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# federal register

Thursday
August 17, 1995

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### 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)

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Atlanta, GA

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# Presidential Documents

**Title 3—**

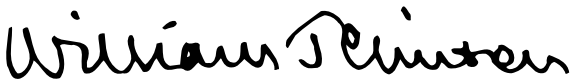
## The President

**Notice of August 15, 1995**

## Continuation of Emergency Regarding Export Control Regulations

On August 19, 1994, consistent with the authority provided me under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), I issued Executive Order No. 12924. In that order, I declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States in light of the expiration of the Export Administration Act of 1979, as amended (50 U.S.C. 2401 *et seq.*). Because the Export Administration Act has not been renewed by the Congress, the national emergency declared on August 19, 1994, must continue in effect beyond August 19, 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 declared in Executive Order No. 12924.

This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
*August 15, 1995.*

[FR Doc. 95–20570
Filed 8–15–95; 3:07 pm]
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# Rules and Regulations

Federal Register
Vol. 60, No. 159
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 915

**[Docket No. FV95–915–1IFR]**

### Avocados Grown in South Florida; Revision of Grade Requirements for Certain Florida Avocados

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This interim final rule revises grade requirements for fresh Florida avocados shipped in certain containers to destinations within the production area in Florida. The marketing order regulates the handling of avocados grown in South Florida and is administered locally by the Florida Avocado Administrative Committee (committee). This rule will enable Florida growers and handlers to market a larger percentage of their crop in the production area, in response to demand.

**DATES:** Effective on August 17, 1995; comments which are received by September 18, 1995 will be considered prior to issuance of any final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456, FAX Number (202) 720–5698. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Aleck Jonas, Marketing Specialist, Southeast Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883–2276; telephone: 813–299–4770; or Caroline C. Thorpe, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, room 2522–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–8139.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Order No. 915 (7 CFR Part 915), regulating the handling of avocados grown in South Florida, hereinafter referred to as the order. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C 601–674), hereinafter referred to as the Act.

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

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

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

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 65 handlers of avocados who are subject to regulation under the marketing order and approximately 95 producers of avocados in the regulated area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those whose annual receipts are less than $500,000. The majority of handlers and producers of South Florida avocados may be classified as small entities.

This rule invites comments on a change in grade requirements for Florida avocados. This rule revises the order's rules and regulations by removing all grade requirements for fresh avocados shipped to destinations within the production area in Florida packed in containers other than those authorized under § 915.305. The committee met July 12, 1995, and unanimously recommended this action.

Sections 915.50 and 915.52 provide the authority for the committee to recommend various regulations and modifications, suspension, or termination of regulations to the Secretary. Section 915.306 of the regulations specifies grade, pack, and container marking regulations for fresh shipments of avocados grown in Florida. Currently § 915.306 of the order specifies that all fresh Florida avocados must grade at least U.S. No. 2, when shipped in any container.

This rule revises § 915.306 by removing all grade requirements for fresh avocados shipped to destinations within the Florida production area packed in containers other than those authorized under § 915.305. Section 915.306 was amended through a proposed rule published at 56 FR 4953 on February 7, 1991, and finalized at 56 FR 36079 on July 31, 1991. That amendment established a minimum grade requirement of U.S. No. 2 and container marking and sealing requirements for Florida avocados handled to points within the production

area (South Florida). This rule was established prior to Hurricane Andrew when avocados were plentiful. Shipments of poorer quality avocados to the markets within the production area depressed prices for better quality avocados and resulted in lower overall returns to producers. Plentiful supplies of avocados had allowed for higher quality avocados to be offered at a relatively lower cost, encouraging consumption by presenting a higher quality product.

However, Hurricane Andrew, in August of 1992, reduced production acreage from approximately 9,000 acres to less than 6,000 acres with many non-producing trees in the remaining acreage. Production in the 1991–92 season was 1,110,105 bushels. In the 1992–93 season, production fell to 283,666 bushels and in the 1993–94 season it was at 174,712 bushels. In response to this reduced production the committee requested and was granted a temporary suspension of grade requirements for fresh avocados shipped in certain containers to destinations within the production area in Florida. The relaxation for the 1993–94 season was published as a final rule at 58 FR 34684, on June 29, 1993, and for the 1994–95 season by a final rule published at 59 FR 33417 on June 29, 1994. These temporary relaxations were requested and granted under the assumption that production would return to pre-Hurricane Andrew levels.

Although the 1994–95 season recovered to 778,951 bushels, it is still well below the levels reached prior to the hurricane. Also, changing economic and environmental priorities of the South Florida area are capping the growth on Florida avocado production. Future production is expected to remain flat at approximately 700,000 bushels annually, or to increase only slightly. The committee considers production levels set prior to Hurricane Andrew as unattainable.

The temporary grade relaxations of the last two seasons were successful in making additional supplies of fruit available to meet consumer needs consistent with crop and market conditions. The relaxations demonstrated that there is a market for lower quality avocados in the production area. Also, better quality avocados did not suffer depressed prices due to the availability of the lower quality fruit.

The container and marking requirements clearly identify graded avocados from non-graded avocados. Those avocados sold in the production area which are not subject to grade cannot be packed in regulated containers. This allows customers to readily identify graded versus those not meeting grade.

This relaxation will provide Florida avocado growers and handlers with an opportunity to sell, in the production area, fresh avocados which would otherwise be culled during the packing process, thus making additional avocados available to consumers. This rule is expected to facilitate the movement of fresh market avocados sold within the production area.

This relaxation will only apply to Florida avocados shipped to destinations within the production area. Thus, the U.S. No. 2 grade requirement will continue to apply unchanged to avocados shipped to destinations outside the production area, as well as to all avocados shipped to any destination in those containers whose size and type are specified in § 915.305. Also unchanged by this action are current maturity, container, pack and inspection requirements for all fresh Florida avocado shipments under the avocado marketing order.

Avocados imported into the United States must grade at least U.S. No. 2, as provided in § 944.28 (7 CFR 944.28). Since this rule does not change the minimum grade requirement of U.S. No. 2 specified in § 915.306 for avocados handled to points outside the production area, there is no need to change the avocado import regulation. Section 8e of the Act (7 U.S.C. 608e–1) requires that whenever specified commodities, including avocados, are regulated under a Federal marketing order, imports of that commodity into the United States must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

This rule reflects the committee's and the Department's appraisal of the need to relax the grade requirements for certain avocados grown in Florida. The Department's view is that this action will have a beneficial impact on producers and handlers since it will permit avocado handlers to make additional supplies of fruit available to meet consumer needs consistent with crop and market conditions.

Based on these considerations, the Administrator of the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant material presented, including the Committee's recommendation, and other available information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined, upon good cause, that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This action relaxes grade requirements currently in effect for avocados grown in Florida; (2) Florida avocado handlers are aware of this action which was unanimously recommended by the committee at a public meeting, and they will need no additional time to comply with the relaxed requirements; (3) since Florida avocado shipments began on May 29, 1995, this rule needs to be in effect as soon as possible to cover as much of the crop as possible; and (4) this rule provides a 30-day comment period and any comments received will be considered prior to finalization of this rule.

**List of Subjects in 7 CFR Part 915**

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 915 is amended as follows:

## PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

1. The authority citation for 7 CFR part 915 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. Section 915.306 is amended by revising paragraph (a)(7) to read as follows:

### § 915.306 Florida avocado grade, pack, and container marking regulation.

(a) * * *

(7) Notwithstanding the provisions in this section, such avocados may be handled not subject to the grade requirements specified in paragraph (a)(1) of this section when they are shipped in containers other than those authorized under § 915.305 to destinations within the production area.

* * * * *

Dated: August 11, 1995.

**Terry C. Long,**

*Acting Deputy Director, Fruit and Vegetable Division.*

[FR Doc. 95–20352 Filed 8–16–95; 8:45 am]

BILLING CODE 3410–02–P

**7 CFR Part 927**

**[Docket No. FV95–927–1IFR]**

## Expenses and Assessment Rate for the 1995–96 Fiscal Year; Winter Pears Grown in Oregon, Washington, and California

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This interim final rule authorizes expenses and establishes an assessment rate for the Winter Pear Control Committee (Committee) under Marketing Order No. 927 for the 1995–96 fiscal year. Authorization of this budget enables the Committee to incur expenses that are reasonable and necessary to administer the program. Funds to administer the program are derived from assessments on handlers.

**DATES:** Effective beginning July 1, 1995, through June 30, 1996. Comments received by September 18, 1995 will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, Fax # (202) 720–5698. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Britthany E. Beadle, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone: (202) 720–5127; or Teresa L. Hutchinson, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, Green-Wyatt Federal Building, room 369, Portland, Oregon, telephone: (503) 326–2724.

**SUPPLEMENTARY INFORMATION:** This interim final rule is issued under Marketing Agreement and Order No. 927 (7 CFR Part 927) regulating the handling of winter pears grown in Oregon, Washington, and California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

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

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, winter pears grown in Oregon, Washington, and California are subject to assessments. It is intended that the assessment rate specified herein will be applicable to all assessable pears handled during the 1995–96 fiscal year, which begins July 1, 1995, and ends June 30, 1996. This interim final rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 90 handlers of winter pears regulated under the marketing order each season and approximately 1,850 winter pear producers in Oregon, Washington, and California. Small agricultural producers have been defined by the Small Business Administration [13 CFR § 121.601] as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of these handlers and producers may be classified as small entities.

The Oregon, Washington, and California winter pear marketing order, administered by the Department, requires that the assessment rate for a particular fiscal year apply to all assessable winter pears handled from the beginning of such year. Annual budgets of expenses are prepared by the Committee, the agency responsible for local administration of this marketing order, and submitted to the Department for approval. The members of the Committee are handlers and producers of Oregon, Washington, and California winter pears. They are familiar with the Committee's needs and with the costs for goods, services, and personnel in their local area, and are thus in a position to formulate appropriate budgets. The Committee's budget is formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the Committee is derived by dividing the anticipated expenses by expected shipments of pears. Because this rate is applied to actual shipments, it must be established at a rate which will provide sufficient income to pay the Committee's expected expenses.

The Committee met June 27, 1995, and unanimously recommended total expenses of $7,384,440 for the 1995–96 fiscal year. In comparison, the 1994–95 fiscal year expense amount was $6,835,926, which is $548,514 less than the amount recommended for the current fiscal year.

The Committee also unanimously recommended an assessment rate of $0.405 per standard box, or equivalent for winter pears. The Committee did not recommend a supplemental assessment rate for Anjou variety pears this fiscal year. In comparison, this rate of assessment is $0.025 less the the $0.43 assessment rate approved for the 1994–95 fiscal year.

The rate of assessment, when applied to anticipated winter pear shipments of 16,171,000 boxes or equivalent, will yield a total of $6,549,296 in assessment income. Assessment income, along with $340,000 from other income sources, and $645,144 from the Committee's reserve funds, will be adequate to cover budgeted expenses.

Major expense categories for the 1995–96 fiscal year include $6,064,163 for advertising, $417,934 for contingency, $323,422 for winter pear improvement, and $147,152 for salaries.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs should be significantly offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule as hereinafter set forth will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the fiscal year for the Committee began July 1, 1995, and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable winter pears handled during the fiscal year; (3) handlers are aware of this action which was recommended by the Committee at public meetings and which is similar to budgets issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

### List of Subjects in 7 CFR Part 927

Marketing agreements and orders, Pears, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 927 is amended as follows:

## PART 927—WINTER PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

1. The authority citation for 7 CFR part 927 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. A new § 927.235 is added to read as follows:

**Note:** This section will not appear in the annual Code of Federal Regulations.

**§ 927.235 Expenses and assessment.**

Expenses of $7,384,440 by the Winter Pear Control Committee are authorized and an assessment rate of $0.405 per standard box, or equivalent, on assessable winter pears is established for the fiscal year ending June 30, 1996. Unexpended funds may be carried over as a reserve.

Dated: August 11, 1995.

**Terry C. Long,**

*Acting Deputy Director, Fruit and Vegetable Division.*

[FR Doc. 95–20353 Filed 8–16–95; 8:45 am]

BILLING CODE 3410–02–P

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## 7 CFR Parts 932 and 944

**[Docket No. FV95–932–1IFR]**

## Olives Grown in California and Imported Olives; Establishment of Limited Use Olive Grade and Size Requirements During the 1995–96 Crop Year

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This interim final rule authorizes the use of smaller sized olives in the production of limited use styles for California olives during the 1995–96 crop year. This rule is intended to allow more olives into fresh market channels and is consistent with current market demand for olives. As required under section 8e of the Agricultural Marketing Agreement Act of 1937, this rule also changes the import regulation so that it conforms with the requirements established under the California olive marketing order.

**DATES:** Effective August 21, 1995; comments received by September 18, 1995 will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456, or by facsimile at 202–720–5698. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Terry Vawter, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102–B, Fresno, CA 93721, telephone (209) 487–5901; or Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456; telephone (202) 720–5127.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement No. 148 and Order No. 932 (7 CFR Part 932), as amended, regulating the handling of olives grown in California, hereinafter referred to as the order. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This rule is also issued under section 8e of the Act, which requires the Secretary of Agriculture to issue grade, size, quality, or maturity requirements for certain listed commodities, including olives, imported into the United States that are the same as, or comparable to, those imposed upon the domestic commodities regulated under the Federal marketing orders.

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

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

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

There are no administrative procedures which must be exhausted

prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act.

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility. Import regulations issued under the Act are based on those established under Federal marketing orders.

There are 5 handlers of California olives who will be subject to regulation under the order during the current season, and there are about 1,200 olive producers in California. There are approximately 25 importers of olives subject to the olive import regulation. Small agricultural producers have been defined by the Small Business Administration (913 CFR 121.601) as those whose annual receipts are less than $500,000; and small agricultural service firms, which includes handlers and importers, have been defined by the Small Business Administration as those having annual receipts of less than $5,000,000. None of the domestic olive handlers may be classified as small entities. The majority of olive producers and importers may be classified as small entities.

Nearly all of the olives grown in the United States are produced in California. California olives are primarily used for canned black ripe whole and whole pitted olives which are eaten out of hand as hors d'oeuvres or used as an ingredient in cooking and in salads. The canned ripe olive market is essentially a domestic market. A few shipments of California olives are exported.

Olive production has fluctuated from a low of 24,200 tons during the 1972–73 crop year to a high of 163,023 tons during the 1992–93 crop year. The California Olive Committee (committee) indicated that 1994–95 production totalled about 80,925 tons. Total production for the 1995–96 crop year is estimated to be 75,500 tons. This is the first time that there have been two consecutive years of declining production. The unprecedented and unusual rains, poor pollination, and cool weather during the Spring of this year have resulted in a lower than normal fruit crop set on the trees.

Olive trees generally need to restore their nutrients from one season to the next, resulting in various varieties of olives produced in California having alternate bearing characteristics. This may result in high production one year and low the next, which can cause the total crop to vary greatly from year to year.

Paragraph (a)(3) of § 932.52 of the order provides that processed olives smaller than the sizes prescribed for whole and whole pitted styles may be used for limited use styles if recommended by the committee and approved by the Secretary. The minimum sizes which can be authorized for limited uses were established in a 1971 amendment to the marketing order. Olives smaller than the prescribed minimum sizes which are authorized for limited uses must be disposed of through less profitable non-canning uses such as crushing for oil. Returns to producers are lower on fruit used for such purposes. The use of smaller sized olives for limited use styles has been authorized in all but two crop years since the order was promulgated in 1965.

This rule will help growers and handlers meet the growing market demand for limited use style olives based upon current conditions. This demand can be illustrated in the record of shipments of sliced olives in the previous three years. Shipments of one type of limited use style fruit (sliced) totalled over 29,000 tons in the 1992–93 season, 34,000 tons in the 1993–94 season, and an estimated 30,000 tons in the 1994–95 season. The limited use size requirements allow the use of sizes which would otherwise have to be disposed of for less profitable, non-canning uses. Permitting the use of such smaller olives for limited use styles would, therefore, improve grower returns.

On July 12, 1995, the committee recommended, by a unanimous vote, establishment of grade and size regulations for limited use size olives during the 1995–96 crop year pursuant to paragraph (a)(3) of § 932.52 of the order.

Based on past production and marketing experience, the committee believes that handlers will need smaller sized olives during the 1995–96 crop year to meet market demand for limited use styles of canned olives. Limited use size olives are too small to meet the minimum size requirements established for whole and whole pitted canned ripe olives. However, they are large enough to be suitable for processing into limited use styles such as wedges, halves, slices, or segments. Absent this action, olives which are smaller than those authorized for whole and whole pitted canning uses would have to be disposed of by handlers into non-canning uses such as crushing into oil.

The specified sizes for the different olive variety groups are the minimum sizes which are deemed desirable for use in the production of limited use styles at this time. As in past years, permitting the use of the smaller olives in the production of limited use styles allows handlers to take advantage of the strong market for halved, segmented, sliced, and chopped canned ripe olives. Handlers will be able to market more olives than would be permitted in the absence of this relaxation in size requirements.

Also, the committee estimates that production for this crop year is expected to be at 75,500 tons, which is smaller than the previous two seasons. The 1993–94 and 1994–95 crop years produced larger crops of 120,049 tons, and 80,925 tons, respectively.

During years with large olive crops, the ratio of limited use size olives to other sizes tends to be higher; there may be more limited use size olives in proportion to the other sizes. During years with small olive crops, the ratio of smaller olives to other sizes tends to be smaller; there may be fewer limited use size olives in proportion to the other sizes. The increased availability of limited use size fruit can be reflected in handler processing for the last three seasons. For example, during the 1992–93 crop year, 19 percent of the olives (31,175 tons) received by handlers were classified as limited use sizes as compared with 16 percent of the olives (19,465 tons) in 1993–94, and an estimated 9 percent of the olives (7,047 tons) in 1994–95. Thus, due to the poor pollination and sporadic fruit set of the 1995–96 crop, fewer limited use size olives are expected to be available for harvest. The percentage of limited use size olives available to handlers is, therefore, expected to be smaller.

Section 8(e) of the Act requires that whenever grade, size, quality, or maturity requirements are in effect for olives under a domestic marketing order, imported olives must meet the same or comparable requirements. This rule allows smaller olives for limited use styles under the marketing order. Therefore, a corresponding change is needed in the olive import regulation.

Canned ripe olives, and bulk olives for processing into canned ripe olives, imported into the United States must meet certain minimum grade and size

requirements specified in *Olive Regulation 1* (7 CFR 944.401). All canned ripe olives are required to be inspected and certified prior to importation (release from custody of the United States Custom Service), and all bulk olives for processing into canned ripe olives must be inspected and certified prior to canning. ''Canned ripe olives'' means olives in hermetically sealed containers and heat sterilized under pressure, of two distinct types, ''ripe'' and ''green-ripe'', as defined in the U.S. Standards for Grades of Canned Ripe Olives. The term does not include Spanish-style green olives.

Any lot of olives failing to meet the import requirements may be exported, disposed of, or shipped for exempt uses. Exportation or disposal of such olives would be accomplished under the supervision of the Processed Products Branch of the Fruit and Vegetable Division, with the costs of certifying the disposal of the olives borne by the importer. Exempt olives are those imported for processing into oil or donation to charity. Any person may also import up to 100 pounds (drained weight) of canned ripe olives or bulk olives exempt from these grade and size requirements.

This interim final rule modifies paragraph (b)(12) of the olive import regulation to authorize the importation of bulk olives which do not meet the minimum size requirements established for olives for whole and whole pitted uses to be used in the production of limited use styles during the 1995–96 crop year.

Permitting the use of smaller olives in the production of limited use styles will allow importers to better take advantage of the strong market for halved, segmented, sliced, and chopped canned ripe olives. Importers will be able to import and market more olives than would be permitted in the absence of this relaxation in size requirements. This additional opportunity is provided to maximize the use of the available olive supply and facilitate market expansion. In the absence of this rule, the smaller fruit could not be imported for limited uses, and would have to be disposed of through less profitable, non-canning uses under the supervision of the inspection service, exported, or utilized in exempt outlets.

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

In accordance with section 8e of the Act, the U.S. Trade Representative has concurred with the issuance of this interim final rule.

After consideration of all relevant material presented, including the committee's recommendation, and other available information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 1995–96 crop year began August 1, 1995, and this rule needs to become effective as soon as possible to cover as much as the crop as possible; (2) this rule relaxes minimum size requirements; (3) California olive handlers are aware of this rule as it was discussed and unanimously recommended by the committee at a public meeting; and (4) this rule provides a 30-day comment period and any comments received will be considered prior to finalization of this rule.

**List of Subjects**

*7 CFR Part 932*

Marketing agreements, Olives, Reporting and recordkeeping requirements.

*7 CFR Part 944*

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

For the reasons set forth in the preamble 7 CFR parts 932 and 944 are amended as follows:

1. The authority citation for 7 CFR parts 932 and 944 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

## PART 932—OLIVES GROWN IN CALIFORNIA

2. In § 932.153, the section heading and paragraphs (a), (b) introductory text, and (b)(1) are revised to read as follows:

**§ 932.153 Establishment of grade and size requirements for processed 1995–96 crop year olives for limited uses.**

(a) *Grade.* On and after August 1, 1995, any handler may use processed olives of the respective variety group in the production of limited use styles of canned ripe olives if such olives were processed after July 31, 1995, and meet the grade requirements specified in § 932.52(a)(1) as modified by § 932.149.

(b) *Sizes.* On and after August 1, 1995, any handler may use processed olives in the production of limited use styles of canned ripe olives if such olives were harvested during the period August 1, 1995, through July 31, 1996, and meet the following requirements:

(1) The processed olives shall be identified and kept separate and apart from any olives harvested before August 1, 1995, or after July 31, 1996.

* * * * *

## PART 944—FRUITS; IMPORT REGULATIONS

3. In § 944.401, paragraph (b)(12) introductory text is revised to read as follows:

**§ 944.401 Olive Regulation 1.**

* * * * *

(b) * * *

(12) Imported bulk olives when used in the production of canned ripe olives must be inspected and certified as prescribed in this section. Imported bulk olives which do not meet the applicable minimum size requirements specified in paragraphs (b)(2) through (b)(11) of this section may be imported during the period August 1, 1995, through July 31, 1996, for limited use, but any such olives so used shall not be smaller than the following applicable minimum size:

* * * * *

Dated: August 11, 1995.

**Terry C. Long,**

*Acting Deputy Director, Fruit and Vegetable Division.*

[FR Doc. 95–20355 Filed 8–16–95; 8:45 am]

BILLING CODE 3410–02–P

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## 7 CFR Part 959

**[Docket No. FV95–959–2IFR]**

## Onions Grown in South Texas; Expenses

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim final rule with request for comments.

**SUMMARY:** This interim final rule authorizes expenditures under Marketing Order No. 959 for the 1995–96 fiscal period. Authorization of this budget enables the South Texas Onion Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

**DATES:** Effective beginning August 1, 1995, through July 31, 1996. Comments received by September 18, 1995, will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, FAX 202–720–5698. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918, or Belinda G. Garza, McAllen Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1313 East Hackberry, McAllen, Texas 78501, telephone 210–682–2833.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR part 959), regulating the handling of onions grown in South Texas. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

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

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action authorizes expenditures for the 1995–96 fiscal period, which began August 1, 1995, and ends July 31, 1996. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 70 producers of South Texas onions under this marketing order, and approximately 35 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of South Texas onion producers and handlers may be classified as small entities.

The budget of expenses for the 1995–96 fiscal period was prepared by the South Texas Onion Committee, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of South Texas onions. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget.

The Committee, in a mail vote, unanimously recommended a 1995–96 budget of $239,250 for personnel, office, and compliance expenses, which is $21,450 more than the previous year. Budget items for 1995–96 which have increased compared to those budgeted for 1994–95 (in parentheses) are: Manager's salary, $19,094 ($15,172), office salaries, $24,000 ($22,600), payroll taxes, $4,000 ($3,100), insurance, $7,000 ($6,250), rent and utilities, $6,500 ($5,000), supplies, $2,000 ($1,500), postage, $1,500 ($1,000), telephone and telegraph, $4,000 ($2,500), furniture and fixtures, $2,000 ($1,000), equipment rental and maintenance, $3,500 ($2,500), contingencies, $6,706 ($3,978), manager's travel, $5,000 ($3,000), and $3,750 for deferred compensation (manager's retirement), which was not a line item expense last year. All other items are budgeted at last year's amounts.

The assessment rate and funding for the research and promotion projects will be recommended at the Committee's organizational meeting this fall. These funds, along with the administrative expenses for personnel, office, and compliance, will comprise the total budget. Funds in the reserve as of June 30, 1995, estimated at $607,767, were within the maximum permitted by the order of two fiscal periods' expenses. These funds will be adequate to cover any expenses incurred by the Committee prior to the approval of the assessment rate.

Since no assessment rate is being recommended at this time, no additional costs will be imposed on handlers. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The fiscal period began on August 1, 1995, and the Committee needs to have approval to pay its expenses which are incurred on a continuous basis; (2) this action is similar to that taken at the beginning of the 1994–95 fiscal period; and (3) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

### List of Subjects in 7 CFR Part 959

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 959 is amended as follows:

## PART 959—ONIONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 959 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. A new § 959.236 is added to read as follows:

**Note:** This section will not appear in the Code of Federal Regulations.

**§ 959.236 Expenses.**

Expenses of $239,250 by the South Texas Onion Committee are authorized for the fiscal period ending July 31, 1996. Unexpended funds may be carried over as a reserve.

Dated: August 11, 1995.

**Terry C. Long,**

*Acting Deputy Director, Fruit and Vegetable Division.*

[FR Doc. 95–20356 Filed 8–16–95; 8:45 am]

BILLING CODE 3410–02–P

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## 7 CFR Part 981

**[Docket No. FV95–981–1FIR]**

## Almonds Grown in California; Expenses and Assessment Rate

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule authorizing expenditures and establishing an assessment rate under Marketing Order No. 981 for the 1995–96 crop year. Authorization of this budget enables the Almond Board of California (Board) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

**DATES:** Effective beginning July 1, 1995, through June 30, 1996.

**FOR FURTHER INFORMATION CONTACT:** Mary Kate Nelson, Marketing Assistant, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721, telephone (209) 487–5901 or FAX # (209) 487–5906; or Kathleen M. Finn, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2522–S, Washington, DC 20090–6456, telephone (202) 720–1509 or FAX # (202) 720–5698.

**SUPPLEMENTARY INFORMATION:** This final rule is issued under Marketing Agreement and Order No. 981 (7 CFR part 981), both as amended, hereinafter referred to as the ''order,'' regulating the handling of almonds grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, California almonds are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable almonds handled during the 1995–96 crop year, which began July 1, 1995, and ends June 30, 1996. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

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

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 7,000 producers of California almonds under this marketing order, and approximately 115 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of California almond producers and handlers may be classified as small entities.

The budget of expenses and rate of assessment for the 1995–96 crop year was prepared by the Board, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Board are producers and handlers of California almonds. They are familiar with the Board's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Board was derived by dividing anticipated expenses by expected receipts of California almonds. The Board also considered carryin and reserve funds from the prior year as well as desired carryout funds at the end of the 1995–96 crop year. Because that rate will be applied to handlers' actual receipts, a rate must be established that will provide sufficient income to pay the Board's budgeted expenses.

The Board met on May 12, 1995, and unanimously recommended a 1995–96 budget of $4,952,591, as compared to the $5,235,262 ultimately budgeted for the previous year. For the 1994–95 year, the Board initially recommended, and the Department approved, expenditures totalling $9,435,262. Of that total amount, $6.575 million was budgeted for promotional activities and $300,000 was intended to be added to the Board's monetary reserve. The assessment rate for the 1994–95 crop year was initially set at 2.25 cents per kernel pound of almonds. However, because of uncertainty created by legal decisions regarding the Board's former advertising and promotion program, the Board ultimately postponed certain advertising activities and recommended reducing its assessment rate on handlers to .25 cents per pound. As approved by the Department, budgeted expenditures for promotional activities were reduced to $2.675 million and the Board curtailed its plans to add $300,000 to its reserve.

For the 1995–96 year, the Board has budgeted $2.358 million for a line item entitled information and research, with the bulk of these funds targeted for public relations, food service and industrial promotional programs, and research. In addition, the Board has budgeted $150,000 for China and

Indonesia Consumer Education, thus maintaining a presence in foreign markets. Unlike the 1994–95 crop year, the Board will not be receiving any funds through the marketing promotion program conducted by the Department's Foreign Agricultural Service for the 1995–96 crop year.

Items which have decreased compared to those budgeted for 1994–95 (in parentheses) are: Salaries, $598,251 ($795,318), employee benefits, $37,391 (50,000), retirement benefits, $44,869 ($64,000), payroll taxes, $45,766 ($55,400), travel, $75,000 ($100,000), meetings, $13,000 ($35,000), office rent, $70,000 ($90,000), storage rent, $4,000 ($5,000), equipment rent, $3,000 ($5,000), security, $1,000 ($2,500), utilities, $12,000 ($13,500), alliances with other organizations to provide information on almonds to consumers, $11,000 ($20,000), econometric model and statistical analysis, $10,000 ($40,000), program accountability analyses to assess the effectiveness of the advertising and market development programs, $100,000 ($150,000), furniture and fixtures, $0 ($10,000), and computers and software, $20,000 ($25,000).

Budget items for 1995–96 which have increased compared to those budgeted for 1994–95 (in parentheses) are: Research conference, $30,000 ($25,000), contract labor and consultants, $55,000 ($30,000), compliance audits and analysis, $95,000 ($75,000), data processing, $10,000 ($6,000), postage and delivery, $40,000 ($32,000), office supplies, $17,500 ($15,000), printing, $17,500 ($12,000), repairs and maintenance, $15,500 ($12,500), publications, $15,500 ($3,500), dues, subscriptions, and registration fees, $12,000 ($7,500), newsletters and releases, $45,000 ($25,000), production research, $512,650 ($489,134), crop estimate, $90,736 ($85,600), acreage survey, $37,429 ($35,310), nutrition and issues research, $175,000 ($50,000), vehicles, $20,000 ($15,000), office equipment, $20,000 ($15,000), and the addition of $25,000 for aflatoxin monitoring.

The Board also unanimously recommended an assessment rate of .75 cents per kernel pound, .50 cents higher than last year. Based on an initial May estimate of 412.8 million pounds of marketable almonds, revenue for the 1995–96 crop year from administrative assessments was expected to be $3,096,000. However, the estimate for marketable almonds for the 1995–96 crop has decreased to 297.6 million pounds. Thus, estimated revenue from administrative assessments has decreased to $2.232 million. Other anticipated revenue includes $100,000 from interest and $16,000 from the almond industry conference, which brings the estimate for total revenue for the 1995–96 almond season to $2,348,000. The Board plans on using money from its reserve to meet the estimated expenses of $4,952,591 for the year. In addition, any unexpended funds from 1995–96 may be carried over to cover expenses during the first four months of the 1996–97 crop year.

An interim final rule regarding this action was published in the June 21, 1995, issue of the **Federal Register** (60 FR 32262). That rule provided for a 30-day comment period. No comments were received.

This action will impose an obligation on handlers to pay assessments. The assessments are uniform for all handlers. The assessment cost will be offset by the benefits derived by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Board and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The Board needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1995 crop year began on July 1, 1995, and the marketing order requires that the rate of assessment apply to all assessable almonds during the crop year; and (3) an interim final rule was published on this action and provided for a 30-day comment period; no comments were received.

**List of Subjects in 7 CFR Part 981**

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 981 is amended as follows:

## PART 981—ALMONDS GROWN IN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR part 981, authorizing expenditures and establishing an assessment rate under Marketing Order 981 for the 1995–96 crop year, which was published at 60 FR 32262 on June 21, 1995, is adopted as a final rule without change.

Dated: August 11, 1995.

**Terry C. Long,**

*Acting Deputy Director, Fruit and Vegetable Division.*

[FR Doc. 95–20354 Filed 8–16–95; 8:45 am]

BILLING CODE 3410–02–P

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## Grain Inspection, Packers and Stockyards Administration

## 9 CFR Parts 201 and 203

**RIN 0580–AA43**

## Regulations and Statements of General Policy Issued Under the Packers and Stockyards Act: Definitions, Industry Rules, Schedules of Rates and Charges, Proceeds of Sales, Accounts and Records, Trade Practices, Stockyard Services, Brand Inspection, and Buyers Expenses

**AGENCY:** Grain Inspection, Packers and Stockyards Administration, USDA.

**ACTION:** Final rule.

**SUMMARY:** Proposed amendments to rules issued under the Packers and Stockyards (P&S) Act (7 U.S.C. 181 *et seq.*) were published in the **Federal Register** (59 FR 26763) on May 24, 1994, and identified as Group I. This document adopts proposed changes which remove two regulations regarding posting and deposting of stockyards, amend one trade practice regulation and retain 14 regulations and 3 statements of general policy in their present form.

**EFFECTIVE DATE:** September 18, 1995.

**FOR FURTHER INFORMATION CONTACT:** Daniel Van Ackeren, Director, Livestock Marketing Division (202) 720–6951, or Tommy Morris, Director, Packer and Poultry Division (202) 720–7363.

In response to the proposed rule published in the **Federal Register** (59 FR 26763), the Agency received one comment from a livestock trade association, that commented on regulations § 201.5, § 201.6, and § 201.61 and statement of general policy § 203.5.

The commenter concurs with the deletion of § 201.5 which pertains to Agency procedures on posting a stockyard and § 201.6 which regards Agency deposting procedures. Both of these regulations involve procedural steps taken by the Agency in posting and deposting stockyards which are specified by the P&S Act. These two regulations are primarily informational

in nature and are not necessary in carrying out the provisions of the Act.

The commenter strongly supports modification of § 201.61(a). That subsection prohibits market agencies selling on commission from entering into arrangements with dealers and other buyers which would lessen their loyalty to their consignors or impair their selling services. In addition, the subsection specifically prohibits a market agency selling on commission from providing clearing services for an independent dealer purchasing livestock from consignments made to that market agency.

As proposed, § 201.61(a) will be amended by modifying the last sentence of the subsection to permit market agencies selling on commission to provide clearing services to independent dealers that purchase livestock from consignments to such market agencies selling on commission, provided that full disclosure of the clearing arrangement is noted on the accounting to the consignor. Full disclosure of the clearing arrangement will protect livestock consignors without unnecessarily restricting purchases from consignment and allow market agencies selling on commission greater flexibility in representing the interests of livestock sellers. Modifications to § 201.56 published in the **Federal Register** (58 FR 52884) October 13, 1993, make these recommended changes necessary and appropriate.

As proposed, each of the following regulations and statements of general policy will be retained in its present form:

§ 201.1 Meaning of words.
§ 201.2 Terms defined.
§ 201.3 Authority.
§ 201.4 Bylaws, rules and regulations, and requirements of exchanges, associations, or other organizations; applicability, establishment.
§ 201.17 Requirements for filing tariffs.
§ 201.39 Payment to be made to consignor or shipper by market agencies; exceptions.
§ 201.44 Market agencies to render prompt accounting for purchases on order.
§ 201.45 Market agencies to make records available for inspection by owners, consignors and purchasers.
§ 201.81 Suspended registrants.
§ 201.82 Care and promptness in weighing and handling livestock and live poultry.
§ 201.86 Brand inspection: Application for authorization, registration, and filing of schedules, reciprocal arrangements, and maintenance of identity of consignments.
§ 201.94 Information as to business; furnishing of by packers, live poultry dealers, stockyards owners, market agencies, and dealers.
§ 201.95 Inspection of business records and facilities.
§ 201.96 Unauthorized disclosure of business information prohibited.
§ 203.5 Statement with respect to market agencies paying the expenses of livestock buyers.
§ 203.12 Statement with respect to providing services and facilities at stockyards on a reasonable and nondiscriminatory basis.
§ 203.17 Statement of general policy with respect to rates and charges at posted stockyards.

In the process of reviewing these regulations, it was determined that they were necessary to the efficient and effective enforcement of the P&S Act and to the orderly conduct of the marketing system. The absence of any of the regulations would be detrimental to the industry and could result in increased litigation.

One comment was received concerning § 203.5. This statement of general policy informs market agencies selling on commission that paying business expenses of buyers attending their livestock sales would be viewed as a violation of the P&S Act. The commenter disagreed with the Agency's proposal to retain § 203.5 in its present form, stating that such payment by market agencies selling on commission of certain minor business expenses of buyers is not in and of itself contrary to the intent of the Act. After considering the comment, the Agency has concluded this policy statement will be retained in its present form. The Agency believes that market agencies selling on commission paying the business expenses of buyers could lead to a method of competition between similarly engaged market agencies and result in undue and unreasonable cost burdens on such selling agencies and the livestock producers who sell their livestock through such market agencies. This statement of general policy correctly reflects the Agency's policy toward such activities and the legal effect of that policy, therefore, no changes are considered appropriate. No comments were received concerning any of the other regulations or statements of general policy.

The proposed change in § 201.61 does not impose or change any recordkeeping or information collection requirements. Existing requirements in this regulation have been previously approved by OMB under Control No. 0590–0001.

As provided by the Regulatory Flexibility Act, it is hereby certified that this amended rule will not have a significant economic impact on a substantial number of small entities and a statement explaining the reasons for the certification is set forth in the following paragraph and is being provided to the Chief Counsel for Advocacy of the Small Business Administration.

While this amended rule impacts small entities, it will not have a significant economic impact on any entity, large or small. The primary effect of this rule is to remove restrictions on purchases by dealers from consignments of a market agency that provides clearing services to that dealer.

This amended rule has been determined to be not significant for purposes of E.O. 12866 and therefore, has not been reviewed by OMB.

This amendment does not impose any new paperwork requirement and does not have Federalism implications under the criteria of E.O.12612.

This amendment has been reviewed under E.O. 12778, Civil Justice Reform, and is not intended to have retroactive effect. This amendment will not preempt State or local laws, regulations, or policies unless they present an irreconcilable conflict with this amendment. Prior to judicial challenge of the amendment to rule, a party must first be found by the Secretary to be in violation of the P&S Act and in violation of the accompanying regulation. Second, the party must appeal that finding and the validity of the regulation to the Secretary in the course of the administrative proceeding. Only after taking these steps, may the party challenge the regulation in a court of competent jurisdiction.

### List of Subjects in 9 CFR Parts 201 and 203

Rates, Records, Stockyards, Tariffs, and Trade practices.

Done at Washington, DC, this 10th day of August.

**James R. Baker,**

*Administrator, Grain Inspection, Packers and Stockyards Administration.*

For the reasons set forth in the preamble, the Grain Inspection, Packers and Stockyards Administration will amend 9 CFR Part 201 as follows:

1. The authority citation for part 201 continues to read as follows:

**Authority:** 7 U.S.C. 204, 228; 7 CFR 2.17(e), 2.56.

## PART 201—[AMENDED]

### § 201.5 [Removed]

2. Remove § 201.5.

### § 201.6 [Removed]

3. Remove § 201.6.

4. Revise § 201.61(a) to read as follows:

**§ 201.61 Market agencies selling or purchasing livestock on commission; relationships with dealers.**

(a) *Market agencies selling on commission.* No market agency selling consigned livestock shall enter into any agreement, relationship or association with dealers or other buyers which has a tendency to lessen the loyalty of the market agency to its consignors or impair the quality of the market agency's selling services. No market agency selling livestock on commission shall provide clearing services for any independent dealer who purchases livestock from consignment to such market agency without disclosing, on the account of sale to the consignor, the name of the buyer and the nature of the financial relationship between the buyer and the market agency.

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(Approved by the Office of Management and Budget under control number 0590–0001)

[FR Doc. 95–20350 Filed 8–16–95; 8:45 am]

BILLING CODE 3410–KD–P

## FEDERAL HOUSING FINANCE BOARD

### 12 CFR Part 934

**[95–17]**

### Procedures for Federal Home Loan Bank Access to Nonpublic Information of Federal Financial Regulatory Agencies

**AGENCY:** Federal Housing Finance Board.

**ACTION:** Final rule.

**SUMMARY:** The Federal Housing Finance Board (Finance Board) is promulgating a final rule on the procedures by which the Federal Home Loan Banks (FHLBanks) request, receive and store sensitive, nonpublic financial data from the Department of the Treasury, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Office of Thrift Supervision, the Federal Deposit Insurance Corporation and the National Credit Union Administration (federal financial regulatory agencies).

**EFFECTIVE DATE:** August 17, 1995.

**FOR FURTHER INFORMATION CONTACT:** David A. Guy, Associate General Counsel, Office of General Counsel, Federal Housing Finance Board, 1777 F Street NW., Washington, D.C. 20006, 202–408–2536.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 22 of the Federal Home Loan Bank Act (Bank Act), 12 U.S.C. 1442, the FHLBanks periodically request confidential financial data from the federal financial regulatory agencies regarding FHLBank member institutions. On December 7, 1990, the Finance Board promulgated an interim final rule detailing the procedures by which the FHLBanks request, receive, and maintain this information. *See* 55 FR 50545 (Dec. 7, 1990). The interim final rule provided for a comment period. The Finance Board received just one comment letter from a savings bank, which objected to giving the FHLBanks access to nonpublic financial information about their members on the ground that such access gives the FHLBanks an unfair advantage over private enterprise competitors. However, Congress has specifically provided for the FHLBanks to have access to this information, *see* 12 U.S.C. 1442, and the final rule simply sets forth procedures for access and maintaining confidentiality. Further, the Finance Board believes that access to this information is necessary because it allows the FHLBanks to make credit and other decisions in a more safe and sound manner. Accordingly, the Finance Board is adopting the interim final rule as a final rule, without change.

Because this rule initially was published as an interim final rule and not as a proposed rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply. *See id.* § 603(a).

**List of Subjects in 12 CFR Part 934**

Federal home loan banks, Privacy, Securities, Surety bonds.

### PART 934—OPERATIONS OF THE BANKS

Accordingly, the interim rule adding 12 CFR 934.15 which was published at 55 FR 50545 on December 7, 1990, is adopted as a final rule without change.

Dated: August 9, 1995.

By the Federal Housing Finance Board.

**Bruce A. Morrison,**

*Chairman.*

[FR Doc. 95–20218 Filed 8–16–95; 8:45 am]

BILLING CODE 6725–01–P

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Parts 120 and 122

### Business Loan Policy and Business Loans; Facsimiles of SBA Forms

**AGENCY:** Small Business Administration (SBA).

**ACTION:** Final rule.

**SUMMARY:** This final rule authorizes SBA participating lenders to use computer generated facsimile exact copies of SBA application and closing forms in making SBA guaranteed loans. SBA lenders, under this final rule, agree to accept liability for a substantial SBA loss attributable to deficiencies in such forms. Under the final rule, SBA could deny liability to a lender which fails to use SBA provided forms or computerized facsimile exact copies of the SBA forms if this failure would contribute to a substantial loss by the SBA on the guaranteed loan.

**EFFECTIVE DATE:** This rule is effective August 17, 1995.

**FOR FURTHER INFORMATION CONTACT:** John R. Cox, 202/205–6490.

**SUPPLEMENTARY INFORMATION:** On March 3, 1995, SBA published in the **Federal Register** (42 FR 11941) a proposed rule which would authorize SBA participating lenders to use computerized exact replicas of SBA application and closing forms in making SBA guaranteed loans under section 7(a) of the Small Business Act (15 U.S.C. 636(a)). There were 46 public comments received in response to the publication and all favored the proposal. SBA will discuss the comments made in detail herein.

For many years, the SBA has required that its participating lenders use SBA provided application and closing forms in the SBA guaranteed business loan program. With advances in technology, SBA recognizes that these forms may be reproduced as mirror image facsimiles by computer and that permitting such reproductions to be used by participating lenders may be in the best interest of the SBA guaranteed loan program. Therefore, SBA proposed to permit SBA participating lenders to use computer generated facsimile exact copies of SBA application and closing forms in making SBA guaranteed loans. In this context, several commenters suggested that the SBA clarify what is meant by the term ''exact computerized facsimile copies'', as used in the proposed regulation. The Agency does not intend by this language that the type, font, line and spacing be exactly duplicated in an exact computer generated facsimile since variations in those aspects of a form do not affect the substantive nature of the documentation. The Agency is concerned with exact duplication of the language in the forms. In that regard, the regulation intends that the language represented on a permissible computer generated facsimile be exactly the same as that in the SBA form it is intended to portray. In order to avoid confusion as to which edition of a form is being reproduced, under the rule,

computerized copies must show the SBA form number, the Office of Management and Budget (OMB) number, and expiration date.

Several commenters suggested the possibility that SBA certify or otherwise qualify the preparers of computer generated facsimile forms or software which would be used to prepare such forms. SBA has no plans to furnish participating lenders with approved third party vendors which provide forms or software used to generate forms which are acceptable under the regulation. The Agency is in no position to evaluate, analyze and qualify vendors. Neither does SBA plan to provide such third party vendors with CD-Roms, diskettes or preprinted forms. Any participating lender or third party vendor interested in the implications of this regulation may obtain SBA preprinted forms from SBA's district offices which are located in every state.

One of the commenters suggested that if the Agency reviews a loan package prior to issuing its guaranty, a lender should not be held liable for a subsequent loss directly attributable to an error or omission in the computer generated forms it used to make or close the loan. It has been the Agency position for many years that it may deny liability to a lender for failure to prudently make or close an SBA guaranteed loan. Such a failure includes the utilization of incomplete or inaccurate documentation supporting the making and closing of the loan, regardless of SBA's review of a loan package.

In this regard, SBA's guaranty to a participating lender with respect to an SBA guaranteed business loan is conditionally based upon the lender's actions in prudently making and closing loans consistent with SBA's regulatory requirements. Accordingly, SBA's rules release the Agency from its obligation to a lender to purchase the guaranteed portion of a business loan under conditions prescribed in those regulations. Such conditions will now include compliance with this final regulation. SBA is confident that this approach is legally supportable based on its past experience, and it will administer the implementation of this regulation in a fashion consistent with that experience.

Therefore, SBA is amending section 120.202–5 of its regulations so that it is released from an obligation to a participating lender to purchase the guaranteed portion of a loan if the lender fails to utilize SBA provided forms or computerized exact facsimile copies thereof, and this failure contributes or may contribute to a substantial loss on the loan guaranty by the SBA. This means that if the computer generated forms used by a lender are not exact facsimile copies of SBA's forms, and such lack of conformity contributes or may contribute to a substantial loss by SBA on its guaranty of the loan, SBA could refuse to honor its guaranty.

In this regard, a commenter suggested that the SBA define what is meant by ''substantial'' loss as used in the regulation. It is the Agency's position that the term is not susceptible to precise definition. It is a standard which has evolved out of decided decisions on a case by case basis. Note that section 120.202–5 of the SBA regulations also requires that the participating lender ''substantially'' comply with all the provisions of the regulations, guaranty agreement, and the loan authorization, with no specificity possible in that case either.

Finally, under this final rule, lenders participating in the SBA guaranteed business loan program are authorized to use SBA application and closing forms which are computer generated by the lenders themselves or generated from software prepared by third parties with whom they have contracted. Because SBA in the past has withheld permission to computerize some identified SBA forms, new section 122.5–6 of the regulations specifically lists the forms which may be computer generated, although the rule is intended to permit computer generation of exact facsimiles of all SBA application and closing forms used in the guaranteed loan program.

In light of the foregoing, SBA is promulgating this final rule as proposed.

**Compliance With Executive Orders 12612, 12778 and 12866, the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. and the Paperwork Reduction Act, 44 U.S.C. Ch. 35.**

For purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, SBA certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

The SBA certifies that this final rule will not constitute a significant regulatory action for the purposes of Executive Order 12866, since the change is not likely to result in an annual effect on the economy of $100 million or more.

The SBA certifies that this final rule would not impose additional reporting or recordkeeping requirements which would be subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

The SBA certifies that this final rule would not have federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

Further, for purposes of Executive Order 12778, SBA certifies that this final rule is drafted, to the extent practicable, in accordance with the standards set forth in section 2 of that Order.

(Catalog of Federal Domestic Assistance Programs, No. 59.012)

**List of Subjects**

*13 CFR Part 120*

Loan programs—business, Small businesses.

*13 CFR Part 122*

Loan programs—business, Small businesses.

Accordingly, pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), SBA hereby amends parts 120 and 122, chapter I, title 13, Code of Federal Regulations, as follows:

## PART 120—BUSINESS LOAN POLICY

1. The authority citation for Part 120 continues to read as follows:

**Authority:** 15 U.S.C. 634(b)(6) and 636(a) and (h).

2. The introductory text of § 120.202–5 is revised to read as follows:

**§ 120.202–5 When SBA does not purchase.**

SBA shall be released from its obligation to purchase its share of the guaranteed loan if the Lender has not substantially complied with all of the provisions of these regulations, the Guaranty Agreement and the Loan Authorization; has failed to disclose material facts; has made material misrepresentations to SBA with respect to the loan; or has failed to utilize SBA provided forms or exact computerized facsimile copies thereof; provided that any of these failures contributes or may contribute to a substantial loss on the loan by SBA; or upon the happening of any one or more the following events:

* * * * *

## PART 122—BUSINESS LOANS

1. The authority citation for part 122 continues to read as follows:

**Authority:** 15 U.S.C. 634(b)(6), 636(a), 636(m).

2. Section 122.5–6 is added to read as follows:

**§ 122.5–6 Facsimile Copies of SBA Application Forms.**

For guaranteed loans, a Participating Lender may use computer generated SBA application or closing forms which are exact facsimile reproductions of SBA's forms. Lenders which use computer generated application or closing forms agree to accept liability for a substantial SBA loss due to deficiencies in the use of these forms. (See § 120.202–5 of this chapter). All SBA business loan forms, including the following, may be computer generated: 147 (Note), 148 (Guaranty), 155 (Standby Agreement), 601 (Applicant's Agreement of Compliance), 928 (Mortgage), 1050 (Settlement Sheet), 1059 (Security Agreement).

