
947 38475
953 37934
956 34843
958 34453
989 36951
998 ..... 36205, 36635
1150 37324
1160 37324
1200 37324
1205 ..... 36033, 37324
1207 37324
1208 37324
1209 37324
1210 37324
1211 37324
1212 37324
1220 37324
1230 37324
1240 37324
1250 37324
1280 37324
1290 37324
1427 38476
1446 35834
1464 38229
1718 36882
1955 34454
2812 34456
Proposed Rules:
1 34474
47 34474
277 38972
319 ..... 34832, 35712, 35871
737 38766
1004 36239
1137 38767
1138 37373
1493 37025
1710 36904
1717 36904
1718 36904

8 CFR

103 37327
204 38947
244 37327
299 37327
337 37803

9 CFR

327 38667
381 38667
Proposed Rules:
50 37804
82 35343
101 36743
112 37936
113 36743
145 35343
147 35343
391 37328

10 CFR

19.....36038
20.....36038
30.....38235
40.....38235
50.....36953
70.....38235
72.....38235
110.....37556
451.....36959
515.....35321
1008.....35835

Proposed Rules:

9.....38282
2.....37374
50.....37374
51.....37374
61.....36744
72.....38286
430.....36745, 37388, 37603, 39076
437.....37949
490.....38974
810.....38220

11 CFR

100.....35292
106.....35292
109.....35292
114.....35292

12 CFR

22.....35286
30.....35674
207.....38948
208.....35286, 35674
220.....38948
221.....38948
224.....38948
225.....35120
263.....35674
303.....35674
308.....35674
339.....35286
360.....35487
364.....35674
563.....35286
570.....35674
614.....35286
760.....35286
937.....36966
939.....36966

Proposed Rules:

Ch. II.....38142
3.....38082
20.....34907
21.....34476
28.....34907
30.....35688
34.....35353
208.....34481, 35688, 38082
211.....34481
225.....34481, 38082
309.....35148
325.....38082
346.....36074
364.....35688
563.....36366
570.....35688
615.....38521
618.....38521
620.....38521
960.....38768

14 CFR

25.....36967, 36969, 38893
39.....34844, 35322, 35323, 35324, 35326, 35328, 35452, 36971, 36972, 36974, 36976, 36981, 36983, 36984, 36986, 37500, 37810, 37811, 37813, 37816, 37817, 37818, 37820, 37821, 37823, 37936, 38477, 38668, 38952, 38954
71.....34845, 35330, 35331, 35332, 35333, 36340, 36341, 36342, 36343, 36344, 36345, 36346, 36637, 37565, 37566, 37923, 38670, 38956
73.....37329, 37331, 37938
95.....36637
97.....36346, 36349, 36350, 37331, 37333
1204.....37567

Proposed Rules:

Ch. I.....36746
25.....36832
33.....38771
39.....35873, 35877, 36078, 36748, 36749, 37037, 37038, 37607, 37608, 37966, 37968
43.....36926
71.....36370, 36371, 36372, 36373, 36462, 36751, 37610, 37969, 37970, 37971, 38977
121.....36932
234.....35158

15 CFR

778.....38956
799.....36638, 38956
931.....38240

16 CFR

1.....37746
2.....37746
3.....37746
4.....37746
236.....37334
1700.....37710, 38671

Proposed Rules:

260.....38978
419.....38474
436.....34485
801.....38930
802.....38930
1500.....34922
1507.....34922

17 CFR

1.....38146
4.....38146
30.....34458, 38146
150.....38146
210.....38918
231.....35663
239.....38918
274.....38918

Proposed Rules:

210.....35656
228.....35604, 35633, 35656
229.....35604, 35633
230.....35604, 35638, 35642, 35645, 35648, 38454
232.....35648, 38467
239.....35604, 35656, 38454
240.....35604, 35633, 35642, 38467
249.....35604, 35633, 35642, 35656, 38467
260.....35642
270.....38467
274.....38454

18 CFR

1301.....38478

Proposed Rules:

Ch. III.....38288
35.....36752, 38289
284.....35522

19 CFR

4.....35837
10.....37825
141 to 199.....35122
201.....37335

Proposed Rules:

102.....35878, 38982
133.....36249
162.....35881, 37856

20 CFR

655.....38957

21 CFR

5.....36582, 38612
10.....38612
17.....38612
20.....38612
25.....36582
101.....37502
102.....34459
170.....36582
171.....36582
174.....36582
202.....38479
310.....38636
500.....38479
501.....38479
510.....35122, 35838, 38479
522.....35122, 35123
558.....34460
862.....38896
866.....38480
872.....38896
892.....36639
1301.....36640
1306.....36640
1309.....35264, 36334
1313.....35264, 36334
1316.....35264, 36334

Proposed Rules:

74.....37611
101.....37507, 37616
133.....37611
201.....37611
310.....38643
314.....34486
341.....38643
820.....37856
862.....38901, 38902
864.....38901
866.....38901, 38902
868.....38901, 38902
870.....38902
872.....35713, 38902
874.....38902
876.....38902
878.....38902
880.....38902
882.....38902
884.....38902
886.....38901, 38902
888.....38902
890.....38902
892.....38902

22 CFR

42.....35838
211.....36990
705.....37555

23 CFR

630.....36991
645.....34846
1204.....36641

24 CFR

92.....36020
200.....35691
572.....36016
791.....35123
882.....34660
887.....34660
905.....35691
941.....35691
950.....36666
955.....37335
968.....35691
982.....34660
983.....34660

Proposed Rules:

92.....36012
950.....37294
990.....37294

25 CFR

Proposed Rules:

Ch. I.....34488, 38928
Ch. VI.....37416

26 CFR

1.....36669, 36671, 36993, 36995, 37568, 37578, 37589
18.....37578
301.....37589
602.....36671, 36995, 37578

Proposed Rules:

1.....35882, 36755, 37621, 38291
18.....35882
301.....36756, 37621

27 CFR

24.....38959

28 CFR

0.....35334, 36710
70.....38241

29 CFR

508.....38597
1915.....36043
1926.....36043
1960.....34851
2610.....36208
2619.....36210
2622.....36208
2627.....36998
2644.....36212
2676.....36210

Proposed Rules:

9.....36756
2628.....35308

30 CFR

Ch. II.....36711
18.....35692
19.....35692
20.....35692
22.....35692
27.....35692
28.....35692
35.....35692

4 .....34732, 34735, 34741
5 .....34732, 34735, 34741
6.....34732, 34741
7 .....34732, 34735, 37777
8 .....34732, 34735, 34741
9 .....34732, 34735, 34741
11.....37777
12.....34732, 34735
13.....34732, 34741
14.....34732, 34735
15 .....34732, 34735, 34741
16 .....34732, 34735, 34741, 37777
19 .....34732, 34735, 34741, 37777
20 .....34732, 34735, 34741
22.....34732, 34741
23.....34732, 34741
25 .....34732, 34735, 34741
27.....34732, 34741
28 .....34732, 34735, 34741
29.....34741
32 .....34732, 34735, 34741, 37778
33.....34732
36 .....34732, 34735, 34741, 37777
37.....37778
41 .....34732, 34741, 37777
42.....34732, 34741
43.....34732, 34741
44.....34732, 34741
45 .....34732, 34735, 34741
46.....34732, 34741
47.....34732, 34741
49 .....34732, 34741, 37773
52 .....34732, 34735, 34741, 37773
53 .....34732, 34735, 34741
204.....34467
215.....34467
217.....34467
219.....35668
225.....34470, 34471
243.....34467
252.....34471, 35668
253.....35868
1501.....38504
1503.....38504
1504.....38504
1505.....38504
1506.....38504
1509.....38504
1512.....38504
1513.....38504
1514.....38504
1515.....38504
1516.....38504
1519.....38504
1520.....38504
1522.....38504
1523.....37982
1524.....38504
1525.....38504
1530.....38504
1531.....38504
1532.....38504
1533.....38504
1536.....38504
1545.....38504
1546.....38504
1552.....37982
1809.....37983
1825.....37598
1830.....37983
1831.....37983

Proposed Rules:

32.....35454
42.....38196
52.....35454, 38196
206.....34497
207.....34497
225.....34497
1552.....35719
5446.....35720
5452.....35720

49 CFR

1.....37371, 38971
Ch. III.....38739
325.....38739
350.....38739
382.....38739
385.....38739
387.....38739
390.....38739
391.....38739
392.....38739
395.....38739
396.....38739
397.....38739
541.....36231
571 .....35126, 36741, 37836, 37844, 38749, 38762
573.....35458
576.....35458
577.....35458
661.....37930
1039.....38280

Proposed Rules:

40.....38200
195.....35549
225.....34498
531.....37861
571 .....35169, 35373, 35889, 36253, 36378, 37042, 37864, 37986
573.....35459
575.....34961, 36255
576.....35459
577.....35459

50 CFR

17.....36000
36.....37308
285.....38505
301.....34472, 36364
611.....37848
630.....35340, 35869
644.....35340
645.....35340
650.....35513
651.....35513
653.....35340
661.....37850
663 .....34472, 37022, 38519
669.....35340
672 .....35146, 35711, 35870, 36236, 36237, 37600, 37601, 38519, 38765
675.....34904, 37602
677.....34904
678.....35340, 37023

Proposed Rules:

Ch. VI.....37044
17 .....35374, 36380, 36382, 37419, 37866, 37987, 37993, 38305
18.....36382
20.....37314, 37754
32.....36196, 36200
36.....36093, 36576
216.....37043
227.....38011
228.....35891
229.....37043
630.....38785
635.....34965
638.....36093
641.....37624
654.....37868
661.....37045
678.....38785

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as ''slip laws'') from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–2470).

H.R. 1944/P.L. 104–19

Emergency Supplemental Appropriations for Additional Disaster Assistance, for Antiterrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1955 (July 27, 1995; 109 Stat. 194; 61 pages)

Last List July 13, 1995

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $883.00 domestic, $220.75 additional for foreign mailing.

Mail orders to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250–7954. All orders must be accompanied by remittance (check, money order, GPO Deposit Account, VISA, or Master Card). Charge orders may be telephoned to the GPO Order Desk, Monday through Friday, at **(202) 512–1800** from 8:00 a.m. to 4:00 p.m. eastern time, or FAX your charge orders to **(202) 512-2233**.

Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–026–00001–8)	$5.00	Jan. 1, 1995
3 (1994 Compilation and Parts 100 and 101)	(869–026–00002–6)	40.00	[1] Jan. 1, 1995
4	(869–026–00003–4)	5.50	Jan. 1, 1995
5 Parts:			
1–699	(869–026–00004–2)	23.00	Jan. 1, 1995
700–1199	(869–026–00005–1)	20.00	Jan. 1, 1995
1200–End, 6 (6 Reserved)	(869–026–00006–9)	23.00	Jan. 1, 1995
7 Parts:			
0–26	(869–026–00007–7)	21.00	Jan. 1, 1995
27–45	(869–026–00008–5)	14.00	Jan. 1, 1995
46–51	(869–026–00009–3)	21.00	Jan. 1, 1995
52	(869–026–00010–7)	30.00	Jan. 1, 1995
53–209	(869–026–00011–5)	25.00	Jan. 1, 1995
210–299	(869–026–00012–3)	34.00	Jan. 1, 1995
300–399	(869–026–00013–1)	16.00	Jan. 1, 1995
400–699	(869–026–00014–0)	21.00	Jan. 1, 1995
700–899	(869–026–00015–8)	23.00	Jan. 1, 1995
900–999	(869–026–00016–6)	32.00	Jan. 1, 1995
1000–1059	(869–026–00017–4)	23.00	Jan. 1, 1995
1060–1119	(869–026–00018–2)	15.00	Jan. 1, 1995
1120–1199	(869–026–00019–1)	12.00	Jan. 1, 1995
1200–1499	(869–026–00020–4)	32.00	Jan. 1, 1995
1500–1899	(869–026–00021–2)	35.00	Jan. 1, 1995
1900–1939	(869–026–00022–1)	16.00	Jan. 1, 1995
1940–1949	(869–026–00023–9)	30.00	Jan. 1, 1995
1950–1999	(869–026–00024–7)	40.00	Jan. 1, 1995
2000–End	(869–026–00025–5)	14.00	Jan. 1, 1995
8	(869–026–00026–3)	23.00	Jan. 1, 1995
9 Parts:			
1–199	(869–026–00027–1)	30.00	Jan. 1, 1995
200–End	(869–026–00028–0)	23.00	Jan. 1, 1995
10 Parts:			
0–50	(869–026–00029–8)	30.00	Jan. 1, 1995
51–199	(869–026–00030–1)	23.00	Jan. 1, 1995
200–399	(869–026–00031–0)	15.00	[6] Jan. 1, 1993
400–499	(869–026–00032–8)	21.00	Jan. 1, 1995
500–End	(869–026–00033–6)	39.00	Jan. 1, 1995
11	(869–026–00034–4)	14.00	Jan. 1, 1995
12 Parts:			
1–199	(869–026–00035–2)	12.00	Jan. 1, 1995
200–219	(869–026–00036–1)	16.00	Jan. 1, 1995
220–299	(869–026–00037–9)	28.00	Jan. 1, 1995
300–499	(869–026–00038–7)	23.00	Jan. 1, 1995
500–599	(869–026–00039–5)	19.00	Jan. 1, 1995
600–End	(869–026–00040–9)	35.00	Jan. 1, 1995
13	(869–026–00041–7)	32.00	Jan. 1, 1995
14 Parts:			
1–59	(869–026–00042–5)	33.00	Jan. 1, 1995
60–139	(869–026–00043–3)	27.00	Jan. 1, 1995
140–199	(869–026–00044–1)	13.00	Jan. 1, 1995
200–1199	(869–026–00045–0)	23.00	Jan. 1, 1995
1200–End	(869–026–00046–8)	16.00	Jan. 1, 1995
15 Parts:			
0–299	(869–026–00047–6)	15.00	Jan. 1, 1995
300–799	(869–026–00048–4)	26.00	Jan. 1, 1995
800–End	(869–026–00049–2)	21.00	Jan. 1, 1995
16 Parts:			
0–149	(869–026–00050–6)	7.00	Jan. 1, 1995