Dated: June 29, 1995.

**Philip Lader,**

*Administrator.*

[FR Doc. 95–20434 Filed 8–16–95; 8:45 am]

BILLING CODE 8025–01–P

## 13 CFR Part 122

## Business Loans—Microloans

**AGENCY:** Small Business Administration (SBA).

**ACTION:** Final rule.

**SUMMARY:** Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) (Act) authorizes the SBA to operate a microloan demonstration program (Program) under which the SBA lends funds to qualified intermediaries which re-lend amounts of $25,000 or less to eligible small business concerns. Under this final rule, an intermediary would be allowed to operate across state lines with the written approval of the SBA Associate Administrator for Financial Assistance if that person makes a determination that it is in the best interest of the small business community to allow such intermediary to operate in more than one state.

**EFFECTIVE DATE:** This rule is effective August 17, 1995.

**FOR FURTHER INFORMATION CONTACT:** John R. Cox, 202/205–6490.

**SUPPLEMENTARY INFORMATION:** Section 7(m) of the Act authorizes the SBA to operate the Program in which the SBA lends funds to authorized intermediaries which re-lend amounts up through $25,000 to eligible small business concerns.

Section 122.61–11(a) of SBA's regulations (13 CFR 122.61–11(a)) provides that "* * * no intermediary may undertake Program activities in more than one State". Since section 7(m) of the Act does not prohibit a microloan intermediary from conducting its operations in more than one state, SBA believes that the regulation is too broad. Circumstances may occur when it would be in the best interest of a small business community to authorize a microloan intermediary to operate across state lines. On May 5, 1995, SBA published in the **Federal Register** (60 FR 22311) a proposed rule to allow the SBA Associate Administrator for Financial Assistance to make a determination in that regard. No comments were received so the final rule is being published as proposed.

**Compliance With Executive Orders 12612, 12778 and 12866, the Regulatory Flexibility Act, 5 U.S.C. 601, et seq. and the Paperwork Reduction Act, 44 U.S.C. Ch. 35**

For purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, SBA certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

SBA certifies that this final rule will not constitute a significant regulatory action for the purposes of Executive Order 12866, since the change is not likely to result in an annual effect on the economy of $100 million or more, nor will this final rule impose additional reporting or recordkeeping requirements which would be subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

SBA certifies that this final rule would not have federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

For purposes of Executive Order 12778, SBA certifies that this final rule is drafted, to the extent practicable, in accordance with the standards set forth in section 2 of that Order.

(Catalog of Federal Domestic Assistance Programs, No. 59.012)

**List of Subjects in 13 CFR Part 122**

Loan programs—business, Small businesses.

Accordingly, pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), SBA amends part 122, chapter I, title 13, Code of Federal Regulations, as follows:

## PART 122—BUSINESS LOANS

1. The authority citation for part 122 continues to read as follows:

**Authority:** 15 U.S.C. 634(b)(6), 636(a), 636(m).

2. Section 122.61–11(a) is amended by revising the last sentence to read as follows:

**§ 122.61–11 Program procedure.**

(a) *Participation of intermediary by State.* * * * Further, no intermediary may undertake Program activities in more than one State unless the SBA Associate Administrator for Financial Assistance determines in writing that it would be in the best interest of the small business community to operate across State lines.

* * * * *

Dated: July 31, 1995.

**Philip Lader,**

*Administrator.*

[FR Doc. 95–20433 Filed 8–16–95; 8:45 am]

BILLING CODE 8025–01–P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 97

**[Docket No. 28299; Amdt. No. 1680]**

## Standard Instrument Approach Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## The Rule

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

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

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

## Conclusion

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

## List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (Air).

Issued in Washington, DC, on August 11, 1995.

**Thomas C. Accardi,**

*Director, Flight Standards Service.*

## Adoption of the Amendment

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

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

2. Part 97 is amended to read as follows:

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

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

. . . Effective upon publication.

| FDC Date | State | City | Airport | FDC No. | SIAP |
|---|---|---|---|---|---|
| 07/25/95 | ME | Presque Isle | Presque Isle/Northern Maine Regional Arpt at Presque Isle. | FDC 5/3607 | VOR or GPS Rwy 19, Amdt 8A |
| 07/27/95 | AR | Magnolia | Magnolia Muni | FDC 5/3672 | NDB or GPS Rwy 34, Orig |
| 08/03/95 | FL | Bartow | Bartow Muni | FDC 5/3905 | VOR/DME or GPS Rwy 9L, Amdt 1 |
| 08/07/95 | AZ | Lake Havasu City | Lake Havasu City | FDC 5/3997 | VOR/DME or GPS–A Orig |
| 08/09/95 | CA | Los Angeles | Los Angeles Intl | FDC 5/4058 | ILS Rwy 6L Amdt 9 |

| FDC Date | State | City | Airport | FDC No. | SIAP |
|---|---|---|---|---|---|
| 08/09/95 | NY | Westhampton Beach | The Francis S. Gabreski | FDC 5/4066 | ILS Rwy 24 Amdt 8 |
| 08/09/95 | TX | Houston | Houston Inter-Continental | FDC 5/4071 | ILS Rwy 26 Amdt 14 |
| 08/09/95 | TX | Houston | Houston Inter-Continental | FDC 5/4072 | ILS Rwy 32R Amdt 9A |
| 08/09/95 | TX | Houston | Houston Inter-Continental | FDC 5/4076 | NDB or GPS Rwy 26 Amdt 1 |
| 08/09/95 | TX | Houston | Houston Inter-Continental | FDC 5/4078 | VOR/DME or GPS Rwy 14L Amdt 15 |
| 08/09/95 | TX | Houston | Houston Inter-Continental | FDC 5/4080 | VOR/DME or GPS Rwy 32R Amdt 13 |
| 08/09/95 | TX | Houston | Houston Inter-Continental | FDC 5/4085 | ILS Rwy 8 Amdt 18A |
| 08/09/95 | TX | Houston | Houston Inter-Continental | FDC 5/4086 | ILS Rwy 9 Amdt 3A |
| 08/09/95 | TX | Houston | Houston Inter-Continental | FDC 5/4087 | ILS Rwy 14L Amdt 10 |
| 08/09/95 | TX | Houston | Houston Inter-Continental | FDC 5/4102 | ILS Rwy 27 Amdt 1A |
| 08/10/95 | UT | Roosevelt | Roosevelt Muni | FDC 5/4099 | VOR or GPS–A, Amdt 2 |
| 08/10/95 | UT | Roosevelt | Roosevelt Muni | FDC 5/4100 | RNAV or GPS Rwy 25, Amdt 1 |

**Magnolia**

*Magnolia Muni*

Arkansas
NDB or GPS Rwy 34, orig
FDC Date: 07/27/95

FDC 5/3672/AGO/FI/P Magnolia Muni, Magnolia, AR. NDB or GPS Rwy 34, Orig...DELETE...Shreveport, LA. Alstg mnms. Change note to read...Use El Dorado Alstg. SI–35 MDA 880/HAT 563 all cats. Circling MDA 880/HAA 563 all cats. This is NDB or GPS Rwy 34, Orig–A.

**Lake Havasu City**

*Lake Havasu City*

Arizona
VOR/DME or GPS–A orig
FDC Date: 08/07/95

FDC 5/3997/HII/FI/P Lake Havasu City, Lake Havasu City, AZ VOR/DME or GPS–A orig...Change local Alstg note to...When local Alstg not received proc NA. This is VOR/DME or GPS–A orig–a.

**Los Angeles**

*Los Angeles Intl*

California
ILS Rwy 6L Amdt 9
FDC Date: 08/09/95

FDC 5/4058/LAX/FI/P Los Angeles Intl., Los Angeles, CA. ILS Rwy 6L Amdt 9...Autopilot coupled approaches NA below 500. This is ILS Rwy Amdt 9A.

**Bartow**

*Bartow Muni*

Florida
VOR/DME or GPS Rwy 9L, Amdt 1
FDC Date: 08/03/95

FDC 5/3905/BOW/ FI/P Bartow Muni, Bartow, FL. VOR/DME or GPS Rwy 9L, Amdt 1...S–9L MDA 520 HAT 395 all cats. vis 1 cat C. Circling MDA 580 HAA 455 cats A/B/C, MDA 680 HAA 555 cat D. Tampa Alstg minimums...S–9L MDA 700 HAT 575 all cats. Circling MDA 740 HAA 615 cats A/B/C, MDA 800 HAA 675 cat D. vis 2¼ cat D. TDZE Rwy 9L 125 ft. This becomes VOR/DME or GPS Rwy 9L, Amdt 1A.

**Houston**

*Houston Intercontinental*

Texas
NDB or GPS Rwy 26 Amdt 1
FDC Date: 08/09/95

FDC 5/4076/IAH/ FI/P Houston Intercontinental, Houston, TX. NDB or GPS Rwy 26 Amdt 1...S–26 MDA 720/HAA 624 all cats. Vis cats A, B RVR 5000, cat C 1¾, cat D 2, cat E 2¼. Circling MDA 740/HAA 642 all cats. This is NDB or GPS Rwy 26 Amdt 1A.

**Houston**

*Houston Intercontinental*

Texas
VOR/DME or GPS Rwy 14L Amdt 15
FDC Date: 08/09/95

FDC 5/4078/IAH/ FI/P Houston Intercontinental, Houston, TX. VOR/DME or GPS Rwy 14L Amdt 15...Circling MDA 740/HAA 642 all cats. This is VOR/DME or GPS Rwy 14L Amdt 15A.

**Houston**

*Houston Intercontinental*

Texas
VOR/DME or GPS Rwy 32R Amdt 13
FDC Date: 08/09/95

FDC 5/4080/IAH/ FI/P Houston Intercontinental, Houston, TX. VOR/DME or GPS Rwy 32R Amdt 13...Circling MDA 740/HAA 642 all cats. This is VOR/DME or GPS Rwy 32R Amdt 13A.

**Houston**

*Houston Intercontinental*

Texas
ILS Rwy 8 Amdt 18A
FDC Date: 08/09/95

FDC 5/4085/IAH/ FI/P Houston Intercontinental, Houston, TX. ILS Rwy 8 Amdt 18A...Circling

MDA 740/HAA 642 all cats. This is ILS Rwy 8 Amdt 18B.

**Presque Isle**

*Presque Isle/Northern Maine Regional Arpt at Presque Isle*

Maine
VOR or GPS Rwy 19, Amdt 8A
FDC Date: 07/25/95

FDC 5/3607/PQI/ FI/P Presque Isle/Northern Maine Regional Arpt at Presque Isle, Presque Isle, ME. VOR or GPS Rwy 19, Amdt 8A...Delete 1380 Loring altimeter note from profile view. This is VOR or GPS Rwy 19, Amdt 8B.

**Westhampton Beach**

*The Francis S. Gabreski*

New York
ILS Rwy 24 Amdt 8
FDC Date: 08/09/95

FDC 5/4066/FOK/ FI/P the Francis S. Gabreski, Westhampton Beach, NY. ILS Rwy 24 Amdt 8...Add note...Autopilot coupled approaches NA below 470. This is ILS Rwy 24 Amdt 8A.

**Houston**

*Houston Intercontinental*

Texas
ILS Rwy 26 Amdt 14
FDC Date: 08/09/95

FDC 5/4071/IAH/ FI/P Houston Intercontinental, Houston, TX. ILS Rwy 26 Amdt 14...Circling MDA 740/HAA 642 all cats. This is ILS Rwy 26 Amdt 14A.

**Houston**

*Houston Intercontinental*

Texas
ILS Rwy 32R Amdt 9A
FDC Date: 08/09/95

FDC 5/4072/IAH/ FI/P Houston Intercontinental, Houston, TX. ILS Rwy 32R Amdt 9A...Circling MDA 740/HAA 642 all cats. This is ILS Rwy 32R Amdt 9B.

**Houston**

*Houston Intercontinental*

Texas
ILS Rwy 9 Amdt 3A
FDC Date: 08/09/95

FDC 5/4086/IAH/ FI/P Houston Intercontinental, Houston, TX. ILS Rwy 9 Amdt 3A...Circling MDA 740/HAA 642 all cats. This is ILS Rwy 9 Amdt 3B.

**Houston**

*Houston Intercontinental*

Texas
ILS Rwy 14L Amdt 10
FDC Date: 08/09/95

FDC 5/4087/IAH/ FI/P Houston Intercontinental, Houston, TX. ILS Rwy 14L Amdt 10...Circling MDA 740/HAA 642 all cats. This is ILS Rwy 14L Amdt 10.

**Houston**

*Houston Intercontinental*

Texas
ILS Rwy 27 Amdt 1A
FDC Date: 08/09/95

FDC 5/4102/IAH/ FI/P Houston Intercontinental, Houston, TX. ILS Rwy 27 Amdt 1A...S–LOC–27 MDA 480/HAT 393 all cats. Vis cat D Rvr 5000, cat E 1½. Circling MDA 740/HAA 642 all cats. Category II only...Add note...Missed approach requires a MNM climb of 260 ft per nm. This is ILS Rwy 27 Amdt 1B.

**Roosevelt**

*Roosevelt Muni*

Utah
VOR or GPS–A, Amdt 2
FDC Date: 08/10/95

FDC 5/4099/74V/ FI/P Roosevelt Muni, Roosevelt, UT. VOR or GPS–A, Amdt 2...Delete lighting note...Activate MIRL Rwy 7–25 on UNICOM. Change altimeter note to...Use vernal altimeter setting. When not received procedure NA. This is VOR or GPS–A, Amdt 2A.

**Roosevelt**

*Roosevelt Muni*

Utah
RNAV or GPS Rwy 25, Amdt 1
FDC Date: 08/10/95

FDC 5/4100/74V/ FI/P Roosevelt Muni, Roosevelt, UT. RNAV or GPS Rwy 25, Amdt 1...Delete lighting note...Activate MIRL Rwy 7–25 122.8. Change altimeter note to...Use vernal altimeter setting. When not received procedure NA. This is RNAV or GPS Rwy 25, Amdt 1A.

[FR Doc. 95–20380 Filed 8–16–95; 8:45 am]

BILLING CODE 4910–13–M

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## 14 CFR Part 97

**[Docket No. 28300; Amdt. No. 1681]**

## Standard Instrument Approach Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. The SIAPs contained in this amendment are based on the criteria contained in the United States Standard for Terminal Instrument Approach Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports.

The FAA has determined through testing that current non-localizer type, non-precision instrument approaches developed using the TERPS criteria can be flown by aircraft equipped with Global Positioning System (GPS) equipment. In consideration of the above, the applicable Standard Instrument Approach Procedures (SIAPs) will be altered to include ''or GPS'' in the title without otherwise reviewing or modifying the procedure. (Once a stand alone GPS procedure is developed, the procedure title will be altered to remove ''or GPS'' from these non-localizer, non-precision instrument approach procedure titles.) Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

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

regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 97**

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC, on August 11, 1995.

**Thomas C. Accardi,**

*Director, Flight Standards Service.*

**Adoption of the Amendment**

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

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

2. Part 97 is amended to read as follows:

**§§ 97.23, 97.27, 97.33, 97.35 [Amended]**

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.27 NDB, NDB/DME; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

. . . *Effective Sep 14, 1995*

Iowa City, IA, Iowa City Muni, RNAV or GPS RWY 24, Amdt 1 CANCELLED
Iowa City, IA, Iowa City Muni, RNAV RWY 24, Amdt 1
Iowa City, IA, Iowa City Muni, NDB or GPS RWY 30, Amdt 1 CANCELLED
Iowa City, IA, Iowa City Muni, NDB RWY 30, Amdt 1
Kingman, KS, Kingman Muni, VOR/DME or GPS RWY 18, Amdt 1 CANCELLED
Kingman, KS, Kingman Muni, VOR/DME RWY 18, Amdt 1
Baton Rouge, LA, Baton Rouge Metropolitan, Ryan Field, NDB or GPS RWY 31, Amdt 1A CANCELLED
Baton Rouge, LA, Baton Rouge Metropolitan, Ryan Field, NDB RWY 31, Amdt 1A
West Jefferson, NC, Ashe County, NDB or GPS RWY 27, Orig CANCELLED
West Jefferson, NC, Ashe County, NDB RWY 28, Orig
Wahpeton, ND, Harry Stern, NDB or GPS RWY 33, Amdt 4 CANCELLED
Wahpeton, ND, Harry Stern, NDB RWY 33, Amdt 4
Kearney, NE, Kearney Muni, NDB or GPS RWY 36, Amdt 4A CANCELLED
Kearney, NE, Kearney Muni, NDB RWY 36, Amdt 4A
McCook, NE, McCook Muni, VOR or GPS RWY 12, Amdt 11 CANCELLED
McCook, NE, McCook Muni, VOR RWY 12, Amdt 11
Sand Springs, OK, William R. Pogue Muni, NDB or GPS RWY 35, Amdt 2 CANCELLED
Sand Springs, OK, William R. Pogue Muni, NDB RWY 35, Amdt 2
Kosrae Island, FM, Kosrae, NDB/DME or GPS–A, Orig
Pohnpei Island, FM, Pohnpei Intl, NDB/DME or GPS RWY 9, Amdt 4
Pohnpei Island, FM, Pohnpei Intl, NDB/DME or GPS–A, Amdt 1
Pohnpei Island, FM, Pohnpei Intl, NDB or GPS–B, Amdt 3
Pohnpei Island, FM, Pohnpei Intl, NDB or GPS–C, Amdt 3
Weno Island, FM, Weno Island/Chuuk Intl, NDB/DME or GPS RWY 4, Orig–A
Weno Island, FM, Weno Island/Chuuk Intl, NDB or GPS–A, Orig–A
Weno Island, FM, Weno Island/Chuuk Intl, NDB or GPS–B, Amdt 4A
Yap Island, FM, Yap Intl, NDB/DME or GPS RWY 7, Amdt 1

[FR Doc. 95–20381 Filed 8–16–95; 8:45 am]

BILLING CODE 4910–13–M

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### 26 CFR Part 1

**[TD 8614]**

**RIN 1545–AS54**

## Real Estate Mortgage Investment Conduits

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

**ACTION:** Final and temporary regulations.

**SUMMARY:** This document contains final regulations relating to variable rate interest payments and specified portion interest payments on regular interests in real estate mortgage investment conduits (or REMICs). This action is necessary because of changes to the applicable tax law made by the Tax Reform Act of 1986 and by the Technical and Miscellaneous Revenue Act of 1988. These regulations provide guidance to REMIC sponsors and investors.

**DATES:** These regulations are effective August 17, 1995.

For dates of applicability of these regulations, see § 1.860A–1.

**FOR FURTHER INFORMATION CONTACT:** William P. Cejudo, (202) 622–3920 (not a toll free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

On April 20, 1994, temporary regulations (TD 8534) relating to variable rate interest payments on REMIC regular interests were published in the **Federal Register** (59 FR 18746). A notice of proposed rulemaking (FI–10–94), published in the **Federal Register** for the same day (59 FR 18772), cross-references the temporary regulations. That notice also proposes guidance on whether interest payments on a regular interest in a REMIC consist of a specified portion of the interest payments on the qualified mortgages held by the REMIC.

No public hearing was requested or held, but written comments responding to the notice were received. After consideration of the comments, the regulations proposed by FI–10–94 are adopted as revised by this Treasury decision, and the corresponding temporary regulations are removed.

**Explanation of Provisions**

Sections 860A through 860G of the Internal Revenue Code set forth rules for the treatment of REMICs and for the treatment of persons who hold interests in REMICs. For an entity to qualify as a REMIC, every interest in the entity must be either a residual interest or a regular interest.

*A. Variable Rates*

Section 860G(a)(1)(B)(i) requires that any interest payments on a regular interest be payable based on a fixed rate, or on a variable rate to the extent provided in regulations. Regulations providing guidance under section 860G(a)(1)(B)(i) are included in a comprehensive set of final regulations relating to REMICs (the *1992 REMIC regulations*), which was published in the **Federal Register** for December 24, 1992 (57 FR 61293).

The 1992 REMIC regulations use a building-block approach to describe the permitted variable rates under section 860G(a)(1)(B)(i). A taxpayer must start with one permitted variable rate as a base and, if desired, may subject the rate to additions, subtractions, multiplications, caps, and floors. Under § 1.860G–1(a)(3)(i) of the 1992 REMIC regulations, a permitted variable rate includes a rate that is a qualifying variable rate for purposes of sections 1271 through 1275 and the related regulations.

Notice 93–11, 1993–1 C.B. 298, addresses the application of the term *qualifying variable rate.* The notice provides that a *qualified floating rate* set at a *current value* (as defined in proposed regulations under section 1275 (FI–189–84)) is a qualifying variable rate for purposes of § 1.860G–1(a)(3)(i) of the 1992 REMIC regulations. Notice 93–11 also states that the 1992 REMIC regulations will be amended to conform to the language of the final section 1275 regulations when those regulations become effective. After the section 1275 regulations were revised and published in final form in the **Federal Register** for February 2, 1994 (59 FR 4799, 4827), the temporary regulations (TD 8534) and the proposed regulations (FI–10–94) were issued to conform § 1.860G–1(a)(3)(i) of the 1992 REMIC regulations to the final section 1275 regulations.

The final section 1275 regulations define two types of variable rates. Section 1.1275–5(b) defines a *qualified floating rate,* and § 1.1275–5(c) defines an *objective rate.* Under proposed § 1.860G–1(a)(3)(i) and § 1.860G–1T(a), permitted variable rates for regular interests in REMICs include a qualified floating rate. Objective rates, however, are not permitted.

One commentator proposes that the final version of § 1.860G–1(a)(3)(i) be expanded to include as a permitted variable rate any objective rate that relates to one or more debt instruments (excluding any debt instrument that provides for payments measured in substantial part by reference to the value of property other than debt instruments). This would allow, for example, a rate equal to the total rate of return on a bond, or group of bonds.

Many objective rates reflect the returns on equities and commodities. The IRS and Treasury believe that proposed § 1.860G–1(a)(3)(i) draws a sensible and necessary line between rates tied to interest rates (that is, qualified floating rates), and rates tied to commodities and equities. Moreover, the building-block approach adopted by the 1992 REMIC regulations affords taxpayers considerable flexibility to devise permitted variable rates, and the building-block approach would continue to apply after adoption of the proposed regulations. The rule in the temporary and proposed regulations, therefore, is retained in the final regulations under § 1.860G–1(a)(3)(i).

Retaining § 1.860G–1(a)(3)(i) as proposed affects a cross reference contained in § 1.860G–1(a)(3)(ii)(A). Commentators suggest revising § 1.860G–1(a)(3)(ii)(A) to modify the restrictions imposed by the cross reference in that section to § 1.860G–1(a)(3), which reference incorporates proposed § 1.860G–1(a)(3)(i). Section 1.860G–1(a)(3)(ii)(A) permits a REMIC regular interest to have an interest rate based on a weighted average of the interest rates on some or all of the mortgages held by the REMIC (a *passthrough rate*). A mortgage taken into account in determining a passthrough rate (an *underlying mortgage*) must itself have a fixed rate or a permitted variable rate. Accordingly, a mortgage based on a qualified floating rate may be used to determine a passthrough rate but the underlying mortgage must conform to proposed § 1.860G–1(a)(3)(i). This means the qualified floating rate must be set at a current value. A qualified floating rate is not set at a current value if it is set more than 3 months before the start of the related accrual period on the underlying mortgage. The commentators suggest loan servicers may need more than 3 months to compute revised interest and payment amounts and to tell borrowers of those revised amounts. Thus, according to the commentators, the 3-month period should be extended.

As noted above, the IRS and Treasury believe proposed § 1.860G–1(a)(3)(i) sensibly distinguishes interest rate returns from other types of returns. For regular interests having a passthrough rate to reflect this distinction, any underlying mortgage based on a qualified floating rate that is used to determine the passthrough rate must also reflect this distinction. Thus, any underlying mortgage bearing interest at a qualified floating rate must have the rate set at a current value. Otherwise, proposed § 1.860G–1(a)(3)(i) could be circumvented merely by creating a passthrough rate based on underlying mortgages bearing qualified floating rates not set at current values. Moreover, the ability of servicers to take more time to calculate revised rates and to notify borrowers of those rates appears to be limited by the Truth in Lending Act and Regulation Z (12 CFR Ch. 11 § 226.20(c) (1995)), which require notice, within prescribed time periods, to a consumer of changes in a rate. Thus, this comment is not adopted here.

*B. Specified Portions*

Under section 860G(a)(1)(B)(ii), interest payments on a regular interest in a REMIC may also consist of a specified portion of the interest payments on the qualified mortgages held by the REMIC, provided the specified portion does not vary while the regular interest is outstanding. A specified portion regular interest is sometimes called an *Interest Only* regular interest or *IO*. The 1992 REMIC regulations identify the specified portions permitted under section 860G(a)(1)(B)(ii).

Requests for further guidance prompted the publication of the proposed regulations addressing specified portions. Taxpayers requested the IRS clarify that a REMIC may issue an IO that is expressed as a percentage of the interest payable on an IO acquired from another REMIC (a collateral IO). In response, the notice of proposed rulemaking (FI–10–94) would add § 1.860G–1(a)(2)(i)(D), under which the cash flows from a collateral IO issued by one REMIC can be proportionately divided through another REMIC. The proposed provision would negate the need for any other arrangement such as a grantor trust and would apply whether the collateral IO is acquired on formation by a related upper-tier REMIC or after formation by an unrelated REMIC (a re-REMIC transaction).

According to one commentator, the addition of § 1.860G–1(a)(2)(i)(D) implies that more complex re-REMIC transactions are not allowed. According to another commentator, the language of the proposed rule implies that all qualified mortgages held by the REMIC must be IO regular interests. To remove both of those implications, the proposed rule is adopted in revised form, which appears as § 1.860G–1(a)(2)(v).

*C. Other Comments*

Commentators also addressed other REMIC regulations not affected by this Treasury decision. Those comments may be considered in future guidance projects.

## Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these regulations was submitted to the Small Business Administration for comment on its impact on small business.

**Drafting Information.** The principal authors of these regulations are Marshall Feiring, Office of Assistant Chief Counsel (Financial Institutions and Products), and Carol A. Schwartz, formerly of that office. However, other personnel from the IRS and

Treasury Department participated in their development.

**List of Subjects in 26 CFR Part 1**

Income taxes, Reporting and recordkeeping requirements.

**Adoption of Amendments to the Regulations**

Accordingly, 26 CFR part 1 is amended as follows:

## PART 1—INCOME TAXES

**Paragraph 1.** The authority citation for part 1 is amended by removing the entry for ''Section 1.860G–1T'' to read in part as follows:

**Authority:** 26 U.S.C. 7805 * * *

**Par. 2.** Section 1.860A–0 is amended by:

1. Adding entries for § 1.860A–1(b)(4).
2. Revising the entry for § 1.860G–1(a)(2)(v).
3. Adding an entry for § 1.860G–1(a)(2)(vi).
4. Revising the entry for § 1.860G–1(a)(3)(i).

The additions and revisions read as follows:

*§ 1.860A–0 Outline of REMIC provisions.*

* * * * *

*§ 1.860A–1 Effective dates and transition rules.*

* * * * *

(b) * * *

(4) Rate based on current interest rate.

(i) In general.

(ii) Rate based on index.

(iii) Transition obligations.

* * * * *

*§ 1.860G–1 Definition of regular and residual interests.*

(a) * * *

(2) * * *

(v) Specified portion includes portion of interest payable on regular interest.

(vi) Examples.

(3) * * *

(i) Rate based on current interest rate.

* * * * *

**Par. 3.** In § 1.860A–1, paragraph (b)(4) is added to read as follows:

**§ 1.860A–1 Effective dates and transition rules.**

* * * * *

(b) * * *

(4) *Rate based on current interest rate*—(i) *In general.* Section 1.860G–1(a)(3)(i) applies to obligations (other than transition obligations described in paragraph (b)(4)(iii) of this section) intended to qualify as regular interests that are issued on or after April 4, 1994.

(ii) *Rate based on index.* Section 1.860G–1(a)(3)(i) (as contained in 26 CFR part 1 revised as of April 1, 1994) applies to obligations intended to qualify as regular interests that—

(A) Are issued by a qualified entity (as defined in § 1.860D–1(c)(3)) whose startup date (as defined in section 860G(a)(9) and § 1.860G–2(k)) is on or after November 12, 1991; and

(B) Are either—

(*1*) Issued before April 4, 1994; or

(*2*) Transition obligations described in paragraph (b)(4)(iii) of this section.

(iii) *Transition obligations.* Obligations are described in this paragraph (b)(4)(iii) if—

(A) The terms of the obligations and the prices at which the obligations are offered are fixed before April 4, 1994; and

(B) On or before June 1, 1994, a substantial portion of the obligations are transferred, with the terms and at the prices that are fixed before April 4, 1994, to investors who are unrelated to the REMIC's sponsor at the time of the transfer.

**Par. 4.** Section 1.860G–1 is amended by:

1. Redesignating paragraph (a)(2)(v) as paragraph (a)(2)(vi).
2. Adding a new paragraph (a)(2)(v).
3. Revising paragraph (a)(3)(i).

The addition and revisions read as follows:

**§ 1.860G–1 Definition of regular and residual interests.**

(a) * * *

(2) * * *

(v) *Specified portion includes portion of interest payable on regular interest.* (A) The specified portions that meet the requirements of paragraph (a)(2)(i) of this section include a specified portion that can be expressed as a fixed percentage of the interest that is payable on some or all of the qualified mortgages where—

(*1*) Each of those qualified mortgages is a regular interest issued by another REMIC; and

(*2*) With respect to that REMIC in which it is a regular interest, each of those regular interests bears interest that can be expressed as a specified portion as described in paragraph (a)(2)(i)(A), (B), or (C) of this section.

(B) See § 1.860A–1(a) for the effective date of this paragraph (a)(2)(v).

* * * * *

(3) * * *

(i) *Rate based on current interest rate.* A qualified floating rate as defined in § 1.1275–5(b)(1) (but without the application of paragraph (b)(2) or (3) of that section) set at a current value, as defined in § 1.1275–5(a)(4), is a variable rate. In addition, a rate equal to the highest, lowest, or average of two or more qualified floating rates is a variable rate. For example, a rate based on the average cost of funds of one or more financial institutions is a variable rate.

* * * * *

**§ 1.860G–1T [Removed]**

**Par. 5.** Section 1.860G–1T is removed.

**Margaret Milner Richardson,**

*Commissioner of Internal Revenue.*

Approved: July 31, 1995.

**Leslie Samuels,**

*Assistant Secretary of the Treasury.*

[FR Doc. 95–20319 Filed 8–16–95; 8:45 am]

BILLING CODE 4830–01–U

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## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 165

**[CGD01–95–096]**

**RIN 2115–AA97**

## Safety Zone: East Passage, Narragansett Bay, RI

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone in Narragansett Bay around the group of swimmers participating in the 19th annual ''Swim The Bay'' event sponsored by Save The Bay on August 19, 1995. This safety zone is needed to protect the participants from the hazards caused by vessel traffic in Narragansett Bay. The safety zone will encompass a 300 yard radius around each swimmer as they proceed across the East Passage, Narragansett Bay. The safety zone shall be from Coaster's Harbor Island Beach, Newport, RI, to Jamestown, RI, in the vicinity of Potter's Cove. Entry into this zone is prohibited unless authorized by the Captain of the Port, Providence.

**EFFECTIVE DATE:** This regulation is effective on August 19, 1995, from 8 a.m. to 11 a.m., unless extended or terminated sooner by the Captain of the Port, Providence. In the event of inclement weather, an alternate rain date of August 20, 1995 is established with these same times.

**FOR FURTHER INFORMATION CONTACT:** LTJG Bruce L. Davies of Marine Safety Office Providence at (401) 435–2300.

**SUPPLEMENTARY INFORMATION:**

**Drafting Information.** The drafters of this regulation are LTJG Bruce L. Davies, Project Manager for the Coast Guard Captain of the Port Providence, and LT S.A. Tyler, Project Counsel for the First Coast Guard District Legal Office.

**Regulatory History**

As authorized by 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing a NPRM and for making this regulation effective in less than 30 days after Federal Register publication. The Coast Guard did not receive the application in sufficient time to publish a NPRM a final rule 30 days in advance. The delay encountered if normal rulemaking procedures were followed would effectively cancel the event. Cancellation of this event is contrary to public interest since the purpose of this event is to raise funds for environmental purposes. The event requires a safety zone to provide for the safety of participants and other vessels.

**Background and Purpose**

On August 19, 1995, the organization, Save The Bay, will be sponsoring the 19th annual ''Swim The Bay''. For this event it is expected that approximately 150 people will swim across the East Passage of Narragansett Bay, from Coaster's Harbor Island Beach, Newport, RI, to Jamestown, RI, in the vicinity of Potter's Cove. The swimmers will be escorted by rowboats and escort craft. Orange floating pylons will be placed along the route one hour prior to the swim. A rain date for the event is scheduled for August 20, 1995.

The Coast Guard is establishing a temporary safety zone in the East Passage from Coaster's Harbor Island Beach, Newport, RI, (41°–31.0′ N, 071°–19.8′ W) to Potters Cove, RI (41°–31.0′ N, 071°–22.0′ W) (NAD 1983). The safety zone will encompass a 300 yard radius around each swimmer and escort craft involved with the ''Swim The Bay'' event. The safety zone will move with the swimmers and escort craft as they cross the East Passage. The safety zone will be in effect on August 19, 1995, from 8 a.m. until 11 a.m. If postponed due to inclement weather, the safety zone will be in effect on August 20, 1995, from 8 a.m. until 11 a.m. Entry or movement within this zone will be prohibited unless authorized by the Captain of the Port, Providence or his on scene representative.

**Regulatory Evaluation**

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Although this regulation prevents traffic from transiting portions of the East Passage, the effect of this regulation will not be significant for several reasons: vessels not constrained by their draft may transit the West Passage of Narragansett Bay, the duration of the event is limited; and extensive, advance advisories will be made. Additionally, this event has taken place every year for the previous 18 years and has not caused a significant hardship on the commercial or pleasure vessel traffic in the event area.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632).

For the reasons addressed under the Regulatory Evaluation above, the Coast Guard expects the economic impact of this regulation to be minimal and the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

**Collection of Information**

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

**Federalism**

The Coast Guard has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 12612 and determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Environment**

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e of Commandant Instruction M16475.1B, revised 59 FR 38654, July 29, 1994, the promulgation of this regulation is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket. An appropriate environmental analysis of the event will be conducted in conjunction with the marine event permitting process.

**List of Subjects in 33 CFR Part 165**

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, and Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A temporary section, § 165.T01–096, is added to read as follows:

**§ 165.T01–096 Safety Zone; Swim the Bay, East Passage, Narragansett Bay, RI.**

(a) *Location.* The safety zone includes all waters of the East § Passage, Narragansett Bay, RI, from Coaster's Harbor Island Beach (41°–31.0′ N, 071°–19.8′ W) to Potters Cove (41°–31.0′ N, 071°–22.0′ W) (NAD 1983) Within a 300 yard radius of the swimmers and craft participating in the ''Swim The Bay'' event.

(b) *Effective Date:* This regulation is effective on August 19, 1995, from 8 a.m. to 11 a.m., unless extended or terminated sooner by the Captain of the Port, Providence. If postponed due to inclement weather, this regulation is effective on August 20, 1995, from 8 a.m. to 11 a.m.

(c) *Regulations.* The general regulations governing safety zones contained in § 165.23 apply.

Dated: August 10, 1995.

**Wayne D. Gusman,**

*Commander, U.S. Coast Guard, Acting Captain of the Port.*

[FR Doc. 95–20365 Filed 8–16–95; 8:45 am]

BILLING CODE 4910–14–M

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**33 CFR Part 165**

**[CGD01–011]**

**RIN 2115–AA97**

## Safety Zone: Annual Rensselaer Festival Fireworks Display, Hudson River, NY

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing a permanent safety zone for

the annual Rensselaer Festival fireworks program located on the Hudson River, New York. The safety zone is in effect annually on the third Saturday in September from 8:30 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port New York. The safety zone temporarily closes all waters of the Hudson River, shore to shore, north of 42°38′12″ N latitude (NAD 1983) and south of the Dunn Memorial Bridge, Albany, New York.

**EFFECTIVE DATE:** This rule is effective on September 18, 1995.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant (Junior Grade) K. Messenger, Maritime Planning Staff Chief, Coast Guard Group New York (212) 668–7934.

**SUPPLEMENTARY INFORMATION:**

**Drafting Information.** The drafters of this notice are LTJG K. Messenger, Project Manager, Coast Guard Group New York and CDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

## Regulatory History

On April 3, 1995, the Coast Guard published a notice of proposed rulemaking (NPRM) in the **Federal Register** (60 FR 16821). Interested persons were requested to submit comments on or before June 2, 1995. No comments were received. A public hearing was not requested and one was not held. The Coast Guard is promulgating this final rule as proposed.

## Background and Purpose

For the last several years, the City of Rensselaer has submitted an Application for Approval of Marine Event to hold a fireworks program in the Hudson River. This regulation establishes a permanent safety zone in all waters of the Hudson River, shore to shore, north of 42°38′12″ N latitude (NAD 1983) and south of the Dunn Memorial Bridge, Albany, New York. The safety zone is in effect annually on the third Saturday in September from 8:30 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port New York. The safety zone prevents vessels from transiting this portion of the Hudson River and is needed to protect mariners from the hazards associated with fireworks exploding in the area.

This permanent regulation will provide notice to mariners that this event occurs annually at the same location, on the same day and time, allowing them to plan transits accordingly. The effective period of the safety zone will be announced annually via Safety Marine Information Broadcasts and by locally issued notices.

## Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. The safety zone closes a portion of the Hudson River, shore to shore, in Albany, New York, to vessel traffic annually on the third Saturday in September, from 8:30 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port New York. Although this regulation prevents traffic from transiting the area, the effect of this regulation is not significant for several reasons: the duration of the event is limited; the event is at a late hour; the event has been held annually for the past several years without incident or complaint; and the extensive, advance advisories which will be made to allow recreational and commercial traffic to make necessary transits before or after the event. Accordingly, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

## Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this regulation will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under Section 3 of the Small Business Act (15 U.S.C. 632).

For the reasons set forth in the Regulatory Evaluation, the Coast Guard expects the impact of this regulation to be minimal. The Coast Guard certifies under 5 U.S.C. 605(b) that this regulation will not have a significant economic impact on a substantial number of small entities.

## Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

## Federalism

The Coast Guard has analyzed this action in accordance with the principles and criteria contained in Executive order 12612 and has determined that this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

## Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2.e. of Commandant Instruction M16475.1B, revised 59 FR 38654, July 29, 1994, it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist are included in the docket. An appropriate environmental analysis of the fireworks programs under the National Environmental Policy Act will be conducted in conjunction with the marine event permitting process each year.

## List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

## Final Regulation

For reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

## PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. Section 165.167, is added to read as follows:

### § 165.167 Safety Zone; Annual Rensselaer Festival Fireworks Display, Hudson River, New York.

(a) *Location.* The safety zone includes the waters of the Hudson River, shore to shore, north of 42°38′12″ N latitude (NAD 1983) and south of the Dunn Memorial Bridge, Albany, New York.

(b) *Effective period.* This section is in effect annually on the third Saturday in September from 8:30 p.m. until 10 p.m., unless extended or terminated sooner by the Captain of the Port New York. The effective period will be announced annually via Safety Marine Information Broadcasts and locally issued notices.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: August 10, 1995.

**T.H. Gilmour,**

*Captain, U.S. Coast Guard, Captain of the Port New York.*

[FR Doc. 95–20366 Filed 8–16–95; 8:45 am]

BILLING CODE 4910–14–M

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## 33 CFR Part 165

**[CGD02–95–054]**

**RIN 2115–AA97**

## Safety Zone; Lower Mississippi River, Mile 857.0 to Mile 859.0.

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the Lower Mississippi River between mile 857.0 and mile 859.0. The zone is needed to protect vessel traffic from a collision hazard during mat laying operations. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

**DATES:** This regulation becomes effective at 8 a.m. on August 6, 1995, and terminates at 4 p.m. on August 20, 1995.

**FOR FURTHER INFORMATION CONTACT:** ENS Bauer, Assistant Chief, Port Operations Officer, Captain of the Port, 200 Jefferson Avenue, Suite 1301, Memphis, TN 38103, Phone: (901) 544–3941.

**SUPPLEMENTARY INFORMATION:**

### Background and Purpose

At approximately 8 a.m. on August 6, 1995, the U.S. Army Corps of Engineers will commence mat laying operations at Lower Mississippi River mile 858.0 on the left descending bank. The operation is expected to be completed within 15 days from the commencement date. The navigable channel will be restricted to one way traffic during the operation. A safety zone has been established on the Lower Mississippi River from mile 857.0 to mile 859.0 in order to facilitate safe vessel passage. All vessels shall establish passing arrangements with the contact pilot aboard the *M/V Harrison*, via VHF Marine Band Radio, Channel 13, prior to entering the safety zone and shall abide by the conditions of the arrangement. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary. Specifically, immediate action is necessary to facilitate mat laying operations during the present low water level of the river. Harm to the public or environment may result if vessel traffic is not controlled during the operation. As a result, the Coast Guard deems it to be in the public's best interest to issue a regulation immediately.

### Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

### Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

### Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A new temporary section 165.T02–201 is added to read as follows:

**§ 165.T02–201 Safety Zone; Lower Mississippi River.**

(a) *Location*. The following area is a Safety Zone: Lower Mississippi River mile 857.0 to mile 859.0.

(b) *Effective dates*. This section becomes effective at 8 a.m. on August 6, 1995, and terminates at 4 p.m. on August 20, 1995.

(c) *Regulations*. In accordance with the general regulations in § 165.23, entry into this zone is prohibited except as authorized by the Captain of the Port. The Captain of the Port, Memphis, Tennessee, will notify the maritime community of conditions affecting the area covered by this safety zone by Marine Safety Information Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHZ).

Dated: August 2, 1995.

**A.L. Thompson, Jr.,**

*Commander, USCG, Captain of the Port.*

[FR Doc. 95–20364 Filed 8–16–95; 8:45 am]

BILLING CODE 4910–14–M

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## 33 CFR Part 165

**[CGD02–95–055]**

**RIN 2115–AA97**

## Safety Zone; McKellar Lake, Mile 0.0 to Mile 0.5

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone on the McKellar Lake between mile 0.0 and mile 0.5. The zone is needed to protect vessel traffic while power line are strung across the mouth of McKellar Lake. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

**DATES:** This regulation becomes effective at 7 a.m. on August 17, 1995, and terminates at 7 p.m. on August 31, 1995.

**FOR FURTHER INFORMATION CONTACT:** ENS Bauer, Assistant Chief, Port Operations Officer, Captain of the Port, 200 Jefferson Avenue, Suite 1301, Memphis, TN 38103, Phone: (901) 544–3941.

**SUPPLEMENTARY INFORMATION:**

## Background and Purpose

At approximately 7 a.m. on August 17, 1995, the Tennessee Valley Authority will commence power line construction operations extending across the mouth of McKellar Lake. The operation is expected to be completed within 15 days from the commencement date. The navigable channel will be blocked during the operation. A safety zone has been established on McKellar Lake from mile 0.0 to mile 0.5 in order to protect vessel traffic while power lines are strung across the mouth of McKellar Lake. The zone will be opened periodically to allow vessels to transit the area. The Captain of the Port, Memphis, Tennessee, will notify the maritime community of conditions affecting the area covered by this safety zone by Marine Safety Information Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz). Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary. Specifically, immediate action is necessary to facilitate power line construction operations during the present low water conditions. Harm to the public or environment may result if vessel traffic is not controlled during the operations. As a result, the Coast Guard deems it to be in the public's best interest to issue a regulation immediately.

## Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

## Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

## Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

## Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation.

## List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 59 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; and 49 CFR 1.46.

2. A new temporary section 165.T02–202 is added to read as follows:

### § 165.T02–202 Safety Zone; McKellar Lake.

(a) *Location.* The following area is a Safety Zone: McKellar Lake mile 0.0 to mile 0.5.

(b) *Effective dates.* This section becomes effective at 7 a.m. on August 17, 1995, and terminates at 7 p.m. on August 31, 1995.

(c) *Regulations.* In accordance with the general regulations in § 165.23, entry into this zone is prohibited except as authorized by the Captain of the Port. The Captain of the Port, Memphis, Tennessee, will notify the maritime community of conditions affecting the area covered by this safety zone by Marine Safety Information Radio Broadcast on VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: August 2, 1995.

**A.L. Thompson, Jr.,**

*Commander, USCG, Captain of the Port.*

[FR Doc. 95–20363 Filed 8–16–95; 8:45 am]

BILLING CODE 4910–14–M

# ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 9

**[FRL–5278–4]**

## OMB Approval Numbers Under the Paperwork Reduction Act

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

**ACTION:** Technical amendment.

**SUMMARY:** In compliance with the Paperwork Reduction Act, this document corrects the Office of Management and Budget (OMB) control numbers issued under the Paperwork Reduction Act (PRA) for Groundwater Monitoring Requirements.

**EFFECTIVE DATE:** August 17, 1995.

**FOR FURTHER INFORMATION CONTACT:** Liza Hearns, 703–308–7907.

**SUPPLEMENTARY INFORMATION:** EPA is today amending the table of currently approved information. Today's amendment is prompted by the discovery of an error in the Part 9 as it relates to the Groundwater Monitoring requirements. The affected regulation is codified at 40 CFR 264.97(j).

EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations, and in each volume of the Code of Federal Regulations (CFR) containing EPA regulations. The table lists the section numbers with reporting and recordkeeping requirements, and the current OMB control numbers. This display of the OMB control number(s) and its (their) subsequent codification in the CFR satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

The Information Collection Request was previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is ''good cause'' under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary. For the same reasons, EPA also finds that there is good cause under 5 U.S.C. 553(d)(3).

## List of Subjects in 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

Dated: August 11, 1995.

**Timothy Fields, Jr.,**

*Acting Assistant Administrator, Office of Solid Waste and Emergency Response.*

For the reasons set out in the preamble 40 CFR part 9 is amended as follows:

1. The authority citation for part 9 continues to read as follows:

**Authority:** 7 U.S.C. 135 *et seq.*, 136–y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1321, 1326, 1330, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. Section 9.1 is amended by revising the entry for ''264.97(j)'' under the indicated heading to read as follows:

**§ 9.1 OMB approvals under the Paperwork Reduction Act.**

* * * * *

| 40 CFR citation | OMB control No. |
|---|---|
| * * * * * * * | |
| Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities | |
| * * * * * * * | |
| 264.97(j) | 2050–0120 |
| * * * * * * * | |

[FR Doc. 95–20424 Filed 8–16–95; 8:45 am]

BILLING CODE 6560–50–P

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## 43 CFR Public Land Order 7151

**[AZ–930–1430–01; AZA–28475]**

## Withdrawal of Public Land for the Bullhead City Post Office; Arizona

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order withdraws 5.60 acres of public land from mining for a period of 20 years for the United States Postal Service to expand its post office facility located in Bullhead City, Arizona. The land is not subject to mineral leasing.

**EFFECTIVE DATE:** August 17, 1995.

**FOR FURTHER INFORMATION CONTACT:** John Mezes, BLM Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011, 602–650–0518.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from location or entry under the United States mining laws (30 U.S.C. Ch. 2 (1988)), to protect the site for expansion of the Riviera Post Office located in Bullhead City, Arizona:

**Gila and Salt River Meridian**

T. 20 N., R. 22 W. (north parcel),
Sec. 20, Beginning at the NW corner of the SW¼ of the NW¼ of said section 20; thence S. 89°50′55″ E., 50 feet to the True Point of Beginning; thence S. 89°50′55″ E., 240 feet; thence S. 00°01′35″ E., 140 feet; thence S. 89°50′55″ E., 20 feet; thence N. 00°01′35″ W., 200 feet; thence N. 89°50′55″ W., 260 feet; thence S. 00°01′35″ E., 60 feet to the True Point of Beginning.

T. 20 N., R. 22 W. (south parcel),
Sec. 20, Beginning at the NW corner of the SW¼ of the NW¼ of said section 20; thence S. 00°01′35″ E., 140 feet; thence S. 89° 50′ 55'' E., 50 feet to the True Point of Beginning; thence S. 89°50′55″ E., 564 feet; thence S. 00°01′35″ E., 400 feet; thence N. 89°50′55″ W., 564 feet; thence N. 00°01′35″ W., 400 feet, to the True Point of Beginning.

The two parcels described aggregate 5.60 acres in Mohave County.

2. The withdrawal made by this order does not alter the applicability of those land laws governing the use of the land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: August 4, 1995.

**Bob Armstrong,**

*Assistant Secretary of the Interior.*

[FR Doc. 95–20327 Filed 8–16–95; 8:45 am]

BILLING CODE 4310–32–P

## 43 CFR Public Land Order 7152

**[CO–935–1430–01; COC–55542]**

## Withdrawal of Public Lands and Reserved Federal Minerals for Protection of Scenic and Recreational Values in the Ruby Canyon of the Colorado River; Colorado

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order withdraws 8,170.49 acres of public lands and 20 acres of reserved Federal mineral interest from the operation of the public land laws, including the mining laws. The withdrawal is for 20 years to protect scenic and recreational values in the Ruby Canyon of the Colorado River. This order also identifies 731 acres of privately owned lands within the interior of the canyon which would become subject to the withdrawal if they should pass into Federal ownership. The lands have been and will remain open to mineral leasing.

**EFFECTIVE DATE:** August 17, 1995.

**FOR FURTHER INFORMATION CONTACT:** Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215–7076, 303–239–3706.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from leasing under the mineral leasing laws to protect scenic and recreational values in the Ruby Canyon of the Colorado River:

**Ute Principal Meridian**

T. 1 N., R. 3 W.,
Sec. 6, lots 6 and 8;
Sec. 7, lots 1 to 9, inclusive, and W½SE¼NW¼;
Sec. 8, lots 2 to 6, inclusive, and S½NE¼SW¼;
Sec. 9, lot 4;
Sec. 17, lot 4, S½NE¼, and SE¼NW¼;
Sec. 18, lot 1, N½NE¼, and NE¼NW¼.

**Sixth Principal Meridian**

T. 10 S., R. 103 W.,
Sec. 5, S½SW¼ and W½SW¼SE¼;
Sec. 6, SE¼SW¼ and S½SE¼;
Sec. 7, lots 1 to 9, inclusive, SE¼NE¼, W½NW¼, W½SE¼, and E½E½SE¼;
Sec. 8, lots 2, 3, 6, 7, and W½W½E½;
Sec. 15, lots 2 to 9, inclusive, S½N½NW¼, and E½SW¼SW¼;

Sec. 16, lots 1 to 8, inclusive, W½NE¼NE¼, SE¼NE¼NE¼, NW¼NE¼, N½NW¼, and N½SW¼SW¼;
Sec. 17, lots 2, 3, 5 to 9, inclusive, W½NW¼NE¼, S½NE¼, N½SW¼SW¼, and S½SE¼;
Sec. 18, lots 1, 2, 4, 5, 8 to 11, inclusive, W½E½, E½E½NE¼, E½NE¼SE¼, and NE¼SE¼SE¼;
Sec. 19, lots 1, 3, 4, NW¼NE¼, N½SW¼NE¼, SE¼NW¼, NW¼SW¼, and N½NE¼SW¼;
Sec. 22, lots 5 to 8, inclusive, NE¼NW¼, E½SE¼NW¼, and E½NE¼SW¼;
Sec. 27, lot 1.
T. 10 S., R. 104 W.,
Sec. 12, E½E½E½;
Sec. 13, E½E½E½;
Sec. 23, lots 1 to 4, inclusive, E½SW¼NE¼, and E½W½SE¼;
Sec. 24, lots 1 to 9, inclusive, NW¼NE¼, N½NW¼, E½SW¼, and N½SE¼;
Sec. 25, lots 1 to 4, inclusive, E½W½, and SW¼SW¼;
Sec. 26, lots 1 to 7, inclusive, E½NW¼NE¼, SW¼NE¼, and S½NW¼;
Sec. 27, lots 1 to 9, inclusive, S½NE¼ and SE¼NW¼;
Sec. 28, lots 1 to 3, inclusive, S½SE¼NE¼, and W½SE¼;
Sec. 32, lots 1 to 7, inclusive, NE¼SW¼, SE¼NW¼SW¼, and N½SE¼;
Sec. 33, lots 1 to 12, inclusive, NW¼NE¼, and E½SE¼NW¼;
Sec. 34, N½N½NE¼, N½NE¼NW¼, W½NW¼, and NW¼SW¼;
Sec. 35, N½NW¼NE¼ and N½N½NW¼.
T. 11 S., R. 104 W.,
Sec. 3, lots 3 and 4;
Sec. 4, lots 1 to 4, inclusive, S½NW¼, and SW¼;
Sec. 5, lot 1, SE¼NE¼, E½SE¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 7, lots 1 to 4, inclusive;
Sec. 8, E½NE¼, N½NW¼, SW¼NW¼, and S½;
Sec. 9, NW¼NW¼, W½SW¼NW¼, and W½W½SW¼.

The areas described aggregate 8,170.49 acres in Mesa County.

2. Subject to valid existing rights, the reserved Federal mineral interest for the following described privately owned land is hereby withdrawn from the United States mining laws (30 U.S.C, Ch. 2 (1988)), but not from leasing under the mineral leasing laws:

**Sixth Principal Meridian**

T. 11 S., R. 104 W.,
Sec. 5, E½SW¼NE¼.

The area described contains 20 acres in Mesa County.

3. The following described privately owned lands are within the exterior boundary of the proposed withdrawal. If these lands are subsequently acquired by the United States, this withdrawal would attach to these lands:

**Ute Principal Meridian**

T. 1 N., R. 3 W.,
Sec. 16, lot 1;
Sec. 17, lots 1 to 3, inclusive.

**Sixth Principal Meridian**

T. 10 S., R. 103 W.,
Sec. 8, lots 1, 4, 5, and 8;
Sec. 17, lots 1 and 4;
Sec. 18, a portion of mineral patent 18783;
Sec. 19, a portion of mineral patent 18783.
T. 10 S., R. 104 W.,
Sec. 24, a portion of mineral patent 18783;
Sec. 26, N½S½;
Sec. 27, SW¼NW¼.
T. 11 S., R. 104 W.,
Sec. 5, E½SW¼NE¼ and SW¼SE¼;
Sec. 8, W½NE¼ and SE¼NW¼.

The areas described aggregate 731 acres in Mesa County.

4. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

5. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: August 4, 1995.

**Bob Armstrong,**

*Assistant Secretary of the Interior.*

[FR Doc. 95–20328 Filed 8–16–95; 8:45 am]

BILLING CODE 4310–JB–P

## GENERAL SERVICES ADMINISTRATION

## 48 CFR Parts 501, 503, 505, 506, 507, 519, 552, and 570

**[APD 2800.12A CHGE 65]**

**RIN AF67**

## General Services Administration Acquisition Regulation; Leasing Real Property

**AGENCY:** Office of Acquisition Policy, GSA.

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration Acquisition Regulation (GSAR) is amended to implement several provisions of the Federal Acquisition Streamlining Act (FASA), Pub. L. 103–355, October 13, 1994, as it applies to the acquisition of leasehold interests in real property. Some of the provisions of FASA which are implemented in the Federal Acquisition Regulation (FAR) will also apply to leases of real property because the GSAR incorporates provisions of the FAR that apply to leases of real property by reference. Other provisions of FASA are unique to leases of real property and are addressed in Part 570 of the GSAR. This rule also implements several recommendations made by a GSA process re-engineering team for improving the procedures for acquiring leasehold interests in real property.

**EFFECTIVE DATE:** August 16, 1995.

**FOR FURTHER INFORMATION CONTACT:** Tom Wisnowski, Office of GSA Acquisition Policy, (202) 501–1224.

**SUPPLEMENTARY INFORMATION:**

### A. Public Comments

A notice of proposed rulemaking was published in the **Federal Register** on April 20, 1995 (60 FR 19708). Public comments were received from the Institute of Real Estate Management and the Department of Commerce, and comments were received from GSA real property contracting activities. All of the comments were considered in formulating the final rule. Changes made as a result of review of the comments include the following: (1) The current publicizing threshold of 10,000 square feet has been retained; (2) use of a specific electronic bulletin board system as a publicizing alternative has been changed to use of an on-line information system as an additional option; (3) the ''Changes'' clause has been revised to permit unilateral changes except for changes to the amount of space under lease; (4) additional changes were made in clause prescriptions where required by threshold changes as a result of FASA implementation in the FAR; and (5) revisions to procedures and regulatory language were made where comments indicated that additional clarification was needed.

### B. Executive Order 12866

This final rule was not submitted to the Office of Management and Budget (OMB) for review because the rule is not a significant regulatory action as defined in Executive Order 12866, Regulatory Planning and Review.

### C. Regulatory Flexibility Act

This rule is not expected to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because it will have a beneficial impact on all offerors, including small business concerns. The rule substantially simplifies the acquisition process for leases of real property entered into by the General Services Administration (GSA) making

it easier for offerors to do business with GSA. Therefore, a final regulatory flexibility analysis was not prepared. However, analysis of small business participation in the GSA leasing program revealed that the majority of leases are awarded to small entities. The small business share of the current active lease inventory of 7,101 leases is approximately 72% (5081 leases). As expected, participation is proportionately greater for smaller leases. Of the 3,383 leases which would fall under the new simplified lease acquisition threshold, small business participation is approximately 74%, compared to 67% for leases over the threshold. It is anticipated that the simplified procedures prescribed in this rule will result in an increase in the 74% small business share because of process simplification and consequential, significant reduction in the period of time between solicitation and award.

### D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the GSAR do not impose recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

### List of Subjects in 48 CFR Parts 501, 503, 505, 506, 507, 519, 552, and 570

Government procurement.

Accordingly, 48 CFR Parts 501, 503, 505, 506, 507, 519, 552, and 570 are amended to read as follows:

1. The authority citation for 48 CFR Parts 501, 503, 505, 506, 507, 519, 552, and 570 continues to read as follows:

**Authority:** 40 U.S.C. 486(c).

## PART 501—GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION SYSTEM

2. Section 501.103 is amended by revising paragraph (b) to read as follows:

**501.103 Applicability.**

* * * * *

(b) Parts 501, 502, 503, 505, 506, 517, 530, 533, 552, 553, 570, and subparts 504.2, 504.9, 509.4, 515.1, 519.3, 519.6, 519.7, 522.8, 522.13, 522.14, 532.1, 532.4, 532.6, 532.8, and 532.9 apply to leases of real property. Other provisions of the (GSAR) 48 CFR chapter 5 do not apply to leases of real property unless a specific cross-reference is made in part 570.

* * * * *

## PART 503—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

3. Section 503.104–10 is amended by revising paragraphs (a), (b)(3), and (c) to read as follows:

**503.104–10 Solicitation provisions and contract clauses.**

(a) The contracting officer may insert the provision at 552.203–71, Prohibited Conduct, in solicitations for the acquisition of leasehold interests in real property if there is a need to inform prospective offerors of certain conduct which is prohibited by law.

(b) * * *

(3) Simplified procedures are being used (see 570.2).

(c) The contracting officer shall insert a clause substantially the same as the clause at 552.203–73, Price Adjustments for Illegal or Improper Activity, in solicitations and contracts for the acquisition of leasehold interests in real property expected to exceed $100,000 and all modifications to leases exceeding $100,000 which do not already contain the clause.

4. Section 503.404 is amended by revising paragraph (a) to read as follows:

**503.404 Solicitation provision and contract clause.**

(a) The contracting officer shall insert the provision at 552.203–4, Contingent Fee Representation and Agreement, in solicitations for the acquisition of leasehold interests in real property which exceed the simplified lease acquisition threshold.

* * * * *

## PART 505—PUBLICIZING CONTRACT ACTIONS

5. Section 505.101 is amended by revising paragraph (c) introductory text to read as follows:

**505.101 Methods of disseminating information.**

* * * * *

(c) Unless exempt under FAR 5.202 or 505.202, proposed acquisitions must be publicized in local newspapers and may also be posted on on-line information systems, when the acquisition is for:

* * * * *

6. Section 505.202 is amended by revising paragraph (a) introductory text to read as follows and by removing paragraph (b)(1) and redesignating paragraphs (b)(2) and (b)(3) as (b)(1) and (b)(2), respectively.

**505.202 Exceptions.**

* * * * *

(a) Advertising in local newspapers, and optional posting on on-line information systems, are more appropriate than synopsizing in the *Commerce Business Daily* (CBD) for proposed acquisitions of—

* * * * *

7. Section 505.203 is amended by revising paragraph (b) to read as follows:

**505.203 Publicizing and response time.**

* * * * *

(b) The publicizing and response times in paragraph (a) do not apply to proposed acquisitions of leasehold interests in real property being conducted using simplified lease acquisition procedures (see 570.2). In such cases, the contracting officer may establish response times appropriate for the individual acquisition involved.

## PART 506—COMPETITION REQUIREMENTS

8. Section 506.001 is added before subpart 506.2 to read as follows:

**506.001 Applicability.**

This part does not apply to acquisitions of leasehold interests in real property awarded using the simplified procedures of subpart 570.2.

## PART 507—ACQUISITION PLANNING

**507.100 [Removed]**

9. Section 507.100 is removed.

## PART 519—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONTRACTING

10. Section 519.705–2 is revised to read as follows:

**519.705–2 Determining the need for a subcontracting plan.**

The requirement at FAR 19.702(a)(1) for submission of a subcontracting plan by only the apparently successful offeror does not apply to GSA negotiated solicitations when the contract is expected to exceed $500,000 ($1,000,000 for construction) and the contract will be awarded on the basis of an evaluation of technical and/or management proposals and cost or price proposals using source selection procedures. Except for acquisitions of commercial products, or offering minimal subcontracting opportunities, such acquisitions shall require submission of a subcontracting plan with the initial offer by all offerors that are not small business concerns.

11. Section 519.708 is amended by revising paragraph (c), removing paragraph (d)(1) and redesignating

paragraphs (d)(2) and (d)(3) as (d)(1) and (d)(2) to read as follows:

**519.708 Solicitation provisions and contract clauses.**

* * * * *

(c) The contracting officer shall insert the provision at 552.219–72, Notice to Offerors of Subcontracting Plan Requirements, on the cover page of the solicitation if the solicitation includes the clause at 552.219–9, Small Business Subcontracting Plan.

* * * * *

## PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

12. Section 552.203–72 is amended by revising the date of the provision and revising paragraph (b) of the provision to read as follows:

**552.203–72 Requirement for Certificate of Procurement Integrity.**

* * * * *

**Requirement for Certificate of Procurement Integrity (Aug 1995)**

(a) * * *

(b) The officer or employee responsible for the offer submitted in response to this solicitation shall submit the following certification upon the request of the Contracting Officer.

* * * * *

13. Section 552.270–1 is amended by revising the introductory text to read as follows:

**552.270–1 Preparation of offers.**

As prescribed in 570.702(a), insert the following provision:

* * * * *

14. Section 552.270–2 is amended by revising the introductory text to read as follows:

**552.270–2 Explanation to prospective offerors.**

As prescribed in 570.702(b), insert the following provision:

* * * * *

15. The provision at 552.270–3 is amended by revising the introductory text, the date of the provision, the introductory text of paragraph (a) of the clause, and adding an Alternate I to read as follows:

**552.270–3 Late submissions, modifications, and withdrawals of offers.**

As prescribed in 570.702(c), insert the following provision:

**Late Submissions, Modifications, and Withdrawals of Offers (Aug 1995)**

(a) Any offer received at the office designated in the solicitation after the exact time specified for receipt of initial offers will not be considered unless it is received before award is made and it—

* * * * *

*Alternate I (AUG 1995)*

As prescribed in 570.702(c), substitute the following paragraph for paragraph (a) of the basic clause:

(a) Any offer received at the office designated in the solicitation after the exact time specified for receipt of best and final offers will not be considered unless it is received before award is made and it—

16. Section 552.270–4 is amended by revising the introductory text to read as follows:

**552.270–4 Historic preference.**

As prescribed in 570.702(d), insert the following provision:

* * * * *

17. Section 552.270–5 is amended by revising the introductory text to read as follows:

**552.270–5 Lease award.**

As prescribed in 570.702(e), insert the following provision:

* * * * *

18. Section 552.270–6 is amended by revising the introductory text to read as follows:

**552.270–6 Parties to execute lease.**

As prescribed in 570.702(f), insert the following provision:

* * * * *

19. Section 552.270–10 is amended by revising the introductory text to read as follows:

**552.270–10 Definitions.**

As prescribed in 570.703(a)(1), insert the following clause:

* * * * *

20. Section 552.270–11 is amended by revising the introductory text to read as follows:

**552.270–11 Subletting and assignment.**

As prescribed in 570.703(a)(2), insert the following clause:

* * * * *

21. Section 552.270–12 is amended by revising the introductory text to read as follows:

**552.270–12 Maintenance of building and premises—Right of entry.**

As prescribed in 570.703(a)(3), insert the following clause:

* * * * *

22. Section 552.270–13 is amended by revising the introductory text to read as follows:

**552.270–13 Fire and casualty damage.**

As prescribed in 570.703(a)(4), insert the following clause:

* * * * *

23. Section 552.270–15 is amended by revising the introductory text to read as follows:

**552.270–15 Compliance with applicable law.**

As prescribed in 570.703(a)(5), insert the following clause:

* * * * *

24. Section 552.270–16 is amended by revising the introductory text to read as follows:

**552.270–16 Inspection—Right of entry.**

As prescribed in 570.703(a)(6), insert the following clause:

* * * * *

25. Section 552.270–17 is amended by revising the introductory text to read as follows:

**552.270–17 Failure and performance.**

As prescribed in 570.703(a)(7), insert the following clause:

* * * * *

26. Section 552.270–18 is amended by revising the introductory text to read as follows:

**552.270–18 Successors bound.**

As prescribed in 570.703(a)(8), insert the following clause:

* * * * *

27. Section 552.270–19 is amended by revising the introductory text to read as follows:

**552.270–19 Alterations.**

As prescribed in 570.703(a)(9), insert the following clause:

* * * * *

28. Section 552.270–20 is amended by revising the introductory text to read as follows:

**552.270–20 Proposals for adjustment.**

As prescribed in 570.703(a)(10), insert the following clause:

* * * * *

29. Section 552.270–21 is amended by revising the introductory text, the date, and paragraph (a) of the clause to read as follows:

**552.270–21 Changes.**

As prescribed in 570.703(a)(11), insert the following clause:

**Changes (Aug 1995)**

(a) The Contracting Officer may at any time, by written order, make changes within the general scope of this lease in any one or more of the following:

(1) Specifications (including drawings and designs);

(2) Work or services;

(3) Facilities or space layout; or

(4) Amount of space, provided the Lessor consents to the change.

* * * * *

30. Section 552.270–22 is amended by revising the introductory text to read as follows:

**552.270–22 Liquidated damages.**

As prescribed in 570.703(b), insert the following clause:

* * * * *

**552.270–23, 552.270–24 [Removed]**

31. Sections 552.270–23 and 552.270–24 are removed and reserved.

32. Section 552.270–25 is amended by revising the introductory text to read as follows:

**552.270–25 Adjustment for vacant premises.**

As prescribed in 570.703(a)(12), insert the following clause:

* * * * *

33. Section 552.270–27 is amended by revising the introductory text to read as follows:

**552.270–27 Delivery and condition.**

As prescribed in 570.703(a)(13), insert the following clause:

* * * * *

34. Section 552.270–28 is amended by revising the introductory text to read as follows:

**552.270–28 Default in delivery—Time extensions.**

As prescribed in 570.703(a)(14), insert the following clause:

* * * * *

35. Section 552.270–30 is amended by revising the introductory text to read as follows:

**552.270–30 Progressive occupancy.**

As prescribed in 570.703(a)(15), insert the following clause:

* * * * *

36. Section 552.270–31 is amended by revising the introductory text to read as follows:

**552.270–31 Payment.**

As prescribed in 570.703(a)(16), insert the following clause:

* * * * *

37. Section 552.270–32 is amended by revising the introductory text to read as follows:

**552.270–32 Effect of acceptance and occupancy.**

As prescribed in 570.703(a)(17), insert the following clause:

* * * * *

38. Section 552.270–33 is amended by revising the introductory text to read as follows:

**552.270–33 Default by lessor during the term.**

As prescribed in 570.703(a)(18), insert the following provision:

* * * * *

39. Section 552.270–34 is amended by revising the introductory text to read as follows:

**552.270–34 Subordination, nondisturbance and attornment.**

As prescribed in 570.703(a)(19), insert the following clause:

* * * * *

40. Section 552.270–35 is amended by revising the introductory text to read as follows:

**552.270–35 Statement of lease.**

As prescribed in 570.703(a)(20), insert the following clause:

* * * * *

41. Section 552.270–36 is amended by revising the introductory text to read as follows:

**552.270–36 Substitution of tenant agency.**

As prescribed in 570.703(a)(21), insert the following clause:

* * * * *

42. Section 552.270–37 is amended by revising the introductory text to read as follows:

**552.270–37 No waiver.**

As prescribed in 570.703(a)(22), insert the following clause:

* * * * *

43. Section 552.270–38 is amended by revising the introductory text to read as follows:

**552.270–38 Integrated agreement.**

As prescribed in 570.703(a)(23), insert the following clause:

* * * * *

44. Section 552.270–39 is amended by revising the introductory text to read as follows:

**552.270–39 Mutuality of obligation.**

As prescribed in 570.703(a)(24), insert the following clause:

* * * * *

45. Section 552.270–40 is amended by revising the introductory text to read as follows:

**552.270–40 Asbestos and hazardous waste management.**

As prescribed in 570.703(a)(25), insert the following clause:

* * * * *

46. Section 552.270–41 is amended by revising the introductory text to read as follows:

**552.270–41 Acceptance of space.**

As prescribed in 570.703(a)(26), insert the following clause:

* * * * *

## PART 570—ACQUISITION OF LEASEHOLD INTERESTS IN REAL PROPERTY

47. Section 570.102 is amended by removing the definition of ''Fair Rental'' and by adding the definition of ''Simplified lease acquisition threshold'' after the definition ''Rent and related services'' to read as follows:

**570.102 Definitions.**

* * * * *

*Simplified lease acquisition threshold* means $100,000 average annual rent, excluding the cost of operational services, such as heat, light, and janitorial services, whether furnished by the lessor, the government, or both, for the term of the lease, including option periods.

* * * * *

48. Section 570.104 is revised to read as follows:

**570.104 Contracting Officers.**

Contracting officers, acting within the scope of their appointments, are the exclusive agents to enter into and administer leases on behalf of the Government in accordance with agency procedures.

49. Section 570.105 is revised to read as follows:

**570.105 Competition.**

Unless the simplified procedures in subpart 570.2 are used, the competition requirements of FAR part 6 and part 506 apply to the acquisition of leasehold interests in real property.

50. Subpart 570.2 is revised to read as follows:

**Subpart 570.2—Simplified Lease Acquisition Procedures**

Sec.
570.201 Definitions.
570.202 Purpose.
570.203 Policy.
570.204 Procedures.
570.204–1 Market survey.
570.204–2 Competition.
570.204–3 Soliciting offers.
570.204–4 Negotiation, evaluation, and award.
570.204–5 Inspection.

**570.201 Definitions.**

*Simplified lease acquisition procedures* mean the procedures described in this subpart for awarding leases at or below the simplified lease acquisition threshold of $100,000, including options.

**570.202 Purpose.**

The purpose of this subpart is to prescribe simplified procedures for small leases in order to reduce administrative costs while providing for the efficient and economical acquisition of leasehold interests in real property.

**570.203 Policy.**

Simplified lease acquisition procedures should be used to the maximum extent practicable for actions at or below the simplified lease acquisition threshold.

**570.204 Procedures.**

**570.204–1 Market survey.**

A market survey must be conducted to identify potential sources. The contracting officer may use information available within GSA or from other available sources to identify locations that will meet the Government's minimum requirements.

**570.204–2 Competition.**

(a) When the lease is not expected to exceed the simplified lease acquisition threshold, the solicitation of at least three sources is considered to promote competition to the maximum extent practicable. When repeated requirements for space occur in the same market, and if practicable, two sources not included in the most recent solicitation should be invited to submit offers.

(b) If only one source is solicited, the file must be documented with an explanation for the lack of competition.

**570.204–3 Soliciting offers.**

(a) Offers should be solicited by presenting each prospective offeror with a proposed short form lease or SFO which identifies all minimum requirements, all award factors, including price or cost, and any significant subfactors that will be considered in awarding the lease and which states the relative importance the Government places on the evaluation factors or subfactors. In describing the evaluation factors to be considered, the solicitation shall clearly disclose whether all evaluation factors other than cost or price when combined, are significantly more important than cost or price; approximately equal in importance to cost or price; or significantly less important than cost or price.

(b) The proposed lease or SFO must describe the Government's requirements and include, either in full text or by reference, applicable FAR provisions and contract clauses required by 570.701 and applicable GSAR provisions and clauses required by 570.702 and 570.703.

(c) To the extent necessary, the Government's requirements, pricing matters, evaluation procedures and submission of offers should be reviewed with prospective offerors.

**570.204–4 Negotiation, evaluation, and award.**

(a) Negotiations, if applicable, should be conducted in accordance with 570.305.

(b) Offers must be evaluated in accordance with the solicitation. The contracting officer shall evaluate the price and document the lease file to demonstrate that the proposed contract prices represent fair and reasonable prices. In cases where the total cost exceeds $500,000, cost and pricing data must be obtained unless the requirement is waived or one of the exemptions at FAR 15.804–2 applies. The market price exemption from submission of cost or pricing data may be applied to proposed leases where there is evidence that the price is based on an established market price for similar space leased to the general public. A market survey and/or an appraisal conducted in accordance with accepted real property appraisal procedures may be used as evidence to establish the market price.

(c) An acceptable small business subcontracting plan must be provided if the total contract value of the lease will exceed $500,000, unless the lease will be awarded to a small business concern.

(d) For leases expected to exceed $100,000, a Certificate of Procurement Integrity must be provided to the proposed successful offeror for completion and submission before award.

(e) The contracting officer should review the List of Parties Excluded from Federal Procurement and Nonprocurement Programs, to ensure the proposed awardee is eligible to receive the award and is otherwise responsible before awarding the lease.

(f) An award will be made to the responsible offeror whose proposal is most advantageous to the Government considering price and other factors included in the solicitation.

**570.204–5 Inspection.**

The space must be inspected to ensure that it is in substantial compliance with the Government's requirements and specifications before acceptance by the contracting officer. The contract file must be documented accordingly.

51. Subpart 570.3 is revised to read as follows:

**Subpart 570.3—Procedures for Contracting for Leasehold Interests in Real Property**

Sec.

570.301 Market surveys.
570.302 Publicizing/Advertising.
570.303 Solicitation for offers (SFO).
570.304 Changes to SFO's.
570.305 Negotiations.
570.306 Evaluating offers.
570.307 Late offers, modifications of offers, and withdrawals of offers.
570.308 Preaward requirements.
570.308–1 General.
570.308–2 Cost or pricing data.
570.308–3 Proposal evaluation.
570.308–4 Responsibility determinations.
570.309 Award.
570.310 Debriefings.
570.311 Inspection.

**570.301 Market surveys.**

A market survey must be conducted to identify potential sources. The contracting officer may use information available within GSA or from other available sources to identify locations that will meet the Government's minimum requirements.

**570.302 Publicizing/Advertising.**

(a) Leasing actions for blocks of space of more than 10,000 square feet must be publicized in local newspapers and may also be posted on an on-line information system, unless exempt under FAR 5.202 or 505.202.

(b) When the Government intends to acquire a leasehold interest in a building to be constructed on a preselected site, the proposed acquisition must be synopsized in the Commerce Business Daily (CBD).

**570.303 Solicitation for offers (SFO).**

(a) The SFO is the basis for the entire lease negotiation process and must be made a part of the lease. SFO's must contain the information necessary to enable the prospective offeror to prepare a proposal. Each SFO, at a minimum, must—

(1) Be in writing.

(2) Contain a description of the minimum requirements of the Government, including—

(i) A description of the required space.

(ii) Specifications. The type of specification will depend upon the nature of the space needed by the agency and the market available to satisfy the need. Specifications may be stated in terms of function, performance, or design requirements. The specification must be drafted to promote full and open competition and include restrictive provisions or conditions only to the extent necessary to satisfy the needs of the agency or as authorized by law.

(iii) Any special requirements.

(iv) A delivery schedule.

(3) State the method to be used to measure space.

(4) Specify a date and place for the submission of offers.

(5) Indicate how offers will be evaluated.

(6) Indicate how offers are to be structured.

(7) Identify all factors, including price or cost, and any significant subfactors that will be considered in awarding the lease and state the relative importance the Government places on those evaluation factors and subfactors. In describing the evaluation factors to be considered, the SFO shall clearly disclose whether all evaluation factors other than cost or price when combined, are significantly more important than cost or price, approximately equal in importance to cost or price, or significantly less important than cost or price. Numerical weights, which may be employed in the evaluation of proposals, need not be disclosed in solicitations. The solicitation must inform offerors of minimum requirements that apply to the procurement. The other factors that will be considered in evaluating proposals should be tailored to each acquisition and include only those factors that will have an impact on the award decision. The evaluation factors that apply to an acquisition and the relative importance of those factors are within the broad discretion of the contracting officer. However, price or cost to the Government must be included as an evaluation factor in every case.

(8) The SFO may state that award will be made to the offeror that meets the SFO's minimum criteria for acceptable award at the lowest cost or price.

(9) Include a statement outlining the information that may be disclosed in post-award debriefings.

(10) Include appropriate forms as prescribed in subpart 570.8.

(b) The SFO must be released to all prospective offerors at the same time.

**570.304 Changes to SFO's.**

(a) When the Government's requirements change (either before or after receipt of proposals), the SFO must be amended in writing.

(b) When time is of the essence, information on SFO amendments may be provided orally if—

(1) A record is made of the information provided;

(2) All offerors or prospective offerors are given notice, or attempts to provide offerors or prospective offerors with such notice are made, on the same day, if possible; and

(3) The information provided orally is promptly confirmed by a written amendment.

(c) When amendments to the Government's requirements occur, the following procedures apply—

(1) If proposals have not been submitted, amendments must be sent to all prospective offerors who have been sent a copy of the SFO.

(2) If proposals have been received, the amendments must be sent to all of the offerors.

(3) If an amendment is so substantial that it requires a complete revision of the SFO, the SFO should be concealed and a new SFO issued.

**570.305 Negotiations.**

(a) Negotiations will be conducted with all offerors that are within the competitive range. The contracting officer shall determine the competitive range on the basis of cost and other factors that were stated in the SFO and shall include in the competitive range all offers that have a reasonable chance of being selected for award.

(b) The content and extent of the negotiations are a matter of the contracting officer's judgment based on the particular facts of each acquisition. The contracting officer shall—

(1) Control all discussions;

(2) Advise offerors of deficiencies in their proposals so that offerors are given an opportunity to satisfy the Government's requirements; attempt to resolve any uncertainties concerning the proposals; resolve any suspected mistakes by calling them to the offeror's attention as specifically as possible without disclosing information concerning other offerors' proposals or the evaluation process; and

(3) Provide offerors a reasonable opportunity to submit any cost or price, technical, or other revisions to their proposals that may result from the discussions.

(c) No indication may be given to any offeror of a target price which must be met.

(d) No information regarding the number or identity of offerors participating in the procurement may be made available to anyone whose official duties do not require such knowledge.

(e) Negotiations must be closed by establishing a date and time for closing of negotiations and requesting in writing that offerors submit a ''best and final offer'' by that date.

(f) Negotiations may not be conducted after the closing date for best and final offers unless negotiations are reopened with all offerors in the competitive range.

(g) Negotiations are confidential and must reflect complete agreement on all items and conditions of the lease contract. Information regarding the transaction will not be announced or made available until after the contract is awarded.

(h) A written negotiation record must be placed in the lease file.

**570.306 Evaluating offers.**

(a) An abstract of final offers may be prepared to aid in the analysis of offers received.

(b) Offers must be evaluated in accordance with the SFO.

**570.307 Late offers, modifications of offers, and withdrawals of offers.**

Offers determined to be received late will be handled in accordance with FAR 15.412.

**570.308 Preaward requirements.**

**570.308–1 General.**

(a) If an offeror answers affirmatively on the Contingent Fee Representation and Agreement, in order to comply with the warranty requirement of 41 U.S.C. 254(a), the requirements of FAR 3.4 and 503.4 must be followed for leasing actions expected to exceed the simplified lease acquisition threshold.

(b) For leases expected to exceed $100,000, a Certificate of Procurement Integrity must be provided to the proposed successful offeror for completion and submission before award.

(c) Other applicable certifications should be reviewed for compliance with regulations.

**570.308–2 Cost or pricing data.**

(a) Cost or pricing data are required under the circumstances described in FAR 15.804–2.

(b) The exemptions from and waivers of submission of certified cost or pricing data are outlined in FAR 15.804–3. The competition exemption applies when adequate price competition, as defined in FAR 15.804–3(b), is obtained. The market price exemption from submission of cost or pricing data may be applied to proposed leases where there is evidence that the price is based on an established market price for similar space leased to the general public. A market survey and/or an appraisal conducted in accordance with accepted real property appraisal procedures may be used as evidence to establish the market price. The contracting officer may grant an exemption and need not require the prospective lessor to submit a Standard Form 1412, Claim for Exemption from Submission of Certified Cost or Pricing Data, when there is evidence, before solicitation, that there is an acceptable

established market price (see FAR 15.804–3(e)(3)).

(c) In exceptional cases, the requirement for submission of certified cost or pricing data may be waived under FAR 15.804–3(i) and 515.804–3.

(d) When certified cost or pricing data is required, the contracting officer shall follow the procedural requirements in FAR 15.804–6(e).

(e) If the proposed lessor refuses to provide the data when required, the contracting officer shall follow the procedures in FAR 15.804–6(e) and 515.804–6.

**570.308–3 Proposal evaluation.**

(a) Offers must be evaluated in accordance with the solicitation. The contracting officer shall evaluate the price and document the lease file to demonstrate that the proposed contract prices represent fair and reasonable prices.

(b) The lease file must also document the evaluation of other award factors listed in the solicitation. The file must include the basis for evaluation, an analysis of each offer, and a summary of findings.

**570.308–4 Responsibility determinations.**

(a) The contracting officer shall make a determination that the prospective awardee is responsible with respect to the lease being considered. The contracting officer's signature on the contract is deemed to be an affirmative determination. When an offeror is found to be nonresponsible, the contracting officer shall make, sign and place in the contract file a determination of nonresponsibility which shall state the basis for the determination.

(b) If a small business concern is found to be nonresponsible, the procedures at FAR 19.6 and 519.6 must be followed. All documents and reports supporting a determination of responsibility or nonresponsibility must be placed in the lease file.

**570.309 Award.**

(a) An award will be made to the responsible offeror whose proposal is most advantageous to the Government considering price and other factors included in the SFO.

(b) Award will be made in writing within the timeframe specified in the SFO. If an award cannot be made within that time, the contracting officer shall request in writing from each offeror an extension of the acceptance period through a specific date.

(c) Unsuccessful offerors will be notified in writing or electronically within three days after the award. The first day of the three-day period is the day following award; if the third day is not a full contracting activity workday, the third day will be the next full contracting activity workday.

(d) All proposals received in response to an SFO may be rejected if the head of the contracting activity or designee determines that such action is in the public interest.

**570.310 Debriefings.**

(a) Unsuccessful offerors may request a debriefing by the agency, provided that said request is made in writing and is received by the agency within 3 days after the date on which the offeror received notice of the contract award.

(b) The agency shall debrief the offeror to the maximum extent practicable within 5 days after the request for the debriefing.

(c) The debriefing shall include, at a minimum:

(1) The agency's evaluation of the significant weak or deficient factors in the offeror's proposal;

(2) The overall evaluated cost and technical rating of the successful offeror's proposal and the proposal of the offeror requesting the debriefing;

(3) The overall ranking of all offers;

(4) A summary of the rationale for the award;

(5) Reasonable responses to relevant questions posed by the debriefed offeror as to whether source selection procedures set forth in the SFO, applicable regulations and other applicable authorities were followed.

(6) A summary of the debriefing shall be maintained in the contract file.

(d) The debriefing may not include point-by-point comparisons of the debriefed offeror's proposal with other proposals and may not disclose any information that is exempt from disclosure.

**570.311 Inspection.**

The space must be inspected to ensure that it is in substantial compliance with the Government's requirements and specifications before acceptance by the contracting officer. The contract file must be documented accordingly.

52. Section 570.502 is amended by revising paragraphs (a), (b)(1), (b)(2), (b)(3)(ii) and (b)(3)(iii)(B) to read as follows:

**570.502 Succeeding leases.**

(a) *General.* Succeeding leases for the continued occupancy of space in a building which do not exceed the simplified lease acquisition threshold may be acquired through use of the simplified procedures outlined in subpart 570.2. Absence of competition must be explained in the contract file. Succeeding leases which exceed the simplified lease acquisition threshold may be entered into when a cost-benefit analysis has been conducted and the results indicate that an award to an offeror other than the present lessor would result in substantial relocation costs and duplication of costs to the Government that are not expected to be recovered through competition.

(b) *Procedure*—(1) *Publicizing/Advertising.* The contracting officer shall publish a notice in local newspapers and/or periodicals if required by 505.101(c). The notice should normally (i) indicate the Government's lease is expiring, (ii) describe the requirement in terms of type and quantity of space, (iii) indicate the Government is interested in considering alternative space if economically advantageous, (iv) advise prospective offerors that the Government will consider the cost of moving, alterations, etc., when deciding whether it should relocate, and (v) provide a contact person for those interested in providing space to the Government.

(2) *Market survey.* A market survey must be conducted in accordance with 570.301.

(3) * * *

(i) * * *

(ii) If potential acceptable locations are identified through the advertisement or market survey and relocation costs (including estimated moving costs, telecommunications costs, and the estimated cost of alterations, amortized over the firm term of the lease) will be low enough to allow recovery through a competitive process, the contracting officer should develop a SFO and negotiate with all interested parties in accordance with the procedures in subpart 570.3.

(iii) * * *

(A) * * *

(B) Develop an SFO and negotiate with all interested parties in accordance with the procedures in subpart 570.3.

53. Section 570.503 is amended by revising paragraphs (a), (b) introductory text and (c) to read as follows:

**570.503 Expansion requests.**

(a) When the expansion space is within the general scope of the lease, the space may be acquired through a modification to the lease without further justification pursuant to FAR subpart 6.3.

(b) When the expansion space needed is outside the general scope of the lease, the contracting officer must determine whether it is more prudent to provide the expansion space by supplemental

agreement to the existing lease or to satisfy the requirement by competitive means. A market survey must be conducted to determine whether suitable alternative locations are available. If the market survey reveals alternate locations that can satisfy the total requirement, a cost-benefit analysis must be performed to determine whether it is in the Government's best interest to relocate. This analysis may include—

* * * * *

(c) When the expansion space is outside the general scope of the lease, a justification must be prepared for approval in accordance with FAR subpart 6.3 and 506.3, except when competitive procedures or simplified lease acquisition procedures are used.

54. Section 570.504 is revised to read as follows:

**570.504 Superseding leases.**

(a) Consideration should be given to the execution of a superseding lease that would replace the existing lease when the changes or modifications to the space contemplated are so numerous or detailed as to cause complications, or they would substantially change the present lease.

(b) The justification and approval requirements in FAR subpart 6.3 and 506.3 must be complied with before negotiating a superseding lease if the value of the lease exceeds the simplified lease acquisition threshold. When the cost is less than or equal to the simplified lease acquisition threshold, the contracting officer may use simplified procedures outlined in 570.2 and explain the absence of competition in the file.

55. Section 570.505 is amended by revising paragraph (a) to read as follows:

**570.505 Lease extensions.**

(a) The justification and approval requirements in FAR subpart 6.3 and 506.3 must be complied with before negotiating a Supplemental Lease Agreement exceeding the simplified lease acquisition threshold to extend the term of the lease to provide for continued occupancy on a short term basis (usually not to exceed 1 year). For extensions valued less than or equal to the simplified lease acquisition threshold, the contracting officer must explain the absence of competition in the contract file.

* * * * *

**570.602–1 [Amended]**

56. Section 570.602–1 is amended by removing the figure ''$25,000'' and inserting ''$100,000'' in paragraphs (a) and (b).

**570.602–2 [Amended]**

57. Section 570.602–2 is amended in paragraphs (e)(3) and (g) by removing the figure ''$25,000'' and inserting ''$100,000.''

58. Subpart 570.7 is revised to read as follows:

**Subpart 570.7—Solicitation Provisions and Contract Clauses**

Sec.
570.701 FAR provisions and clauses.
570.702 Solicitation provisions.
570.703 Contract clauses.
570.704 Use of provisions and clauses.

**570.701 FAR provisions and clauses.**

In addition to including solicitation provisions and contract clauses prescribed in the GSAR (48 CFR chapter 5), provisions and/or clauses substantially the same as the FAR provisions/clauses listed, shall be included in the circumstances indicated.

(a) All solicitations and contracts, regardless of the dollar value, must include the following provisions/clauses:

| FAR part 52 cite | Title |
|---|---|
| 52.204–3 | Taxpayer Identification. |
| 52.233–1 | Disputes. |

(b) All solicitations and contracts which exceed $1,000 must include the FAR clause at 52.232–23, Assignment of Claims.

(c) All solicitations and contracts which exceed $2,500 must include the following provisions/clauses:

| FAR part 52 cite | Title |
|---|---|
| 52.219–2 | Small Disadvantaged Business Concern Representation. |
| 52.219–3 | Women-Owned Small Business Representation. |
| 52.222–36 | Affirmative Action for Handicapped Workers. |

(d) All solicitations and contracts which exceed $10,000 must include the following provisions/clauses:

| FAR part 52 cite | Title |
|---|---|
| 52.222–21 | Certification of Nonsegregated Facilities. |
| 52.222–22 | Previous Contracts and Compliance Reports. |
| 52.222–25 | Affirmative Action Compliance. |
| 52.222–26 | Equal Opportunity. |
| 52.222–35 | Affirmative Action for Special Disabled and Vietnam Era Veterans. |
| 52.222–37 | Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era. |

(e) All solicitations and contracts which exceed $25,000 must include the FAR clause at 52.209–6, Protecting the Government's Interests when Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment.

(f) All solicitations and contracts which exceed $100,000 must include the following FAR provisions/clauses:

| FAR part 52 cite | Title |
|---|---|
| 52.203–9 | Requirement for Certification of Procurement Integrity—Modification. |
| 52.203–11 | Certificate and Disclosure Regarding Payments to Influence Certain Federal Transactions. |

(g) All solicitations and contracts for actions which exceed the simplified lease acquisition threshold must include the following FAR provisions/clauses:

| FAR part 52 cite | Title |
|---|---|
| 52.203–2 | Certificate of Independent Price Determination. |
| 52.203–7 | Anti-Kickback Procedures. |
| 52.209–5 | Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters. |
| 52.215–1 | Examination of Records by Comptroller General. |
| 52.215–12 | Restriction on Disclosure and Use of Data (Solicitations only). |
| 52.219–8 | Utilization of Small Business Concerns and Small Disadvantaged Business Concerns. |
| 52.219–13 | Utilization of Women-Owned Small Businesses. |
| 52.223–5 | Certification Regarding a Drug-Free Workplace. |
| 52.233–2 | Service of Protest (Solicitations only). |

(h) All solicitations and contracts which exceed $500,000 must include the deviations to the FAR clauses at 52.219–9, Small Business and Small Disadvantaged Business Subcontracting Plan, and 52.219–16, Liquidated Damages—Small Business Subcontracting Plan (see 519.708 (a) and (b)).

(i) Solicitations which exceed $1 million must include the FAR provision at 52.222–24, Preaward On-site Equal Opportunity Compliance Review.

(j) When cost or pricing data is required for work or service exceeding $500,000 the FAR clauses at 52.215–22, Price Reduction for Defective Cost or Pricing Data, and 52.215–24, Subcontractor Cost or Pricing Data, must

be included in solicitations and contracts.

(k) When the contracting officer determines that it is desirable to authorize the submission of facsimile proposals the solicitation must include the FAR provision at 52.215–18, Facsimile Proposals.

**570.702 Solicitation provisions.**

When a solicitation for offers is issued, the contracting officer should include provisions substantially the same as the following unless the contracting officer makes a determination that use of one or more of the provisions is not appropriate:

(a) 552.270–1 Preparation of Offers.

(b) 552.270–2 Explanation to Prospective Offerors.

(c) 552.270–3 Late Submissions, Modifications, and Withdrawals of Offers. Alternate I should be used when the contracting officer decides that it is advantageous to the Government to allow offers to be submitted up to the exact time specified for receipt of best and final offers.

(d) 552.270–4 Historic Preference.

(e) 552.270–5 Lease Award.

(f) 552.270–6 Parties to Execute Lease.

**570.703 Contract clauses.**

(a) The contracting officer shall insert the following clauses or clauses substantially the same as the following clauses in solicitations and contracts for leasehold interests in real property which exceed the simplified lease acquisition threshold unless the contracting officer makes a determination that use of one or more of the clauses is not appropriate. Use of the clauses is optional for those actions which fall at or below the simplified lease acquisition threshold.

(1) 552.270–10 Definitions (Included if 552.270–28 is used).

(2) 552.270–11 Subletting and Assignment.

(3) 552.270–12 Maintenance of Building and Premises—Right of Entry.

(4) 552.270–13 Fire and Casualty Damage.

(5) 552.270–15 Compliance with Applicable Law.

(6) 552.270–16 Inspection—Right of Entry.

(7) 552.270–17 Failure in Performance.

(8) 552.270–18 Successors Bound.

(9) 552.270–19 Alterations.

(10) 552.270–20 Proposals for Adjustment.

(11) 552.270–21 Changes.

(12) 552.270–25 Adjustment for Vacant Premises.

(13) 552.270–27 Delivery and Condition.

(14) 552.270–28 Default in delivery—Time Extensions.

(15) 552.270–30 Progressive Occupancy.

(16) 552.270–31 Payment.

(17) 552.270–32 Effect of Acceptance and Occupancy.

(18) 552.270–33 Default by Lessor During the Term.

(19) 552.270–34 Subordination, Nondisturbance and Attornment.

(20) 552.270–35 Statement of Lease.

(21) 552.270–36 Substitution of Tenant Agency.

(22) 552.270–37 No Waiver.

(23) 552.270–38 Integrated Agreement.

(24) 552.270–39 Mutuality of Obligation

(25) 552.270–40 Asbestos and Hazardous Waste Management.

(26) 552.270–41 Acceptance of Space.

(b) The contracting officer shall insert the clause at 552.270–22, Liquidated Damages, in solicitations and contracts for leasehold interests in real property when there is a critical requirement that the delivery date be met and an actual cost cannot be established for the loss to the Government resulting from late delivery.

**570.704 Use of provisions and clauses.**

The omission of any provision or clause when its prescription requires its use constitutes a deviation which must be approved under subpart 501.4. Approval may be granted to deviate from provisions or clauses that are mandated by statute (e.g., (GSAR) 48 CFR 552.203–5, Covenant Against Contingent Fees, FAR 52.215–1, Examination of Records by the Comptroller General, etc.) in order to modify the language of the provision or clause, when permitted by the statute. However, the statutory provisions and clauses may not be omitted from the SFO unless the statute provides for waiving the requirements of the provision or clause.

## Subpart 570.8—Forms Used for Contracting for Leasehold Interests in Real Property

59. Section 570.801 is revised to read as follows:

**570.801 Standard forms.**

Standard Form 2, U.S. Government Lease for Real Property, should be used to award leases unless GSA Form 3626 is used. When the Standard Form 2 is used, reference to the Standard Form 2–A in paragraph 7 must be deleted.

60. Section 570.802 is revised to read as follows:

**570.802 GSA forms.**

(a) The GSA Form 3626, U.S. Government Lease for Real Property (Short Form), may be used to award leases when the simplified leasing procedures in 570.2 are used or when the Contracting Officer finds its use to be advantageous.

(b) GSA Form 276, Supplemental Lease Agreement, should be used to amend existing leases that involve the acquisition of additional space or partial release of space, revisions in the terms of a lease, restoration settlements, and alterations.

(c) GSA Form 1364, Proposal To Lease Space to the United States of America, may be used to obtain offers from prospective offerors.

Dated: August 3, 1995.

**Ida M. Ustad,**

*Associate Administrator for Acquisition Policy.*

[FR Doc. 95–20369 Filed 8–14–95; 4:03 pm]

BILLING CODE 6820–61–M

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## 48 CFR Parts 503, 504, 505, 507, 510, 512, 513, 514, 515, 523, 528, 529, 532, 536, 543, and 546

**[APD 2800.12A, CHGE 66]**

**RIN 3090–AF76**

## General Services Administration Acquisition Regulation; Implementing Federal Acquisition Circular (FAC 90–29)

**AGENCY:** Office of Acquisition Policy, GSA.

**ACTION:** Final rule.

**SUMMARY:** The General Services Administration Acquisition Regulation (GSAR) is amended to conform to the Federal Acquisition Regulation (FAR) as amended by Federal Acquisition Circular (FAC) 90–29 which amended the FAR to address the use of electronic commerce/electronic data interchange in Government contracting and to implement the new simplified acquisition procedures and Federal Acquisition Computer Network (FACNET) requirements of the Federal Acquisition Streamlining Act (FASA) of 1994. In addition, GSA Form 3519 is deleted and the 3186A has been revised to read ''Order for Supplies or Services (Simplified Acquisition).'' The intended effect is to provide guidance to contracting personnel that is consistent with the FAR as amended by FAC 90–29, which was issued as an interim rule effective July 3, 1995.