150–999	(869–026–00051–4)	19.00	Jan. 1, 1995
1000–End	(869–026–00052–2)	25.00	Jan. 1, 1995
17 Parts:			
*1–199	(869–026–00054–9)	20.00	Apr. 1, 1995
200–239	(869–022–00055–1)	23.00	Apr. 1, 1994
*240–End	(869–026–00056–5)	30.00	Apr. 1, 1995
18 Parts:			
1–149	(869–026–00057–3)	16.00	Apr. 1, 1995
150–279	(869–026–00058–1)	13.00	Apr. 1, 1995
280–399	(869–026–00059–0)	13.00	Apr. 1, 1995
400–End	(869–026–00060–3)	11.00	Apr. 1, 1995
19 Parts:			
1–140	(869–026–00061–1)	25.00	April 1, 1995
141–199	(869–026–00062–0)	21.00	[9] Apr. 1, 1995
200–End	(869–026–00063–8)	12.00	Apr. 1, 1995
20 Parts:			
1–399	(869–026–00064–6)	20.00	Apr. 1, 1995
400–499	(869–026–00065–4)	34.00	Apr. 1, 1995
500–End	(869–026–00066–2)	34.00	Apr. 1, 1995
21 Parts:			
1–99	(869–026–00067–1)	16.00	Apr. 1, 1995
*100–169	(869–026–00068–9)	21.00	Apr. 1, 1995
170–199	(869–026–00068–7)	22.00	Apr. 1, 1995
200–299	(869–026–00070–1)	7.00	Apr. 1, 1995
300–499	(869–026–00071–9)	39.00	Apr. 1, 1995
500–599	(869–026–00072–7)	22.00	Apr. 1, 1995
600–799	(869–026–00073–5)	9.50	Apr. 1, 1995
800–1299	(869–026–00074–3)	23.00	Apr. 1, 1995
1300–End	(869–026–00075–1)	13.00	Apr. 1, 1995
22 Parts:			
*1–299	(869–026–00076–0)	33.00	Apr. 1, 1995
300–End	(869–026–00077–8)	24.00	Apr. 1, 1995
***23**	(869–026–00078–6)	22.00	Apr. 1, 1995
24 Parts:			
0–199	(869–022–00078–1)	36.00	Apr. 1, 1994
200–499	(869–022–00079–9)	38.00	Apr. 1, 1994
500–699	(869–022–00080–2)	20.00	Apr. 1, 1994
700–1699	(869–022–00081–1)	39.00	Apr. 1, 1994
1700–End	(869–026–00085–9)	17.00	Apr. 1, 1995
25	(869–026–00086–7)	32.00	Apr. 1, 1995
26 Parts:			
§§ 1.0-1–1.60	(869–026–00087–5)	21.00	Apr. 1, 1995
§§ 1.61–1.169	(869–026–00088–3)	34.00	Apr. 1, 1995
§§ 1.170–1.300	(869–026–00089–1)	24.00	Apr. 1, 1995
§§ 1.301–1.400	(869–026–00090–5)	17.00	Apr. 1, 1995
§§ 1.401–1.440	(869–026–00091–3)	30.00	Apr. 1, 1995
*§§ 1.441-1.500	(869-026-00092-1)	22.00	Apr. 1, 1995
§§ 1.501–1.640	(869–026–00093–0)	21.00	Apr. 1, 1995
§§ 1.641–1.850	(869–022–00091–8)	24.00	Apr. 1, 1994
§§ 1.851–1.907	(869–026–00095–6)	26.00	Apr. 1, 1995
§§ 1.908–1.1000	(869–026–00096–4)	27.00	Apr. 1, 1995
§§ 1.1001–1.1400	(869–026–00097–2)	25.00	Apr. 1, 1995
§§ 1.1401–End	(869–026–00098–1)	33.00	Apr. 1, 1995
*2–29	(869–026–00099–9)	25.00	Apr. 1, 1995
30–39	(869–026–00100–6)	18.00	Apr. 1, 1995
40–49	(869–026–000101–4)	14.00	Apr. 1, 1995
50–299	(869–026–00102–2)	14.00	Apr. 1, 1995
300–499	(869–026–00103–1)	24.00	Apr. 1, 1995

Title	Stock Number	Price	Revision Date
500–599	(869–026–00104–9)	6.00	[4] Apr. 1, 1990
600–End	(869–026–00105–7)	8.00	Apr. 1, 1995
27 Parts:			
1–199	(869–026–00106–5)	37.00	Apr. 1, 1995
200–End	(869–026–00107–3)	13.00	[8] Apr. 1, 1994
28 Parts:			
1-42	(869–022–00105–1)	27.00	July 1, 1994
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
500–899	(869–022–00109–4)	35.00	July 1, 1994
900–1899	(869–022–00110–8)	17.00	July 1, 1994
1900–1910 (§§ 1901.1 to 1910.999)	(869–022–00111–6)	33.00	July 1, 1994
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
1926	(869–022–00114–1)	33.00	July 1, 1994
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:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–022–00121–3)	31.00	July 1, 1994
191–399	(869–022–00122–1)	36.00	July 1, 1994
400–629	(869–022–00123–0)	26.00	July 1, 1994
*630–699	(869–026–00127–8)	14.00	[5] July 1, 1991
700–799	(869–022–00125–6)	21.00	July 1, 1994
800–End	(869–022–00126–4)	22.00	July 1, 1994
33 Parts:			
1–124	(869–022–00127–2)	20.00	July 1, 1994
125–199	(869–022–00128–1)	26.00	July 1, 1994
200–End	(869–022–00129–9)	24.00	July 1, 1994
34 Parts:			
1–299	(869–022–00130–2)	28.00	July 1, 1994
300–399	(869–022–00131–1)	21.00	July 1, 1994
400–End	(869–022–00132–9)	40.00	July 1, 1994
35	(869–022–00133–7)	12.00	July 1, 1994
36 Parts:			
1–199	(869–022–00134–5)	15.00	July 1, 1994
200–End	(869–022–00135–3)	37.00	July 1, 1994
37	(869–022–00136–1)	20.00	July 1, 1994
38 Parts:			
0–17	(869–022–00137–0)	30.00	July 1, 1994
18–End	(869–022–00138–8)	29.00	July 1, 1994
39	(869–022–00139–6)	16.00	July 1, 1994
40 Parts:			
1–51	(869–022–00140–0)	39.00	July 1, 1994
52	(869–022–00141–8)	39.00	July 1, 1994
53–59	(869–022–00142–6)	11.00	July 1, 1994
60	(869-022-00143-4)	36.00	July 1, 1994
61–80	(869–022–00144–2)	41.00	July 1, 1994
81–85	(869–022–00145–1)	23.00	July 1, 1994
86–99	(869–022–00146–9)	41.00	July 1, 1994
100–149	(869–022–00147–7)	39.00	July 1, 1994
150–189	(869–022–00148–5)	24.00	July 1, 1994
190–259	(869–022–00149–3)	18.00	July 1, 1994
260–299	(869–022–00150–7)	36.00	July 1, 1994
300–399	(869–022–00151–5)	18.00	July 1, 1994
400–424	(869–022–00152–3)	27.00	July 1, 1994
425–699	(869–022–00153–1)	30.00	July 1, 1994
700–789	(869–022–00154–0)	28.00	July 1, 1994
790–End	(869–022–00155–8)	27.00	July 1, 1994
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
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
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–022–00156–6)	9.50	July 1, 1994
101	(869–022–00157–4)	29.00	July 1, 1994
102–200	(869–022–00158–2)	15.00	July 1, 1994
201–End	(869–022–00159–1)	13.00	July 1, 1994
42 Parts:			
1–399	(869–022–00160–4)	24.00	Oct. 1, 1994
400–429	(869–022–00161–2)	26.00	Oct. 1, 1994
430–End	(869–022–00162–1)	36.00	Oct. 1, 1994
43 Parts:			
1–999	(869–022–00163–9)	23.00	Oct. 1, 1994
1000–3999	(869–022–00164–7)	31.00	Oct. 1, 1994
4000–End	(869–022–00165–5)	14.00	Oct. 1, 1994
44	(869–022–00166–3)	27.00	Oct. 1, 1994
45 Parts:			
1–199	(869–022–00167–1)	22.00	Oct. 1, 1994
200–499	(869–022–00168–0)	15.00	Oct. 1, 1994
500–1199	(869–022–00169–8)	32.00	Oct. 1, 1994
1200–End	(869–022–00170–1)	26.00	Oct. 1, 1994
46 Parts:			
1–40	(869–022–00171–0)	20.00	Oct. 1, 1994
41–69	(869–022–00172–8)	16.00	Oct. 1, 1994
70–89	(869–022–00173–6)	8.50	Oct. 1, 1994
90–139	(869–022–00174–4)	15.00	Oct. 1, 1994
140–155	(869–022–00175–2)	12.00	Oct. 1, 1994
156–165	(869–022–00176–1)	17.00	[7] Oct. 1, 1993
166–199	(869–022–00177–9)	17.00	Oct. 1, 1994
200–499	(869–022–00178–7)	21.00	Oct. 1, 1994
500–End	(869–022–00179–5)	15.00	Oct. 1, 1994
47 Parts:			
0–19	(869–022–00180–9)	25.00	Oct. 1, 1994
20–39	(869–022–00181–7)	20.00	Oct. 1, 1994
40–69	(869–022–00182–5)	14.00	Oct. 1, 1994
70–79	(869–022–00183–3)	24.00	Oct. 1, 1994
80–End	(869–022–00184–1)	26.00	Oct. 1, 1994
48 Chapters:			
1 (Parts 1–51)	(869–022–00185–0)	36.00	Oct. 1, 1994
1 (Parts 52–99)	(869–022–00186–8)	23.00	Oct. 1, 1994
2 (Parts 201–251)	(869–022–00187–6)	16.00	Oct. 1, 1994
2 (Parts 252–299)	(869–022–00188–4)	13.00	Oct. 1, 1994
3–6	(869–022–00189–2)	23.00	Oct. 1, 1994
7–14	(869–022–00190–6)	30.00	Oct. 1, 1994
15–28	(869–022–00191–4)	32.00	Oct. 1, 1994
29–End	(869–022–00192–2)	17.00	Oct. 1, 1994
49 Parts:			
1–99	(869–022–00193–1)	24.00	Oct. 1, 1994
100–177	(869–022–00194–9)	30.00	Oct. 1, 1994
178–199	(869–022–00195–7)	21.00	Oct. 1, 1994
200–399	(869–022–00196–5)	30.00	Oct. 1, 1994
400–999	(869–022–00197–3)	35.00	Oct. 1, 1994
1000–1199	(869–022–00198–1)	19.00	Oct. 1, 1994
1200–End	(869–022–00199–0)	15.00	Oct. 1, 1994
50 Parts:			
1–199	(869–022–00200–7)	25.00	Oct. 1, 1994
200–599	(869–022–00201–5)	22.00	Oct. 1, 1994
600–End	(869–022–00202–3)	27.00	Oct. 1, 1994
CFR Index and Findings Aids	(869–026–00053–1)	36.00	Jan. 1, 1995

Title	Stock Number	Price	Revision Date
Complete 1995 CFR set		883.00	1995
Microfiche CFR Edition:			
Complete set (one-time mailing)		188.00	1992
Complete set (one-time mailing)		223.00	1993
Complete set (one-time mailing)		244.00	1994
Subscription (mailed as issued)		264.00	1995
Individual copies		1.00	1995

[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, 1995. 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.