**EFFECTIVE DATE:** August 17, 1995.

**FOR FURTHER INFORMATION CONTACT:** Teresa Elbin, Office of GSA Acquisition Policy (202) 501–1224.

**SUPPLEMENTARY INFORMATION:**

### A. Public Comments

This rule was not published in the **Federal Register** for the public comment because it merely revises the GSAR to conform to the FAR as amended by FAC 90–29.

### B. Executive Order 12866

This rule was not submitted to the Office of Management and Budget because it is not a significant rule as defined in Executive Order 12866, Regulatory Planning and Review.

### C. Regulatory Flexibility Act

This rule is not expected to have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 60 *et seq*.). The rule will have a beneficial impact on all offerors, including small business concerns. This rule reduces the burden on entities desiring to do business with the General Services Administration and enhances the efficiency of the contracting process by placing increased emphasis on the use of electronic contracting methods for simplified acquisitions and by promoting greater use of the Governmentwide purchase card for micro-purchases. The increased efficiencies associated with such changes will have the most significant impact on GSA's small business contractors who, during fiscal year 1994, received 88% of GSA's small purchase awards (contracts under $25,000). It also eliminates any confusion and inconsistencies with the FAR as amended by FAC 90–29.

### D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements which require the approval of the Office of Management and Budget under 44 U.S.C. 3051, *et seq*.

### List of Subjects in 48 CFR Parts 503, 504, 505, 507, 510, 512, 513, 514, 515, 523, 528, 529, 536, and 546

Government procurement.

Accordingly, 48 CFR Chapter 5 is amended as follows:

1. The authority citation for 48 CFR Parts 503, 504, 505, 507, 510, 512, 513, 514, 515, 523, 528, 529, 532, 536, 543, and 546 continues to read as follows:

**Authority:** 40 U.S.C. 486(c).

## PART 503—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

**§ 503.570–2 [Amended]**

2. Section 503.570–2 is amended by removing the words ''small purchase limitation'' and inserting ''the simplified acquisition threshold.''

**§ 504.800 [Amended]**

3. Section 504.800 is amended by removing ''small purchase limitation'' and inserting ''simplified acquisition threshold;'' and removing ''small purchases'' in the last sentence and inserting ''purchases made using simplified acquisition procedures.''

## PART 505—PUBLICIZING CONTRACT ACTIONS

**§ 505.101 [Amended]**

4. Section 505.101 is amended in paragraph (b) by removing the words ''small purchase limitation'' and inserting ''simplified acquisition threshold.''

5. Section 505.240–70 is amended by revising the last sentence in paragraph (b) to read as follows:

**§ 505.204–70 Presolicitation notices used in connection with market searches for competitive sources.**

* * * * *

(b) * * * In conjunction with that solicitation, the specific procurement of the supply or service must be publicized in the CBD as required by FAR 5.201, unless the contract action will be made through interim or full FACNET.

**§ 505.303–70 [Amended]**

6. Section 505.303–70 is amended in paragraphs (a)(4) and (b)(1) by removing the figure ''$25,000'' and inserting ''$100,000'' and by inserting ''and Intergovernmental'' after ''Congressional'' in the first sentence of paragraph (b)(1).

**§ 505.503 [Amended]**

7. In section 505.503 remove the words ''small purchase limitation'' and insert ''simplified acquisition threshold.''

## PART 507—ACQUISITION PLANNING

**§ 507.102 [Amended]**

8. In section 507.102 remove the words ''small purchase limitation'' and insert ''simplified acquisition threshold.''

**§ 507.104 General procedures.**

9. Section 507.104 is amended by revising paragraphs (c), (e) introductory text and (e)(2) to read as follows:

* * * * *

(c) Limited plans must be in writing, unless waived under paragraph (d) of this section.

* * * * *

(e) Acquisition plans for contracts which propose using other than full and open competition must be coordinated with and concurred in by the cognizant competition advocate unless the proposed contract will be awarded under the authority at FAR 6.302–5 or will be awarded under a class justification approved by the Associated Administrator for Acquisition Policy. The cognizant competition advocate is—

(1) * * *

(2) The agency competition advocate, as defined in Subpart 502.1, for contracts exceeding $10,000,000.

## PART 510—SPECIFICATIONS, STANDARDS, AND OTHER PURCHASE DESCRIPTIONS

**§ 510.004 [Amended]**

10. In section 510.004 paragraph (b)(2) remove the word ''small'' and add the words ''at or below the simplified acquisition threshold'' after the word ''purchases.''

11. Section 510.011 is amended by revising paragraphs (a), (e), (g) and (i) and removing paragraph (j) to read as follows:

**§ 510.011 Solicitation provisions and contract clauses.**

(a) The contracting officer shall insert the clause at 552.210–70, Standard References, in solicitations and contracts for construction services when the contract amount is expected to exceed the simplified acquisition threshold and when:

* * * * *

(e) The contracting officer shall include the clause at 552.210–75, Marking, in requirements solicitations and contracts for supplies when deliveries may be made to civilian and military activities and the contract amount is expected to exceed the simplified acquisition threshold. The clause may be used in definite quantity contracts when it is appropriate.

* * * * *

(g) The contracting officer shall include the clause at 552.210–77, Preservation, Packaging and Packing, in solicitations and contracts for supplies when the contract amount is expected to exceed the simplified acquisition limitation. The contracting officer may include the clause in contracts awarded through simplified acquisition procedures when appropriate.

* * * * *

(i) The contracting officer shall include the clause at 552.210–79, Packing List, in solicitations and contracts for supplies, including purchases made using simplified acquisition procedures.

## PART 512—CONTRACT DELIVERY OR PERFORMANCE

**512.104 [Amended]**

12. Section 512.104 is amended in paragraph (b) by removing the words ''small purchase limitation'' and inserting ''simplified acquisition threshold.''

13. Part 513 is amended by revising the heading to read as follows:

## PART 513—SIMPLIFIED ACQUISITION PROCEDURES

14. Section 513.106 is revised to read as follows:

**513.106 Solicitation competition, evaluation of quotes, and award.**

(a) *Oral solicitation.* When quotations are being solicited orally and the Service Contract Act applies information on the Act and the applicable wage determination must be communicated to potential contractors.

(b) *Data to support simplified acquisitions.*

(1) The GSA Form 2010, Small Purchase Tabulation Source List/Abstract, is available for use to document written and oral quotations for purchases in excess of $2,500.

(2) When quotes or offers are being evaluated based on price alone and other than the lowest quotation is selected for award, the basis for rejecting any lower quotation should be documented.

**513.204 [Removed]**

**513.501 [Removed]**

15. Sections 513.204 and 513.501 are removed.

**513.505–2 [Amended]**

16. In section 513.505–2 at paragraph (c) remove the words ''(Small Purchase)'' after the word ''Services'' and remove the words, ''small purchases'' after the word ''making'' and substitute ''simplified acquisitions,'' remove the words ''small purchase'' after the word ''utilizing'' and substitute the words ''simplified acquisition;'' and at paragraph (d) remove the words ''small purchases'' and substitute ''simplified acquisitions.''

17. Section 513.505–3 is amended by revising paragraph (a) to read as follows:

**513.505–3 Standard Form 44, Purchase Order-Invoice-Voucher.**

(a) *General.* Use of the Standard Form 44 will not serve the best interest of either the Government or business when the accounting system of the seller requires production of an invoice as a matter of routine. In these cases, other authorized methods of making simplified acquisitions should be used. Whenever possible, preference should be given to the use of Governmentwide commercial purchase card.

* * * * *

18. Section 513.l505–70 is revised to as follows:

**513.505–70 Two-party contract forms.**

When a determination is made that it is in the Government's interest to negotiate a two-party contract (see FAR 13.104(f)) for services, Standard Form 1447, Solicitation Contract, may be used.

19. Section 513.7001 is amended by redesignating paragraph (b)(3) as (b)(4), adding a new paragraph (b)(3), by revising newly redesignated paragraph (b)(4) and (c), and by removing paragraphs (d)(1), (d)(2) and (d)(4) and redesignating paragraph (d)(3) as (d)(2) and adding a new paragraph (d)(1) to read as follows:

**513.7001 Certified invoice procedure for procurements not requiring a written purchase order.**

* * * * *

(b) * * *

(3) The supplier does not accept the Government commercial purchase card or the individual making the purchase does not have a purchase card.

(4) Appropriate invoices can be obtained from the supplier.

(c) For special rules governing purchases of hand and measuring tools and stainless steel flatware see 525.105–70 and 525.105–71.

(d) Use of the certified invoice procedure does not eliminate the requirements to—

(1) Verifying price reasonableness in accordance with the conditions contained in FAR 13.603.

(2) Certify that the quality and quantity of items/services furnished are in accordance with the verbal agreement made with the vendor;

* * * * *

## PART 514—SEALED BIDDING

**514.203–1 [Amended]**

20. Section 514.203–1 is amended by revising the heading to read as follows:

**514.203–1 Transmittal to prospective bidders.**

* * * * *

**514.205–1 [Amended]**

21. Section 514.205–1 is amended in the first sentence of paragraph (a) by removing the words ''small purchase limitations'' and inserting ''simplified acquisition threshold''.

22. Section 514.370 is amended by adding a sentence at the end of the paragraph to read as follows:

**514.370 Copies of bids required in submission.**

* * * These requirements do not apply to bids transmitted and received through an electronic commerce method authorized by the solicitation.

**§ 514.402–1 [Amended]**

23. Section 514.402–1 is amended in the second sentence of paragraph (b) by removing the words ''Director of Small and Disadvantaged Business Utilization'' and inserting ''Associate Administrator for Enterprise Development.''

**514.408 [Redesignated as 514.409]**

**514.408–1 [Redesignated as 514.409–1]**

**514.408–70 [Redesignated as 514.409–70]**

24. Sections 514.408, 514.408–1, and 514.408–70 are redesignated as 514.409, 514.409–1, and 514.409–70 respectively.

25. Section 514.408–72 is revised to read as follows:

**514.408–72 Forms for recommending award(s) (Supplies and services).**

GSA Form 1535, Recommendation for Award(s), and GSA Form 1535–A, Recommendation for Award(s), Continuation Sheet, must be used to document all proposed awards (except construction contracts) exceeding the simplified acquisition threshold. The use of the form for awards at or below the simplified acquisition threshold is at the discretion of the contracting activity. One or more awards may be set forth on each form. All information pertinent to the recommendation must be furnished on the form. The checklist on the back of the form must be completed.

**514.407 [Redesignated as 514.408]**

**514.407–1 [Redesignated as 514.408–1 and amended]**

**514.407–6 [Redesignated as 514.408–6]**

**514.407–70 [Redesignated as 514.408–70]**

**514.407–71 [Redesignated as 514.408–71]**

**514.407–72 [Redesignated as 514.408–72]**

26. Sections 514.407, 514.407–1, 514.407–6, 514.407–70, 514.407–71 and 514.407–72 are redesignated as 514.408, 514.408–01, 514.408–6, 514.408–70, 514.408–71 and 514.408–72 respectively; in newly designated

section 514.408–1 paragraph (a) remove the phrase ''when approved by the HCA;'' in paragraph (b) remove ''FAR 14.407–1(c)(5)'' and insert ''FAR 14.408–1(c)(5)''; and in paragraph (c) remove ''FAR 14.407–1(c)(4)'' and insert ''FAR 14.408–1(c)(4)'' and remove ''FAR 519.502–2(b)'' and insert ''519.503–4(b)''.

**514.406 [Redesignated as 514.407]**

**514.406–3 [Redesignated as 514.407–3 and revised]**

**514.406–4 [Redesignated as 514.407–4]**

27. Sections 514.406, 514.406–3 and 514.406–4 are redesignated as 514.407, 514.407–3 and 514.407–4 respectively, and newly designated section 514.407–3 is revised to read as follows:

**514.407–3 Other mistakes disclosed before award.**

(a) *Delegations of authority by head of the agency.* In accordance with FAR 14.407–3(e), the contracting directors (see 502.101) are authorized, without power of redelegation, to make the determinations regarding corrections and/or withdrawals treated in FAR 14.407–3(a), (b), and (c), and to make the corollary determinations not to permit withdrawal or correction for reasons indicated in FAR 14.407–3(d).

(b) *Legal review and approval.* Assigned counsel must approve determinations by the contracting director and contracting officer regarding mistakes in bid.

## PART 515—CONTRACTING BY NEGOTIATION

**515.1001 [Removed]**

28. Section 515.1001 is removed.

**515.1070 [Amended]**

29. In section 515.1070 at paragraph (b) remove the words ''small purchase'' and insert ''simplified acquisition;'' at paragraph (c) introductory text remove the word ''small'' in the phrase ''(other than small purchases)'' and in the same phrase after the word ''purchases,'' add the words ''made using simplified acquisition procedures;'' at paragraph (c)(1) remove the words ''FAR 15.1001(c)'' and insert ''FAR Subpart 15.10.''

## PART 523—ENVIRONMENT, CONSERVATION, AND OCCUPATIONAL SAFETY

30. Section 523.370 is revised to read as follows:

**523.370 Solicitation provision.**

The contracting officer shall insert the provision at 552.223–71, Hazardous Material Information, in solicitations including purchases made using simplified acquisition procedures, which involve the shipment of hazardous materials on an f.o.b. origin basis.

## PART 528—BONDS AND INSURANCE

31. Section 528.310 is amended by removing the words ''small purchase limitation'' and inserting ''simplified acquisition threshold.''

## PART 529—TAXES

32. Section 529.401–70 revised to read as follows:

**529.401–70 Purchases made using simplified acquisition procedures.**

The contracting officer shall insert the clause at 552.229–70, Federal, State, and Local Taxes, in purchases made using simplified acquisition procedures, except acquisitions of utility services and micro purchases.

## PART 532—CONTRACT FINANCING

33. Section 532.111 is amended by revising paragraph (c) and (d) to read as follows:

**532.111 Contract clauses.**

* * * * *

(c) *Adjusting payments.* The contracting officer shall insert the clause at 552.232–78, Adjusting Payments, in all solicitations and contracts for recurring building services expected to exceed the simplified acquisition threshold.

(d) *Final payment.* The contracting officer shall insert the clause at 552.232–79, Final Payment, in all solicitations and contracts for recurring building services expected to exceed the simplified acquisition threshold.

## PART 536—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

* * * * *

**536.570–2 [Amended]**

**536.570–5 [Amended]**

**536.570–13 [Amended]**

**536.570–14 [Amended]**

34. Sections 536.570–2, 536.570–5, 536.570–13, and 536.570–14 are amended by removing the words ''small purchase limit'' and inserting ''simplified acquisition threshold.''

**536.570–4 [Amended]**

35. Section 536.570–4 is amended by removing the words ''small purchase'' in paragraph (c) and inserting ''simplified acquisition threshold.''

**536.570–8 [Amended]**

**536.570–9 [Amended]**

36. Sections 536.570–8 and 536.570–9 are amended by removing the words ''small purchase limit'' and inserting ''simplified acquisition threshold''.

## PART 543—CONTRACT MODIFICATION

**543.205 [Amended]**

37. Section 543.205 is amended by removing the words ''small purchase limitation'' in paragraphs (a) and (b)(2) and inserting ''simplified acquisition threshold.''

## PART 546—QUALITY ASSURANCE

**546.403 [Amended]**

38. Section 546.403 is amended in the introductory text by removing the words ''small purchase'' and inserting ''simplified acquisition''.

**546.710 [Amended]**

39. Section 546.710 is amended in paragraph (e) by removing the words ''small purchase limitation'' and inserting ''simplified acquisition threshold.''

## PART 552—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

**552.300 [Amended]**

40. Section 552.300 is amended by removing the words ''small purchase'' and inserting ''simplified acquisition.''

Dated: August 8, 1995.

**Ida M. Ustad,**

*Associate Administrator, Office of Acquisition Policy.*

[FR Doc. 95–20215 Filed 8–16–95; 8:45 am]

BILLING CODE 6820–61–M

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## DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

## 49 CFR Part 571

**[Docket No. 85–07; Notice 12]**

**RIN 2127–AF23**

## Federal Motor Vehicle Safety Standards; Air Brake Systems Control Line Pressure Balance

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

**ACTION:** Final rule; correction.

**SUMMARY:** On July 28, 1995, NHTSA published a final rule that amended the control line pressure differential

requirements in Standard No. 121, *Air Brake Systems*, for converter dollies and trailers designed to tow other air braked vehicles. The agency has since learned that the docket number in the heading of that document is incorrect. (60 FR 38762) Today's document corrects the docket number to read ''[Docket No. 85–07; Notice 11]''. The July 28, 1995 document had read ''[Docket No. 85–07; Notice 10]''.

**EFFECTIVE DATE:** The correction to the July 28, 1995 document is effective on August 17, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202–366–5274).

Issued on: August 11, 1995.

**Barry Felrice,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 95–20345 Filed 8–16–95; 8:45 am]

**BILLING CODE 4910–59–M**

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## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 18

**RIN 1018–AD21**

## Marine Mammals; Incidental Take During Specified Activities

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final Rule and Notice of Availability of a Completed Final Polar Bear Habitat Conservation Strategy.

**SUMMARY:** Pursuant to the requirements contained in final regulations effective in December 1993 to govern the incidental, unintentional take of small numbers of polar bears and walrus during year-round oil and gas operations (exploration, development, and production) in the Beaufort Sea and adjacent northern coast of Alaska (50 CFR 18.122), the Fish and Wildlife Service hereby modifies and extends for an additional 40 months through December 15, 1998, the effectiveness of those final regulations. The original final Beaufort Sea regulations were effective beginning on December 16, 1993, for 18 months through June 16, 1995. On June 14, 1995, those regulations were extended for an additional 60 days through August 15, 1995. In addition to this current final rule action to extend the effective date through December 15, 1998, (for a total effective period of five years as authorized by the Marine Mammal Protection Act of 1972, as amended (MMPA)), the regulations have also been modified in consideration of concerns received during the public comment period.

In addition to this final rule, the Service announces availability of its final Polar Bear Habitat Conservation Strategy (Strategy), the completion of which was prompted by provisions of the 1993 Beaufort Seas regulations.

**DATES:** This rule is effective beginning on August 15, 1995. It extends the effective period of regulations that appears at 50 CFR part 18, subpart J through December 15, 1998.

**ADDRESSES:** Comments and materials received in response to this action are available for public inspection during normal working hours of 8 a.m. to 4:30 p.m., Monday through Friday, at the Office of Marine Mammals Management, Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, AK 99503. Copies of the final Polar Bear Habitat Conservation Strategy are available on request from this same office.

**FOR FURTHER INFORMATION CONTACT:** David McGillivary, Supervisor, Office of Marine Mammals Management, Anchorage, Alaska, at 907/786–3800; or Jeff Horwath, Division of Fish and Wildlife Management Assistance, Arlington, Virginia, at 703/358–1718.

**SUPPLEMENTARY INFORMATION:**

### Background

Under section 101(a)(5)(A) of the MMPA, the taking of small numbers of marine mammals may be allowed incidental to specified activities other than commercial fishing if the Director of the Service finds, based on the best scientific evidence available, that the cumulative total of such taking over a five-year period will have a negligible effect on these species and will not have an unmitigable adverse impact on the availability of these species for subsistence uses by Alaskan Natives. If these findings are made, the Service is required to establish specific regulations for the activity that set forth: permissible methods of taking; meanings of effecting the least practicable adverse impact on the species and their habitat and on the availability of the species for subsistence uses; and requirements for monitoring and reporting.

On December 17, 1991, BP Exploration (Alaska), Inc., for itself and on behalf of 14 other energy related entities (hereafter collectively referred to as ''Industry'') petitioned the Service to promulgate regulations pursuant to section 101(a)(5)(A) of the MMPA. A proposed rule was published by the Service on December 30, 1992 (57 FR 62283), with a 75-day comment period that expired on March 15, 1993.

The proposed rule announced that the Service had prepared a draft Environmental Assessment in conjunction with the rulemaking action; and that when a final decision was made on the Industry applications for incidental take authority, the Service would decide whether this was a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). On April 26, 1993, following the close of the proposed rule's comment period, the Service concluded in a Finding of No Significant Impact (FONSI) that this was not a major Federal action under the NEPA and preparation of an Environment Impact Statement was not required.

Subsequently, on November 16, 1993, the Service published final regulations in the **Federal Register** (58 FR 60402) effective December 16, 1993; to authorize and govern the incidental, unintentional take of small numbers of polar bears and walrus during Industry operations (exploration, development, and production) year-round in the Beauford Sea and adjacent northern coast of Alaska. The Service concluded in that final rule, based on the best scientific evidence available, that the cumulative total of such taking by Industry over a five-year period would have a negligible impact on these species and would not have an unmitigable adverse impact on the availability of these species for subsistence uses by Alaskan Natives.

However, although the MMPA authorizes incidental take regulations to be issued for periods of up to five years, these were initially effective only for an 18-month period through June 16, 1995, because of additional provisions at 50 CFR 18.122 in the final regulations requiring the Service to develop and begin implementing a Strategy pursuant to the management planning process in section 115 of the MMPA, and in furtherance of the goals of Article II of the 1973 International Agreement on the Conservation of Polar Bears (1973 Agreement). The Strategy could identify and designate special considerations or closures of any polar bear habitat components to be further protected, with public notice and comment sought on such considerations or closure. Pursuant to notice and opportunity for public comment, extension of the final Beaufort Sea regulations for an

additional 42 months for the full five-year term authorized by the MMPA (through December 15, 1998) was contingent upon: (1) the Service, by June 16, 1995, developing and beginning to implement the Strategy; (2) review of monitoring reports submitted by holders of Letters of Authorization issued according to the Beaufort Sea regulatory provisions at 50 CFR 18.127; and (3) an affirmative finding by the Secretary of the Interior.

The final rule explained the additional requirement to develop a Strategy as follows:

''In addition to its responsibilities under the [MMPA], the Department of the Interior has further responsibilities under the 1973 multilateral Polar Bear Agreement. Specifically, Article II of this Agreement requires that:

'Each Contracting Party shall take appropriate action to protect the ecosystems of which polar bears are a part, with special attention to habitat components such as denning and feeding sites and migration patterns. . .'

''In comport with, and to meet more fully the intent of the Agreement, under this final rulemaking, within 18 months of its effective date, the Service has been directed by the Secretary of the Interior to develop and begin implementing a strategy for the identification and protection of important polar bear habitats. Development of such strategy will be done as part of the Service's management plan process pursuant to Section 115 of the [MMPA], and in cooperation with signatories to the Polar Bear Agreement, the Department of State, the State of Alaska, Alaskan Natives, Industry, conservation organizations, and academia.''

The Service developed a draft Strategy, published notice of its availability in the **Federal Register** (February 28, 1995, at 60 FR 10868), and sought review and comment on it. The draft Strategy was developed with the involvement and input of Alaskan Natives, Industry, the National Biological Service, the State of Alaska, conservation organizations, academia, and others. It included Native traditional knowledge on polar bear behavior and habitat use.

The draft Strategy identified and designated important polar bear feeding and denning areas and proposed measures for enhanced consideration of these areas from oil and gas exploration, development, and production. It also proposed additional measures for polar bear habitat protection in furtherance of the goals of the 1973 Agreement. These measures consisted of a proposed Native Village Communication Plan, creation and support of a Polar Bear Advisory Council, and development of International Conservation Initiatives. The draft Strategy also identified research needs related to habitat use and relative importance of habitat types, and effects of contaminants and industrial activities on polar bears.

The original 60-day period to comment on the draft Strategy would have expired on May 1, 1995. However, on May 8, 1995, the Service announced in the **Federal Register** (60 FR 22584) that it had extended the comment period for an additional 15 days through May 16, 1995. It was extended in response to several April 28, 1995, letters that requested a 30-day extension; those requests stated that additional time was needed to complete a review of the draft Strategy.

While the Service agreed to extend the comment period, it was determined that a 30-day extension would not allow adequate time to analyze comments and to make a decision on the draft Strategy and on the associated proposed rule that was published in the **Federal Register** on March 17, 1995 (60 FR 14408) to extend the effective period of incidental take regulations at 50 CFR Part 18, Subpart J, for an additional 42 months through December 15, 1998. Because of the short timeframes involved, it was determined that the draft Strategy's comment period could only be extended for 15 days through May 16, 1995. This deadline also coincided with the close of the comment period on the proposed rule to extend the incidental take regulations at 50 CFR Part 18, Subpart J for an additional 42 months.

For the reasons set out in the Service's March 17, 1995, proposed rule to extend the effective period of incidental take regulations, and in the final Beaufort Sea rule published on November 16, 1993, the Service proposed to extend the regulations in 50 CFR Part 18, Subpart J for the full five-year term authorized by the MMPA. Thus, the regulations currently in effect would not expire, but would be extended through December 15, 1998. The proposal to extend the final Beaufort Sea regulations was made on the basis that the Service's draft Strategy, if adopted, would meet the stipulations in those regulations. The Service expressed its belief that the total expected takings of polar bears and walrus during energy operations would have a negligible impact on these species, and there would be no unmitigable adverse impacts on the availability of these species for subsistence uses by Alaskan Natives. Thus, if the provisions of the draft Strategy were adopted, and its implementation was initiated, the requirements of the Beaufort Sea regulations will have been met, and they could be extended for an additional 42 months.

Subsequently, the Service determined that completion of the final Strategy could not be achieved by June 16, 1995, because of extensive public interest and the substantial number of comments received concerning the draft Strategy. Since Beaufort Sea oil and gas activities continued to post no more than a negligible impact to polar bears and walrus, it was decided that a short-term 60-day extension of the incidental take regulations was in order so that a full and fair review of all public comments on the draft Strategy could be made. The Service determined that this extension would not affect its ''negligible impact'' finding or its finding that oil and gas activities in the Beaufort Sea would not have an unmitigable adverse effect on the availability of polar bears and walrus for subsistence uses. The Service, therefore, extended the effective period of the Beaufort Sea regulations through August 15, 1995, in a final rulemaking published in the **Federal Register** on June 14, 1995 (60 FR 31258). The Service believed this action to be prudent and justifiable in order to allow adequate time to review comments, finalize the Strategy, and begin its implementation. This 60-day extension of the Beaufort Sea regulations was effective immediately; to do otherwise would have allowed the regulations to lapse, thereby denying Industry the basic protection afforded by the MMPA's section 101(a)(5)(A). While the Service believed that prudent policy called for further deliberation on the draft Strategy, there was no biological justification for allowing the Beaufort Sea regulations to expire.

The final rule action described in the previous paragraph neither reopened the comment period on either the draft Strategy or the proposed rule to extend the period of effectiveness of the Beaufort Sea regulations through December 15, 1998, nor did it complete the Service's decision making on the March 17, 1995, proposed rule to extend the effective date of those final regulations through December 15, 1998. It merely extended for 60 days the effectiveness of the Beaufort Sea regulations during which time the Service would analyze public comments and make final decisions on the Strategy and the March 17, 1995, proposed rule. The new final decision date of August 15, 1995, would not be the same for both documents (i.e., the Strategy and the proposed rule).

The comment periods on both the draft Strategy and the proposed rule to extend the Beaufort Sea regulations through December 15, 1998, expired on May 16, 1995. The Service has completed its review of the substantial

number of public comments that were submitted with regard to the draft Strategy, and comments submitted in response to the proposed rule to extend the Beaufort Sea regulations.

**Findings and Conclusion Related to the Strategy**

The Service announces completion of its final Strategy. The Strategy identifies important polar bear feeding and denning areas and contains measures for enhanced consideration of these areas during oil and gas exploration, development, and production activities. It also contains additional measures for polar bear habitat protection in furtherance of the goals of the 1973 Agreement. These measures consist of a proposed Native Village Communication Plan, creation and support of a Polar Bear Advisory Council, and development of International Conservation Initiatives. The final Strategy also identifies research needs related to habitat use and relative importance of habitat types, and effects of contaminants and industrial activities on polar bears.

The following tasks have been implemented, or are in the process of being implemented, by the Service to comply with the provision of the Beaufort Sea regulations regarding development of the Strategy and beginning its implementation. These tasks include: conducting a marine mammal carcass survey to determine important feeding habitat; coordinating with the Service's representative to the Working Group for the Conservation of Flora and Fauna (CAFF) regarding the contents of the Strategy for its use with the CAFF Working Group; and developing a polar bear contaminants proposal, and coordinating with others to obtain funding for the study. Copies of the draft Strategy were provided to the parties to the 1973 Agreement, and members of the Polar Bear Specialists Group.

A substantial number of comments were submitted to the Service with respect to the draft Strategy during its 75-day public comment period. The Service has carefully examined and considered those comments and modified and corrected, as necessary and appropriate, the final Strategy. However, neither the comments nor the Service's responses to those comments are included in this final rule. Instead, those comments are presented in detail and addressed in a separate section entitled, ''Consultation and Coordination,'' in the final Strategy. Included in this final rule is a discussion of the comments submitted with respect to the provisions of the Beaufort Sea incidental take regulations and the Service's proposed rule to extend the effective period of those regulations through December 15, 1998, along with any specific comments submitted on the draft Strategy if those comments are specifically directed at the Beaufort Sea regulations.

**Discussion of Comments on the Proposed Rule of March 17, 1995, To Extend Beaufort Sea Incidental Take Regulations Through December 15, 1998**

*Comment:* Comments received regarding the incidental take regulations included sentiment that: (1) Closer scrutiny is needed to define what constitutes bona fide incidental take; (2) incidental take should include the language in the 1994 amendments to the MMPA regarding lethal take in defense of life; and (3) incidental take should include a system for permitting unintentional harassment.

*Response:* With regard to (1), the provisions of section 101(a)(5)(A) authorize the incidental, unintentional take of small numbers of marine mammals during the course of specified activities other than commercial fishing. Implementing regulations in 50 CFR 18.27 define incidental, but not intentional, taking as those takes which are infrequent, unavoidable, or accidental. It does not mean that the taking must be unexpected. In addition, the MMPA defines ''takes'' as meaning to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill; this definition is further defined in regulations at 50 CFR 18.3. As regards the current action, the term incidental take is considered to mean an alteration in natural behavioral patterns caused by human actions. With respect to (2) regarding the inclusion of language in the 1994 amendments to the MMPA at section 101(c) that authorizes lethal take of marine mammals in defense of life, such takings are not applicable to the current action in that such lethal takes could not be considered unintentional. Injecting into the current discussion the 1994 amendment language that authorizes lethal take in defense of human life is not justified. With respect to (3), the 1994 amendments to the MMPA included new provisions at section 101(a)(5)(D) that authorize the incidental, unintentional taking of small numbers of marine mammals by harassment if the Service determines that such harassment has no more than a negligible impact on the species or stock, and will not have an unmitigable adverse impact on the availability of the species or stock for subsistence purposes. As defined in the 1994 amendments and appearing in section 3 of the MMPA, harassment is defined as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including but not limited to migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment). This information has been inserted into the final Strategy. While the Service has not yet implemented the harassment provisions of the 1994 amendments, efforts to do so should begin in the near future. In any event, the final regulations, as extended, provide sufficient protection for Industry from incidental take liability as long as provisions of the regulations and the conditions of any Letters of Authorization are observed.

*Comment:* One respondent stated that it is not only inappropriate to link development of the Strategy with the incidental take regulations, but it is also not authorized by law. It was stated that no authority exists in either the 1973 Agreement (of which the United States, Canada, Russia, Denmark, and Norway are signatories) or the MMPA that authorizes implementation of the Strategy, much less make extension of the Beaufort Sea incidental take regulations contingent upon completion of the Strategy.

Furthermore, it was expressed that the incidental take regulations at 50 CFR 18.123(b) exceeded the MMPA's authority in that the statute set a standard of ''negligible impact'' while the Service's regulations contained language that went beyond the negligible impact standard as evidenced by the last sentence of 50 CFR 18.123(b) that states, ''Subsequent to implementation by the Service of its Polar Bear Habitat Conservation Strategy, no adverse impacts will be authorized in those identified polar bear habitat areas afforded special protection through implementation of that strategy.'' Those respondents expressed the belief that this language contradicts the MMPA in which Congress established the standard of ''least practicable adverse impact,'' even for sensitive areas such as rookeries or denning areas. The Service was requested to delete the above quoted language from 50 CFR 18.123(b).

*Response:* The Service believes that ample direction and authority exists through the 1973 Agreement and the MMPA to justify and support actions

intended to assure the long-term welfare of polar bears and their environment. As quoted previously in this **Federal Register** final rule under the **SUPPLEMENTARY INFORMATION, Background** Section, Article II of the 1973 Agreement directs Contracting Parties to ''* * * take appropriate action to protect the ecosystems of which polar bears are part, with special attention to * * * denning and feeding sites * * *'' The 1973 Agreement is not self-executing; however, with respect to the current issue, the Service believes that the MMPA provides the authority not only to implement measures, such as the final Strategy, through the 1973 Agreement, but also to carry out language in the MMPA to protect important polar bear habitat. The last sentence of section 2(2) of the MMPA, amended in 1994, states, ''* * * In particular, efforts should be made to protect essential habitats, including the rookeries, mating grounds, and areas of similar significance for each species of marine mammal from the adverse effect of man's actions;''. While this language, in the context of the opening provisions of section 2(2), appears to be linked to measures that should be taken to restore any species or stock to its optimum sustainable population (OSP) level, it follows that the Service should not stand idly by while a species or stock declined below its OSP level before taking necessary actions to maintain the species or stock at its OSP. In addition, the Service believes that authority exists in the MMPA's section 112, Regulations and Administration, to provide necessary authority to protect important polar bear habitat. In particular, section 112(a) state that, ''The Secretary shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this title.'' Thus, the Service believes that ample guidance and authority exists to develop a ''Habitat Conservation Strategy for Polar Bears in Alaska'' as called for in Beaufort Sea incidental take regulations at 50 CFR Part 18, Subpart J and prompt its completion in order to extend the Beaufort Sea incidental take regulations. The Service believes the final Strategy will assist in the LOA decision process and serve as an important vehicle to mitigate adverse impacts to polar bears and their habitat.

With regard to a perceived conflict between the statute's standard of negligible impact and the implementing regulations' ''no adverse impact'' language, the Service has determined at this time as a matter of policy to delete the cited language from 50 CFR 18.123(b) because the final Strategy does not establish regulatory controls that require compliance with a ''no adverse impact'' standard. The Strategy emphasizes areas of special concern that, on a case-by-case basis, will be evaluated to determine what level of oil and gas activity can be maintained without crossing the ''negligible impact'' threshold. The Service does believe, however, that adequate guidance and authority exists in the MMPA's sections 2, 101(a)(5)(A), and 112, and Section II of the 1973 Agreement to justify implementing a further level of protection for polar bear habitat if deemed necessary to satisfy the criteria of section 101(a)(5). Presently, however, the Service believes that regulatory measures currently in place, together with the measures addressed in the Strategy, and Industry's cooperation and adherence to established guidelines to mitigate impacts to polar bears provide adequate protection to these animals and their habitat.

*Comment:* Respondents stated that it would be inappropriate not to expand the incidental take regulations to the Coastal Plain 1002 area of the Arctic National Wildlife Refuge (ANWR) because this area is particularly important polar bear denning habitat. One respondent stated that the incidental take regulations are not scientifically defensible and questioned how the draft Environmental Assessment (EA) for incidental take regulations determined that there will be a negligible effect on polar bear populations when OSP levels have not been identified, and the nature, timing, and levels of proposed oil and gas activities, as well as the effect of past activities have not been determined. According to one commenter, the Service should consider discontinuing the regulations because the draft Strategy fails to provide significant offsetting protection as required by Article III of the 1973 Agreement. In addition, the commenter stated that the draft Strategy, draft EA, and Beaufort Sea incidental take regulations all fail to quantify levels of take.

*Response:* The Strategy intentionally does not propose to expand the incidental take regulations to the Coastal Plain of ANWR since that area by designation is a national wildlife refuge where oil and gas activity is currently prohibited. Additionally, expanding the regulations to cover the Coastal Plain of ANWR could send the erroneous message that oil and gas operations on ANWR could be authorized under current provisions, when in fact, that is clearly not the case. As indicated with the final EA for the Strategy, this is the area where the likelihood of maternity den encounters [by Industry] is the greatest on the Alaska Beaufort Sea coast. Consequently, it is also the area in which the Service would most likely make a finding of Industry activity exceeding a finding of negligible impact.

The Service is responsible for polar bear conservation and believes it has correctly determined that the proposed industrial activities described in Industry's petitions will not result in a greater than negligible impact to polar bears. The finding is based on the most current available knowledge and is fully consistent with the standards and procedures of section 101(a)(5), which requires no finding on OSP. The Service continues to evaluate the population information for the Beaufort Sea polar bear population in an attempt to estimate OSP. Within the petitioned scope of operations, the risk of lethal takes has been minimized by Industry's efforts to conduct monitoring, provide bear awareness training, and other activities. The Service, through the Strategy, has reserved judgment on the effects of industrial activities occurring in Important Habitat Areas for polar bears as identified in the final Strategy, and will evaluate the effects of activities in these areas on a case-by-case basis.

The Service disagrees with the proposition that the incidental take regulations and final Strategy should be discontinued and maintains that both are valuable tools for managers in conserving polar bears. The Service also feels that the Beaufort Sea regulations, in conjunction with the final Strategy, contributes to meeting U.S. obligations under the 1973 Agreement.

## Findings and Conclusions Related To Extending the Beaufort Sea Incidental Take Regulations Through December 15, 1998

For the reasons set out in this final rule, and in accordance with the stipulations contained in the final Beaufort Sea rule published on November 16, 1993, the Service hereby modifies and extends through December 15, 1998, the effectiveness of the regulations in 50 CFR Part 18, Subpart J (Taking of Marine Mammals Incidental to Oil and Gas Exploration, Development, and Production Activities in the Beaufort Sea and Adjacent Northern Coast of Alaska) for the full five-year term authorized by the MMPA. The regulations currently in effect through August 15, 1995, are now extended through December 15, 1998. Extending these final Beaufort Sea regulations is made on the basis that the Service's final Strategy is in keeping

with the stipulations in those final regulations. The Service has determined that it has met the requirements of the Beaufort Sea regulations.

**Effective Date of Rule**

In accordance with 5 U.S.C. 553(d)(1), the Service has determined that this final rule is effective on August 16, 1995. It is considered to be a substantive rule, the provisions of which relieve restrictions on Industry operations in the Beaufort Sea and adjacent northern coast of Alaska (excluding the Arctic National Wildlife Refuge) by authorizing incidental takes of polar bears and walrus during year-round oil and gas operations under provisions of the MMPA. Any delay in the effective date beyond August 16, 1995, could subject the Industry to penalties as provided in the MMPA if it conducted activities that resulted in incidental take of polar bears or walrus.

**Required Determinations**

During the rulemaking process to develop Beaufort Sea regulations, the Service prepared an Environmental Assessment with a FONSI on Industry's proposed actions. This rule was not subject to review by the Office of Management and Budget under Executive Order 12866. Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, the Service determined the rule would not have a significant economic effect on a substantial number of small entities. Oil companies and their contractors, conducting exploration, development, and production activities in Alaska, were identified as the only likely applicants under the regulations, and these potential applicants were not identified as small businesses. Furthermore, the final rule was not expected to have a potential takings implication under Executive Order 12630 because it authorized incidental, but not intentional, take of polar bears and walrus by Industry and thereby exempted them from civil and criminal liability. The rule also did not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 12612. The above identified required determinations associated with the Service's original rulemaking process associated with the Beaufort Sea are still valid for this current final rule.

The collections of information associated with this final rule have been approved by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and assigned clearance number 1018–0070.

**List of Subjects in 50 CFR Part 18**

Administrative practice and procedure, Imports, Indians, Marine mammals, Transportation.

For the reasons set forth in the preamble, Part 18, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations is amended as set forth below:

## PART 18—MARINE MAMMALS

1. The authority citation for 50 CFR Part 18 continues to read as follows:

16 U.S.C. 1361 *et seq.*

2. Section 181.121 is amended by correcting the typographical error in the second sentence as follows:

The phrase ''* * * Outer Continental Shelf waters each of * * *'' is revised to read ''* * * Outer Continental Shelf waters east of * * *''

3. Section 18.122 is revised to read as follows:

**§ 18.122 Effective dates.**

Regulations in this subpart will continue in effect through December 15, 1998, for oil and gas exploration, development, and production activities.

4. Sections 18.123(b) of subpart J is revised to read as follows:

**§ 18.123 Permissible methods.**

* * * *

(b) The methods and activities identified in § 18.123(a) must be conducted in a manner that minimizes to the greatest extent practicable adverse impacts on polar bear and walrus, their habitat and on the availability of these marine mammals for subsistence uses.''

Dated: August 14, 1995.

**Robert P. Davison,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 95–20437 Filed 8–14–95; 3:33 pm]

BILLING CODE 4310–55–M

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## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Parts 217 and 227

**[Docket No. 950427119–5203–05; I.D. 080195D]**

**RIN 0648–AH98**

## Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawling Activities; Additional Turtle Excluder Device Requirements Within Certain Fishery Statistical Zones

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

**ACTION:** Temporary additional restrictions on fishing by shrimp trawlers in the nearshore waters off Georgia and a portion of South Carolina to protect sea turtles; request for comments.

**SUMMARY:** NMFS is imposing, for a 30-day period, additional restrictions on shrimp trawlers fishing in offshore waters out to 10 nautical miles (nm) (18.5 km) from the COLREGS line between 30°45′ N. lat. and 33°00′ N. lat. in the Atlantic Area. This area includes all of the Georgia coast and the southern portion of the South Carolina coast, which includes all or a portion of Zones 30 through 32. The restrictions include prohibitions on the use by shrimp trawlers of soft turtle excluder devices (TEDs) and try nets with a headrope length greater than 12 ft (3.6 m) or a footrope length greater than 15 ft (4.5 m), unless the try nets are equipped with approved TEDs other than soft TEDs. This action is necessary to ensure protection for sea turtles and to prevent the continuation of high levels of mortality and strandings of threatened and endangered sea turtles.

**DATES:** This action is effective from 12:01 a.m. (local time) August 11, 1995, until 11:59 p.m. (local time) on September 9, 1995. Comments on this action must be submitted by September 13, 1995.

**ADDRESSES:** Comments on this action and requests for a copy of the environmental assessment (EA) or biological opinion (BO) prepared for this action should be addressed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Charles A. Oravetz, 813–570–5312, or Phil Williams, 301–713–1401.

**SUPPLEMENTARY INFORMATION:**

**Background**

All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act of 1973 (ESA). The Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) are listed as endangered. Loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific coast of Mexico, which are listed as endangered.

The incidental take and mortality of sea turtles as a result of shrimp trawling activities have been documented in the Gulf of Mexico and along the Atlantic seaboard. Under the ESA and its implementing regulations, taking sea turtles is prohibited, with exceptions set forth at 50 CFR 227.72. The incidental taking of turtles during shrimp trawling in the Gulf and Atlantic Areas (as defined in 50 CFR 217.12) is excepted from the taking prohibition, if the sea turtle conservation measures specified in the sea turtle conservation regulations (50 CFR part 227, subpart D) are employed. The regulations require most shrimp trawlers operating in the Gulf and Atlantic Areas to have a NMFS-approved TED installed in each net rigged for fishing, year round.

The conservation regulations provide a mechanism to implement further restrictions of fishing activities, if necessary to avoid unauthorized takings of sea turtles that may be likely to jeopardize the continued existence of listed species or that would violate the terms and conditions of an incidental take statement (ITS) or incidental take permit. Upon a determination that incidental takings of sea turtles during fishing activities are not authorized, additional restrictions may be imposed to conserve listed species and to avoid unauthorized takings that may be likely to jeopardize the continued existence of a listed species. Restrictions may be effective for a period of up to 30 days and may be renewed for additional periods of up to 30 days each (50 CFR 227.72(e)(6)).

**Biological Opinion**

On November 14, 1994, NMFS issued a BO that concluded that the continued long-term operation of the shrimp fishery in the nearshore waters of the southeastern United States resulting in levels of mortalities observed in 1994 was likely to jeopardize the continued existence of the highly endangered Kemp's ridley and could prevent the recovery of the loggerhead. This BO resulted from an ESA section 7 consultation that was reinitiated in response to the unprecedented number of dead sea turtles that stranded along the coasts of Texas, Louisiana, Georgia, and Florida in the spring and summer of 1994, coinciding with heavy nearshore shrimp trawling activity. Pursuant to section 7(b)(3) of the ESA, NMFS provided a reasonable and prudent alternative to the existing management measures that would allow the shrimp fishery to continue without jeopardizing the continued existence of the Kemp's ridley sea turtle. In addition, the BO was accompanied by an ITS, pursuant to section 7(b)(4)(I) of the ESA, that specifies the impact of such incidental taking on the species. The ITS provides two levels to identify the expected incidental take of sea turtles by shrimp fishing. The incidental take levels are based upon either documented takes by NMFS observers or enforcement personnel, or indicated takes measured by stranding data. Stranding data are considered an indicator of lethal take in the shrimp fishery during periods in which intensive shrimping effort occurs and there are no significant or intervening natural or human sources of mortality, other than shrimping, conclusively identified as the cause of the strandings.

NMFS has established an indicated take level (ITL) by identifying the weekly average number of sea turtle strandings documented in each NMFS statistical zone for the last 3 years (taking into consideration anomalous years). In Texas and Georgia, where strandings were anomalously high in 1994 and represent a jeopardy situation for Kemp's ridleys, the years 1991–93 were used to determine historical levels. The weekly average was computed as a 5-week running average (2 weeks before and after the week in question) to reflect seasonally fluctuating events such as fishery openings and closures and turtle migrations. The ITL for each zone was set at 2 times the weekly 3-year stranding average. For weeks and zones where the historical average was less than one, the ITL was set at two strandings.

As discussed below, consultation was again reinitiated as a result of high levels of strandings in the Gulf this year, and concluded with the issuance of BOs on April 26, 1995 and June 14, 1995. These BOs reaffirmed the reasonable and prudent alternative and ITS provided in the November 14, 1994, BO. A BO has also been prepared in conjunction with this action and the elevated strandings prompting it.

**The Emergency Response Plan**

The reasonable and prudent alternative of the November 14, 1994, BO and the accompanying ITS required NMFS to develop and implement an Emergency Response Plan (ERP) to respond to future stranding events and to ensure compliance with sea turtle conservation measures. The Assistant Administrator for Fisheries, NOAA (AA) approved the ERP on March 14, 1995, and published a notice of availability on April 21, 1995 (60 FR 19885). Comments on the ERP have been accepted since its official distribution on March 17, 1995. Comments have come from written correspondences and public statements made during meetings with the industry and conservation communities. The ERP provides for elevated enforcement of TED regulations in two areas in which strandings of Kemp's ridley sea turtles historically have been high. The first, the Atlantic Interim Special Management Area, includes shrimp fishery statistical Zones 30 and 31 (northeast Florida and Georgia). The second, the Northern Gulf Interim Special Management Area, includes statistical Zones 13 through 20 (Louisiana and Texas from the Mississippi River to North Padre Island). The ERP also establishes procedures for notifying NMFS of sea turtle stranding events, and provides guidelines for implementation of temporary restrictions to prevent take levels in the BO from being exceeded.

As described in the ERP, restrictions in addition to those already imposed by 50 CFR 227.72(e) will be placed on shrimping in the Interim Special Management Areas if 75 percent or more of the ITL is reached for 2 consecutive weeks. The restrictions originally identified in the ERP (60 FR 19885, April 21, 1995) and imposed in certain statistical areas in the Gulf of Mexico (60 FR 21741, May 3, 1995) were modified subsequently (60 FR 26691, May 18, 1995). A detailed discussion of those restrictions, the modification, and reasons therefor, is provided in those notices and is not repeated here.

As described in the ERP, when strandings remain elevated for 1 month in zones outside (Zones 1 through 12, 21, 24 through 29, 32 through 36) the Interim Special Management Areas , NMFS, upon the determination of the Director, Southeast Region, NMFS (Regional Director), may implement management actions, similar to those specified for the Interim Special Management Areas.

**Recent Events**

Sea turtle strandings on offshore beaches in a number of NMFS fishery statistical zones in the southeastern United States have exceeded the established ITLs specified in the November 14, 1994, BO, during 1995. Temporary restrictions on shrimp fishing were imposed in some zones of Texas and western Louisiana on April 27, 1995 (60 FR 21741, May 3, 1995; as modified 60 FR 26691, May 18, 1995) and in Georgia on June 21, 1995 (60 FR 32121, June 20, 1995), in response to elevated strandings within those zones. Recent strandings in Georgia, and South Carolina have again exceeded the established ITLs, as delineated below.

**South Carolina Strandings**

South Carolina waters, which fall within NMFS statistical Zones 32 and 33, were opened to shrimping on May 16, 1995. By May 20, strandings had reached the ITL in Zone 32. The following week, strandings exceeded the ITL in Zone 33. In subsequent weeks, strandings in South Carolina exceeded the ITLs several times in Zones 32 and 33, but weeks of high strandings generally alternated with weeks of low strandings and no additional management measures to protect turtles were taken. In the past 4 weeks, however, strandings in Zone 32 have remained elevated. Three turtles stranded in Zone 32 between July 2 and July 8. The next week, 8 turtles, including 2 Kemp's ridleys stranded in Zone 32. Seven more turtles stranded in the 2 weeks ending on July 29, 1995. Taken together, 18 turtles have stranded on the offshore beaches of Zone 32 over a 4 week period for which the combined ITL was 17.

NMFS has increased enforcement efforts in South Carolina in response to the elevated sea turtle strandings there. Enforcement observations early in the season suggested that compliance with the TED requirements was high in South Carolina; however, soft TEDs were observed in almost 50 percent of the nets inspected in South Carolina waters this year, and all hard-grid TEDs observed had bottom-escape openings. Shrimp fishing effort off South Carolina has been fairly high, with over 100 trawlers observed in South Carolina waters during weekly aerial surveys over the past 2 months.

**Georgia Strandings**

Georgia waters were opened to shrimping on Thursday, June 1, 1995, and high rates of sea turtle strandings followed immediately with weekly strandings of 21, then 28, then 17 sea turtles on offshore Georgia beaches, prompting NMFS to implement an emergency rule to protect sea turtles. On June 21, 1995, additional gear requirements became effective in offshore waters along the Georgia coast out to 10 nm (18.5 km) from the COLREGS line which prohibited the use of soft TEDs, bottom-opening TEDs, large try nets without TEDs installed, and webbing flaps completely covering the escape opening of TEDs. However, during the first week the emergency rule was effective, nine sea turtle strandings were reported on offshore Georgia beaches. Two and six offshore strandings were reported in the 2 subsequent weeks. The promulgation of the rule was also accompanied by a marked decrease in shrimping effort in the affected area. Georgia strandings rose again during the week of July 9 to 10 turtles. Although strandings exceeded the ITL in Zone 30 that week, NMFS did not extend the gear restrictions in Georgia, as the overall reduction in strandings had been very encouraging. The emergency restrictions expired on July 20, 1995, and an additional eight turtles stranded on offshore Georgia beaches during the week ending July 22. Between July 23 and July 29, 11 turtles stranded on Georgia offshore beaches, with an additional four strandings just inside the mouths of the bays. These most recent strandings have now met or exceeded 75 percent of the ITL for 3 consecutive weeks in Zone 30 and for 2 consecutive weeks in Zone 31.

**Florida Strandings**

Although approximately three-fourths of the coastline of Zone 30 lies in Florida, the majority of the past 3 weeks' strandings have occurred in Georgia. Only 1 stranding was reported from the Florida portion of Zone 30 in the week ending July 29. Furthermore, shrimp trawling in Florida is already restricted by a State constitutional amendment which bans most shrimping within 1 nm (1.9 km) of shore.

**Analysis of Other Factors**

NMFS and state personnel have investigated factors other than shrimping that may contribute to sea turtle mortality in Georgia and South Carolina, including other fisheries and environmental factors. Gillnet effort in North Carolina waters is being investigated in association with strandings in North Carolina as well as in northern South Carolina. Shrimp fishermen have suggested that crabbers in Georgia waters may be intentionally killing sea turtles based on their belief that sea turtles cause damage to crab pots. Three loggerheads have stranded in Georgia with apparent gun shot wounds. Georgia law enforcement personnel are investigating these reports but currently have no information identifying participants of any particular fishery in these intentional mortalities. In summary, no new activity or environmental condition has been identified in the nearshore southeast U.S. Atlantic waters to account for high stranding levels except for continued shrimping effort in South Carolina and Georgia waters. Shrimping effort levels will increase in South Carolina and Georgia in August as the late summer white shrimp season begins.

**Comments on the Temporary Additional Restrictions on Shrimp Trawlers in Georgia (60 FR 32121, June 20, 1995)**

The June 21 gear restrictions in Georgia prompted verbal comments in a meeting held with the industry on June 28, 1995, and written comments from Georgia Fisherman's Association (GFA), Earth Island Institute (EII), and the Center for Marine Conservation (CMC).

*Comment* GFA stated that NMFS should address all the causes of turtle mortality, not just the shrimping industry.

*Response* NMFS recognizes there are non-shrimp related causes of turtle mortality and continues to investigate these sources. Section 7 consultations have been conducted on, but not limited to, seismic activities, dredging operations, and other commercial fisheries.

*Comment* All commenters agreed that the banning of soft TEDs was warranted as they are not as effective as hard TEDs.

*Response* NMFS believes that the use of improperly configured soft TEDs and repeated capture of turtles in large try nets pose the greatest threats to turtles in the Atlantic Area. NMFS gear specialists conducted evaluations of soft TEDs installed in various trawl designs purchased from a number of suppliers during September 1994. All the devices met the regulatory requirements for soft TEDs. Trawl evaluations of the TEDs were conducted in the Canaveral ship channel. Seven TED/net configurations were tested. Five turtles were observed upon net retrieval in 21 tows with one configuration; one turtle was observed in 20 tows with another configuration. Three of the configurations also were evaluated for small turtle exclusion through the release of eight captive-reared loggerhead turtles into the nets. Entanglement in the TED panels occurred in two of the three configurations tested. These tests indicate that proper soft TED installation is critical to turtle release.

*Comment* GFA objected to the prohibition on bottom-opening hard grid TEDs and requested that NMFS rescind it. GFA asserted that Georgia shrimpers were having problems with top-shooting hard TEDs claiming that they lose shrimp, gather debris, are less effective at excluding turtles, and they twist and roll when installed with floats. Additionally, GFA asserted that NMFS would be unable to assess the effectiveness of the gear restrictions implemented in Georgia on June 21, 1995, because too many variables had been changed and the relative roles of soft TEDs and hard TEDs in contributing

to turtle mortalities and strandings could not be determined. EII also urged NMFS to modify its temporary restriction as requested by GFA. CMC also was uncertain about evidence that bottom-shooting hard grid TEDs play a significant role in sea turtle mortalities in Georgia.

*Response* Fishermen in the Atlantic have predominantly not used top-opening hard TEDs in recent years and may be having particular difficulty adapting to a new gear type. NMFS has also received verbal reports from Georgia fishermen that debris accumulates in the top-opening TEDs, thus hindering the release of turtles. Furthermore, analysis of recent strandings and compliance rates in the Gulf indicate that in areas where shrimpers were using predominately top or bottom-opening hard grid TEDs, there was no difference in documented strandings and that soft TED use was a contributing factor to elevated strandings. Therefore, NMFS believes that implementing only the soft TED and try net restrictions described in the ERP would protect sea turtles and help determine the effectiveness of each restriction.

The ERP identifies four restrictions that NMFS will impose in the event that the stranding thresholds are met. However, the ERP also provides that any rulemaking will be undertaken pursuant to 50 CFR 227.72(e)(6), and justification for the rule will be provided with the rule itself. Furthermore, changes to the prescriptions of the rules would also be explained at the time the rule is promulgated. Lastly, all actions will be predicated on maximizing protections to sea turtles. Consequently, NMFS is not implementing the full suite of restrictions under the ERP in Georgia and South Carolina. However, continued elevated strandings following the implementation of these conservation measures may result in increased gear restrictions or area closures, as set forth in the ERP.

## Restrictions on Fishing by Shrimp Trawlers

The November 14, 1994, BO provides a reasonable and prudent alternative requiring conservation measures be implemented as mortality levels approach those established in the ITS to ensure that shrimping is not likely to jeopardize the continued existence of the Kemp's ridley. The BO specifically requires that such measures be implemented immediately when sea turtle takings, indicated or documented, reach 75 percent of the established levels. These measures are intended to allow shrimp fishing to continue, while reducing the likelihood of further sea turtle strandings. As noted in the foregoing discussion, strandings have reached or exceeded 75 percent of the ITL in Zone 31 for 2 consecutive weeks, in Zone 30 for 3 consecutive weeks, and in Zone 32 over the past 4 weeks; therefore, conservation measures are being implemented in the waters along the entire coast of Georgia, and in Zone 32 in the waters off South Carolina. NMFS has determined that additional conservation measures are not necessary in the Florida portion of Zone 30 at this time and has limited the extent of the additional conservation measures in Zone 30 to the Georgia portion of that zone.

Pursuant to 50 CFR 227.72(e)(6), the exemption for incidental taking of sea turtles in 50 CFR 227.72(e)(1) does not authorize incidental takings during fishing activities if the takings would violate the restrictions, terms or conditions of an ITS or incidental take permit, or may be likely to jeopardize the continued existence of a species listed under the ESA. Based on the foregoing analysis of relevant factors, the AA has determined that continued takings of sea turtles by shrimp fishing off Georgia, and in Zone 32 in South Carolina are unauthorized and therefore takes this action.

The measures that NMFS is implementing include:

1. Prohibition of the use of soft TEDs; and

2. Prohibition of the use of try nets, with a headrope length greater than 12 ft (3.6 m) or a footrope length greater than 15 ft (4.5 m), unless the try nets are equipped with NMFS-approved hard or special hard TEDs.

These restrictions are being applied in offshore waters seaward to 10 nm (18.5 km) along the Georgia and South Carolina coast, between 30°45′ N. lat. (the Georgia-Florida border) and 33°00′ N. lat. (the northern boundary of Zone 32). The affected areas include the nearshore waters in NMFS fishery statistical Zones 31 and 32 and approximately 18 miles (29.0 km) of the northern portion of Zone 30. Under 50 CFR 217.12, offshore is defined as marine and tidal waters seaward of the 72 COLREGS demarcation line (International Regulations for Preventing Collisions at Sea, 1972), as depicted or noted on nautical charts published by NOAA (Coast Charts, 1:80,000 scale) and as described in 33 CFR part 80.

Pursuant to 50 CFR 227.72(e)(2)(ii)(B)(*1*), try nets have been exempted from the TED requirements, because they are only intended for use in brief sampling tows not likely to result in turtle mortality. Turtles are, however, caught in try nets, and either through repeated captures or long tows, try nets can contribute to the mortality of sea turtles. Takes of sea turtles in try nets, including one mortality, have been documented by NMFS, and anecdotal accounts suggest multiple sea turtle captures in try nets are occurring in Georgia waters. Twenty-foot (6.1 m) try nets are reportedly preferred to smaller try nets by the Atlantic shrimp fleet. During the Canaveral ship channel evaluations, conducted in September 1994 and discussed above, 1 loggerhead was captured in a 13–ft (4.0–m) headrope length try net in 59 tows, while 9 loggerheads were captured in a 20–ft (6.1–m) headrope length try net in 57 tows. Therefore, NMFS has determined that hard-grid TEDs temporarily should be required in try nets with a headrope length greater than 12–ft (6.1–m) or a footrope length greater than 15 ft (4.6 m) in the specified areas.

## Requirements

This action is authorized by 50 CFR 227.72(e)(6). The definitions in 50 CFR 217.12 are applicable to this action, as well as all relevant provisions in 50 CFR parts 217 and 227. For example, § 227.71(b)(3) provides that it is unlawful to fish for or possess fish or wildlife contrary to a restriction specified or issued under § 227.72(e)(3) or (e)(6).

NMFS hereby notifies owners and operators of shrimp trawlers (as defined in 50 CFR 217.12) that for a 30-day period, starting at 12:01 a.m. (local time) August 11, 1995, through 11:59 p.m. (local time) September 9, 1995, fishing by shrimp trawlers in offshore waters seaward to 10 nm (18.5 km) from the COLREGS line along the coast of Georgia and part of South Carolina, between 30°45′ N. lat. (the Georgia-Florida border) and 33°00′ N. lat. (the northern boundary of Zone 32) is prohibited unless the shrimp trawler is in compliance with all applicable provisions in 50 CFR 227.72(e) and the following prohibitions:

1. The use of soft TEDs described in 50 CFR 227.72(e)(4)(iii) is prohibited.

2. The use of try nets with a headrope length greater than 12 ft (3.6 m) or a footrope length greater than 15 ft (4.6 m) is prohibited unless a NMFS-approved hard TED or special hard TED is installed when the try nets are rigged for fishing. Try nets with a headrope length 12 ft (3.6 m) or less and a footrope length 15 ft (4.6 m) or less remain exempt from the requirement to have a TED installed in accordance with 50 CFR 227.72(e)(2)(ii)(B)(*1*).

All provisions in 50 CFR 227.72(e), including, but not limited to 50 CFR 227.72(e)(2)(ii)(B)(*1*) (use of try nets), and 50 CFR 227.72(e)(4)(iii) (Soft TEDs), that are inconsistent with these prohibitions are hereby suspended for the duration of this action.

NMFS hereby notifies owners and operators of shrimp trawlers in the area subject to restrictions that they are required to carry a NMFS-approved observer aboard such vessel(s) if directed to do so by the Regional Director, upon written notification sent to either the address specified for the vessel registration or documentation purposes, or otherwise served on the owner or operator of the vessel. Owners and operators and their crew must comply with the terms and conditions specified in such written notification.

**Additional Conservation Measures**

The AA may withdraw or modify a determination concerning unauthorized takings or any restriction on shrimping activities if the AA determines that such action is warranted. Notification of any additional sea turtle conservation measures, including any extension of this 30-day action, will be published in the **Federal Register** pursuant to 50 CFR 227.72(e)(6).

NMFS will continue to monitor sea turtle strandings to gauge the effectiveness of these conservation measures. If, after these restrictions are instituted, strandings in Georgia, or affected areas of South Carolina persist at or above 75 percent of the ITL for 2 weeks, NMFS will follow the guidance in the ERP to determine whether to prohibit fishing by some or all shrimp trawlers, as required, in the waters of all or parts of NMFS statistical Zones 30, 31 and/or 32 seaward to 10 nm (18.5 km) from the COLREGS line, for a period of 30 days. Contiguous statistical zones or portions of those zones may be included in the closure as necessary. Expansion of gear restrictions will also be considered as a mitigative measure to control sea turtle strandings. Area closures or additional gear restrictions will be implemented through emergency rulemaking notices pursuant to the procedures set forth at 50 CFR 227.72(e)(6).

**Classification**

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

Because neither section 553 of the Administrative Procedure Act (APA), nor any other law requires that general notice of proposed rulemaking be published for this action, under section 603(b) of the Regulatory Flexibility Act, an initial Regulatory Flexibility Analysis is not required.

Pursuant to section 553(b)(B) of the APA, the AA finds there is good cause to waive prior notice and opportunity to comment on this rule. It is impracticable and contrary to the public interest to provide prior notice and opportunity for comment, because unusually high levels of turtle strandings have been reported in shrimp fishery statistical Zones 30, 31, and 32 and continue to occur as shrimping continues. Any delay in this action will likely result in additional fatal takings of listed sea turtles.

Pursuant to section 553(d) of the APA, the AA finds there is good cause to waive the 30-day delay in effective date. In addition to the immediate need to protect listed sea turtles, these restrictions are expected to impose only a minor burden on shrimp fishermen. The predominant TED designs in use in the affected area are hard grid TEDs which will not require any modifications. Trawlers equipped with only soft TEDs may be required to move out of the affected area, or to equip their nets with hard TEDs. However, these trawlers are expected to be few in number given that many may have already equipped their nets with hard TEDs in response to the previous rule requiring the use of such TEDs in Zone 21. For those trawlers who have yet to equip their nets with hard TEDs, hard grid TEDs are available for $75.00 to $350.00 and take only several hours to install. While some fishermen may not elect to equip their larger try nets with hard grid TEDs, and thus, would be unable to monitor their catch rate during long tows, they could monitor their catch rate with smaller try nets not required to have an NMFS-approved hard TED installed. The burden of this action on shrimp fishermen is expected to be minimized by the fact that fishermen in most of the affected areas have previously modified or acquired gear to comply with earlier, more stringent restrictions.

The AA prepared an EA for the final rule (57 FR 57348, December 4, 1992) requiring TED use in shrimp trawls and establishing the 30-day notice procedures. An EA has been prepared for this action. Copies of the EA are available (see **ADDRESSES**).

Dated: August 9, 1995.

**Charles Karnella,**

*Acting Program Management Officer, National Marine Fisheries Service.*

[FR Doc. 95–20178 Filed 8–10–95; 4:23 pm]

BILLING CODE 3510–22–F

# Proposed Rules

Federal Register
Vol. 60, No. 159
Thursday, August 17, 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

### Animal and Plant Health Inspection Service

### 7 CFR Part 319

**[Docket No. 95–002–2]**

### Khapra Beetle; Brassware and Wooden Screens From India

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of reopening and extension of comment period.

**SUMMARY:** We are reopening and extending the comment period for our proposed rule regarding the removal of brassware and wooden screens from Bombay, India, from the list of articles whose importation into the United States is restricted because of possible infestation with the khapra beetle. This extension will provide interested persons with additional time to prepare comments on the proposed rule.

**DATES:** Consideration will be given only to written comments on Docket No. 95–002–1 that are received on or before October 10, 1995.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 95–002–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 95–002–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Ave., SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

**FOR FURTHER INFORMATION CONTACT:** Ms. Jane Levy, Staff Officer, Port Operations Permit Unit, PPQ, APHIS, Suite 4A03, 4700 River Road Unit 136, Riverdale, MD 20737–1236; (301) 734–8295.

**SUPPLEMENTARY INFORMATION:** On July 11, 1995, we published in the **Federal Register** (60 FR 35712–35713, Docket No. 95–002–1) a proposal to remove brassware and wooden screens from Bombay, India, from the list of articles whose importation into the United States is restricted because of possible infestation with the khapra beetle. Comments on the interim rule were required to be received on or before August 10, 1995.

So that we may consider comments received after that date, we are reopening and extending the public comment period on Docket No. 95–002–1 until October 10, 1995. During this period, other interested persons may also submit their comments for our consideration.

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

Done in Washington, DC, this 10th day of August 1995.

**Lonnie J. King,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95–20357 Filed 8–16–95; 8:45 am]

BILLING CODE 3410–34–P

### 7 CFR Part 352

**[Docket No. 94–033–1]**

### Mangoes From Mexico

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** We are soliciting public comment on approaches to reducing the risk of fruit flies being introduced into the United States in shipping containers and in the beds of trucks that have been used to transport untreated mangoes from Mexico through the United States to Canada. These containers and truck beds have been found to contain larvae and pupae of fruit flies of the genus *Anastrepha* at the time they reenter the United States after being unloaded in Canada. We believe some measures need to be taken to reduce the risk of fruit flies being introduced into the United States by contaminated containers and truck beds entering from Canada.

**DATES:** Consideration will be given only to comments received on or before October 16, 1995.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 94–033–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 94–033–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

**FOR FURTHER INFORMATION CONTACT:** Mr. Peter M. Grosser or Mr. Frank E. Cooper, Senior Operations Officers, Port Operations, PPQ, APHIS, 4700 River Road Unit 139, Riverdale, MD 20737–1236, (301) 734–8295.

**SUPPLEMENTARY INFORMATION:**

#### Background

The fruits and vegetables regulations in 7 CFR 319.56 through 319.56–8 (referred to below as the fruits and vegetables regulations) restrict or prohibit the importation of certain fruits and vegetables in order to prevent the introduction and dissemination of injurious insects, including fruit flies, that are new to or not widely distributed within and throughout the United States.

The plant quarantine safeguard regulations in 7 CFR part 352 (referred to below as the safeguard regulations) relieve those restrictions for certain prohibited or restricted products or articles, including fruits and vegetables, that are moved into the United States for: (1) A temporary stay where unloading or landing is not intended, (2) unloading or landing for transshipment and exportation, (3) unloading or landing for transportation and exportation, or (4) unloading and entry at a port other than the port of first arrival. Fruits and vegetables that are moved into the United States under these circumstances are subject to inspection and must be handled in accordance with conditions assigned

under the safeguard regulations to prevent the introduction and dissemination of plant pests.

The third category cited above—unloading or landing for transportation and exportation—is defined in § 352.1(b)(23) of the safeguard regulations as ''[b]rought in by carrier and transferred to another carrier for transportation to another port for exportation, whether or not some form of Customs entry is made.'' In the case of mangoes moved into the United States from Mexico for transportation and exportation into Canada, the assigned safeguards include requirements for sealed containers and conveyances, specified ports of entry on the U.S.-Mexican border, and a designated travel corridor through the United States. By comparison, mangoes from Mexico that are imported into the United States for entry into the commerce of the United States are subject to the restrictions of § 319.56–2 of the fruits and vegetables regulations, which require that the mangoes be subjected to an authorized treatment listed in the Plant Protection and Quarantine (PPQ) Treatment Manual, which is incorporated into the regulations by reference (see 7 CFR part 300). That treatment is required because mangoes are a preferred host for fruit flies of the genus *Anastrepha*, and the authorized treatments listed in the PPQ Treatment Manual have been found to be adequate to prevent the introduction of those fruit flies in the mangoes.

Although the safeguards that apply to mangoes moved into the United States from Mexico for transportation and exportation into Canada help prevent the escape and dissemination of fruit flies during the time the mangoes are transiting the United States, we have found that the pest risk does not necessarily end once the mangoes have left the United States and have been imported into Canada. United States Department of Agriculture (USDA) inspectors at ports of entry on the U.S.-Canadian border have found that shipping containers and the beds of trucks in which mangoes were moved can contain fruit fly larvae and pupae at the time the containers and conveyances reenter the United States after being unloaded in Canada. The larvae and pupae fall out of the shipping cartons during loading, movement, and unloading; if the container or conveyance has not been thoroughly cleaned after being unloaded, the pupae and larvae can enter the United States in the shipping container or truck bed. Because the container or conveyance is no longer filled with mangoes, there are no safeguards assigned to its movement, which means that the container or conveyance could be moved into areas of the United States where *Anastrepha* spp. fruit flies would pose a serious threat to agriculture.

Therefore, we are soliciting comments and suggestions on approaches to reduce the risk of fruit flies of the genus *Anastrepha* being introduced into the United States in containers and conveyances returning from Canada after being used to transport untreated mangoes from Mexico. We considered several possible options for dealing with this issue, including prohibiting the movement of untreated Mexican mangoes through the United States, requiring that all containers and conveyances used to move mangoes into Canada from Mexico be inspected by a USDA inspector prior to reentering the United States, and requiring shippers to clean all debris and insects out of the containers and the conveyance after unloading the mangoes. Two other options were considered to be the most viable: Requiring that the mangoes be treated in Mexico or requiring that the mangoes be shipped in insect-proof cartons. These options are discussed below.

*Require that the mangoes be treated in Mexico.* This approach would address the pest risk at its origin, and the treatment is inexpensive and widely available. The mangoes would undergo the same treatment as mangoes intended for importation into the United States, so Mexican exporters of the mangoes would have more marketing flexibility, the restrictions on the movement of the mangoes through the United States could be eliminated, and the concerns about infested containers and conveyances reentering the United States would be eliminated. On the other hand, requiring treatment would impose an additional requirement on exporters and shippers and would increase costs. Additionally, there are some packinghouses in Mexico that ship mangoes to Canada that do not have the hot water facilities for treating the fruit.

*Require that the mangoes be shipped in insect-proof cartons.* This option would require that all individual cartons in which the mangoes are shipped have all openings covered with screening that would prevent pupae and larvae from falling out of the cartons and onto the floor of the container or the conveyance. Using insect-proof cartons would remove the need for treating the mangoes, so the treatment costs could be avoided and packinghouses that lack hot water treatment facilities could continue to ship mangoes to Canada. The requirement for screened cartons would, however, increase costs for shippers, importers, and exporters.

We welcome all comments on the options described above and encourage the submission of new options or any other suggestions.

**Authority:** 7 U.S.C. 149, 150bb, 150dd, 150ee, 150ff, 154, 159, 160, 162, and 2260; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 10th day of August 1995.

**Lonnie J. King,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95–20358 Filed 8–16–95; 8:45 am]

BILLING CODE 3410–34–P

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## Agricultural Marketing Service

## 7 CFR Part 1007

**[Docket No. AO–366–A37, et al.; DA–95–22]**

## Milk in the Southeast Marketing Area; Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

**AGENCY:** Agricultural Marketing Service, USDA.

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

**SUMMARY:** A public hearing is being held in response to industry requests to amend the Southeast Federal milk marketing order. Proposals would amend certain price location adjustments within the marketing area.

**DATES:** The hearing will convene at 9 a.m. on September 19, 1995.

**ADDRESSES:** The hearing will be held at the Granada Suite Hotel, 1302 West Peachtree Street, Atlanta, Georgia 30309 (Tel: 800/548–5631).

**FOR FURTHER INFORMATION CONTACT:** Nicholas Memoli, Marketing Specialist, Order Formulation Branch, USDA/AMS/Dairy Division, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 690–1932.

**SUPPLEMENTARY INFORMATION:** This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

Notice is hereby given of a public hearing to be held at the Granada Suite Hotel, 1302 West Peachtree Street, Atlanta, Georgia, beginning at 9:00 a.m., on September 19, 1995, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southeast marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing

Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Actions under the Federal milk order program are subject to the Regulatory Flexibility Act (Pub. L. 96–354). This Act seeks to ensure that, within the statutory authority of a program, the regulatory and informational requirements are tailored to the size and nature of small businesses. For the purpose of the Act, a dairy farm is a ''small business'' if it has an annual gross revenue of less than $500,000, and a dairy products manufacturer is a ''small business'' if it has fewer than 500 employees. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

The amendments to the rules proposed herein have been reviewed under Executive Order 12778, Civil Justice Reform. They are not intended to have a retroactive effect. If adopted, the proposed amendments would not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with the law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Interested parties who wish to introduce exhibits should provide the Presiding Officer at the hearing with 4 copies of such exhibits for the Official Record. Also, it would be helpful if additional copies are available for the use of other participants at the hearing.

**List of Subjects in 7 CFR Part 1007**

Milk marketing orders.

The authority citation for 7 CFR part 1007 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

The proposed amendments, as set forth below, have not received the approval of the Secretary of Agriculture.

*Proposed by Mid-America Dairymen, Inc.*

Proposal No. 1: In § 1007.2, amend Zone 11 by adding the words ''(north of State Highway 16)'' after the word ''Tangipahoa'' and amend Zone 12 by adding the words ''Tangipahoa (south of State Highway 16)''. This amendment would increase the Class I price and the uniform price by 7 cents for milk delivered to a plant located in Hammond, Louisiana.

*Proposed by Barber Pure Milk Company, Birmingham, Alabama, and Dairy Fresh Corporation, Greensboro, Alabama*

Proposal No. 2: In § 1007.2, amend Zone 11 by removing the words ''(more than 20 miles from the Mobile city hall)'' and amend Zone 12 by removing the words ''Alabama counties: Mobile (within 20 miles of the Mobile city hall)''. This amendment would decrease the Class I price and the uniform price by 7 cents for milk delivered to plants located within 20 miles of Mobile, Alabama.

*Proposed by the Dairy Division, Agricultural Marketing Service*

Proposal No. 3: Make such changes as may be necessary to make the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order regulating the Southeast marketing area may be procured from the Market Administrator, P.O. Box 1208, Norcross, GA 30091–1208 (Tel: 404/448–1194), or from the Hearing Clerk, Room 1083, South Building, United States Department of Agriculture, Washington, DC 20250, or may be inspected there.

Copies of the transcript of testimony taken at the hearing will not be available for distribution through the Hearing Clerk's Office. If you wish to purchase a copy, arrangements may be made with the reporter at the hearing.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decision-making process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units: Office of the Secretary of Agriculture; Office of the Administrator, Agricultural Marketing Service; Office of the General Counsel; Dairy Division, Agricultural Marketing Service (Washington office) and the Office of the Market Administrator, Southeast Federal Milk Order. Procedural matters are not subject to the above prohibition and may be discussed at any time.

Dated: August 11, 1995.

**Lon Hatamiya,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 95–20351 Filed 8–16–95; 8:45 am]

BILLING CODE 3410–02–P

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## Food Safety and Inspection Service

## 9 CFR Parts 308, 310, 318, 320, 325, 326, 327, and 381

**[Docket No. 95–036N]**

## Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems—Federal-State Relations Conference

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Meeting notice.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is holding a meeting, ''Federal-State Relations Conference,'' on August 21–23, 1995, with State government leaders responsible for food safety. The purpose of the meeting is to discuss the proposed rule, ''Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems,'' and other issues relevant to Federal and State government relations.

**DATES:** The conference will begin at noon on August 21 and at 8:30 AM on August 22 and 23. The conference will end at 4:30 PM on August 21 and 22, and at 5 PM on August 23.

**ADDRESSES:** The conference will be held at the Doubletree Park Terrace Hotel, 1515 Rhode Island Avenue, NW, Washington, DC 20250, (202) 232–7000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dan Vitiello, Director, Planning Coordination and Analysis, Policy Evaluation and Planning Staff, FSIS, USDA, Room 6904, Franklin Court, Washington, DC 20250, (202) 501–7138. If you plan to attend, please contact Ms. Lisa Parks at (202) 501–7138.

**SUPPLEMENTARY INFORMATION:** The ''Federal-State Relations Conference'' will be held August 21–23, 1995, at the Doubletree Park Terrace Hotel, 1515 Rhode Island Avenue, NW, Washington, DC 20250, (202) 232–7000. The conference will begin at noon on August 21 and at 8:30 AM on August 22 and 23. The conference will end at 4:30 PM on August 21 and 22, and at 5:00 PM on August 23.

The purpose of this conference is to provide an opportunity for representatives from State governments to engage in an open and frank dialogue with senior USDA officials. The following agenda items will be discussed:

August 21—12:00 PM–4:30 PM Issues raised during the

August 22—8:30 AM–4:30 PM comment period on the ''Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems'' (60 FR 6674, February 3, 1995), and potential solutions.

August 23—8:30 AM–10:00 AM FSIS Top-to-Bottom Review activities.

August 23—10:30 AM–12:30 PM FSIS regulatory reform plans.

August 23—1:30 PM–5:00 PM Future relations between FSIS and the States.

A transcript of the proceedings will be made and included in the public record.

Representatives from State governments will be invited to the meeting. The meeting is also open to the public. Those wishing to attend the meeting should contact Ms. Lisa Parks at (202) 501–7138. Also, contact Ms. Parks if you require a sign language interpreter or other special accommodations.

Done at Washington, DC, on August 11, 1995.

**Michael R. Taylor,**

*Acting Under Secretary for Food Safety.*

[FR Doc. 95–20428 Filed 8–16–95; 8:45 am]

BILLING CODE 3410–DM–P

## SMALL BUSINESS ADMINISTRATION

## 13 CFR Part 116

## Policies of General Application

**AGENCY:** Small Business Administration.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would raise from $500,000 to $1.5 million the ceiling for SBA loan assistance that SBA officials with properly delegated authority may determine on a case-by-case basis is not subject to the full review and decision-making process to determine adverse effects or incompatible development on wetlands or in a floodplain required by Executive Orders 11988 (42 FR 26951) and 11990 (42 FR 26961).

**DATES:** Comments must be submitted on or before September 18, 1995.

**ADDRESSES:** Written comments may be sent to Associate Administrator for Disaster Assistance, Small Business Administration, 409 3rd Street S.W., Suite 6050, Washington, D.C. 20416.

**FOR FURTHER INFORMATION CONTACT:** Bernard Kulik, Associate Administrator for Disaster Assistance. Telephone (202) 205–6734.

**SUPPLEMENTARY INFORMATION:** Part 116 of chapter 1, 13 CFR contains policies of general application for specified SBA programs. Subpart D thereof prescribes the policies and procedures for implementing Executive Orders 11988 (42 FR 26951) and 11990 (42 FR 26961), which relate to floodplain management and the protection of wetlands. Section 116.32(a)(6) provides that full implementation of the Executive Orders may be waived on a case-by-case basis in instances of actions that typically do not create adverse effects or incompatible development on wetlands and floodplains. All SBA loan assistance of $500,000 or less is included among these types of actions. Applicants for these loans are relieved of the need to supply SBA with the necessary information and studies for the implementation of the prescribed decision-making process, reducing the cost and the time required to process such loans. This $500,000 loan limit reflects the SBA disaster loan ceiling for any one disaster as it existed prior to April 1, 1993, and the ceiling on SBA business loan assistance as it existed prior to 1988.

This proposed rule would increase the ceiling for SBA loan assistance that may be exempt from review from $500,000 to $1.5 million. This higher amount simply reflects the SBA disaster loan ceiling for any one disaster commencing on or after April 1, 1993 established by P.L. 103–75 (107 Stat. 740), and would also cover the ceiling on SBA business loan assistance and development company assistance.

### Compliance With Executive Orders 12612, 12866, and 12778, and the Regulatory Flexibility and Paperwork Reduction Acts

SBA certifies that this rule does not have federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

For purposes of Executive Order 12866, SBA has determined that the proposed rule would not be a major rule. SBA certifies that the economic impact on the national economy would not exceed $100 million and that the proposed rule would not adversely affect in a material way the economy or the environment.

SBA certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

There are no additional reporting or recordkeeping or other compliance requirements inherent in this proposed rule which would be subject to the Paperwork Reduction Act, 44 U.S.C. chapter 35. There are no Federal rules which duplicate, overlap or conflict with this proposed rule. There are no alternative means to accomplish the objectives of this proposed rule.

SBA certifies that this proposed rule is drafted, to the extent practicable, in accordance with the standards set forth in E.O. 12778.

### List of Subjects in 13 CFR Part 116

Flood Insurance, Flood plains, Lead poisoning, Small businesses, Veterans, Coastal barrier system.

For the reasons set forth above, SBA proposes to amend Part 116 of Title 13 of the Code of Federal Regulations as follows:

## Subpart D—Floodplain Management and Wetlands Protection

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

**Authority:** Small Business Act, Pub. L. 85–536 (15 U.S.C. 631); Small Business Investment Act of 1958, Pub. L. 85–699 (15 U.S.C. 661); EO 11988, 42 FR 26951 and EO 11990, 42 FR 26961.

### § 116.32 [Amended]

2. Section 116.32 (a)(6) is amended by removing ''$500,000 or less'' and inserting in place thereof ''$1,500,000 or less''.

**Philip Lader,**

*Administrator.*

[FR Doc. 95–20432 Filed 8–16–95; 8:45 am]

BILLING CODE 8025–01–P

## RAILROAD RETIREMENT BOARD

## 20 CFR Parts 366 and 367

**RIN 3220–AB09**

## Collection of Debts

**AGENCY:** Railroad Retirement Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Railroad Retirement Board (Board) proposes to amend its regulations pertaining to the collection of debts by offset against other Federal payments and against tax refunds to authorize use of these collection methods for collection of debts from businesses.

**DATES:** Comments must be submitted on or before September 18, 1995.

**ADDRESSES:** Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

**FOR FURTHER INFORMATION CONTACT:** Michael C. Litt, General Attorney, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751–4929, TDD (312) 751–4701.

**SUPPLEMENTARY INFORMATION:** Part 366 of the Board's regulations deals with collection of debts by means of offset from Federal tax refunds through referrals to the Internal Revenue Service. This procedure is authorized by 31 U.S.C. 3720A. Part 367 deals with the collection of debts by administrative offset under the authority of the Debt Collection Act of 1982, 31 U.S.C. 3716. As currently in effect, the Board's regulations as to tax refund offset and administrative offset apply to individual debtors only. The Board believes that amendment of these regulations to authorize these collection procedures against business debtors will facilitate collection of debts which may be owed to the Board.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action under Executive Order 12866. Therefore, no regulatory impact analysis is required. Information collections associated with this rule have been approved by the Office of Management and Budget.

### List of Subjects in 20 CFR Parts 366 and 367

Railroad employees, Railroad retirement, Railroad unemployment insurance.

For the reasons set out in the preamble, title 20, chapter II, parts 366 and 367 of the Code of Federal Regulations are proposed to be amended as follows:

## PART 366—COLLECTION OF DEBTS BY FEDERAL TAX REFUND OFFSET

1. The authority citation for part 366 continues to read as follows:

**Authority:** 45 U.S.C. 231f(b)(5); 31 U.S.C. 3720A.

### § 366.1 [Amended]

2. Section 366.1 is amended by removing the word ''individuals'' and adding in its pace the word ''debtors''.

3. Section 366.2 is amended by revising the introductory text, and paragraphs (a), (b), (e), and (f) to read as follows:

### § 362.2 Past-due legally enforceable debt.

A past-due legally enforceable debt which may be referred to the Internal Revenue Service is a debt:

(a) Which arose under any statute administered by the Board or under any contract;

(b) Which is an obligation of a debtor who is a natural person or a business;

* * * * *

(e) With respect to which the rights regarding reconsideration, waiver, and appeal, described in part 260 or 320 of this chapter or in other law, if applicable, have been exhausted;

(f) With respect to which either:

(1) The Board's records do not contain evidence that the debtor has filed for bankruptcy under Title 11 of the United States Code; or

(2) the Board can clearly establish at the time of the referral that the automatic stay under section 362 of the Bankruptcy Code has been lifted or is no longer in effect with respect to the debtor and the debt was not discharged in the bankruptcy proceeding;

* * * * *

### § 366.2 [Amended]

3. Section 366.2(j) is amended by removing the word ''individual'' and adding in its place the word ''debtor''.

4. Section 366.2(k) is amended by removing the word ''individual'' and adding in its place the word ''debtor''.

### § 366.6 [Amended]

5. Section 366.6(c) is amended by removing the words ''individual owing the debt'' and adding in their place the word ''debtor''.

## PART 367—RECOVERY OF DEBTS OWED TO THE UNITED STATES GOVERNMENT BY ADMINISTRATIVE OFFSET

6. The authority citation for part 367 continues to read as follows:

**Authority:** 45 U.S.C. 231f(b)(5); 31 U.S.C. 3716.

2. Section 367.2 is amended by revising the introductory text and paragraph (a), (b), (e), and (f) to read as follows:

### § 367.2 Past-due legally enforceable debt.

A past-due legally enforceable debt which may be referred to another governmental agency for administrative offset is a debt:

(a) Which arose under any statute administered by the Board or under any contract;

(b) Which is an obligation of a debtor who is a natural person or a business;

* * * * *

(e) With respect to which the rights described in part 260 or 320 of this chapter or the applicable law regarding reconsideration, waiver, and appeal, if applicable, have been exhausted;

(f) With respect to which either:

(1) The Board's records do not contain evidence that the debtor has filed for bankruptcy under Title 11 of the United States Code; or

(2) The Board can clearly establish at the time of the referral that the automatic stay under section 362 of the Bankruptcy Code has been lifted or is no longer in effect with respect to the debtor and the debt was not discharged in the bankruptcy proceeding;

* * * * *

### § 367.2 [Amended]

8. Section 367.2(i) is amended by removing the word ''individual'' and adding in its place the word ''debtor'', and by removing the words ''that person'' and adding in their place the words ''the debtor'';

9. Section 367.2(j) is amended by removing the words ''such individual'' and adding in their place the words ''the debtor'';

### § 367.7 [Amended]

10. Section 367.7(c) is amended by removing the words ''individual owing the debt'' and adding in their place the word ''debtor''.

Dated: August 11, 1995.

By Authority of the Board.

**Beatrice Ezerski,**

*Secretary to the Board.*

[FR Doc. 95–20444 Filed 8–16–95; 8:45 am]

BILLING CODE 7905–01–M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### 26 CFR Part 1

**[FI–7–94]**

**RIN 1545–AS49**

### Arbitrage Restrictions on Tax-Exempt Bonds; Hearing

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

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

**SUMMARY:** This document provides notice of a public hearing on proposed regulations relating to the arbitrage and related restrictions applicable to tax-exempt bonds issued by State and local governments.

**DATES:** The public hearing will be held on Monday, September 25, 1995, beginning at 10 a.m. Requests to speak and outlines of oral comments must be received by Tuesday, September 5, 1995.

**ADDRESSES:** The public hearing will be held in the Internal Revenue Service Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. Requests to speak and outlines of oral comments should be mailed to the Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:DOM:CORP:R [FI–7–94], room 5228, Washington, DC 20044.

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

**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is proposed amendments to the Income Tax Regulations under sections 103, 148, 149 and 150 of the Internal Revenue Code of 1986. The proposed regulations appeared in the **Federal Register** for Tuesday, May 10, 1994 (59 FR 24094).

The rules of § 601.601(a)(3) of the ''Statement of Procedural Rules'' (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than Tuesday, September 5, 1995, an outline of the oral comments/testimony to be presented at the hearing and the time they wish to devote to each subject.

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

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

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

**Cynthia E. Grigsby,**

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

[FR Doc. 95–20373 Filed 8–16–95; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

### 30 CFR Part 250

**RIN 1010–AC03**

### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

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

**ACTION:** Proposed rule.

**SUMMARY:** The Minerals Management Service (MMS) proposes to amend the documents incorporated by reference in regulations governing oil, gas, and sulphur operations in the Outer Continental Shelf (OCS). The organizations that publish the incorporated documents have revised some of the recommended practices and standards and have published new editions. The new editions will continue to ensure that lessees use the best available and safest technologies while operating in the OCS.

**DATES:** Comments must be received or postmarked on or before October 16, 1995 to be considered in this rulemaking.

**ADDRESSES:** Written comments or recommendations must be mailed or hand-carried to the Department of the Interior; Minerals Management Service; 381 Elden Street; Mail Stop 4700; Herndon, Virginia 22070–4817; Attention: Chief, Engineering and Standards Branch.

**FOR FURTHER INFORMATION CONTACT:** Andy Radford, Engineering and Standards Branch, telephone (703) 787–1600.

**SUPPLEMENTARY INFORMATION:** MMS uses standards, specifications, and recommended practices developed by standard-setting organizations and the oil and gas industry as means of establishing requirements for activities in the OCS. This practice, known as incorporation by reference, allows MMS to incorporate the requirements of technical documents into the regulations without increasing the volume of the code of federal regulations. MMS currently incorporates by reference 68 documents into the offshore operating regulations.

The regulations found at 1 CFR part 51 govern how MMS and other Federal agencies incorporate various documents by reference. Agencies can only incorporate by reference through publication in the **Federal Register**. This generally includes standard rulemaking procedures, i.e., that the agency provide notice and opportunity for comment.

Agencies must also gain approval by the Director of the Federal Register for each publication incorporated by reference. Incorporation by reference of a document or publication is limited to the edition of the document or publication cited in the regulations. This means that newer editions, amendments, or revisions to documents already incorporated by reference in regulations are not part of MMS's regulations.

The organizations that develop and publish the referenced technical documents revise and/or update most documents on a regular basis. Some organizations publish revisions to their documents every 6 months while others revise their documents every 2 to 5 years, if necessary. When these organizations publish revisions or new editions to referenced documents, MMS must determine if the changes warrant incorporating the new document in the regulations.

Currently, over 50 documents incorporated by reference into MMS regulations are out of date. For most documents the changes between the old and new editions are minor. However, MMS must update these documents because the older editions may not be readily available to the affected parties. For instance, some American Petroleum Institute (API) documents currently referenced by MMS are out-of-print and no longer available. Other documents have undergone major revisions, and after reviewing these documents, MMS has determined that we must incorporate these documents to ensure the use of the best and safest technologies.

In the future, MMS would like to keep the number of out of date documents incorporated by reference to a

minimum. To accomplish this we are including language in the regulations to streamline the rulemaking process. Under our proposal, MMS would review new editions of documents we incorporate by reference as we do now. If MMS determines that the revisions are minor, or result in safety improvements, or represent new industry standard technology, and do not impose undue costs on the affected parties, MMS would update the documents incorporated by reference section of our regulations with a final rule published in the **Federal Register**. This means that the new document(s) would become effective without the public having prior opportunity to comment. This option is provided to agencies under 5 U.S.C. 533(b) when the agency finds that notice and comment would be contrary to the public interest. MMS has found that most of the documents we propose for incorporation by reference come from organizations that have as members the parties affected by MMS regulations. By the time they release a new edition of a document, these parties have already commented on the new edition. It is redundant for MMS to issue the document for additional comments and unnecessarily delay the implementation of new ideas in the document. MMS will use the notice and comment process in any case where we have not previously incorporated the document by reference or when the new edition of a document already incorporated introduces controversial issues.

**Document Incorporated by Reference in Subpart A**

API Recommended Practice (RP) 2D, Recommended Practice for Operation and Maintenance of Offshore Cranes, Third Edition, June 1, 1995. It replaces the Second Edition of the same title. The new edition has a new format and is generally improved compared to the second edition. The third edition clearly defines who is qualified to operate and inspect offshore cranes. It also establishes minimum classroom training requirements for crane operators.

**Documents Incorporated by Reference in Subpart D**

API RP 500, Recommended Practice for Classification of Locations for Electrical Installation at Petroleum Facilities, First Edition, June 1, 1991. This document replaces API RP 500B, Recommended Practice for Classification of Areas for Electrical Installations at Drilling Rigs and Production Facilities on Land and on Marine Fixed and Mobile Platforms, Second Edition, with Supplement. API RP 500 combined API RP 500A, 500B, and 500C into a single document to provide guidelines for classifying locations at petroleum facilities for the selection and installation of electrical equipment. API RP 500 contains essentially the same information contained in API RP 500B.

**Documents Incorporated by Reference in Subpart H**

1. American National Standards Institute/American Society of Mechanical Engineers (ANSI/ASME) Boiler and Pressure Vessel Code (1995) Section I, Power Boilers including Appendices; Section IV, Heating Boilers including Nonmandatory Appendices A, B, C, D, E, F, H, I, and J and the Guide to Manufacturers Data Report forms; and Section VIII, Pressure Vessels, Divisions 1 and 2 including Nonmandatory Appendices. These documents replace the 1983 Edition, with Summer and Winter 1983 and 1984 and Summer 1985 Addenda. The MMS determined that the new code should be adopted into the regulations.

2. API Spec 14A, Specification for Subsurface Safety Valve Equipment, Ninth Edition, December 1, 1994. This document replaces the seventh edition, with Supplement 1, of the same title. The new edition has a new format, but the major technical specifications essentially remain the same. The new edition also serves as the basis for International Standard Organization (ISO) document ISO 10432: 1993, titled Petroleum and natural gas industries-subsurface safety valve equipment.

3. API RP 14B, Recommended Practice for Design, Installation, Repair and Operation of Subsurface Safety Valve Systems, Fourth Edition, July 1, 1994. This document replaces the Second Edition titled API RP 14B, Recommended Practice for Design, Installation, and Operation of Subsurface Safety Valve Systems. The new edition contains new classifications for subsurface safety valve equipment. Other revisions and additions clarify the document. The new edition also serves as the basis for ISO document ISO 10417: 1993, titled Petroleum and natural gas industries-Design, installation, repair and operations of subsurface safety valve systems.

4. API Spec 14D, Specification for Wellhead Surface Safety Valves and Underwater Safety Valves for Offshore Service, Ninth Edition, June 1, 1991. This document, with errata dated August 1, 1994, replaces the Seventh Edition of the same title. The new edition has a new format, but the major technical specifications essentially remain the same.

5. API RP 14E, Recommended Practice for Design and Installation of Offshore Production Platform Piping Systems, Fifth Edition, October 1, 1991. This document replaces the Fourth Edition of the same title. The Fifth Edition includes the following technical changes:

—Statement added to caution readers in the use of materials listed in National Association of Corrosion Engineers (NACE) MR–01–75, Material Requirements, Sulfide Stress Cracking Resistant Metallic Material for Oil Field Equipment, because the materials listed may be resistant to sulfide stress corrosion environments but may not be suitable for use in chloride stress cracking environments;

—Statement added concerning surge factors in large diameter flow lines between platforms;

—Equations revised in section 2.4 to incorporate Moody friction factor in lieu of Fanning friction factor because the Fanning factor was often misunderstood for the Moody friction factor causing numerous errors when determining pressure drop; and

—Section 3.2 revised to specify limitations of butterfly valves to use where tight shut off is not required.

6. API RP 14F, Recommended Practice for Design and Installation of Electrical Systems for Offshore Production Platforms, Third Edition, September 1, 1991. This document replaces the Second Edition of the same title. The third edition includes the following technical changes:

—Section 2.5 revised to reflect that wiring for intrinsically safe systems needs only meet the requirements of article 504 of the National Electrical Code; therefore, eliminating the requirement for bulky, explosion-proof enclosures;

—Statement added in section 3.2 that a nationally recognized testing laboratory should verify ignition systems as suitable for hazardous locations;

—Statement added in section 4.4 to require an operator to equip oil treaters with a device to ground or deenergize the grid before the liquid level falls below the electrical equipment;

—Statement added in section 4.4 that an operator should route cable trays and cables so as to avoid mechanical damage; and

—Statement added in section 4.7 to address the use of flexible cords when initially installed.

7. API RP 14G, Recommended Practice for Fire Prevention and Control

on Open Type Offshore Production Platforms, Third Edition, December 1, 1993. This document replaces the Second Edition of the same title. The new edition has requirements for bulk storage of flammable liquids where the old edition only had storage requirements for diesel fuel. The new edition has new requirements addressing fire detection and control.

8. API RP 14H, Recommended Practice for Installation, Maintenance, and Repair of Surface Safety Valves and Underwater Safety Valves Offshore, Fourth Edition, July 1, 1994. This document replaces the Second Edition of the same title. The new edition recommends that the pressure test duration for surface safety valves and underwater safety valves should be a minimum of 5 minutes, whereas the current edition contained no minimum test period. The new edition also serves as the basis for ISO document ISO 10419:1993, titled Petroleum and natural gas industries-Drilling and production equipment-Installation, maintenance, and repair of surface safety valves and underwater safety valves offshore.

Three other documents incorporated by reference in subpart H are also out-of-date, but MMS has chosen not to update them in this rulemaking. Following are the reasons we are not updating these documents at this time.

1. ASME/ANSI Safety and Pollution Prevention Equipment (SPPE1–1988 and SPPE–1a–1988, SPPE–1b–1989, SPPE–1c–1989, and SPPE–1d–1990 (addenda), Quality Assurance and Certification of Safety and Pollution Prevention Equipment Used in Offshore Oil and Gas Operations. The MMS is currently evaluating its role in the SPPE program. Current plans call for MMS to organize focused workshops with all interested parties to clarify many of the issues involved in the SPPE program. Any updates to this document will be made following the workshops.

2. API Spec Q1, Specification for Quality Programs, Third Edition. This document is also a part of the SPPE program. Any updates to this document will also be made following the workshops.

3. API RP 14C, Recommended Practice for Analysis, Design, Installation and Testing of Basic Surface Safety Systems for Offshore Production Platforms, Fourth Edition, September 1, 1986. The new edition API issued contained many problems. Although API issued an errata sheet to correct these deficiencies, MMS feels that the deficiencies still remaining need to be corrected before we will incorporate the edition into our regulations.

**Documents Incorporated by Reference in Subpart I**

The title and publication date of each proposed document incorporated by reference is listed below. A brief discussion of any major changes between the new and current edition is also listed below.

1. American Concrete Institution (ACI) Standard 318–89, Building Code Requirements for Reinforced Concrete, plus Commentary on Building Code Requirements for Reinforced Concrete (ACI 318R–89). These documents replace the 1983 editions of the same title. The MMS has determined that the changes between the 1983 and 1989 editions are minor.

2. American Institute of Steel Construction (AISC) Standard S335, Specification for Structural Steel Buildings, Allowable Stress Design and Plastic Design, June 1, 1989 with Commentary. This document replaces AISC Standard S326, Specification for the Design, Fabrication and Erection of Structural Steel for Buildings, 1978 Edition. The MMS has determined that there are no significant differences between the two editions.

3. API RP 2A, Recommended Practice for Planning, Designing and Constructing Fixed Offshore Platforms Working Stress Design, Nineteenth Edition, August 1, 1992. This document replaces the Eighteenth Edition of the same title. The new edition contains a new section regarding the reuse of old platforms.

4. American Society for Testing and Materials (ASTM) Standard C33–90, Standard Specification for Concrete Aggregates including Nonmandatory Appendix, 1990. This document replaces ASTM Standard C33–86, 1986. The MMS has determined that the changes between the 1990 and 1986 standards are minor.

5. ASTM Standard C94–91a. Standard Specification for Ready-Mixed Concrete, 1991. This document replaces ASTM Standard C94–86b. MMS has determined that the changes between the 1991 and 1986 standards are minor.

6. ASTM Standard C150–89, Standard Specification for Portland Cement, 1989. This document replaces ASTM Standard C150–86. The MMS has determined that the changes between the 1989 and 1986 standards are minor.

7. ASTM Standard C330–89, Standard Specification for Light-weight Aggregates for Structural Concrete, 1989. This document replaces ASTM Standard C330–87. The MMS has determined that the changes between the 1989 and 1987 standards are minor.

8. ASTM Standard C595–89, Standard Specification for Blended Hydraulic Cements, 1989. This document replaces ASTM Standard C595–86. MMS has determined that the changes between the 1989 and the 1986 standards are minor.

9. American Welding Society (AWS) ANSI/AWS D1.1–92, Structural Welding Code—Steel including Commentary, 1992. This document replaces AWS D1.1–86, 1986. MMS has determined that the changes between the 1992 and 1986 standards are minor.

Several other documents incorporated by reference in subpart I have not undergone revisions since publication of the presently referenced editions. These documents are listed below:

1. ACI Standard 357–R–84, Guide for the Design and Construction of Fixed Offshore Concrete Structures, 1984.

2. AWS D1.4, Structural Welding Code—Reinforcing Steel, 1979.

3. NACE Standard RP–01–76, Recommended Practice, Corrosion Control of Steel, Fixed Offshore Platforms Associated with Petroleum Production (1983 Revision).

**Documents Incorporated by Reference in Subpart J**

The title and publication date of each proposed document incorporated by reference is listed below. A brief discussion of any major changes between the new and current edition is also listed below.

1. ANSI/ASME B 31.8–1989, with B 31.8A–1990 and Special Errata dated July 6, 1990, Gas transmission and Distribution Piping Systems. This document replaces the 1986 edition of the same title. The new edition contains additional design requirements for ''t'' valves. MMS has determined that there are no significant differences between the two editions.

2. ANSI B 16.5–1988 and 1991 Supplement, Pipe Flanges and Flanged Fittings. This document replaces 1981 edition of the same title. MMS has determined that there are no significant differences between the 2 editions.

3. API Spec 6A, Specification for Valves and Wellhead Equipment, Sixteenth Edition, October 1, 1989 with Supplement 1, October 1991 and Supplement 2, July 1992. This document replaces the Fifteenth Edition titled Specifications for Wellhead and Christmas Tree Equipment, April 1, 1986, with Supplement 1, December 1986. The new edition contains changes in nomenclature and specifications for valve sizing and flow lines and is written in a more concise manner.

4. API Spec 6D, Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves), Twenty-first Edition, March 31, 1994. This document replaces

Eighteenth Edition titled Specification for Pipeline Valves, End Closures, Connectors and Swivels, with Supplement 3, July 1985. The new edition includes detailed drawings and valve specifications that aid in efficient and proper pipe scheduling and valve sizing, important in determining flow considerations and leak prevention. It also clarifies the types of valves covered by the RP and the testing and marking requirements for the valves. Also, tables have been simplified and converted to metric equivalents.

**Documents Incorporated by Reference in Subpart L**

The title and publication date of each proposed document incorporated by reference is listed below. A brief discussion of any major changes between the new and current edition is also listed below.

1. API RP 2556, Recommended Practice for Correcting Gage Tables for Incrustation, Second Edition, August 1993. This document replaces 1968 edition of the same title. The new edition adds metric unit measurement units to supplement the usual inch-pound measurement units and contains some minor editorial changes.

2. API Manual of Petroleum Measurement Standards (MPMS), Chapter 4—Proving Systems:

The following 7 sections replace the single reference to Chapter 4, Proving Systems, First Edition, May 1978.

MPMS, Chapter 4.1, Introduction, First Edition, July 1988, reaffirmed October 1993. This document is a rewrite and combination of the old introduction in Chapter 4 and old section 4.5.

3. MPMS, Chapter 4.2, Conventional Pipe Provers, First Edition, October 1988, reaffirmed October 1993. This document replaces the old section 4.2 in Chapter 4.

4. MPMS, Chapter 4.3, Small Volume Provers, First Edition, July 1988, reaffirmed October 1993. This document is a new standard for the use of small volume provers.

5. MPMS, Chapter 4.4, Tank Provers, First Edition, October 1988, reaffirmed October 1993. This document replaces the old section 4.3 in Chapter 4.

6. MPMS, Chapter 4.5, Master-Meter Provers, First Edition, October 1988, reaffirmed October, 1993. This document replaces the old section 4.4 in Chapter 4.

7. MPMS, Chapter 4.6, Pulse Interpolation, First Edition, July 1988, reaffirmed October 1993. This document is a new standard with primary application to the use of small provers.

8. MPMS, Chapter 4.7, Field-Standard Test Measures, First Edition, October 1988, reaffirmed March 1993. This document replaces the old section 4.1 in Chapter 4.

9. MPMS, Chapter 5.1, General Considerations for Measurement by Meters, Second Edition, November 1987, reaffirmed October 1992. This document replaces Chapter 5.1, Foreward, General Considerations and Scope of the First Edition, November 1976. The new edition expands and contains the general guidelines for selecting either positive displacement meters versus turbine meters.

10. MPMS, Chapter 5.2, Measurement of Liquid Hydrocarbons by Displacement Meters, Second Edition, November 1987, reaffirmed October 1992. This document replaces Chapter 5.2, First Edition, January 1977, of the same title. This edition removes references to mass measurement applications and the 30-day recommended proving schedule. An analysis of a meterfactor control chart replaced the proving schedule.

11. MPMS, Chapter 5.3, Measurement of Liquid Hydrocarbons by Turbine Meters, Second Edition, November 1987, reaffirmed October 1992. This document replaces Chapter 5.3, Turbine Meters, First Edition, July 1976. This edition changes Appendix A by using the Darcy-Weisbach friction instead of the Fanning pipe friction factor.

12. MPMS, Chapter 5.4, Accessory Equipment for Liquid Meters, Second Edition, November 1987, reaffirmed October 1992. This document replaces Chapter 5.4, Instrumentation or Accessory Equipment for Liquid Hydrocarbon Metering Systems, First Edition, July 1976. The new edition expands the areas of electric pulse generation and use in automated counters/controls due to the large increase in flow computers and data transmission over the 10 year interim period. The new edition also adds a security section. This edition is generally a guideline on accessory equipment which cross references other chapters of MPMS for the actual standards.

13. MPMS, Chapter 6.1, Lease Automatic Custody Transfer (LACT) Systems, Second Edition, May 1991. This document replaces Chapter 6.1, LACT Systems, First Edition, February 1981. The MMS has determined that there are no significant differences between the two editions.

14. MPMS, Chapter 6.6, Pipeline Metering Systems, Second Edition, May 1991. This document replaces the First Edition, August 1981, of the same title. The MMS has determined that there are no significant differences between the two editions.

15. MPMS, Chapter 6.7, Metering Viscous Hydrocarbons, Second Edition, May 1991. This document replaces the First Edition, January 1981, of the same title. The new edition recommends not using turbine meters for viscous hydrocarbons. Other changes are minor with regards to OCS activities.

16. MPMS, Chapter 8.1, Manual Sampling of Petroleum and Petroleum Products, Second Edition, October 1989. This document replaces the First Edition, October 1981, of the same title. The MMS has determined that there are no significant differences between the two editions.

17. MPMS, Chapter 10, Sediment and Water, Section 4–Determination of Water and Sediment in Crude Oils by the Centrifuge Method (Field Procedure), Second Edition, May 1988. The new document replaces Chapter 10.4, Standard Methods of Test for Water and Sediment in Crude Oils, First Edition, October 1977. The new edition includes information also contained in Chapter 10, Sections 1, 2, and 3. The new edition adds an appendix with personnel safety precautions to be taken while handling the oils and solvents.

18. MPMS, Chapter 14, Natural Gas Fluids Measurement, Section 3—Concentric, Square-Edged Orificed Meters, Part 1—General Equations and Uncertainty Guidelines, Third Edition, September 1990, available as ANSI/API 2530, Part 1, 1991, API Stock No. 852–30350, Part 2—Specification and Installation Requirements, Third Edition, February 1991, also available as ANSI/API 2530, Part 2, 1991, API Stock No. 852–30351, and Part 3—Natural Gas Applications, Third Edition, August 1992, available as ANSI/API 2530, Part 3, 1991, API Stock No. 852–30353. These three parts replace Chapter 14.3, all three parts incorporated by reference at § 250.181(c)(1). Orifice Metering of Natural Gas and Other Related Hydrocarbon Fluids, Second Edition, September 1985. These changes afford greater accuracy in measuring gas production.

19. MPMS, Chapter 14.6, Continuous Density Measurement, Second Edition, April 1991. This document replaces Chapter 14.6, Installing and Proving Density Meters Used to Measure Hydrocarbon Liquid with Densities between 0.3 to 0.7gm/cc at 15.56° (60 °F) and Saturation Vapor Pressures, First Edition, September 1979. The technical changes in the new edition reflect 10 years of improvements in the area of continuous density measurement.

The following documents incorporated by reference in subpart L have been reaffirmed without change by the API.

1. API Standard 2545, Method of Gaging Petroleum and Petroleum Products, October 1965, reaffirmed October 1992.
2. API Standard 2550, Method for Measurement and Calibration of Upright Cylindrical Tanks, First Edition, October 1965, reaffirmed October 1992.
3. API Standard 2551, Standard Method for Measurement and Calibration of Horizontal Tanks, First Edition, 1965, reaffirmed October 1992.
4. API Standard 2552, Measurement and Calibration of Spheres and Spheroids, First Edition, 1966, reaffirmed October 1992.
5. API Standard 2555, Method for Liquid Calibration of Tanks, First Edition, September 1966, reaffirmed October 1992.
6. MPMS, Chapter 5.5 Fidelity and Security of Flow Measurement Pulsed Data Transmission Systems, First Edition, June 1982, reaffirmed October 1992.
7. MPMS, Chapter 7.3, Static Temperature Determination Using Portable Electronic Thermometers, First Edition, July 1985, reaffirmed March 1990.
8. MPMS, Chapter 8.2 Automatic Sampling of Petroleum and Petroleum Products, First Edition, April 1983, reaffirmed October 1987.
9. MPMS, Chapter 9.1, Hydrometer Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products, First Edition, June 1981, reaffirmed October 1992.
10. MPMS, Chapter 9.2, Pressure Hydrometer Test Method for Density or Relative Density, First Edition, April 1982, reaffirmed October 1992.
11. MPMS, Chapter 10.1, Determination of Sediment in Crude Oils and Fuel Oils by the Extraction Method, First Edition, April 1981, reaffirmed October 1992.
12. MPMS, Chapter 10.2, Determination of Water in Crude Oil by Distillation, First Edition, April 1981, reaffirmed October 1992.
13. MPMS, Chapter 10.3, Determination of Water and Sediment in Crude Oil by the Centrifuge Method (Laboratory Procedure), First Edition, April 1981, reaffirmed October 1992.
14. MPMS, Chapter 11.1, Volume Correction Factors, Volume I, Table 5A—Generalized Crude Oils and JP–4 Correction of Observed API Gravity to API Gravity at 60 °F, and Table 6A—Generalized Crude Oils and JP–4 Correction of Volume to 60 °F Against API Gravity at 60 °F, First Edition, August 1980, reaffirmed August 1987.
15. MPMS, Chapter 11.2.1, Compressibility Factors for Hydrocarbons: 0–90° API Gravity Range, First Edition, August 1984, reaffirmed March 1990.
16. MPMS, Chapter 11.2.2, Compressibility Factors for Hydrocarbons: 0.350–0.637 Relative Density (60 °F/60 °F) and −50 °F to 140 °F Metering Temperature, Second Edition, October 1986, reaffirmed October 1992.
17. MPMS, Chapter 11.2.3, Water Calibration of Volumetric Provers, First Edition, 1984, reaffirmed March 1990.
18. MPMS, Chapter 12.2, Calculation of Liquid Petroleum Quantities Measured by Turbine or Displacement Meters, First Edition, September 1981, reaffirmed August 1987.
19. MPMS, Chapter 14.5, Calculation of Gross Heating Value, Specific Gravity, and Compressibility of Natural Gas Mixtures From Compositional Analysis, First Edition, January 1981, reaffirmed August 1987.
20. MPMS, Chapter 14.8, Liquefied Petroleum Gas Measurement, First Edition, February 1983, reaffirmed March 1990.

The following document incorporated by reference in subpart L has not been changed or reaffirmed by the API.

MPMS, Chapter 7.2, Dynamic Temperature Determination, First Edition, June 1985, API Stock No. 852–30142, Incorporated by Reference at: § 250.180 (c)(6)(iv)(A) and (f)(2)(iii)(A). This document is unchanged.

**Author.** The principal author for this proposed rule is Andy Radford, Engineering and Standards Branch, MMS.

### Executive Order (E.O.) 12866

This rule was reviewed under E.O. 12866. The rule was determined to not be a significant rule under the criteria of E.O. 12866 and, therefore, was not reviewed by the Office of Management and Budget (OMB).

### Regulatory Flexibility Act

The Department of the Interior (DOI) has also determined that this proposed rule will not have a significant economic effect on a substantial number of small entities because, in general, the entities that engage in activities offshore are not considered small due to the technical complexities and level of financial resources necessary to safely conduct such activities.

### Paperwork Reduction Act

This rule does not contain collections of information that require approval by OMB under (44 U.S.C. 3501 *et seq.*).

### Takings Implication Assessment

The DOI certifies that the proposed rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, a Takings Implication Assessment need not be prepared pursuant to E.O. 12630, Government Action and Interference with Constitutionally Protected Property Rights.

### E.O. 12778

The DOI has certified to OMB that this proposed rule meets the applicable civil justice reform standards provided in Sections 2(a) and 2(b)(2) of E.O. 12778.

### National Environmental Policy Act

The DOI has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

### List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Public lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: July 10, 1995.

**Sylvia V. Baca,**

*Acting Assistant Secretary, Land and Minerals Management.*

For the reasons set out in the preamble, 30 CFR part 250 is proposed to be amended as follows:

## PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for part 250 continues to read as follows:

**Authority:** 43 U.S.C. 1334.

2. In § 250.1 the third sentence in the introductory paragraph is revised and a new sentence is added following the third sentence, and, paragraphs (a)(1), (b), (c)(1) through (c)(4), (c)(6), and (d) are revised to read as follows:

### § 250.1 Documents incorporated by reference.

* * * The Minerals Management Service (MMS) will publish a notice of

any changes in these documents in the **Federal Register.** The rule change will become effective without prior opportunity to comment when MMS determines that the revisions to a document result in safety improvements or represent new industry standard technology, and do not impose undue costs on the affected parties. * * *

(a) * * *

(1) ACI Standard 318–89, Building Code Requirements for Reinforced Concrete, plus Commentary on Building Code Requirements for Reinforced Concrete (ACI 218R–89), Incorporated by Reference at: § 250.138(b)(4)(i), (b)(6)(i), (b)(7), (b)(8)(i), (b)(9), (b)(10), (c)(3), (d)(1)(v), (d)(5), (d)(6), (d)(7), (d)(8), (d)(9), (e)(1)(i), and (e)(2)(i).

(b) *American Institute of Steel Construction (AISC) Document.* The AISC document listed in this paragraph may be purchased from the American Institute of Steel Construction, Inc., P.O. Box 4588, Chicago, Illinois 60680.

AISC Standard S335, Specification for Structural Steel Buildings, Allowable Stress Design and Plastic design, June 1, 1989, with Commentary, Incorporated by Reference at: § 250.137(b)(1)(ii), (c)(4)(ii), and (c)(4)(vii).

(c) * * *

(1) The ANSI/ASME Boiler and Pressure Vessel Code, Section I, Power Boilers including Appendices, 1995 Edition, Incorporated by Reference at: §§ 250.123(b)(1) and (b)(1)(i); and 250.292(b)(1) and (b)(1)(i).

(2) The ANSI/ASME Boiler and Pressure Vessel Code, Section IV, Heating Boilers, including Nonmandatory Appendices A, B, C, D, E, F, H, I, and J and the Guide to Manufacturers Data Report Forms, 1995 Edition, Incorporated by Reference at: §§ 250.123(b)(1) and (b)(1)(i) and 250.292(b)(1) and (b)(1)(i).

(3) ANSI/ASME Boiler and Pressure Vessel Code, Section VIII, Pressure Vessels, Divisions 1 and 2, including Nonmandatory Appendices, 1995 Edition, Incorporated by Reference at: §§ 250.123(b)(1) and (b)(1)(i) and 250.292(b)(1) and (b)(1)(i).

(4) ANSI/ASME B 31.8–1989, with B 31.8A–1990 and Special Errata dated July 6, 1990, Gas Transmission and Distribution Piping Systems, Incorporated by Reference at: § 250.152(a).

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(6) ANSI B 16.5–1988 and 1991 Supplement, Pipe Flanges and Flanged Fittings, Incorporated by Reference at: § 250.152(b)(2).

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(d) American Petroleum Institute (API) Documents. The API documents listed in this paragraph may be purchased from the American Petroleum Institute,1220 L Street, NW., Washington, DC 20005. (Paragraphs (d)(22) through (d)(57) of this section refer to the API Manual of Petroleum Measurement Standards (MPMS)).

(1) API Spec Q1, Specification for Quality Programs, Third Edition, June 1990, API Stock No. 811–00001, Incorporated by Reference at: § 250.126(c)(3).

(2) API RP 2A–WSD, Recommended Practice for Planning, Designing and Constructing Fixed Offshore Platforms Working Stress Design, Nineteenth Edition, August 1, 1992, API Stock No. 811–00200, Incorporated by Reference at: §§ 250.130(g) and 250.142(a).

(3) API RP 2D, Recommended Practice for Operation and Maintenance of Offshore Cranes, Third Edition, June 1, 1995, API Stock No. 811–02D03, Incorporated by Reference at: §§ 250.20(c) and 250.260(g).

(4) API Spec 6A, Specification for Valves and Wellhead Equipment, Sixteenth Edition, October 1, 1986, with Supplement 1, October 1991 and Supplement 2, July 1992, API Stock No. 811–03100, Incorporated by Reference at: § 250.152 (b)(1) and (b)(2).

(5) API Spec 6D, Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves), Twenty-first Edition, March 31, 1994, API Stock No. 811–03200, Incorporated by Reference at: § 250.152(b)(1).

(6) API Spec 14A, Specification for Subsurface Safety Valve Equipment, Ninth Edition, December 1, 1994, API Stock No. 881–14A09, Incorporated by Reference at: § 250.126 paragraphs (c)(3) and (e)(2) and (3).

(7) API RP 14B, Recommended Practice for Design, Installation, Repair and Operation of Subsurface Safety Valve Systems, Fourth Edition, July 1, 1994, API Stock No. 811–14B04, Incorporated by Reference at: §§ 250.121(e)(4), 250.124(a)(1)(i), and 250.126(d).

(8) API RP 14C, Recommended Practice for Analysis, Design, Installation and Testing of Basic Surface Safety Systems for Offshore Production Platforms, Fourth Edition, September 1, 1994, API Stock No. 811–07180, incorporated by reference at §§ 250.122(b) and (e)(2); 250.123(a), (b)(2)(i), (b)(4), (b)(5)(i), (b)(7), (b)(9)(v), and (c)(2); 250.124(a) and (a)(5); 250.152(d); 250.154(b)(9); 250.291(c) and (d)(2); 250.292(b)(2) and (b)(4)(v); and 250.293(a).

(9) API Spec 14D, Specification for Wellhead Surface Safety Valves and Underwater Safety Valves for Offshore Service, Ninth Edition, June 1, 1994, with errata dated August 1, 1994, API Stock No. 811–07183, Incorporated by Reference at: § 250.126 paragraphs (c)(3) and (e)(2) and (3).

(10) API RP 14E, Recommended Practice for Design and Installation of Offshore Production Platform Piping Systems, Fifth Edition, October 1, 1991, API Stock No. 811–07185, Incorporated by Reference at: §§ 250.122(e)(3) and 250.291(b)(2) and (d)(3).

(11) API RP 14F, Recommended Practice for Design and Installation of Electrical Systems for Offshore Production Platforms, Third Edition, September 1, 1991, API Stock No. 811–07190, Incorporated by Reference at: §§ 250.53(c), 250.123(b)(9)(v), and 250.292(b)(4)(v).

(12) API RP 14G, Recommended Practice for Fire Prevention and Control on Open Type Offshore Production Platforms, Third Edition, December 1, 1993, API Stock No. 811–07194, Incorporated by Reference at: §§ 250.123(b)(8) and (b)(9)(v) and 250.292(b)(3) and (b)(4)(v).

(13) API RP 14H, Recommended Practice for Installation, Maintenance and Repair of Surface Safety Valves and Underwater Safety Valves Offshore, Fourth Edition, July 1, 1994, API Stock No. 811–14H04, Incorporated by Reference at: §§ 250.122(d) and 250.126(d).

(14) API RP 500, Recommended Practice for Classification of Locations for Electrical Installations at Petroleum Facilities, First Edition, June 1, 1991, API Stock No. 811–06005, Incorporated by Reference at: §§ 250.53(b), 250.120(b), 250.122(e)(4)(i), 250.123(b)(9)(i) 250.291(b)(3) and (d)(4)(i), and 250.292(b)(4)(i).

(15) API Standard 2545, Method of Gaging Petroleum and Petroleum Products, October 1965, reaffirmed October 1992, also available as ANSI/ASTM D 1085–65, API Stock No. 852–25450, Incorporated by Reference at: § 250.180(f)(2)(ii).

(16) API Standard 2550, Method for Measurement and Calibration of Upright Cylindrical Tanks, First Edition, October 1965, reaffirmed October 1992, also available as ANSI/ASTM D 1220–65, API Stock No. 852–25500, Incorporated by Reference at: § 250.180(f)(2)(i).

(17) API Standard 2551, Standard Method for Measurement and Calibration of Horizontal Tanks, First Edition, 1965, reaffirmed October 1992, also available as ANSI/ASTM D 1410–65, reapproved 1984, API Stock No. 852–25510, Incorporated by Reference at: § 250.180(f)(2)(i).

(18) API Standard 2552, Measurement and Calibration of Spheres and Spheroids, First Edition, 1966, reaffirmed October 1992, also available as ANSI/ASTM D 1408–65, reapproved 1984, API Stock No. 852–25520, Incorporated by Reference at: § 250.180(f)(2)(i).

(19) API Standard 2555, Method for Liquid Calibration of Tanks, First Edition, September 1966, reaffirmed October 1992, also available as ANSI/ASTM D 1406–65, reapproved 1984, API Stock No. 852–25550, Incorporated by Reference at: § 250.180(f)(2)(i).

(20) API RP 2556, Recommended Practice for Correcting Gage Tables for Incrustation, Second Edition, August 1993, API Stock No. 852–25560, Incorporated by Reference at: § 250.180(f)(2)(i).

(21) MPMS, Chapter 4.1, Introduction, First Edition, July 1988, reaffirmed October 1993, API Stock No. 852–30081, Incorporated by Reference at: § 250.180(c)(6)(i) and (d)(3)(iv).

(22) MPMS, Chapter 4.2, Conventional Pipe Provers, First Edition, October 1988, reaffirmed October 1993, API Stock No. 852–30082, Incorporated by Reference at: § 250.180(c)(6)(i) and (d)(3)(iv).

(23) MPMS, Chapter 4.3, Small Volume Provers, First Edition, July 1988, reaffirmed October 1993, API Stock No. 852–30083, Incorporated by Reference at: § 250.180(c)(6)(i) and (d)(3)(iv).

(24) MPMS, Chapter 4.4, Tank Provers, First Edition, October 1988, reaffirmed October 1993, API Stock No. 852–30084, Incorporated by Reference at: § 250.180(c)(6)(i) and (d)(3)(iv).

(25) MPMS, Chapter, 4.5, Master-Meter Provers, First Edition, October 1988, reaffirmed October 1993, API Stock No. 852–30085, Incorporated by Reference at: § 250.180(c)(6)(i) and (d)(3)(iv).

(26) MPMS, Chapter 4.6, Pulse Interpolation, First Edition, July 1988, reaffirmed October 1993, API Stock No. 852–30086, Incorporated by Reference at: § 250.180(c)(6)(i) and (d)(3)(iv).

(27) MPMS, Chapter 4.7, Field-Standard Test measures, First Edition, October 1988, reaffirmed March 1993, API Stock No. 852–30087, Incorporated by Reference at: § 250.180(c)(6)(i) and (d)(3)(iv).

(28) MPMS, Chapter 5.1, General Considerations for Measurement by Meters, Second Edition, November 1987, reaffirmed October 1992, API Stock No. 852–30101, Incorporated by Reference at: § 250.180(c)(6)(ii).

(29) MPMS, Chapter 5.2, Measurement of Liquid Hydrocarbons by Displacement Meters, Second Edition, November 1987, reaffirmed October 1992, API Stock No. 852–30102, Incorporated by Reference at: § 250.180(c)(6)(ii).

(30) MPMS, Chapter 5.3, Measurement of Liquid Hydrocarbons by Turbine Meters, Second Edition, November 1987, reaffirmed October 1992, API Stock No. 852–30103, Incorporated by Reference at: § 250.180(c)(6)(ii).

(31) MPMS, Chapter 5.4, Accessory Equipment for Liquid Meters, Second Edition, November 1987, reaffirmed October 1992, API Stock No. 852–30104, Incorporated by Reference at: § 250.180(c)(6)(ii).

(32) MPMS, Chapter 5.5, Fidelity and Security of Flow Measurement Pulsed-Data Transmission Systems, First Edition, June 1982, reaffirmed October 1992, API Stock No. 852–30105, Incorporated by Reference at: § 250.180(c)(6)(ii).

(33) MPMS, Chapter 6.1, Lease Automatic Custody Transfer (LACT) Systems, Second Edition, May 1991, API Stock No. 852–30121, Incorporated by Reference at: § 250.180(c)(6)(iii)(A).

(34) MPMS, Chapter 6.6, Pipeline Metering Systems, Second Edition, May 1991, API Stock No. 852–30126, Incorporated by Reference at: § 250.180(c)(6)(iii)(B).

(35) MPMS, Chapter 6.7, Metering Viscous Hydrocarbons, Second Edition, May 1991, API Stock No. 852–30127, Incorporated by Reference at: § 250.180(c)(6)(iii)(C).

(36) MPMS, Chapter 7.2, Dynamic Temperature Determination, First Edition, June 1985, API Stock No. 852–30142, Incorporated by Reference at: § 250.180 (c)(6)(iv)(A) and (f)92)(iii)(A).

(37) MPMS, Chapter 7.3, Static Temperature Determination Using Portable Electronic Thermometers, First Edition, July 1985, reaffirmed March 1990, API Stock No. 852–30143, Incorporated by Reference at: § 250.180 (c)(6)(iv)(B) and (f)(2)(iii)(B).

(38) MPMS, Chapter 8.1, Manual Sampling of Petroleum and Petroleum Products, Second Edition, October 1989, also available as ANSI/ASTM D 4057–88, API Stock No. 852–30161, Incorporated by Reference at: § 250.180 (c)(6)(v) and (f)(2)(iv).

(39) MPMS, Chapter 8.2, Automatic Sampling of Petroleum and Petroleum Products, First Edition, April 1983, reaffirmed August 1987 1987, also available as ANSI/ASTM D 4177, API Stock No. 852–30162, Incorporated by Reference at: § 250.180 (c)(6)(v) and (f)(2)(iv).

(40) MPMS, Chapter 9.1, Hydrometer Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products, First Edition, June 1981, reaffirmed October 1992, also available as ANSI/ASTM D 1298, API Stock No. 852–30181, Incorporated by Reference at: § 250.180 (c)(6)(vi)(A) and (f)(2)(v)(A).

(41) MPMS, Chapter 9.2, Pressure Hydrometer Test Method for Density or Relative Density, First Edition, April 1982, reaffirmed October 1992, API Stock No. 852–30182, Incorporated by Reference at: § 250.180 (c)(6)(vi)(B) and (f)(2)(v)(B).

(42) MPMS, Chapter 10.1, Determination of Sediment in Crude Oils and Fuel Oils by the Extraction Method, First Edition, April 1981, reaffirmed December 1993, also available as ANSI/ASTIM D 473, API Stock No. 852–30201, Incorporated by Reference at: § 250.180 (c) (6) (vii) (A) and (f) (2) (vi) (A).

(43) MPMS, Chapter 10.2, Determination of Water in Crude Oil by Distillation, First Edition, April 1981, reaffirmed December 1993, also available as ANSI/ASTM D 4006, API Stock No. 852–30202, Incorporated by Reference at: § 250.180 (c)(6)(vii)(B) and (f)(2)(vi)(B).

(44) MPMS, Chapter 10.3, Determination of Water and Sediment in Crude Oil by the Centrifuge Method (Laboratory Procedure), First Edition, April 1981, reaffirmed December 1993, also available as ANSI/ASTM D 4007, API Stock No. 852–30203, Incorporated by Reference at: § 250.180 (c)(6)(vii)(C) and (f)(2)(vi)(C).

(45) MPMS, Chapter 10.4, Determination of Sediment and Water in Crude Oils by the Centrifuge Method (Field Procedure), Second Edition, May 1988, reaffirmed December 1993, also available as ANSI/ASTM D 96, API Stock No. 825–30204, Incorporated by Reference at: § 250.180 (c) (6) (vii) (D) and (f) (2) (vi) (D).

(46) MPMS, Chapter 11.1, Volume Correction Factors, Volume I, Table 5A—Generalized Crude Oils and JP–4 Correction of Observed API Gravity to API Gravity at 60 °F, and Table 6A—Generalized Crude Oils and JP–4 Correction of Volume to 60 °F Against API Gravity at 60 °F August 1980, reaffirmed October 1993, also available as ANSI/ASTM D 1250, API Stock No. 852–27000, Incorporated by Reference at: § 250.180 (c) (6) (viii) (A), (d) (3) (v) (B), and (f) (2) (vii).

(47) MPMS, Chapter 11.2.1, Compressibility Factors by Hydrocarbons: 0–90° API Gravity Range, First Edition, August 1984, reaffirmed March 1990, API, Stock No. 852–27300, Incorporated by Reference at: § 250.180(c) (6) (viii) (B).

(48) MPMS, Chapter 11.2.2, Compressibility Factors for Hydrocarbons: 0.350–0.637 Relative Density (60) °F/60 °F) and –50 °F to 140 °F Metering Temperature, Second Edition, October 1986, reaffirmed October 1992, also available as GPA 8286–86, API Stock No. 852–27307, Incorporated by Reference at: § 250.180(c) (6) (viii) (C).

(49) MPMS, Chapter 11.2.2, Addendum, Compressibility Factors for Hydrocarbons, Correlation of Vapor Pressure for Commercial Natural Gas Liquids (0.490–0.637 Relative Density (60 °F/60 °F) and –50 °F to 140 °F Metering Temperature), Second Edition, October 1986, reaffirmed October 1992, also available as GPA TP–15, API Stock No. 852–27300, Incorporated by Reference at: § 250.180(c) (6) (viii) (C).

(50) MPMS, Chapter 11.2.3, Water Calibration of Volumetric Provers, First Edition, August 1984, reaffirmed March 1990, API Stock No. 852–27310, Incorporated by Reference at: § 250.180 (d) (3) (iv).

(51) MPMS, Chapter 12.2, Calculation of Liquid Petroleum Quantities Measured by Turbine or Displacement Meters, First Edition, September 1981, reaffirmed August 1987, also available as ANSI/API MPMS 12.2–1981, API Stock No. 852–30302, Incorporated by Reference at: § 250.180 (c)(6)(ix), (d) (3) (v) (A), and (d) (3) (v) (C).

(52) MPMS, Chapter 14.3, Part 1, General Equations and Uncertainty Guidelines, Third Edition, September 1990, also available as ANSI/API 2530, Part 1, 1991, API Stock No. 852–30350, Incorporated by Reference at: § 250.181(c)(1).

(53) MPMS, Chapter 14.3, Part 2, Specification and Installation Requirements, Third Edition, February 1991, also available as ANSI/API 2530, Part 2, 1991, API Stock No. 852–30351, Incorporated by Reference at: § 250.181(c)(1).

(54) MPMS, Chapter 14.3, Part 3, Natural Gas Applications, Third Edition, August 1992, also available as ANSI/API 2530, Part 3, API Stock No. 852–30353, Incorporated by Reference at: § 250.181(c)(1).

(55) MPMS, Chapter 14.5, Calculation of Gross Heating Value, Specific Gravity, and Compressibility of Natural Gas Mixtures From Compositional Analysis, First Edition, January 1981, reaffirmed October 1992, also available as ANSI/API MPMS 14.5–1981, order from Gas Processors Association, 6526 East 60th Street, Tulsa, Oklahoma 74145, Incorporated by Reference at: § 250.181(c)(1).

(56) MPMS, Chapter 14.6, Continuous Density Measurement, Second Edition, April 1991, API Stock No. 852–30346, Incorporated by Reference at: § 250.181(c)(1).

(57) MPMS, Chapter 14.8, Liquefied Petroleum Gas Measurement, First Edition, February 1983, reaffirmed March 1990, API Stock No. 852–30348, Incorporated by Reference at: § 250.181(c)(1).

* * * * *

3. In § 250.180, paragraphs (c)(6)(vi) and (f)(2)(v) are revised to read as follows:

**§ 250.180 Measurement of liquid hydrocarbons.**

* * * * *

(c) * * *

(6) * * *

(vi)(A) Chapter 9.1, Hydrometer Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products;

(B) Chapter 9.2, Pressure Hydrometer Test Method for Density or Relative Density;

* * * * *

(f) * * *

(2) * * *

(v)(A) Chapter 9.1, Hydrometer Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products;

(B) Chapter 9.2, Pressure Hydrometer Test Method for Density or Relative Density;

* * * * *

[FR Doc. 95–20242 Filed 8–16–95; 8:45 am]

BILLING CODE 4310–MR–M

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 117

**[CGD07–95–019]**

**RIN 2115–AE47**

## Drawbridge Operation Regulations; Okeechobee Waterway, Fort Myers, FL

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to change the regulations governing the Sanibel Causeway Drawbridge, SR869, over San Carlos Bay at Punta Rassa. This proposal is being made as a result of complaints about extensive highway traffic delays caused by bridge openings. This change is intended to relieve highway congestion while still meeting the reasonable needs of navigation.

**DATES:** Comments must be received on or before October 16, 1995.

**ADDRESSES:** Comments may be mailed to Commander (oan), Seventh Coast Guard District, 909 SE 1st Avenue, Miami, FL 33131–3050, or may be delivered to Room 406 at the above address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is 305–536–6546.

The Commander, Seventh Coast Guard District maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at the above address.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ian MacCartney, Project Manager, Bridge Section, at (305) 536–6546.

**SUPPLEMENTARY INFORMATION:**

### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking [CGD07–95–019] and the specific section of this proposal to which each comment applies, and give the reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying. If not practical, a second copy of any bound material is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Mr. Ian MacCartney at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

**Drafting Information.** The principal persons involved in drafting this document are Mr. Ian MacCartney, Project Manager, and Lieutenant J. M. Losego, Project Counsel.

### Background and Purpose

The Sanibel Causeway Drawbridge which crosses San Carlos Bay, Okeechobee Waterway mile 151, presently opens on signal except that from 11 a.m. to 6 p.m., the draw opens only on the quarter hour and from 10 p.m. to 6 a.m., the bridge opens on demand with a 5 minute delay. In February, 1995, the Director of the Lee County Department of Transportation requested the bridge opening schedule between 7 a.m. and 7 p.m. daily be changed to open only on the hour and 30 minutes after the hour. Bridge logs and highway traffic data were provided to the Coast Guard in support of this request.

A comparison of highway traffic volumes between 1985 and 1993 indicated there has been an overall increase in traffic volume with current levels periodically exceeding highway capacity on weekday afternoons during the winter season without any bridge openings. The number of bridge openings continue to average less than two per hour with a maximum of 4 openings per hour being experienced periodically during the winter season. Based on analysis of the highway traffic and bridge opening data provided by Lee County, the Coast Guard has determined that a change in the bridge opening regulations is warranted.

### Discussion of Proposed Amendments

The Coast Guard proposes to reduce the number of potential openings by authorizing the drawbridge to open only on the hour, 20 minutes after the hour and 40 minutes after the hour from 7 a.m. to 7 p.m. daily instead of the existing 15 minute daily schedule. This change is intended to relieve highway congestion while still meeting the reasonable needs of navigation.

### Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order.

It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT (44 FR 11040; February 26, 1979) is unnecessary. We conclude this because the rule exempts tugs with tows.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. ''Small entities'' may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposal will have significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposal will economically affect it.

### Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

### Federalism

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612, and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2.e(32) of Commandant Instruction M16475.1B, this proposal is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

### List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR Part 117 as follows:

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. In § 117.317, paragraph (j) is revised to read as follows:

**§ 117.317 Okeechobee Waterway.**

* * * * *

(j) Sanibel Causeway bridge, mile 151 at Punta Rassa. The draw shall open on signal; except that from 7 a.m. to 7 p.m., the draw need open only on the hour, twenty minutes past the hour, and 40 minutes past the hour. From 10 p.m. to 6 a.m. the draw will open on signal if at least a five minute advance notice is given. Exempt vessels shall be passed at any time.

Dated: July 21, 1995.

**R.T. Rufe, Jr.,**

*Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.*

[FR Doc. 95–20359 Filed 8–16–95; 8:45 am]

BILLING CODE 4910–14–M

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## 33 CFR Part 117

**[CGD07–94–85]**

**RIN 2115–AE47**

## Drawbridge Operation Regulations; Okeechobee Waterway, FL

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to change regulations governing the operation of the Florida East Coast railroad bridge, at mile 38.0, at Port Mayaca, Florida, by removing the authorization for automatic operation and returning the draw to manual operation. Decreased use of the rail line has prompted the bridgeowner to propose onsite manual operation of this drawbridge for more efficient operations. This action should accommodate the needs of railroad traffic, while still providing for the reasonable needs of navigation.

**DATES:** Comments must be received on or before October 16, 1995.

**ADDRESSES:** Comments may be mailed to Commander (oan), Seventh Coast Guard District, 909 SE 1st Avenue, Miami, Florida 33131–3050, or may be delivered to room 406 at the above address between 7:30 a.m. and 4 p.m., Monday through Friday, except federal holidays. The telephone number is (305) 536–4103.

The Commander, Seventh Coast Guard District maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at the above address.

**FOR FURTHER INFORMATION CONTACT:** Walter Paskowsky, Project Manager, Bridge Section at (305) 536–4103.

**SUPPLEMENTARY INFORMATION:**

### Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking [CGD07–94–85] and the specific section of this proposal to which each comment applies, and give the reason for each comment. The Coast Guard requests that all comments and attachments be submitted in an unbound format suitable for copying. If not practical, a second copy of any bound material is requested. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments received.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Mr. Walt Paskowsky at the address under **ADDRESSES.** The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register.**

**Drafting Information.** The principal persons involved in drafting this document are Walter Paskowsky, Project Manager, and LT J. M. Losego, Project Counsel.

### Background and Purpose

This bridge presently is remotely controlled by a railroad dispatcher in St. Augustine, Florida. The draw is normally in the fully open position displaying flashing green lights to indicate that vessels may pass. When a train approaches the bridge, the lights go to flashing red and a horn sounds four blasts, and then repeats four blasts. After an eight minute delay, the draw lowers and locks, providing the scanning equipment reveals nothing under the draw. The draw remains down for a period of eight minutes or while all circuits are occupied. After the train has cleared, the draw opens and the lights return to flashing green. Because of declining usage of the rail line, the bridgeowner, Florida East Coast Railroad, has requested permission to operate the span manually.

### Discussion of Proposed Amendment

The draw would continue to normally remain in the fully open position displaying flashing green lights to indicate vessels may pass. When a train approaches the bridge, it would stop and the train crew would observe the waterway for boat traffic. Upon manual signal the navigation lights would go to flashing red, the horn would sound four blasts, pause, then repeat four blasts, then without delay the bridge would be lowered, providing scanning equipment reveals nothing under the draw. After the span is lowered and locked the train would proceed across, and when the last car in the train has cleared the approach track circuit, the span would raise automatically. The entire bridge operation from span down to span up would take about 13 minutes.

### Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard

expects the economic impact of this proposal to be so minimal that a full regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT (44 FR 11040; February 26, 1979) is unnecessary. We conclude this because of the infrequent operation of the draw.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal, if adopted, will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of the proposal to be minimal the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant impact on a substantial number of small entities.

**Collection of Information**

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

**Federalism**

The Coast Guard has analyzed this proposal under the principles and criteria contained in Executive Order 12612, and has determined that this proposal does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

**Environment**

The Coast Guard considered the environmental impact of this proposal and concluded that, under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B, promulgation of operating requirements or procedures for drawbridges is categorically excluded from further environmental documentation. A Categorical Exclusion Determination is available in the docket where indicated in the **ADDRESSES** section.

**List of Subjects in 33 CFR Part 117**

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR Part 117 as follows:

## PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. In § 117.317 paragraph (f) is revised to read as follows:

**§ 117.317 Okeechobee Waterway.**

* * * * *

(f) Florida East Coast Railroad bridge, mile 38, at Port Mayaca.

(1) The draw is not constantly tended.

(2) The bridge is normally in the fully open position displaying flashing green lights to indicate that vessels may pass.

(3) When a train approaches the bridge it will stop and a crewmember will observe the waterway for approaching vessels, which will be allowed to pass. Upon manual signal, the bridge lights will go to flashing red, and the horn will sound four blasts, pause, then repeat four blasts, then the draw will lower and lock, providing scanning equipment reveals nothing under the span.

(4) After the train has cleared, the draw will open, and the lights will return to flashing green.

* * * * *

Dated: July 26, 1995.

**Roger T. Rufe, Jr.,**

*Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.*

[FR Doc. 95–20361 Filed 8–16–95; 8:45 am]

BILLING CODE 4910–14–M

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## ENVIRONMENTAL PROTECTION AGENCY

## 48 CFR Parts 1516 and 1552

**[FRL–5277–5]**

## Acquisition Regulation; Cost-Sharing Contracts

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

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to add coverage to the EPA Acquisition Regulation (EPAAR) on cost-sharing contracts. This rule is necessary to provide Contracting Officers guidance for awarding and administering cost-sharing contracts.

**DATES:** Written comments on this proposed rule must be received on or before October 16, 1995.

**ADDRESSES:** Comments should be addressed to the Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, attn: Paul Schaffer (Mail Code 3802F). Comments may also be transmitted electronically by electronic mail (e-mail) to Schaffer.paul @ epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments will also be accepted on disk in Wordperfect in 5.1 file format or ASCII file format. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on the proposed rule may be filed online at many Federal Deposit Libraries.

**FOR FURTHER INFORMATION CONTACT:** Paul Schaffer at (202) 260–9032.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

Cost-sharing applies only to contracts awarded by EPA in which the Government and contractor agree to share in the costs of a project. Cost-sharing is relevant when a contractor has the opportunity to acquire technology, expertise or other benefits which will enable the contractor to profit after contract completion. Generally, potential benefits to the contractor are less likely where basic research is involved and the extent of commercial application is unknown.

**B. Executive Order 12866**

This proposed rule is not a significant regulatory action as defined in Executive Order 12866. Therefore, no review is required at the Office of Information and Regulatory Affairs within OMB.

**C. Paperwork Reduction Act**

The Paperwork Reduction Act does not apply because this rule does not propose any information collection requirements which would require the approval of OMB under 44 U.S.C. 3501, et seq.

**D. Regulatory Flexibility Act**

The EPA certifies this proposed rule does not exert a significant economic impact on a substantial number of small entities. The proposed rule primarily establishes EPA policies and internal procedures for awarding and administering cost sharing contracts. The proposed contract clause will require small entities to maintain records for costs claimed as its cost share.

Most small entities should presently be compiling information in their accounting systems for all costs incurred under cost reimbursable contracts in order to monitor financial progress under a contract. Any adjustments to existing accounting systems should require only minimal cost and effort. The EPA certifies this

rule will have no significant impact on small entities. Therefore, no regulatory flexibility analysis has been prepared.

**E. Unfunded Mandates**

This proposed rule will not impose unfunded mandates on state or local entities, or others.

**List of Subjects in 48 CFR Parts 1516 and 1552**

Government procurement, Solicitation provisions and contract clauses.

For the reasons set out in the preamble, Chapter 15 of Title 48 Code of Federal Regulations is proposed to be amended as set forth below:

1. The authority citation for Parts 1516 and 1552 continues to read as follows:

**Authority:** Sec 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c).

2. Section 1516.303 is added to read as follows:

**1516.303 Cost-sharing contracts.**

**1516.303–71 Definition.**

*Cost-sharing* is a generic term denoting any situation where the Government does not fully reimburse a contractor for all allowable costs necessary to accomplish the project under the contract. This term encompasses cost-matching and cost-limitations, in addition to cost-sharing. Cost-sharing does not include usual contractual limitations such as indirect cost ceilings in accordance with FAR 42.707, or ceilings on travel or other direct costs. Cost-sharing contracts may be required as a result of Congressional mandate.

**1516.303–72 Policy.**

(a) The Agency shall use cost-sharing contracts where the principal purpose is ultimate commercialization and utilization of technologies by the private sector. There should also be a reasonable expectation of future economic benefits for the contractor and the Government beyond the Government's contract.

(b) Cost-sharing may be accomplished by a contribution to either direct or indirect costs, provided such costs are reasonable, allocable and allowable in accordance with the cost principles of the contract. Allowable costs which are absorbed by the contractor as its share of contract costs may not be charged directly or indirectly to the Agency or the Federal government.

(c) Unsolicited proposals will be considered on a case-by-case basis by the Contracting Officer as to the appropriateness of cost-sharing.

**1516.303–73 Types of cost-sharing.**

(a) Cost-sharing may be accomplished in various forms or combinations. These include, but are not limited to: cash outlays, real property or interest therein, personal property or services, cost matching, or other in-kind contributions.

(b) In-kind contributions represent non-cash contributions provided by the performing contractor which would normally be a charge against the contract. While in-kind contributions are an acceptable method of cost-sharing, should the booked costs of property appear unrealistic, the fair market value of the property shall be determined pursuant to 1516.303–74.

(c) In-kind contributions may be in the form of personal property (equipment or supplies) or services which are directly beneficial, specifically identifiable and necessary for the performance of the contract. In-kind contributions must meet all of the following criteria before acceptance.

(1) Be verifiable from the contractor's books and records;

(2) Not be included as contributions under any other Federal contract;

(3) Be necessary to accomplish project objectives;

(4) Provide for types of charges that would otherwise be allowable under applicable Federal cost principles appropriate to the contractor's organization; and

(5) Not be paid for by the Federal Government under any contract, agreement or grant.

**1516.303–74 Determining the value of in-kind contributions.**

In-kind contributions accepted from a contractor will be addressed on a case-by-case basis provided the established values do not exceed fair market values.

(a) Where the Agency receives title to donated land, building, equipment or supplies and the property is not fully consumed during performance of the contract, the Contracting Officer should establish the property's value based on the contractor's booked costs (i.e., acquisition cost less depreciation, if any) at the time of donation. If the booked costs reflect unrealistic values when compared to current market conditions, the Contracting Officer may establish another appropriate value if supported by an independent appraisal of the fair market value of the donated property or property in similar condition and circumstances.

(b) The Contracting Officer will monitor reports of in-kind costs as they are incurred or recognized during the contract period of performance to determine that the value of in-kind services does not exceed fair market values.

(c) The value of any services or the use of personal or real property donated by a contractor should be established when necessary in accordance with generally accepted accounting policies and Federal cost principles.

**1516.303–75 Amount of cost-sharing.**

(a) Contractors should contribute a reasonable amount of the total project cost covered under the contract. The ratio of cost participation should correlate to the apparent advantages available to performers and the proximity of implementing commercialization, i.e., the higher the potential for future profits, the higher the contractor's share should be.

(b) Fee will not be paid to the contractor or any member of the contractor team (subcontractors and consultants) which has a substantial and direct interest in the contract, or is in a position to gain long term benefits from the contract. A vulnerability the Contracting Officer should consider in reviewing a prime contractor's request for consent to subcontract is whether subcontractors under prime cost-sharing contracts have a significant direct interest in the contract to gain long-term benefits from the contract.

(c) The Contracting Officer, with the input of technical experts, may consider the following factors in determining reasonable levels of cost sharing:

(1) The availability of the technology to competitors;

(2) Improvements in the contractor's market share position;

(3) The time and risk necessary to achieve success;

(4) If the results of the project involve patent rights which could be sold or licensed;

(5) If the contractor has non-Federal sources of funds to include as cost participation; and

(6) If the contractor has the production and other capabilities to capitalize the results of the project.

(d) A contractor's cost participation can be provided by other subcontractors with which it has contractual arrangements to perform the contract as long as the contractor's cost-sharing goal is met.

**1516.303–76 Fee on cost-sharing contracts by subcontractors.**

(a) Subcontractors under prime cost-sharing contracts who do not have a significant direct interest in the contract or who are not in a position to gain long-term benefits from the contract may earn a fee.

(b) Contracting Officers should be alert to a potential vulnerability for the

Government under cost-sharing contracts when evaluating proposed subcontractors or consenting to a subcontract during contract administration, where the subcontractor is a wholly-owned subsidiary of the prime. The vulnerability consists of the subsidiary earning a large amount of fee, which could be returned to the prime through stock dividends or other intercompany transactions. This could circumvent the objective of a cost-sharing contract.

**1516.303–77 Administrative requirements.**

(a) The initial Procurement Request shall reflect the total estimated cost of the cost-sharing contract. The face page of the contract award shall indicate the total estimated cost of the contract, the Contractor's share of the cost, and the Government's share of the cost.

(b) The manner of cost-sharing and how it is to be accomplished shall be set forth in the contract. Additionally, contracts which provide for cost-sharing shall require the contractor to maintain records adequate to reflect the nature and extent of their cost-sharing as well as those costs charged the Agency. Such records may be subject to an Agency audit.

3. Section 1516.307 is amended to add paragraph (c) to read as follows:

**1516.307 Contract clauses.**

* * * * *

(c) The Contracting Officer shall insert the clause at 1552.216–75, Estimated Cost and Cost-Sharing, in solicitations and contracts where the total incurred costs are shared by the contractor on a straight percentage basis. The Contracting Officer may develop other clauses, as appropriate, following the same approach, but reflecting different cost-sharing arrangements negotiated on specific contract actions.

4. Subpart 1516.3 is amended by adding section 1516.370 to read as follows:

**1516.370 Solicitation provision.**

The solicitation document shall state whether any cost-sharing is required, and may set forth a target level of cost-sharing. Although technical considerations are normally most important, the degree of cost-sharing may be considered in a selection decision when cost becomes a determinative factor in a selection decision.

5. Part 1552 is amended to add section 1552.216–75 to read as follows:

**1552.216–75 Estimated cost and cost-sharing.**

As prescribed in 1516.307(c), insert a clause to read substantially the same as follows:

**Estimated Cost and Cost-Sharing (Aug 1995)**

(a) The total estimated cost of performing the work under this contract is $_____. The Contractor's share of this cost shall not exceed $_____. The Government's share of this cost shall not exceed $_____.

(b) For performance of the work under the contract, the Contractor shall be reimbursed for not more than _____ percent of the cost of performance determined to be allowable under the Allowable Cost and Payment clause. The remaining balance of allowable cost shall constitute the Contractor's share.

(c) Fee shall not be paid to the prime contractor under this cost-sharing contract.

(d) The Contractor shall maintain records of all costs incurred and claimed for reimbursement as well as any other costs claimed as part of its cost share. Those records shall be subject to audit by the Government.

(e) Costs contributed by the Contractor shall not be charged to the Government under any other contract, grant or agreement (including allocation to other contracts as part of an independent research and development program) nor be included as contributions under any other Federal contract.

(End of Clause)

Dated: August 9, 1995.

**Jeanette L. Brown,**

*Acting Director, Office of Acquisition Management.*

[FR Doc. 95–20230 Filed 8–16–95; 8:45 am]

BILLING CODE 6560–50–P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### 49 CFR Part 571

**[Docket No. 95–65; Notice 1]**

**RIN 2127–AF72**

### Federal Motor Vehicle Safety Standards; Air Brake Systems

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

**ACTION:** Request for comments; correction.

**SUMMARY:** On July 24, 1995, NHTSA published a document requesting comments about devices that remove water and other contaminants from air brake systems. The agency has since learned that the docket number in the heading of that document is incorrect. (60 FR 37864) Today's document corrects the docket number to read ''[Docket No. 95–65; Notice 1]''. The July 24, 1995 document had read ''[Docket No. 95–57; Notice 1]''.

**EFFECTIVE DATE:** The correction to the July 24, 1995 document is effective on August 17, 1995.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202–366–5274).

Issued on August 11, 1995.

**Barry Felrice,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 95–20346 Filed 8–16–95; 8:45 am]

BILLING CODE 4910–59–M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 625

**[I.D. 081195A]**

### Summer Flounder Fishery; Notice of Availability; Amendment 7

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

**ACTION:** Notice of availability of an amendment to a fishery management plan and request for comments.

**SUMMARY:** NMFS issues this notice to advise the public that the Mid-Atlantic Fishery Management Council (Council) has submitted Amendment 7 to the Fishery Management Plan for Summer Flounder (FMP) for Secretarial review and is requesting comments from the public. The Amendment would revise the fishing mortality rate reduction schedule for summer flounder. Copies of the Amendment may be obtained from the Council (see **ADDRESSES**).

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

**ADDRESSES:** Send comments to Dr. Andrew Rosenberg, Regional Director, National Marine Fisheries Service, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930-3799. Mark the outside of the envelope ''Comments on Summer Flounder Plan.''

Copies of Amendment 7, the environmental assessment and the regulatory impact review are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115,

Federal Building, 300 S.New Street, Dover, DE 19904-6790.

**FOR FURTHER INFORMATION CONTACT:** Regina L. Spallone, Fishery Policy Analyst, 508-281-9221.

**SUPPLEMENTARY INFORMATION:** The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson Act) requires that each fishery management council submit any fishery management plan or plan amendment it prepares to the Secretary of Commerce (Secretary) for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that the Secretary, upon receiving the plan or amendment, immediately make a preliminary evaluation of whether the Amendment is sufficient to warrant continued review, and publish a notice that the plan or amendment is available for public review and comment. The Secretary will consider the public comments in determining whether to approve the amendment.

Amendment 2 to the FMP enacted a broad spectrum of measures to stop overfishing and allow the stock to rebuild. These measures include a fishing mortality rate (F) reduction schedule. The reduction schedule was set at F of 0.53 for 1993–1995, and $F_{max}$ (0.23) in 1996 and thereafter. $F_{max}$ is the biological reference point that corresponds to the level of fishing mortality that produces the maximum yield per recruit. The schedule was developed and adopted by the Council and the Atlantic States Marine Fisheries Commission (ASMFC) after lengthy deliberations. It was deemed an appropriate balance between effective reduction in fishing mortality and short-term economic burdens placed on participants in the fishery.

The Council and ASMFC conducted analyses of the fishing mortality rate reduction schedules during the development of Amendment 2. Based on these analyses, the Council believed that by the fourth year of the rebuilding schedule (1996), the level of rebuilding in the stock would offset any significant reductions in the total coastwide commercial and recreational quota (quota). That is, it was assumed that the stock growth from years 1 to 3 would be large enough that by 1996, the quota would not be significantly different from the 1995 level even with the reduction in the mortality rate.

However, although the stock has rebuilt from its 1989 low level, it has not recovered to the extent projected. Lower than expected recruitment levels in 1993, and redirected exploitation patterns on more ages 0 and 1 fish, produced a higher F than expected. Thus, in order to reach the target F of 0.23 in 1996, the resulting quota would be approximately 11 million pounds (4,990 mt), or about a 50% reduction from the 1995 quota. Because of the magnitude of this reduction, and the resulting short-term negative economic burdens on industry, the Council and ASMFC initiated a reexamination of the fishing mortality rate reduction schedule for summer flounder.

Amendment 7, if approved, would revise the fishing mortality rate reduction schedule for summer flounder by deferring attainment of $F_{max}$ until 1998. This will allow for more stable landings from one year to the next. This change will alleviate short-term negative economic impacts on the industry, yet slow the rate of stock rebuilding only slightly. The Council and ASMFC have adopted the following strategy: the fishing mortality rate would be reduced from the 1995 target (0.53) to 0.41 in 1996, 0.3 in 1997, and $F_{max}$ in 1998 and beyond. In addition, the Amendment specifies that the quota for 1996 and 1997 could not exceed 18.51 million pounds (8,400 mt). This cap on the quota could result in an F in 1996 and 1997 lower than 0.41 and 0.3 respectively, but would not exceed these values. A quota level above the cap could be set in 1996 or 1997 only if the resulting quota had an associated F of 0.23.

The receipt date for this Amendment is August 10, 1995. Proposed regulations to implement this Amendment are scheduled to be published within 15 days of the receipt date.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: August 11, 1995.

**Richard W. Surdi,**

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 95–20377 Filed 8–14–95; 3:19 pm]

BILLING CODE 3510–22–F

# Notices

Federal Register

Vol. 60, No. 159

Thursday, August 17, 1995

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Cooperative State Research, Education, and Extension Service

### National Agricultural Research and Extension Users Advisory Board; Meeting Cancellation

According to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776), as amended, the Cooperative State Research, Education and Extension Service announces the cancellation of the following meeting:

*Name:* National Agricultural Research Extension Users Advisory Board (hereafter referred to as the UAB).

*Date:* August 23–25, 1995.

*Time:* August 23–1:00 p.m.—5:00 p.m.; August 24–8:00 a.m.—5:00 p.m.; August 25–8:00 a.m.—12 noon.

*Place:* Holiday Inn, Ft. Washington, PA, and tours of research facilities at Philadelphia and surrounding areas.

*Action:* This meeting has been *CANCELLED.*

*Contact Person:* Ms. Marshall Tarkington, Executive Director, Research, Education, and Economics Advisory Committees, Room 316A, Administration Building, U.S. Department of Agriculture, Washington, DC 20250–2255; Telephone (202) 720–3684.

Done in Washington, D.C., this 10th day of August 1995.

**William D. Carlson,**

*Acting Administrator.*

[FR Doc. 95–20349 Filed 8–16–95; 8:45 am]

BILLING CODE 3410–22–M

## Forest Service

### Eight Fathom Timber Sale(s), Tongass National Forest, Chatham Area, Sitka, Alaska

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of public hearing for subsistence testimony.

**SUMMARY:** The Department of Agriculture, Forest Service will hold Public Hearings in Tenakee Springs, Hoonah, and Gustavus, Alaska, for subsistence testimony regarding the Draft Environmental Impact Statement (DEIS) for the Eight Fathom Timber Sale(s).

**DATES:** Public Hearings will be held at 7 p.m. in the following communities and locations: in Tenakee Springs, Alaska, on September 12, 1995, in the Community Hall; in Hoonah, Alaska, on September 13, 1995, in the City Council Chambers; and, in Gustavus, Alaska, on September 14, 1995, in the Gustavus School.

**SUPPLEMENTARY INFORMATION:** The Hearings are intended to meet Subsistence Evaluation requirements outlined in Section 810, Alaska National Interest Lands Conservation Act (ANILCA).

The Hearings are designed to receive testimony from individuals, agencies and organizations on the alternatives proposed in the DEIS for the Eight Fathom Project Area, and how these alternatives may potentially affect users of subsistence resources of the Eight Fathom Project Area. The ANILCA Section 810 subsistence evaluation and findings are detailed in the DEIS.

Written subsistence testimony is just a acceptable as oral testimony. Send written testimony to Eight Fathom Planning Team, Forest Service, 204 Siginaka Way, Sitka, Alaska, 99835.

The DEIS was released on August 4, 1995 and comments concerning the DEIS must be received by September 19, 1995. Copies of the DEIS and further information is available from the Eight Fathom Planning Team, U.S. Forest Service, 204 Siginaka Way, Sitka, Alaska, 99835, (907) 747–6671.

Dated: August 10, 1995.

**Gary A. Morrison,**

*Forest Supervisor.*

[FR Doc. 95–20455 Filed 8–16–95; 8:45 am]

BILLING CODE 3410–11–M

### Northwest Baranof Timber Sale(s), Tongass National Forest, Chatham Area, Sitka Ranger District, Sitka, Alaska

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of public hearings for subsistence testimony and public comment.

**SUMMARY:** The Department of Agriculture, Forest Service will hold Open Houses and Public Hearings in Sitka, Alaska, for subsistence testimony and public comment regarding the Draft Environmental Impact Statement (EIS) for the Northwest Baranof timber sale(s) in Sitka, Alaska. The Hearings are intended to meet subsistence evaluation requirements outlined in Section 810, Alaska National Interest Lands Conservation Act (ANILCA).

**DATES:** A Public Hearing will be held in Sitka, Alaska, on Monday, September 11, 1995 at the Alaska Native Brotherhood Hall. A second Public Hearing will be held in Sitka, Alaska, on Wednesday, September 27, 1995 in the Maksoutoff Room in the Centennial Building, 330 Harbor Drive. Both Hearings will be held from 7 to 9 p.m. Open Houses will preceed each Hearing to allow participants an opportunity to review and discuss the five alternatives for the Northwest Baranof Project Area presented in the Draft EIS. Both Open Houses will be held from 3 to 7 p.m. at the same location as the Hearings.

At the Hearing, written subsistence testimony is equally as acceptable as oral testimony. If individuals are unable to attend the Hearings, written testimony regarding subsistence may be submitted. In either case, written testimony must be received by 5 p.m. on October 2, 1995. It should be sent to James Thomas, Team Leader, USDA Forest Service, 204 Siginaka Way, Sitka, Alaska, 99835.

**SUPPLEMENTARY INFORMATION:** The Hearings are designed to receive oral or written testimony from individuals, agencies, and organizations on the alternatives proposed in the Draft EIS for the Northwest Baranof Timber Sale, and how these alternatives may potentially affect users of subsistence resources in the Northwest Baranof Project Area. The ANILCA Section 810 subsistence evaluation for the Northwest Baranof Draft EIS produced a finding of a significant possibility of a significant restriction on the subsistence use of deer in the Project Area for the community of Sitka. The evaluation and findings are detailed in the Draft EIS. The Draft EIS was released on August 11, 1995. Comments concerning the

Draft EIS must be received by October 2, 1995. Copies of the Draft EIS and further information are available from the Northwest Baranof Planning Team, USDA Forest Service, 204 Siginaka Way, Sitka, Alaska, 99835, (907) 747–6671. For further information call (907) 747–6671.

Dated: August 7, 1995.

**James S. Franzel,**

*District Ranger, Sitka Ranger District.*

[FR Doc. 95–20457 Filed 8–16–95; 8:45 am]

BILLING CODE 3410–11–M

## Wildcat River Advisory Commission; Meeting

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Wildcat River Advisory Commission will meet at the Jackson Town Hall in Jackson, New Hampshire, on September 20, 1995. The purpose of the meeting is to continue with the development of a Draft River Management Plan for administration of the designated Wild and Scenic Wildcat River. The Wild and Scenic Rivers Act requires the establishment of an advisory commission to advise the Secretary of Agriculture on administration of the river. The public is encouraged to attend the meeting and may provide written comment on the plan to the commissioners c/o the district office.

**DATES:** The meeting will be held September 20, 1995, at 7:30 p.m.

**ADDRESSES:** The meeting will be held at the Jackson Town Hall, Route 16B, Jackson, New Hampshire.

Send written comments to David Pratt III, Saco Ranger District, White Mountain National Forest, 33 Kancamagus Highway, Conway, NH 03818.

**FOR FURTHER INFORMATION CONTACT:** David Pratt III, Saco Ranger District, (603) 447–5448.

Dated: August 8, 1995.

**Terence O. Clark III,**

*Acting Forest Supervisor.*

[FR Doc. 95–20442 Filed 8–16–95; 8:45 am]

BILLING CODE 3410–11–M

# COMMISSION ON CIVIL RIGHTS

## Agenda and Notice of Public Meeting of the Alaska Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Alaska Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 3:30 p.m. on Thursday, September 14, 1995, at the Anchorage Hilton, 500 West Third Avenue, Anchorage, Alaska 99501. The purpose of the meeting is to plan future activities and discuss civil rights issues in the State.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Rosalee T. Walker, 907–586–2873, or Philip Montez, Director of the Western Regional Office, 213–894–3437 (TDD 213–894–0508). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 9, 1995.

**Carol-Lee Hurley,**

*Chief, Regional Programs Coordination Unit.*

[FR Doc. 95–20329 Filed 8–16–95; 8:45 am]

BILLING CODE 6335–01–P

## Agenda and Notice of Public Meeting of the Pennsylvania Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Pennsylvania Advisory Committee to the Commission will convene at 10 a.m. and adjourn at 2 p.m. on Thursday, September 21, 1995, at the U.S. Customs House, Room 1005A, Second and Chestnut Streets, Philadelphia, Pennsylvania 19102. The purpose of the meeting is to decide on a project proposal for factfinding on the subject of affirmative action and construction trades.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Joseph Fisher, 215–351–0750, or Edward Darden, Acting Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 9, 1995.

**Carol-Lee Hurley,**

*Chief, Regional Programs Coordination Unit.*

[FR Doc. 95–20330 Filed 8–16–95; 8:45 am]

BILLING CODE 6335–01–P

## Agenda and Notice of Public Meeting of the South Carolina Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the South Carolina Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 5 p.m. on Wednesday, September 20, 1995, at the Adams Mark Inn, Meeting Room, 1200 Hampton Street (Downtown), Columbia, South Carolina 29201. The purpose of the meeting is to discuss the Commission and the Chairpersons meeting; discuss civil rights progress and/or problems in the State; plan to follow up on the report, *Perceptions of Racial Tensions in South Carolina*; and hold a brief orientation session for the newly appointed Committee.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Milton B. Kimpson, 803–779–2597, or Bobby D. Doctor, Director of the Southern Regional Office, 404–730–2476 (TDD 404–730–2481). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 9, 1995.

**Carol-Lee Hurley,**

*Chief, Regional Programs Coordination Unit.*

[FR Doc. 95–20331 Filed 8–16–95; 8:45 am]

BILLING CODE 6335–01–P

## Agenda and Notice of Public Meeting of the Tennessee Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Tennessee Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 4 p.m. on Wednesday, September 13, 1995, at the City County Building, Small Agency Room, 400 Main Avenue, Knoxville, Tennessee 37902. The purpose of the meeting is to

discuss civil rights progress and/or problems in the State, discuss the status of the Commission and the Advisory Committees, report on the Chairpersons conference held in June, and provide updates on a report on racial tensions and on the Title VI project.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Jocelyn Wurzburg, 901–684–1332, or Bobby D. Doctor, Director of the Southern Regional Office, 404–730–2476 (TDD 404–730–2481). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 9, 1995.

**Carol-Lee Hurley,**

*Chief, Regional Programs Coordination Unit.*

[FR Doc. 95–20332 Filed 8–16–95; 8:45 am]

BILLING CODE 6335–01–P

## Agenda and Notice of Public Meeting of the Tennessee Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Tennessee Advisory Committee to the Commission will convene at 10 a.m. and adjourn at 5 p.m. on Thursday, September 14, 1995, at the City County Building, Small Assembly Room, 400 Main Avenue, Knoxville, Tennessee 37902. The purpose of the meeting is to hear presentations from local government and business representatives on Title VI enforcement in Tennessee.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Jocelyn Wurzburg, 901–684–1332, or Bobby D. Doctor, Director of the Southern Regional Office, 404–730–2476 (TDD 404–730–2481). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 9, 1995.

**Carol-Lee Hurley,**

*Chief, Regional Programs Coordination Unit.*

[FR Doc. 95–20333 Filed 8–16–95; 8:45 am]

BILLING CODE 6335–01–P

## Agenda and Notice of Public Meeting of the Vermont Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 1:00 p.m. and adjourn at 5:00 p.m. on Friday, September 15, 1995, Ramada Inn and Conference Center, 1117 Williston Road, Burlington, Vermont 05403. The purpose of the meeting is to plan a project activity for fiscal year 1996.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Dr. Samuel Hand, 802–656–3180, or Edward Darden, Acting Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 9, 1995.

**Carol-Lee Hurley,**

*Chief, Regional Programs Coordination Unit.*

[FR Doc. 95–20334 Filed 8–16–95; 8:45 am]

BILLING CODE 6335–01–P

## Agenda and Notice of Public Meeting of the Virginia Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Virginia Advisory Committee to the Commission will convene at 9:30 a.m. and adjourn at 12:30 p.m. on Wednesday, September 13, 1995, at the Richmond Marriott, 500 East Broad Street, Richmond, Virginia 23219. The purpose of the meeting is to discuss issues associated with the upcoming factfinding meeting addressing civil rights in the Tidewater area.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Jessie M. Rattley, 804–727–5647, or Edward Darden, Acting Director of the Eastern Regional Office, 202–376–7533 (TDD 202–376–8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, August 9, 1995.

**Carol-Lee Hurley,**

*Chief, Regional Programs Coordination Unit.*

[FR Doc. 95–20335 Filed 8–16–95; 8:45 am]

BILLING CODE 6335–01–P

# DEPARTMENT OF COMMERCE

## Foreign-Trade Zones Board

**[Docket 42–95]**

## Foreign-Trade Zone 54, Clinton County, New York; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Clinton County Area Development Corporation, on behalf of Clinton County, New York, grantee of Foreign-Trade Zone 54, requesting authority to expand its zone in the Clinton County, New York, area, within the Champlain Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on August 9, 1995.

FTZ 54 was approved on February 14, 1980 (Board Order 153, 45 FR 12469) and expanded on September 23, 1982 (Board Order 196, 47 FR 43102). The zone project currently includes 2 general-purpose sites: *Site 1* (123 acres)—Clinton County Air Industrial Park, Plattsburgh; and, *Site 2* (11 acres)—One Trans-Border Drive, Champlain, at I–87 and U.S. Rt. 11.

The applicant is now requesting authority to further expand the general-purpose zone to include an additional site (proposed *Site 3*)—Champlain Industrial Park (200 acres). The park, which is being developed by the applicant, is located on New York State Route 11 in Champlain, New York.

No specific manufacturing requests are being made at this time. Such requests would be made to the Board on a case-by-case-basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to

investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is October 16, 1995. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to October 31, 1995).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

Clinton County Area Development Corp., 61 Area Development Drive, Plattsburgh, New York 12901

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., Washington, DC 20230

Dated: August 11, 1995.

**John J. Da Ponte, Jr.,**

*Executive Secretary.*

[FR Doc. 95–20438 Filed 8–16–95; 8:45 am]

BILLING CODE 3510–DS–P

## International Trade Administration

**[A–580–807]**

## Polyethylene Terephthalate Film, Sheet, and Strip 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 July 8, 1994, the Department of Commerce (the Department) published the preliminary results of administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip from the Republic of Korea. The review covers four manufacturers/exporters of the subject merchandise to the United States for the period November 30, 1990 through May 31, 1992.

As a result of comments we received, the antidumping margins have changed from those we presented in our preliminary results.

**EFFECTIVE DATE:** August 17, 1995.

**FOR FURTHER INFORMATION CONTACT:** Roy F. Unger, Jr., or Thomas F. Futtner, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–0651/3814.

**SUPPLEMENTARY INFORMATION:**

### Background

On July 8, 1994, the Department published the preliminary results (59 FR 35098) of administrative review of the antidumping duty order on polyethylene terephthalate (PET) film from the Republic of Korea (56 FR 25660, June 5, 1991). At the request of petitioners and one respondent, we held a hearing on September 2, 1994.

### Scope of the Review

Imports covered by the review are shipments of all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet, and strip, whether extruded or coextruded. The films excluded from this review are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches (0.254 micrometers) thick. Roller transport cleaning film which has at least one of its surfaces modified by the application of 0.5 micrometers of SBR latex has also been ruled as not within the scope of the order.

PET film is currently classifiable under Harmonized Tariff Schedule (HTS) subheading 3920.62.00.00. The HTS subheading is provided for convenience and for U.S. Customs purposes. The written description remains dispositive as to the scope of the product coverage. For most of the respondents the period of review (POR) covers November 30, 1990 through May 31, 1992. Because Cheil was determined to have a *de minimis* margin in the *Preliminary Determination of Sales at Less Than Fair Value* (56 FR 16305) (LTFV), Cheil's POR begins on April 22, 1991, when suspension of its merchandise was first ordered, and runs through May 31, 1992. The Department has conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

### Analysis of Comments Received

We invited interested parties to comment on the preliminary results of this administrative review. At the request of petitioners and one respondent, we held a public hearing on September 2, 1994. We received timely comments from petitioners and all respondents.

### General Comments

*Comment 1*

Petitioners argue that respondents' reported costs for recycled PET film chip or pellet are not accurate and understate the true costs of producing PET film from recycled or reclaimed chip. Petitioners argue that respondents' cost accounting methodologies for recycled PET pellet are inconsistent with the Federal Circuit decision in *IPSCO v. United States*, 965 F.2d 1056, 1059–1061 (Fed. Cir. 1992) (*Ipsco Appeal*).

Petitioners have also argued that respondents' cost methodology for recycled PET chips permits possible manipulation of product costs to the advantage of respondents. Petitioners allege that this could occur by respondents' use of fewer recycled chips to produce film types that are not comparison candidates in the administrative review and more recycled chips to produce film types destined for the U.S. market and those comparable to the U.S.-destined merchandise. Under this scenario, according to petitioners, the low cost of recycled PET chips relative to virgin chips would reduce the cost of the U.S. product and its home market comparator. Petitioners allege that such cost shifting would reduce the probability of finding sales in the home market at prices below the cost of production (COP) and, where no contemporaneous sales of such or similar merchandise are available for comparison, use of lower constructed values.

In addition, petitioners allege that Cheil's use of the net realizable value for recycled PET chips is inaccurate because the market for recycled PET chips is not a real or significant market. Petitioners contend that very little recycled PET chip is sold on the open market and that it is not sold for use in PET film production.

Petitioners argue that respondents violated the *Ipsco Appeal* decision which requires that the total actual cost of merchandise subject to an antidumping duty order be included in the reported cost of such merchandise. Specifically, petitioners claim that respondents' reported costs do not capture the costs of production using recycled chip for the following reasons:

*Cheil:* Petitioners assert that Cheil's reported cost of recycled chip on the net realizable value (NRV) of PET pellets is inconsistent with Korean GAAP. Moreover, petitioners argue, this method results in the understatement of the true cost of recycled chip. Petitioners argue that Cheil should base

the cost of recycled chip on the cost of purchase of replacement virgin PET chip.

Cheil states that the Department has consistently permitted value-based costing methodologies for by-products. Cheil argues that its use of NRV to cost recycled PET chips is consistent with both Korean and U.S. GAAP. Cheil also argues that the Department is already on record with the Court of International Trade (CIT) as supporting Cheil's NRV methodology for costing recycled pellets. Cheil also argues that the *Ipsco Appeal* decision deals solely with the questions of how to allocate costs between joint products, one made to specification and one which is off-specification, when both products are under investigation. Respondent claims that recycled pellets are by-products that are not subject to the COP investigation, and have nothing to do with the *Ipsco Appeal* decision.

SKC: Petitioners argue that SKC has understated the cost of recycled PET pellet by undervaluing the cost of these chips. Petitioners argue that the Department should require SKC to base material costs of recycled pellet on the market value of equivalent volumes of raw, virgin PET chip.

SKC argues that its cost accounting methodology for recycled chip fully captures all costs associated with recycled chip by valuing recycled chip based on its actual COP. Respondent states that the finished film bears the cost of all raw materials consumed in the film production process, including the cost of raw materials later reclaimed to produce recycled chip. SKC also argues that its costing of recycled chip has been found to be reasonable and acceptable by both the Department and the CIT.

Kolon: Petitioners argue that Kolon has undervalued the cost of recycled PET film chip by improperly accounting for the fabrication costs of these chips.

Kolon argues that its methodology for costing recycled chip properly assigns the full amount of fabrication costs through a work-in-progress system which captures all costs associated with reclaimed PET chip. Kolon also argues that the Department's normal practice is to accept a respondent's cost accounting methodology if the system is reasonable and does not distort production costs.

*DOC Position*

While petitioners' argument may have merit, there is no indication on the record that such cost shifting has occurred. Based on the evidence in the record, the Department has determined that the *Ipsco Appeal* decision does not apply because recycled PET chips are not ''co-products'' because they do not have a relatively high sales value compared to the prime product. Nonetheless, because cost shifting is possible, we will examine this issue in future reviews of PET film from Korea. On a company-specific basis, we disagree with petitioners for the following reasons:

Cheil: The above notwithstanding, we believe in this review segment that Cheil's use of NRV to cost recycled PET film pellets is a reasonable costing methodology. We agree at this time with Cheil's characterization of recycled PET film pellets as by-products, identifiable by their relatively insignificant sales value (see Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Sebacic Acid from the People's Republic of China, 59 FR 565, January 5, 1994). The Department has, in the past, permitted the use of NRV to value recycled material inputs to the production process (see Final Determination of Sales at Less Than Fair Value, Polyethylene Terepthalate Film, Sheet, and Strip from the Republic of Korea, 56 FR 16305, June 5, 1991). Finally, the Department is satisfied that Cheil's use of NRV reasonably reflects the cost of producing subject merchandise and is in accordance with Korean and U.S. GAAP.

SKC: The above notwithstanding, we agree in this review segment with SKC's costing methodology to account for the cost of recycled PET film pellets. SKC used its normal cost accounting system for purposes of this review. This system accounts for the actual cost of recycled chips by aggregating all direct and indirect costs associated with the production of recycled chips. Raw materials are used exclusively for the production of virgin chips; the recycled chips are produced entirely from scrap film without input of additional raw materials. Therefore, we are satisfied that the costs of producing the recycled chip have been fully captured in the cost accounting for the production of virgin PET film chip.

Kolon: Notwithstanding the above, we agree in this review segment with Kolon that the costing methodology it reported for reclaimed PET film pellets is reasonable and not distortive of production costs. Petitioners themselves have argued in support of Kolon's classification of reclaimed chips as work-in-process inventory. Petitioners' argument that reclaimed chips should bear the entire cost of all the stages of the production process is erroneous; the reclaimed chips do not normally pass through all phases of the production process (e.g., final packaging), and thus should not bear the full cost of virgin chips in the film production process.

In conclusion, for these results of review, we have accepted all four respondents' costing methodology. In future reviews, however, we will examine specifically the issue of cost shifting.

*Comment 2*

Respondents argue that the Department should add home market value-added taxes (VAT) only to U.S. price (USP), asserting that legislative history supports the proposition that taxes should not be added to Foreign Market Value (FMV). Consequently, respondents maintain, the Department must follow the language of the statute which does not explicitly require the addition of taxes to home market price, third-country price, or CV, but does require the addition of these taxes to USP. Alternatively, respondents argue the Department should adopt the tax-neutral methodology authorized by the Federal Circuit in Zenith Electronics Corp. v. United States, 988 F 2nd 1573, 1580–82 (Fed.Cir.1993), and add the actual amount of the VAT to USP.

*DOC Position*

We disagree with respondents. In Federal-Mogul Corporation and The Torrington Company v. United States, 834 F. Supp. 1391 (CIT 1993) (Federal-Mogul), the CIT rejected the Department's past methodology for calculating an addition to USP under section 772(d)(1)(C) of the Act to account for taxes that the exporting country would have assessed on the merchandise had it been sold in the home market. The CIT held that the addition to USP under section 772(d)(1)(C) of the Act should be the result of applying the foreign market tax rate to the price of the United States merchandise at the same point in the chain of commerce that the foreign market tax was applied to the foreign market sales (Federal-Mogul, 834 F. Supp. at 1397).

The Department has changed its methodology in accordance with the Federal-Mogul decision and has applied the new methodology in the final results of this review. The Department has added to USP the result of multiplying the foreign market tax rate by the price of the merchandise sold in the United States at the same point in the chain of commerce that the foreign market tax was applied to foreign market sales. The Department has also adjusted the USP tax adjustments and the amount of tax included in FMV. These adjustments deduct the portions of the foreign market tax and the USP tax adjustment

that are the result of expenses that are included in the foreign market price used to calculate foreign market tax and are included in the United States merchandise price used to calculate the USP tax adjustment and that are later deducted to calculate FMV and USP. These adjustments to the amount of the foreign market tax and the USP tax adjustment are necessary to prevent our present methodology for calculating the USP tax adjustment from creating antidumping duty margins where no margins would exist if no taxes were levied upon foreign market sales.

This margin-creation effect is due to the fact that the bases for calculating both the amount of tax included in the price of the foreign market merchandise and the amount of the USP tax adjustment include many expenses that are later deducted when calculating USP and FMV. After making these deductions, the amount of tax included in FMV and the USP tax adjustment still reflects the amounts of these expenses. Thus, a margin may be created that is not dependent upon a difference between adjusted USP and FMV, but is the result of differences between the expenses in the United States and the home market that were deducted through adjustments. The Department's policy to avoid the margin-creation effect is in accordance with the United States Court of Appeals' holding that the application of the USP tax adjustment under section 772(d)(1)(C) (19 U.S.C., section 1677a(d)(1)(c)) of the Act should not create an antidumping duty margin if pre-tax FMV does not exceed USP (Zenith Electronics Corp. v. United States, 988 F.2d 1573, 1581 (Fed. Cir. 1993)). In addition, the CIT has specifically held that an adjustment should be made to mitigate the impact of expenses that are deducted from FMV and USP upon the USP tax adjustment and the amount of tax included in FMV (Daewoo Electronics Co., Ltd. v. United States, 760 F. Supp. 200, 208 (CIT, 1991)). However, the mechanics of the Department's adjustments to the USP tax adjustment and the foreign market tax amount as described above are not identical to those suggested in Daewoo.

*Comment 3*

Petitioners argue that the Department should postpone the final results of this administrative review until the CIT issues its final decision in the remand determination of the investigation of PET film from Korea, which is currently pending before the court (Final Remand Determination Pursuant to Court Remand, E.I. DuPont de Nemours & Co., Inc. v. United States, Court No. 91–07–00487 (December 6, 1993)).

*DOC Position*

We disagree with petitioners. The Department has a longstanding practice of issuing final results of administrative review in cases where litigation is pending in the court system. Delaying the publication of final results in reviews in which earlier, separate and distinct segments of the proceeding are subject to pending litigation would create an unacceptable backlog of administrative reviews and frustrate efforts to complete reviews on an annual basis.

*Comment 4*

Petitioners allege that respondents may have improperly avoided suspension of liquidation on quantities of subject merchandise in possible circumvention of the antidumping duty order on PET film from Korea. Petitioners cite an alleged discrepancy between U.S. Customs Service data on antidumping cash deposits collected in 1993 and the total sales value reported by respondents for the POR as evidence that some portion of Korean PET film imports into the United States have not been entered properly. Respondents deny any evasion of antidumping duties on subject merchandise.

*DOC Position*

We disagree with petitioners that there is any credible evidence that respondents have improperly avoided suspension of liquidation of entries of subject merchandise. We have confirmed that the sales information reported by all respondents in this review closely approximates entry data we have obtained from the U.S. Customs Service. In addition, petitioners' allegation appears to be based upon a clerical error in the Department's preliminary calculations for STC Corporation, which petitioners themselves brought to the Department's attention. We corrected this clerical error in our final calculations which resolves the discrepancy between the U.S. Customs data and the total value of sales reported by respondents for this review.

**Company-Specific Comments**

*Cheil*

*Comment 5*

Petitioners argue that, because Cheil notified the Department that a commercial dispute regarding one U.S. sale of PET film had been resolved which required revisions to respondent's U.S. sales database for that sale, the Department should require respondent to certify that no other reported U.S. sale is now or has been the subject of a commercial dispute. Furthermore, petitioners urge the Department to seek additional information on the one disputed transaction reported to the Department.

Cheil argues that its candor in reporting the disputed transaction to the Department indicates respondent's good faith and should not result in respondent being penalized with burdensome additional reporting requirements.

*DOC Position*

We agree with Cheil. It made its timely submission to the Department of the revisions for the one disputed U.S. sale without urging from either the Department or petitioners. These data appear complete. Therefore, we see no need to require Cheil to provide any additional information on this transaction or to provide any type of certification that other reported U.S. sales have not been the subject of commercial disputes.

*Comment 6*

Petitioners argue that the Department improperly included the Korean VAT in Cheil's net home market price before conducting the COP test. Petitioners argue that the Department should have subtracted the VAT from the net home market price prior to the COP test.

Cheil agrees with petitioners that the Department should deduct Korean VAT before conducting the COP test. Additionally, Cheil argues that the Department mistakenly subtracted respondent's home market credit expense and home market packing expense from the reported net home market price. Cheil contends that this distorted the COP test, because the net home market price without packing and credit expense was compared to a COP which included these expenses.

*DOC Position*

We agree with petitioners and Cheil. Accordingly, we have revised the calculations for Cheil to ensure that, in conducting the COP test, we compared home market prices which did not include Korean VAT, home market credit, and home market packing expenses with COPs which were also net of these expenses.

*Comment 7*

Petitioners assert that the Department may not have analyzed all of Cheil's U.S. purchase price sales, contending that the number of transactions in the calculations were fewer than Cheil reported. Cheil also contends that the Department's analysis of U.S. purchase price sales may be incomplete.

*DOC Position*

We agree with petitioners and respondent. We have ensured that our calculations include all of Cheil's purchase price transactions during the POR.

*Comment 8*

Cheil contends that the Department included direct selling expenses in total general expenses for purposes of calculating constructed value (CV) while deducting direct selling expenses to derive USP. Cheil argues that an adjustment should be made to ensure ''apples-to-apples'' comparisons when calculating FMV based upon CV.

*DOC Position*

We agree with Cheil that, in cases where we used CV as the basis of comparison, we did not accurately adjust CV to ensure an apples-to-apples comparison. In these final results we have adjusted CV by deducting direct selling expenses to ensure proper comparisons with USP when FMV is based upon CV in accordance with section 773(a)(1) of the Act.

*Comment 9*

Cheil argues that the Department should deduct home market inventory carrying costs from net home market price calculations because the Department deducted U.S. inventory costs from USP.

*DOC Position*

We agree with respondent. Because Cheil incurred inventory carrying costs in the home market appropriate for deduction, and the Department had deducted U.S. inventory carrying costs from USP, we have deducted home market inventory carrying costs from the net home market price calculations.

*Comment 10*

Petitioners argue that Cheil incurred post-sale warehouse expenses for U.S. sales which it did not report. Cheil responds that it has reported all post-sale warehousing expenses and inventory carrying costs which it incurred during the POR.

*DOC Position*

We agree with Cheil. There is no evidence that there are additional post-sale warehousing expenses or inventory carrying costs which Cheil did not report.

*SKC*

*Comment 11*

SKC contends that the Department should offset interest income it earned on sales of PET film pursuant to a written arrangement with Anacomp, Inc. (Anacomp) against imputed credit expenses because the interest income reduces SKC's cost of extending credit to its customers. Citing Certain Hot-Rolled Carbon Steel, Certain Cold-Rolled Carbon Steel Flat Products from Japan, 58 FR 37154 (July 9, 1993) (Certain Hot-Rolled Carbon Steel), SKC asserts that this has been the Department's practice. Petitioners argue that the precedent SKC cites is not relevant to SKC's relationship with Anacomp and that the Department was correct in rejecting SKC's interest income offset.

*DOC Position*

We believe that the situation in Certain Hot-Rolled Carbon Steel was different from the situation existing between SKC and Anacomp. In Certain Hot-Rolled Carbon Steel the situation involved ''opportunity benefits'' derived from pre-payments, while Anacomp's payments to SKC are deferred. However, we agree with respondent that interest income which SKC received from Anacomp reduces SKC's cost of extending credit to its U.S. customers and should be offset against SKC's U.S. credit expense (see Certain Internal-Combustion, Industrial Forklift Trucks from Japan, 57 FR 3167 (January 28, 1992)(Forklifts from Japan)). Consistent with our practice in Forklifts from Japan, failure to adjust SKC's imputed U.S. credit expense for interest income received from Anacomp would overstate SKC's U.S. credit expense and distort our dumping analysis.

*Comment 12*

Petitioners argue that SKC's reporting methodology concerning sales to one of its U.S. customers, Anacomp, was incorrect in several respects. First, petitioners assert that SKC reported the wrong date of sale for these sales.

Second, petitioners contend that SKC's sales to Anacomp may not be at arm's-length prices. If these sales are not at arm's-length prices, petitioners argue that respondent reported USP incorrectly.

Third, petitioners assert that SKC's reported imputed credit expense was incorrect because it was based on wrong dates of payment and on an inaccurate short-term borrowing rate. Petitioners argue that the reported payment date is incorrect because of certain invoices on which payment was outstanding. Petitioners argue that, because SKC based its reported short-term borrowing rate in part on the Euro-dollar rate, it is inappropriate for use in calculating U.S. interest expense.

Petitioners also allege that SKC may have inaccurately reported the actual sale price of subject merchandise to Anacomp. Petitioners allege that respondent overstated USP for these sales by calculating USP on rolls of PET film based on nominal weight instead of actual weight.

Finally, petitioners argue that SKC may have classified certain models of PET film sold in the home market as identical which are not truly identical. As evidence for this assertion, petitioners note that certain models of prime- and off-grade film are priced the same.

SKC argues that petitioners' allegations regarding its U.S. sales to Anacomp are unfounded for the following reasons: (1) it reported the proper date of sale for these transactions, (2) it has a commercial, arm's-length relationship with Anacomp, (3) it properly reported credit expenses and interest revenues associated with these sales, (4) it reported accurate, actual prices for these sales, and (5) it correctly identified home market sales of comparable merchandise.

*DOC Position:*

Regarding the date of sale for Anacomp sales, we disagree with petitioners. It is our long-standing policy for our date-of-sale analysis to set the ''date of sale'' as the date upon which price and quantity terms are established as set forth in our questionnaire instructions (see Certain Forged Steel Crankshafts from the United Kingdom, Final Determination of Sales Below Fair Value, 52 FR 32951 (September 1, 1987)). In the case of purchase agreements or contracts, that date is routinely the date of execution of the sales agreement (see Comment 3 (Date of Sale) in Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from the Federal Republic of Germany, 54 FR 18992 (May 3, 1989)). In this case, the date SKC reported was the first date the basic terms of the sale, such as price and quantity, were determined. Thus, we are satisfied that the date of sale SKC reported is correct and needs no modification.

Regarding SKC's relationship with Anacomp, we disagree with petitioners. There is nothing on the record in this review which indicates any relationship between Anacomp and respondent other than a commercial, arm's-length relationship. Indeed, the agreement between Anacomp and SKC which SKC included in its April 19, 1993, supplemental sales questionnaire response clearly indicates that the

relationship is at arm's-length. Lacking any credible evidence to the contrary, we consider Anacomp to be an unrelated U.S. customer in accordance with section 771(13) of the Act. This section of the Act defines a related party as (1) an agent of the manufacturer, (2) a party which owns or controls interest in the manufacturer, (3) a party which is owned or controlled by the manufacturer, or (4) a party which owns or controls 20 percent or more of the manufacturer. There is nothing on the record which indicates that these conditions apply to the relationship between Anacomp and SKC.

We agree with petitioners that SKC's reported date of payment for unpaid invoices should be changed. SKC reported an arbitrary date as the date of payment for certain invoices in calculating imputed credit expense on U.S. sales to Anacomp. The date which SKC reported as the date of payment was not the actual payment date for these sales because these sales had still not been paid. The dates of payment SKC reported for these sales were the last dates of payment on the record prior to responding to our supplemental questionnaire. Because these data were incomplete, we have determined for these final results, in accordance with section 776(c) of the Act, that the application of best information available to the payment date of these sales is warranted. Based upon the record in this review, we have identified the date we received SKC's response to our supplemental questionnaire, April 19, 1993, as the last day we can determine with any certainty that these sales were still unpaid. Therefore, we have used SKC's supplemental questionnaire response date as the date of payment for these sales (see Brass Sheet and Strip from Sweden, Final Results of Antidumping Review, 60 FR 3617, 3620–21, Comment 4 (January 18, 1995)).

We disagree with petitioners' allegation that SKC's reported short-term interest rate for sales to Anacomp was incorrect. The loans SKC classified as ''Eurodollar loans'' used to calculate its short-term borrowing rate were short-term loans from U.S. banks denominated in U.S. dollars, the interest rate of which is set by the bank using the Eurodollar market as a benchmark. In essence, therefore, these loans are U.S. loans from a U.S. bank used to finance U.S. operations. Thus, we do not believe that they are distortive of short-term borrowing rates in the United States.

Regarding the sale price of merchandise SKC sold to Anacomp, we disagree with petitioners. There is no evidence on the record to support petitioners' allegation that SKC's reported prices on sales to Anacomp may be overstated based on the formula used to determine the weight of particular rolls of PET film. Petitioners' calculations purporting an inaccurate weight for certain rolls of subject merchandise are apparently based upon incorrect roll lengths. Once the proper roll lengths are substituted for the inaccurate lengths, the petitioners' alleged discrepancy disappears. In addition, petitioners' allegation that SKC sold film to Anacomp at widths different from those reported to the Department is without any supporting evidence.

We disagree with petitioners on the identification of identical merchandise sold in the home market. Petitioners' argument that respondent sold off-specification PET film to home market customers as prime-grade film is without any supporting evidence on the record of this review. Although petitioners cite as evidence that the price of one particular prime-grade film is the same as the price of a certain off-grade film, the Department finds this comparison to be meaningless unless one takes into consideration the relative thickness of the film in question. In general, the thinner the film, whether prime- or off-grade, the more expensive it is. The two models of film petitioners used in their argument are not of comparable thickness. When films of comparable thickness are compared, SKC's price for prime-grade film is significantly higher than its price for off-grade film.

*Comment 13*

Petitioners argue that SKC's reported costs for producing subject merchandise are not reliable. Petitioners contend that respondent incorrectly used product-specific costs instead of the average costs in SKC's own cost accounting system. Petitioners urge the Department to reject SKC's reported product-specific costs and use average costs until the Department is able to verify the accuracy of the reported product-specific costs.

SKC argues that its reported costs are accurate and it has not changed its cost methodology since the Department verified its COP data in the original LTFV investigation.

*DOC Position*

We disagree with petitioners. SKC's normal cost accounting system calculates a single, average COP for all models of PET film. SKC derived the reported product-specific costs in order to comply with the Department's instructions in the COP/CV questionnaire. When petitioners challenged the Department's acceptance in the LTFV investigation of SKC's cost methodology before the CIT, the Department explained its acceptance of respondent's methodology, stating that ''there is no basis to doubt the reliability of SKC's product specific cost accounting methodology'' (Defendant's Memorandum In Opposition to Plaintiffs' Motion for Judgement Upon the Administrative Record, April 2, 1992, at 58, *E.I. DuPont de Nemours & Co., Inc.* v. *United States*, Court No. 91–07–00487). Moreover, petitioners' contention that the Department must verify respondent's cost data is erroneous. The Department determined, pursuant to 19 C.F.R. section 353.36(a)(v), that no verification of SKC was necessary in this present administrative review because SKC was verified in the original investigation. Furthermore, we considered the following factors in evaluating SKC's costing methodology: (1) SKC's methodology is unchanged from the original investigation, (2) the Department thoroughly verified the accuracy of SKC's information in the original investigation, and (3) there is no evidence on the record of this review which would indicate that SKC's reported product-specific costs are inaccurate. Thus, we have accepted SKC's product-specific costs.

*Comment 14*

Petitioners argue that SKC's cost methodology undervalues the costs of off-specification PET film. Petitioners assert that SKC has manipulated the allocation of materials cost for PET film in such a way that assigns a lower cost for off-grade film than for prime-grade film. They argue that such manipulation of costs contravenes the Federal Circuit's decision in *Ipsco Appeal*, which reversed a lower court ruling requiring the Department to allocate shared processing costs between prime and off-grade merchandise based on the relative sales value. Petitioners contend that the Federal Circuit ruling means that the costs for prime and off-grade PET film must be the same. As evidence for the allegation of SKC's manipulation of costs, petitioners allege that SKC's cost of one particular model of off-grade PET film is lower than the average cost of manufacture for all types of film, whether prime- or off-grade.

SKC argues that it has applied a cost methodology that assigns equal costs to the prime- and off-grade PET film in accordance with the *Ipsco Appeal*.

*DOC Position*

We disagree with petitioners. SKC changed its cost methodology for purposes of this administrative review, reportedly to conform to the Federal Circuit's ruling in the *Ipsco Appeal*. Evidence on the record indicates that SKC properly reported the full cost of manufacturing off-grade PET film without any allocation of costs between prime- and off-grade PET film.

According to its questionnaire response, SKC does not allocate shared processing costs between prime- and off-grade film at any point. Petitioners' example of one model of off-grade film is not helpful because there are numerous models of prime- and off-grade film which SKC sold during the POR. Due to the numerous models of PET film SKC sold of both grades, other models exist with costs above the average, as well as models with costs below the average. Thus, we believe that SKC's one off-grade film model with costs below the average cited by petitioners is not indicative of SKC's undervaluation of other off-grade film models. Therefore, we have accepted SKC's cost methodology.

*Comment 15*

SKC contends that the Department erred in deducting direct U.S. selling expenses directly from USP on exporter's sale price (ESP) sales. Respondent argues that the Department should treat these expenses as circumstance-of-sale adjustments to the FMV, citing *Koyo Seiko Co.* v. *United States*, 819 F. Supp. 1096 (CIT 1993), *NTN Bearing Corp. of America* v. *United States*, 747 F. Supp. 726 (CIT 1990), and *Timken Co.* v. *United States*, 673 F. Supp. 495 (CIT 1987).

*DOC Position*

We disagree with SKC. Our deduction of direct selling expenses from USP in an ESP situation is consistent with our longstanding administrative practice, is in accordance with section 353.41(e)(2) of our regulations, and has been upheld by the Court of Appeals for the Federal Circuit in *Koyo Seiko Co., Ltd.* v. *United States*, 36 F. 3d 1565 (Fed. Cir. 1994) (Koyo Seiko).

*Comment 16*

SKC argues that the Department made several clerical errors in the difference-in-merchandise adjustment and model match sections of the calculations.

*DOC Position*

The Department agrees with SKC's allegations and has revised the calculations accordingly for the final results of review.

*Comment 17*

SKC argues that the Department improperly compared a COP which includes home market packing and interest expenses to home market sales prices which were net of these expenses.

*DOC Position*

We agree with respondent and have revised our calculations accordingly.

*Comment 18*

SKC comments that the Department failed to subtract U.S. movement costs, packing, and selling expenses from the calculation of profit for further-manufactured sales. According to SKC, this failure resulted in overstated total profit and profit attributable to further manufacturing.

*DOC Position*

We agree with respondent and have revised our calculations accordingly.

*Comment 19*

SKC argues that the Department failed to adjust CV for direct and indirect selling expenses, imputed credit, and commissions.

*DOC Position*

We agree with respondent and have adjusted the calculations accordingly.

*Kolon*

*Comment 20*

Petitioners argue that the Department's methodology failed to capture all costs associated with Kolon's inventory carrying costs and warehousing costs for ESP sales. Petitioners allege that Kolon's reported inventory carrying costs and warehousing costs are not accurate, due, in part, to an improper accounting of these costs associated with merchandise which entered the United States prior to the POR. Petitioners also allege that Kolon did not report warehousing expense and inventory carrying costs for some ESP sales. Kolon counters that its reported inventory and warehousing cost figures accurately capture all costs associated with its ESP sales.

*DOC Position*

We disagree with petitioner. Kolon reported inventory carrying costs and warehousing costs based on the total costs its U.S. subsidiary incurred during the POR. Kolon reported these costs based on POR expenses and allocated the total POR expenses over the total value of sales during the POR. Because Kolon based its methodology on the total expenses and invoices during the POR, its calculations were not affected by the inclusion or exclusion of merchandise that entered the United States prior to the POR.

*Comment 21*

Petitioners argue that Kolon should have reported warehousing costs for certain ESP sales as direct selling expenses instead of labeling them as indirect selling expenses. Petitioners maintain that Kolon incurred ''after-sale'' warehousing expenses on those ESP sales where the date of sale preceded the date of shipment. Kolon argues that it properly reported its warehousing expenses as indirect selling expenses because it did not necessarily incur post-sale warehousing expenses on these types of sales and it could not link directly any additional warehousing costs to specific sales.

*DOC Position*

We disagree with petitioners. Petitioners have not demonstrated that Kolon incurred post-sale warehousing expenses for ESP sales whose date of sale preceded the date of shipment. In addition, Kolon maintained a general inventory during the POR. Therefore, in cases where Kolon stored subject merchandise in public warehouses, its warehousing costs were fixed and could not be identified with specific sales or invoices. We are satisfied that Kolon reported these expenses properly as indirect selling expenses.

*Comment 22*

Petitioners maintain that the Department may have used a database with the incorrect number of Kolon's home market sales during the POR.

*DOC Position*

We agree with petitioners. We have ensured that our calculations for Kolon rely on the correct number of transactions.

*Comment 23*

Petitioners argue that the Department incorrectly performed its sales-below-cost test by comparing the COP for each model of PET film which excluded VAT to a net home market sales price which included VAT.

Kolon agrees with petitioners and also maintains that the Department incorrectly subtracted home market credit expense from the home market price prior to the COP test.

*DOC Position*

We agree with petitioners and Kolon. We have revised our calculations accordingly.

*Comment 24*

Petitioners argue that Kolon impermissibly, and without the consent of the Department, limited its reported home market sales to only those which it claimed were identical to U.S. sales. Petitioners argue that this contravenes the Department's questionnaire instructions and interferes with the Department's ability to conduct its own product comparisons.

Kolon argues that it consulted with Department officials with regard to reporting only identical home market sales and received permission to do so. Kolon also notes that the revised home market sales listing it submitted to the Department included both identical and similar merchandise.

*DOC Position*

We disagree with petitioners. The questionnaire instructions in this review stated clearly that respondents may not be required to report all home market sales if they made contemporaneous sales of identical merchandise in the home market during the POR. Kolon properly requested permission from the Department to report only home market sales of identical merchandise, and the Department granted permission to do so in a letter dated July 15, 1993. Furthermore, petitioners' arguments ignore the fact that the Department ultimately required respondent to revise the submitted home market database to include all home market sales of identical and similar merchandise.

*Comment 25*

Petitioners argue that the Department erroneously accepted Kolon's reported eight percent statutory minimum profit for purposes of calculating CV. Petitioners maintain that Kolon's profit percentage was higher than the statutory minimum and that the Department should use petitioners' estimate of Kolon's profit as best information available (BIA).

Kolon argues that it properly reported the statutory eight percent profit in accordance with the Department's regulations because its profit listed on its audited financial statements, and verified by the Department, was less than eight percent.

*DOC Position*

We disagree with petitioners. During verification of respondent's COP/CV data in Korea, we checked that Kolon had properly reported the statutory minimum for profit, in accordance with section 773(e)(1)(B)(ii) of the Act and 19 CFR 353.50(a)(2), given the company's records on profit from sales of subject merchandise. We believe that petitioners' assertion that Kolon's profit is higher than the statutory minimum is based on insufficient evidence.

Furthermore, Kolon had contemporaneous home market matches for all of its U.S. sales during the POR and none of Kolon's home market sales were found to have been made below the COP. Thus, in our analysis of respondent's response, there was no need to use CV (see section 773(b)(2) of the Act).

*Comment 26*

Petitioners argue that Kolon reported its direct and indirect selling expenses for CV/COP in a manner contradictory to the provisions of 19 CFR 353.50. Petitioners maintain that Kolon's reporting of average home market selling expenses does not conform to the regulation's requirement that such information be based on the selling expenses for the class or kind of subject merchandise sold in the home market.

Kolon argues that it complied with the Department's regulations by basing its reported selling expenses on the home market sales of each model of PET film sold during the POR.

*DOC Position*

We disagree with petitioners. The section of the Department's regulations petitioners cite states that CV shall include general expenses ''. . . *usually* reflected in the sales of merchandise of the same class or kind . . .'' (emphasis added). See 19 CFR 353.50(a)(2). It is clear that the wording of this regulatory provision leaves some discretion to the Department in determining whether a respondent's reported selling expenses for CV are reasonable. Based upon a successful and thorough verification of Kolon's selling expenses in Korea, we are satisfied that the general, selling, and administrative expenses reflect the expenses for the class or kind of merchandise.

Moreover, we note that this section of the regulations pertains only to CV, not COP. The questionnaire instructions in this review clearly indicated that selling expenses reported for COP should be based on the actual expenses for each model of subject merchandise.

Finally, Kolon based its reported selling expense for each sale on the average expense rate of the home market sales departments involved in the sales. Thus, we are satisfied that the selling expenses Kolon reported represent average expenses for all home market sales of subject merchandise.

*Comment 27*

Petitioners argue that the Department should reexamine Kolon's characterization and reporting of U.S. sample sales. Petitioners allege that Kolon has not demonstrated that samples it gave to U.S. customers free of charge are properly exempted from being reported in the U.S. sales listings. Petitioners also questioned the appropriateness of Kolon's reporting the cost of free samples as indirect selling expenses.

Kolon argues that its treatment of sample sales was consistent with past Department practice and that it properly excluded samples it gave to U.S. customers at no charge from its sales listing, and included their costs in Kolon's reported indirect selling expenses in accordance with Departmental practice set forth in Granular Polytetrafluroethylene Resin from Japan, 58 FR 50343, 50345 (September 27, 1993) (Granular PTFE from Japan).

*DOC Position*

We agree with petitioners. As set forth in Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, et. al; Final Results of Antidumping Duty Administrative Reviews, Partial Termination of Administrative Reviews, and Revocation in Part of Antidumping Duty Orders, 60 FR 10900 (February 28, 1995), there is neither a statutory nor a regulatory basis for excluding any U.S. sales from review. The statute requires the Department to analyze all U.S. sales within the POR (see 19 U.S.C. 1675(a)(2)(A)).

The Department does, however, have the authority to omit certain zero-price samples from our analysis if it can be determined that these samples were not used for commercial consumption (see Granular PTFE from Japan). We believe that Granular PTFE from Japan is not applicable in this case. In that case the sample goods were provided for testing. Due to the nature of the product, once tested, the sample could not be returned. Although a transfer of ownership had occurred, the product had not been used for commercial consumption, and thus could not be said to have been ''sold.'' In this case, there is no evidence on the record that Kolon's U.S. samples are destroyed or rendered unusable, as in Granular PTFE from Japan. In addition, based upon the evidence on the record, we are not convinced that these zero-priced samples were commercially insignificant. Accordingly, we have deducted the cost of these samples from Kolon's indirect selling expenses and included the sample rates in our analysis for the final results of review (see also Tapered Roller Bearings, Four

Inches or Less in Diameter, and Components Thereof from Japan, 59 FR 56035).

*Comment 28*

Petitioners note a typographical error in the Department's computer program which affected the calculation of Kolon's COP for home market sales. Petitioners note clerical errors in the computer program for Kolon's ESP sales. As a result, petitioners assert that the Department did not analyze a small number of respondent's ESP sales properly and the Department did not deduct Kolon's export selling expenses from USP. Finally, Kolon notes that the Department used the incorrect variable for interest expense in calculating CV.

*DOC Position*

We agree with petitioners and Kolon. The variable name for Kolon's total cost of manufacture in our purchase price computer program should be ''TOTCOM'' instead of ''OTCOM.'' We have corrected this typographical error for these final results. We have also corrected the ESP calculations and ensured that all of Kolon's ESP sales were analyzed for the final results of review. Finally, we have revised our calculations using Kolon's correct interest expense variable in calculating CV.

*STC*

*Comment 29*

STC argues that the Department should exclude U.S. sales of damaged, obsolete and B-grade merchandise from its margin analysis because they are unrepresentative of STC's usual PET film sales and arbitrarily distort the margin analysis.

In support of its claim that the Department should exclude one sale of damaged merchandise from analysis, STC cites past Department practice where sales of secondary quality, scrap, or damaged merchandise have been excluded from the margin analysis. STC also notes that the Department determined, at verification, that STC's sale of damaged film was aberrant in nature. Alternatively, STC argues the Department should exclude this sale as outside the scope of the antidumping duty order, because the film was damaged in transit and entered into the United States as PET film scrap, and not as A-grade film subject to the antidumping duty order. STC also argues that if the Department does not exclude the sale from the scope of the order or from its analysis, the Department should adjust expenses upward to reflect insurance reimbursement for in-transit damage. In addition, STC argues that the damaged film should not be compared to CV, as was done in the preliminary results, but instead to the home market model which is identical in all respects except for the damage.

Similarly, STC maintains that the Department should exclude STC's U.S. sale of obsolete merchandise from its margin analysis. STC claims that because this pre-production lot of PET film had quality problems and was, as a result, warehoused for three years, STC was ultimately forced to sell this film as scrap. Accordingly, STC argues that this sale is unrepresentative of its sales in the United States. STC also notes that this sale in the United States constituted only a small percentage of its U.S. sales and cites previous Department practice where sales which account for a very small percentage of U.S. sales by volume have been disregarded. Alternatively, STC argues that the Department should exclude this sale because this merchandise entered the United States before the antidumping duty order went into effect.

Finally, STC argues that its three U.S. sales of B-grade film should also be excluded from the margin analysis for several reasons: (1) they constitute only a small percentage of STC's total sales (excluding value-added sales); (2) B-grade film is not normally sold in the U.S. market; and (3) these sales were made only at the customers' request.

*DOC Position*

We disagree with STC. There is no provision in the antidumping statute or regulations which provides for the exclusion of sales when determining dumping margins. The CIT, in *IPSCO* v. *United States*, 687 F. Supp. 633, 640 (CIT 1988), stated that ''. . . if Congress intended to require the administering authority to exclude all sales made outside the 'ordinary course of trade' from its determination of the United States price it could have provided for such an exclusion in the definition of United States price, as it has in the definition of foreign market value. It has not done so.''

Additionally, it is longstanding Department practice to include all U.S. sales in its dumping calculations except in instances where title does not transfer or in the case of statistical sampling (see Color Television Receivers from the Republic of Korea, 58 FR 50333 (1993)).

We also disagree with STC's request that, in the event we do not exclude the sale of damaged film, we adjust its USP to reflect insurance reimbursement. The antidumping statute clearly permits additions to USP in only four instances, none of which apply to the insurance reimbursement additions sought by STC (see section 772(d)(1) of the Act). These four instances set forth in the statute allow additions to USP for U.S. packing/shipping expenses, rebated or uncollected import duties, rebated or uncollected taxes, and countervailing duties imposed on the merchandise. The Department has a consistent practice of strictly interpreting these provisions and denying requests for upward adjustments to USP (see Oil Country Tubular Goods from Israel, 52 FR 1511 (1987)).

Finally, we disagree with STC's assertion that the sale of obsolete films should not be included in our dumping analysis because the merchandise entered prior to the POR. In accordance with our questionnaire instructions and longstanding practice, the Department bases its ESP calculations on sales of subject merchandise, regardless of entry date. The sale in question occurred in May 1992, during the POR. In addition, there is nothing on the record which proves that this sale entered before the effective date of the antidumping duty order or as anything other than PET film. Therefore, we have included this sale in our dumping analysis.

*Comment 30*

STC claims that the Department substantially overstated STC's COP and CV. First, STC claims that the Department failed to revise STC's 1992 fixed overhead costs based on verified data. According to STC, this revision was necessary due to the result of a change in the method by which STC computed depreciation. STC explains that, in 1992, it switched from an accelerated (*i.e.*, declining balance) to a straight-line method of depreciation. Although documentation supporting this change was included in STC's COP questionnaire response, STC acknowledges that it failed to report its fixed overhead costs using the straight-line method. STC argues that it identified this clerical error and the Department verified it on the first day of verification.

Second, STC argues that the Department's decision to adjust labor cannot be reconciled with the evidence it verified. STC claims that the Department successfully verified the completeness and accuracy of STC's reporting and allocation of labor expenses incurred by a wholly-owned subsidiary in the production of PET film. However, STC asserts, the Department readjusted reported labor costs to include labor costs actually reported in STC's general ledger in the preliminary results with no explanation.

STC requests that the Department use STC's labor costs as reported in its questionnaire response in its calculations without adjustment.

*DOC Position*

We agree with STC concerning its revisions to STC's reported fixed overhead costs. STC submitted corrected data at the beginning of verification for its reported fixed overhead costs resulting from STC's change in methodology in calculating its depreciation costs from a declining balance to a straight-line method in 1992. Accordingly, we have revised our calculations to include the correct amount for depreciation costs in our calculations.

We disagree with STC concerning our decision to adjust STC's reported labor costs. STC's wholly-owned subsidiary produces only PET film subject to this review. We verified that labor expenses were incurred by the subsidiary. However, in its questionnaire response, STC allocated a portion of these expenses away from the production of PET film, claiming that some of the subsidiary's workers performed other work for STC. We could not verify that any of these allocated labor expenses were billed by the subsidiary to STC. Nor could we verify that any of the subsidiary's laborers performed production tasks for STC. We used the labor expenses as incurred by the subsidiary and recorded in its financial statements. Therefore, we used in our calculations only those labor costs we were able to verify.

*Comment 31*

STC argues that the Department's test for sales made at prices below the COP is fundamentally flawed. First, STC claims that, in accordance with the Department's practice and judicial precedent, the Department should have allowed an adjustment for start-up costs. STC cites previous Departmental practice in Fresh Kiwifruit from New Zealand; Preliminary Results of Antidumping Administrative Review, 59 FR 23691 (May 6, 1994) (Kiwifruit), where the Department accounted for start-up costs because they were justified, supported, and quantified. STC disputes the Department's decision in the preliminary results of review to deny this adjustment because these costs were not actually reflected in STC's financial records. STC notes that cost data reported to the Department often differs from the type of data maintained in the ordinary course of trade, citing product-specific, as opposed to average costs and adjustments, for imputed credit costs as examples. STC also notes that its start-up cost allocation is consistent with GAAP in that only costs incurred above expected per unit overhead costs were capitalized up to the point that STC was able to reach its normal production volume. Finally, STC notes the Department's past practice, which has been upheld by the courts, of amortizing start-up costs even where the respondent companies have expensed their pre-production costs.

STC also argues that the Department's decision to apply its standard test for sales made at below-cost prices for an extended period of time is arbitrary and unjustified in light of STC's protracted start-up difficulties. STC claims its only option was to sell at the prevailing market price despite its high start-up costs until its costs decreased and sales increased to a point where it could recover earlier start-up costs. STC maintains that using the Department's standard measure for an extended period of time in a competitive market is patently unfair to new entrants, particularly to one facing the unusual circumstances that confronted STC.

Finally, STC argues that the Department failed to consider whether STC could recover all costs of production over a ''reasonable period of time,'' in spite of recent court decisions requiring the Department to consider factors such as: (1) How far below cost the sales are; (2) how much, if at all, costs of production are expected to decline; (3) the period of time over which they are expected to decline; and (4) the reasons why, based on record evidence, these costs will not be recovered over time. In light of STC's claim that it expects to recover all of its costs within one year, STC urges the Department to reconsider its determination in the preliminary results and allow STC an adjustment to COP for start-up costs.

*DOC Position*

We disagree that an adjustment for STC's start-up costs must be allowed for the final results and believe that STC's cite in its comments to the preliminary results in Kiwifruit is misplaced. In the case of Kiwifruit we adjusted for set-up rather than start-up costs. The set-up cost adjustment accounted for the historical development cost of the kiwifruit orchard which had been expensed as incurred. We captured these costs so that they could be properly amortized over the productive life of the orchard. Adjusting for start-up costs refers to capitalizing excessive current costs and amortizing them over future production. Further, STC's cites to judicial precedent do not refer to start-up costs, specifically, but to the basis of certain adjustments. In addition, STC's reported start-up costs could not be documented by actual company records because the calculations for these costs were based upon a theoretical one-hundred percent capacity utilization rate. Therefore, we have not accepted STC's claim for a start-up cost adjustment.

With regard to our test for sales made below cost for an extended period of time, we disagree with STC. It is our longstanding practice to define an extended period of time as three months. However, due to a clerical error, the number of months in our preliminary calculations was incorrect. For the final results, we have corrected the test to consider three months to be an extended period of time, as is our standard practice.

We also disagree with STC's assertion that, because STC maintains that it will recover all costs within one year, the Department should include home market sales of subject merchandise found to have been made below the COP. The CIT, in Toho Titanium v. United States, 670 F. Supp. 1019, 1021 (1987), clearly stated that the Department must be able to demonstrate that the prices which are below cost during the POR are at such a level that those prices would permit not only sufficient revenue to cover future costs, but also exceed future costs to a degree which permits the recovery of past losses. The simple line graphs STC submitted in its questionnaire response, purporting to show increasing capacity utilization and decreasing costs, are not adequate in detail or documentation to make a definite conclusion which satisfies the statute. In addition, we were unable to test the validity of the charts STC submitted, because STC did not clarity the assumptions on which the graphs were based. This evidence does not justify including STC's below-cost sales in our dumping analysis. Therefore, we excluded STC's below-cost sales for the final results of review.

*Comment 32*

STC argues that the Department must apply the provisional measures deposit cap and, if STC's dumping margin is greater than the cash deposit or bond rate for entries between the Department's preliminary and final determinations in the LTFV investigation, the Department must instruct the Customs Service to disregard the difference.

*DOC Position*

We agree. Although we changed our policy concerning the provisional

measures deposit cap in October 1992 to apply only to cash deposits associated with antidumping duty orders, our policy affected only those entries which were subject to a preliminary determination of sales-at-less-than-fair-value published after July 29, 1991. Therefore, because the preliminary determination in this case was published on November 30, 1990, and in accordance with 19 CFR 353.23, if the cash deposit or bond required between the affirmative preliminary and final determination is different from the dumping margin in the administrative review, we will instruct the Customs Service to disregard the difference to the extent that the cash deposit or bond is less than the dumping margin, and to assess antidumping duties equal to the dumping margin calculated in this administrative review if the cash deposit or bond is more than the dumping margin for entries during the period between the preliminary and final determination in the original investigation.

*Comment 33*

STC argues that the Department should adhere to the court's numerous rulings and add U.S. direct selling expenses to FMV, not deduct U.S. direct selling expenses from USP, as was done in the preliminary results of review.

*DOC Position*

We disagree with respondent. See our response to Comment 15.

*Comment 34*

Petitioners argue that the Department overstated the value of U.S. sales for STC's further-processed imports which results in an understatement of the percentage margin of dumping as published in the preliminary results.

*DOC Position*

We agree. The overstatement of the value for further-manufactured sales was due to an improper conversion which we have corrected for the final results. See our response to Comment 42 for further information on this conversion error.

*Comment 35*

STC argues that the Department should not have subtracted imputed expenses in conducting its COP test. STC, citing previous Department practice, claims that the Department's test for calculating sales made at prices below COP does not typically subtract imputed expenses, such as credit expenses, in conducting its sales-below-cost comparison of home market sales and cost of production.

*DOC Position*

We agree and have conducted the COP test without subtracting imputed expenses for the final results of review (see Color Television Receivers from Taiwan; Final Results of Administrative Review, 56 FR 65218 (December 16, 1991)).

*Comment 36*

STC argues that the Department understated STC's actual home market credit expenses by assigning a much shorter average period for outstanding credit than that which STC experienced and by using an artificially low home market interest rate. STC requests that the Department use the payment periods it reported in the questionnaire response.

*DOC Position*

We disagree with STC. Although STC claimed, in its November 3, 1992, questionnaire response, that it provided a longer credit period to unrelated end-users in the home market of subject merchandise, we determined at the home market sales verification that the actual credit period was significantly shorter (see Verification Report of the Questionnaire Responses of STC Corporation in the First Antidumping Administrative Review of Polyethylene Terephthalate (PET) Film from the Republic of Korea, at 10–11 (April 21, 1994) (STC Verification Report)). We verified the shorter credit period by tracing home market sales. Accordingly, we adjusted our calculations to reflect this actual, shorter credit period.

In addition, STC claimed a higher home market interest rate than we were able to document during our home market sales verification. STC company officials claimed that the higher rate reflected the added expense of its lenders' requirements that STC borrow compensatory funds deposited at a zero or low rate of interest. However, because STC was unable to provide documentation during verification on the calculation method it used to arrive at the higher interest rate, we used in our calculations the actual interest rates we were able to verify (see STC Verification Report at 10–11).

*Comment 37*

STC claims that the Department did not use the corrected figures for average days in inventory in its calculations of STC's home market inventory carrying expense which STC provided to the Department during the home market sales verification in Korea.

*DOC Position*

We agree with respondent. Accordingly, we have revised our calculations for the final results of review to include the correct home market inventory carrying costs.

*Comment 38*

STC argues that the Department did not adjust the home market price for indirect selling expenses incurred in the home market. STC asserts that, because further-manufactured sales are ESP sales, the Department should make an offset to FMV for STC's home market indirect selling expenses up to the amount of STC's U.S. indirect selling expenses and commissions on STC's further-manufactured sales as well as regular ESP sales.

*DOC Position*

We agree with respondent that we should have allowed an ESP offset to FMV for U.S. further-manufactured sales (see Certain Internal-Combustion Forklift Trucks from Japan, 53 FR 12552 (April 15, 1988)) and we have revised our calculations accordingly.

*Comment 39*

STC argues that the Department mistakenly did not subtract credit expenses from FMV when based on CV. STC argues that the Department should correct this oversight by deducting credit expenses from CV.

*DOC Position*

We disagree with STC. Even though STC did report credit expenses separately from its reported total CV in answering the questionnaire response, we did not include these expenses in our calculation of CV. Therefore, no adjustments to CV are necessary for the final results of this review.

*Comment 40*

STC requests that the Department correct the following clerical errors: (1) STC asserts that the Department neglected to convert STC's FMV from a per-kilogram to a per-pound basis for comparisons to its purchase price sales, (2) STC discovered, and presented during verification, that its duty drawback figures should have been higher than previously reported in its U.S. sales listing and requested that the Department use the revised duty drawback figures in its analysis, (3) STC argues that the Department neglected to use the correct interest rate when calculating its U.S. subsidiary's (STCA) interest expense (STC claims that the Department used the old reported rate and did not use the revised rate presented by STC during verification),

and (4) STC maintains that the Department used STC's erroneously reported pre-sale warehousing expense instead of the correct expense. STC acknowledged that it originally reported a pre-sale warehousing expense which was incorrect by one decimal space.

*DOC Position*

We agree that clerical errors were made in all four instances and have revised our calculations accordingly.

*Comment 41*

STC asserts that the Department inappropriately treated STCA's pre-sale U.S. warehousing expenses as a direct selling expense. Because these expenses are incurred prior to the sale of the merchandise to unrelated parties and cannot be linked to any particular sale, STC maintains that they should be treated as indirect expenses.

*DOC Position*

We agree with STC. Because these expenses were incurred prior to STC's sale of the merchandise and cannot be directly linked to individual sales, we have treated STCA's pre-sale U.S. warehousing expense as indirect selling expenses for the final results of review.

*Comment 42*

STC argues that the Department incorrectly calculated the net price for STC's further-manufactured sales by neglecting to apply the value-added ratio to the net USP and U.S. price adjustments. STC claims that, in calculating the net USP for further-manufactured sales, the Department failed to convert USP and U.S. price adjustments from a per-roll basis to a per-PET film pound equivalent basis. In addition, STC asserts that the Department subtracted the entire profit amount from the price of the further-manufactured sales, instead of only that portion of profit attributable to the further-manufacturing process. Finally, STC argues that the Department neglected to add duty drawback to USP for further manufactured sales. STC requests that the Department modify its calculations accordingly.

*DOC Position*

We agree with STC. We have applied the value-added ratio to net USP and to the U.S. price adjustments for further-manufactured sales of subject merchandise. We also included calculations to convert net USP for further-manufactured sales and U.S. price adjustments to a per-pound basis. We also recalculated profit and deducted only that portion attributable to the further-manufacturing process. Finally, we added duty drawback to USP for the final results of review.

**Final Results of Review**

Upon review of the comments submitted, the Department has determined that the following margins exist for the periods indicated:

| Manufacturer/exporter | Percent margin |
|---|---|
| November 30, 1990 through May 31, 1992: | |
| SKC Limited | 0.80 |
| Kolon Industries | 0.94 |
| STC Corporation | 16.87 |
| April 22, 1991 through May 31, 1992: | |
| Cheil Synthetics | 0.06 |

The Customs Service shall assess antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentages stated above. The Department will issue appraisement instructions concerning each respondent directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided for by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed firms will be the rates outlined above, except for Cheil, which, because its weighted-average margin is *de minimis*, the cash deposit rate will be zero percent; (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 in 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 rate will be 4.82%, the all others rate established in the LTFV investigation.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as the 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 order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of the 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: August 10, 1995.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

[FR Doc. 95–20436 Filed 8–16–95; 8:45 am]

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**[A–475–059]**

## Pressure Sensitive Plastic Tape from Italy; Preliminary Results of Antidumping Duty Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Preliminary Results of Antidumping Duty Administrative Review.

**SUMMARY:** The Department of Commerce (the Department) has conducted an administrative review of the antidumping duty order on pressure sensitive plastic tape from Italy. The review covers 2 manufacturers/exporters of the subject merchandise shipped to the United States during the period October 1, 1993, through September 30, 1994.

We have preliminarily determined that sales have been made below the foreign market value (FMV). If the preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs to assess antidumping duties equal to the difference between United States price (USP) and the FMV.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** August 17, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Todd Peterson or Thomas Futtner, 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) 482–4195 or 482–3814, respectively.

*Applicable Statute and Regulations*

The Department is conducting this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

**SUPPLEMENTARY INFORMATION:**

## Background

On October 21, 1977, the Treasury Department published in the **Federal Register** (42 FR 56110) the antidumping finding on pressure sensitive plastic tape (PSPT) from Italy. On October 7, 1994, the Department published a notice of ''Opportunity to Request Administrative Review'' (59 FR 194). On October 24, 1993, the petitioner, Minnesota Mining and Manufacturing Company (3M), requested that we conduct an administrative review of N.A.R., S.p.A. (NAR) for the period October 1, 1993, through September 30, 1994. On October 13, 1994, a respondent, Autoadesivi Magri s.r.l. (Magri) also requested that we conduct an administrative review. We published a notice of initiation of the antidumping administrative review on November 14, 1994.

The Department is conducting the administrative review in accordance with section 751 of the Act.

## Scope of the Review

Imports covered by the review are shipments of PSPT measuring over 1⅜ inches in width and not exceeding 4 mils in thickness. During the period of review (POR), the above described PSPT was classified under HTS subheadings 3919.90.20 and 3919.90.50. Although the HTS subheadings are provided for convenience and for Customs purposes, our written description of the scope of this review is dispositive.

## Use of Best Information Available (BIA)

In its February 27, 1995, response, Magri reported that its home market was not viable as a basis for FMV. It therefore reported third country sales. Based on information gathered while on verification, the Department determined that errors in Magri's reporting of the volume and value of home market sales had materially distorted its viability analysis, *i.e.*, the home market was in fact viable and should have been used as the basis of foreign market value in accordance with the Department's normal practice (19 CFR 353.46). Although Magri attempted to respond to all the Department's requests for information, the data submitted were unverifiable. In particular, at verification in Italy we discovered that approximately 27.6% of total German sales for 1993 were unreported and 23% of German sales for 1994 were unreported. Finally, significant discrepancies and errors in Magri's sales listings were identified, thereby making it impossible to verify several of Magri's claimed adjustments. For a detailed analysis supporting these conclusions, *see* Magri's verification report dated July 11, 1995. Thus pursuant to 776(b) of the statute, the Department must resort to BIA.

As for NAR, it failed to respond to the Department's questionnaire. Thus pursuant to 776(c) of the statute, the Department must resort to BIA.

In deciding what to use as BIA, the Department's regulations provide that the Department may take into account whether a party refuses to provide requested information (19 CFR 353.37(b)). Thus, the Department determines, on a case-by-case basis, what constitutes BIA. For the purpose of these preliminary results, we applied the following two-tier BIA analysis where we were unable to use a company's response for purposes of determining a dumping margin (*see Final Results of Antidumping Duty Administrative Review of Antifriction Bearings and Parts Thereof from France, et al.*, 58 FR 39739, July 26, 1993):

1. When a company refuses to cooperate with the Department or otherwise significantly impedes these proceedings, we used as BIA the higher of (1) the highest of the rates found for any firm for the same class or kind of merchandise in the same country of origin in the original less-than-fair-value (LTFV) investigation or prior administrative reviews; or (2) the highest rate found in this review for any firm for the same class or kind of merchandise in the same country of origin.

2. When a company substantially cooperates with our requests for information and, substantially cooperates in verification, but fails to provide the information requested in a timely manner or in the form required or was unable to substantiate it, we used as BIA the higher of (1) the highest rate even applicable to the firm for the same class or kind of merchandise from either the LTFV investigation or a prior administrative review, or if the firm has never before been investigated or reviewed, the ''all others'' rate from the LTFV investigation; or (2) the highest calculated rate in this review for the class or kind of merchandise for any firm from the same country of origin.

Pursuant to 776(b) of the Act, which provides for BIA when the Department is unable to verify the accuracy of the information submitted, we are applying second-tier, cooperative BIA to Magri's entries. This rate represents the highest rate ever applied to Magri in previous antidumping proceedings.

Since NAR failed to respond to the Department's questionnaire pursuant to 776(c) of the Act, we are applying first-tier, punitive BIA to its entries. This is the highest calculated rate from a prior administrative review.

## Preliminary Results of Review

As a result of this review, we preliminarily determine that the following margins exist for the period October 1, 1993, through September 30, 1994:

| Manufacturer/Exporter | Margin |
|---|---|
| Autoadesivi Magri ..... | 12.66% |
| N.A.R. S.p.A. ..... | 12.66% |

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between USP and FMV may vary from the percentages stated above. Upon completion of this review, the Department will issue appraisement instructions for each exporter directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(1) of the Act: (1) the cash deposit rate for the reviewed firm will be that firm's rate established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, 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) the cash deposit rate for all other manufacturers or exporters not previously reviewed will be 12.66 percent, the ''new shipper'' rate established in the first notice of final results of administrative review published by the Department (48 FR 35686, August 5, 1983).

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Interested parties may request disclosure within five days of the date of publication of this notice, and may request a hearing within 10 days of the date of publication. Any hearing, if requested, will be held as early as convenient for the parties but not later than 44 days after the date of publication or the first workday thereafter. Case briefs or other written comments from interested parties may be submitted not later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttal comments, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish the final results of this administrative review, including its analysis of issues raised in any such written comments.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of the 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: August 4, 1995.

**Susan G. Esserman,**

*Assistant Secretary for Import Administration.*

[FR Doc. 95–20441 Filed 8–16–95; 8:45 am]

BILLING CODE 3510–DS–M

## Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

*Docket Number:* 95–065. *Applicant:* University of Utah, Salt Lake City, UT 84112. *Instrument:* Electron Microscope, Model H-7100. *Manufacturer:* Hitachi Ltd., Japan. *Intended Use:* The instrument will be used to study plant and animal cells and tissues, microorganisms, viruses and biological macromolecules in experiments performed to determine cellular and molecular bases of neurogenesis, the cytoskeletal organization in oocytes and embryos, the development of female gametophytes in *Arabidopsis,* the location of zyxin in resting and activated platelets, and the structure and assembly of bacterial flagellar motor proteins. In addition, the instrument will be used for educational purposes in the course BIOL 5XX, Microscopy Techniques. *Application Accepted by Commissioner of Customs:* July 25, 1995.

*Docket Number:* 95–066. *Applicant:* University of Maryland, Department of Meteorology, College Park, MD 20742. *Instrument:* Sun Photometer and Filters, Model CE 318-1. *Manufacturer:* Cimel Electronique, France. *Intended Use:* The instrument will be used to measure both sun and sky radiance to derive total column water vapor and ozone and aerosol properties using a combination of spectral filters and azimuth/zenith viewing controlled by a microprocessor. *Application Accepted by Commissioner of Customs:* July 28, 1995.

**Frank W. Creel**

*Director, Statutory Import Programs Staff*

[FR Doc. 95–20439 Filed 8–16–95; 8:45 am]

BILLING CODE 3510–DS–F

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Qatar

August 11, 1995.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs increasing limits.

**EFFECTIVE DATE:** august 18, 1995.

**FOR FURTHER INFORMATION CONTACT:** Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being increased for carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 59 FR 65531, published on December 20, 1994). Also see 60 FR 16624, published on March 31, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

**Rita D. Hayes,**

*Chairman, Committee for the Implementation of Textile Agreements.*

**Committee for the Implementation of Textile Agreements**

August 11, 1995.

Commissioner of Customs,
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on March 27, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive

concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Qatar and exported during the twelve-month period which began on January 1, 1995 and extends through December 31, 1995.

Effective on August 18, 1995, you are directed to increase the limits for the following categories, as provided under the terms of the Memorandum of Understanding dated June 28, 1994 between the Governments of the United States and the State of Qatar:

| Category | Adjusted twelve-month limit [1] |
|---|---|
| 340/640 | 382,395 dozen. |
| 341/641 | 176,490 dozen. |
| 347/348 | 398,988 dozen. |

[1] The limits have not been adjusted to account for any imports exported after December 31, 1994.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 95–20435 Filed 8–16–95; 8:45 am]

**BILLING CODE 3510–DR–F**

## CONSUMER PRODUCT SAFETY COMMISSION

### Announcement of Amnesty and Conditions Under Which the Staff Will Refrain From Making Preliminary Hazard Determinations

**AGENCY:** Consumer Product Safety Commission (CPSC).

**ACTION:** Notice.

**SUMMARY:** Section 15(b) of the Consumer Product Safety Act requires manufacturers, distributors, and retailers of consumer products distributed in commerce to notify the Commission of certain defects, unreasonable risks or non-compliance with voluntary or mandatory standards. Firms that fail to report are subject to civil penalties. The Commission is announcing a one time amnesty for firms who have failed to report in the past. The Commission is also announcing the staff will forego making a preliminary hazard determination when firms report and within 20 working days implement corrective action acceptable to the staff.

**DATES:** This action announces that the staff of the CPSC will not seek penalties under any of the rules or acts it administers against firms who report under section 15(b) of the CPSA from August 17, 1995, to February 13, 1996, potential hazards the firm failed to report prior to the amnesty period. The staff will meet with interested members of the public September 12, 1995 at 10 a.m. to discuss this initiative and a second initiative announced in this notice.

**FOR FURTHER INFORMATION CONTACT:** Theresa Rogers, Office of Compliance, CPSC, 4330 East West Highway, Bethesda, MD 20814 (Mailing address: Washington, D.C. 20207), telephone (301) 504–0608, extension 1363, or Eric L. Stone, Office of Compliance, CPSC, 4330 East West Highway, Bethesda, MD 20814 (Mailing address: Washington, D.C. 20207), telephone (301) 504–0626 extension 1350.

**SUPPLEMENTARY INFORMATION:**

### A. Reporting Amnesty

Section 15(b) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2064(b), requires manufacturers, distributors and retailers of a consumer product distributed in commerce to notify the Commission when they obtain information which reasonably supports the conclusion that their product (1) fails to comply with an applicable consumer product safety rule or voluntary standard relied upon by the Commission under section 9, (2) contains a defect which could create a substantial risk of injury, or (3) creates an unreasonable risk of serious injury or death. The Commission published a rule interpreting this provision at 16 CFR Part 1115. Firms that knowingly fail to report are subject to civil penalties under sections 19(a)(4) and 20(a)(1) of the CPSA, 15 U.S.C. 2068(a)(4) and 2069(a)(1). Similar penalties exist for failures to report under section 37 of the CPSA, 15 U.S.C. 2084, and section 102 of the Child Safety Protection Act, Public Law 103–267, 108 Stat. 722 (1994), and for violations of various safety rules in Title 16 of the Code of Federal Regulations.

For years, the Commission has been concerned that many firms are not complying with their reporting obligations under section 15(b) of the CPSA. Despite the efforts of CPSC and various industry and legal groups to publicize the requirements, some of this failure is undoubtedly due to ignorance of the law. Many other factors also play a role. Once a firm has failed to report it finds itself in a quandary. A late report subjects the firm to civil penalties and the stigma associated with failure to comply with the reporting obligation in the first instance. Fear of such penalties could cause some firms to hide their problems.

To address this fear, the Commission is announcing a one-time amnesty program. The staff will not seek penalties under any of the rules or acts it administers against firms who report under section 15(b) of the CPSA from August 17, 1995, to February 13, 1996, potential hazards the firm failed to report prior to the amnesty period. The amnesty will not be available for any product reported prior to the date of this **Federal Register** notice, nor will it apply to firms who are currently under investigation for a failure to report or other violation of the Commission's laws. Firms will not receive amnesty for failures to report based on reporting obligations that arise between August 17, 1995, and February 13, 1996.

This amnesty is intended to encourage firms to ''clean out their closets'' of matters that should have been reported in the past. While firms may report such matters without fear of penalty, the staff will still seek corrective action when such action is needed to protect the public from a possible substantial product hazard.

#### *B. Staff to Forego Preliminary Determinations When Firms Initiate Timely Corrective Action*

In the past, the Commission staff has made a preliminary hazard determination as to whether a product presents a substantial product hazard (section 15 of the Consumer Product Safety Act, 15 U.S.C. 2064), or contains a defect which creates a substantial risk of injury to children (section 15 of the Federal Hazardous Substances Act, 15 U.S.C. 1274), whenever it receives a report under section 15(b) of the CPSA. See 16 CFR 1115.12(a). Some firms have expressed concern that the preliminary determination, although not a formal hazard determination of the agency, could have a negative impact in their product liability cases or on their reputation. From August 17, 1995, until February 13, 1996, on a pilot basis, the staff will forego such preliminary determinations for firms that report in a timely and complete manner and implement within 20 working days after filing an initial report a corrective action the staff believes will be effective. For purposes of this pilot program, ''implement'' means issuance of a news release or other form of public notice approved by the staff commencing the corrective action.

This pilot project does not modify firms' reporting obligations. Firms who have an obligation to notify the Commission under section 15(b) or section 37 of the CPSA, or section 102

of the Child Safety Protection Act, must continue to do so even when they believe the risk does not warrant corrective action.

At the end of the pilot period, the Commission will evaluate the effectiveness of this initiative and determine whether it should be extended.

The staff will only forego preliminary determinations for a firm that:

a. Files a Full Report (See 16 CFR 1115.13(d)). Currently, many firms do not submit complete information. Firms sometimes omit copies of complaints and claims. This information is crucial for the staff to properly evaluate the problem and the firm's corrective action. The staff will not allow firms that do not report fully to participate in this pilot program.

b. Advises the staff it wishes to undertake an expeditious corrective action under the pilot program.

c. Submits a proposed corrective action plan in sufficient time for the staff to review the plan, analyze any replacement product or repair, and work out the details of the corrective action with the firm so that the plan can be implemented within 20 working days after the filing of the report. The plan shall include the following:

(1) A description of the action to be taken (refund, repair, or replacement) that will eliminate the identified risk.

(2) Sufficient product design, incident, and testing information to allow the staff to determine whether the proposed action corrects the identified problem and the problem is limited to the model[s] and production dates identified by the firm. Such information should include, but is not limited to: consumer complaints, test data, engineering drawings, material specifications, samples of product, and/or component parts, as needed. If the needed information and documentation is being compiled, but is not yet available, the firm must provide the date it expects to forward the information to CPSC. CPSC staff must have sufficient time to review the information and meet the 20 working day time limit.

(3) Usually, the firm's proposed plan must include notice to distributors, retailers, and consumers of the subject product. The notice must describe the product, the hazard, the number and type of injuries that have been reported, the type of injury that may occur, and the action to be taken in plain language understandable to the people to whom the notice is directed. Generally, the plan must include a joint news release with the Commission, letters and instructions to retailers and distributors, point-of-purchase posters, and, depending upon the level of risk, the population at risk, age and number of products involved, there should be an additional notice. Supplementary notice may include a Video News Release, print and/or radio advertisements, incentives or bounties to encourage consumer response, posters for specific audiences, such as for posting in pediatricians' offices, medical clinics, national parks and campgrounds, and repair shops (see Corrective Action Handbook, available from CPSC Division of Corrective Actions). In those cases where all purchasers can be contacted directly, a news release may not be necessary.

(4) An agreement that the Commission may publicize the terms of the plan and inform the public of the nature and the extent of the alleged hazard. The consumer notice should be targeted to reach a significant portion of the public likely to have purchased the subject product. (See 16 CFR 1115.20(a) and CPSC Corrective Action Handbook.)

(5) The corrective action plan and notice must be acceptable to the staff. The staff will consider whether the corrective action plan adequately addresses the risk of injury presented by the product and whether the notice and corrective action plan are designed to make the plan as effective as is reasonably possible given the nature of the product and the risk. The Office of Compliance staff will provide expedited review of each proposal submitted and work with the firm to develop an acceptable corrective action plan that can be implemented within the 20 working day period. The staff anticipates there may be cases where a firm has submitted all the necessary information in a timely manner but cannot implement the corrective action plan within the 20 day period because the staff requires additional time to evaluate a proposed corrective action plan and this delay did not result from delay or fault on the part of the firm. It is also possible that in some cases the staff and firm will agree that notice and corrective action should occur at a later time (such as in the case of a seasonal product). In both those cases where delay is neither caused by, nor is the fault of, the firm, the staff will not make a preliminary hazard determination.

If corrective action is implemented within the specified 20 working days, staff will provide written acknowledgement that the firm has submitted information under section 15(b); that, based on available information, the proposed corrective action plan is adequate; and that the staff will monitor the progress of the plan. The staff will advise the firm that the firm has a continuing obligation to report new or different information that may affect the scope, prevalence or seriousness of the defect or hazard.

If the firm does not implement a corrective action acceptable to the staff within the specified 20-day time limit, staff will inform the firm that it will continue its evaluation and will preliminarily determine whether the product contains a defect that creates a substantial risk of injury to children under the FHSA or presents a substantial product hazard under the CPSA.

Firms should not delay their reports under section 15(b) of the CPSA in order to prepare a corrective action plan. The staff will not forego preliminary determinations if the information available suggests a firm delayed its initial report to prepare a corrective action plan.

### C. Meeting

The staff will meet with interested members of the public at 10 a.m. on September 12, 1995 to discuss these initiatives. The meeting will be held in the Commission's hearing room on the fourth floor of 4330 East-West Highway, Bethesda, Maryland.

Dated: August 7, 1995.

**Sadye Dunn,**

*Secretary, Consumer Product Safety Commission.*

[FR Doc. 95–20429 Filed 8–16–95; 8:45 am]

BILLING CODE 6355–01–P

## DEPARTMENT OF DEFENSE

### Public Information Collection Requirement Submitted to the Office of Management and Budget (OMB) for Review

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Title:* Epidemiologic Studies of Morbidity Among Gulf War Veterans; A Search for Etiologic Agents and Risk Factors.

*Type of Request:* Expedited Processing—Approval date requested: Thirty days following publication in the **Federal Register**.

*Number of Respondents:* 2,500.

*Responses per Respondent:* 1.6.

*Annual Responses:* 4,000.

*Average Burden per Response:* 30 minutes.

*Annual Burden Hours:* 1,900.

*Needs and Uses:* This requirement provides for the collection of necessary information to conduct Congressionally directed studies of the health consequences of military service in Southwest Asia during the Persian Gulf War. The information collected hereby, will be utilized to define Persian Gulf veterans' illnesses, as well as to identify likely etiologic agents causing morbidity among Gulf War veterans and their offspring.

*Affected Public:* Individuals or households.

*Frequency:* Onetime.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Ms. Shannah Koss.

Written comments and recommendations on the proposed information collection should be sent to Ms. Koss at the Office of Management and Budget, Desk Officer for DoD, Room 10235, New Executive Office Building, Washington, DC 20503.

*DoD Clearance Officer:* Mr. William Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: August. 14, 1995.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 95–20409 Filed 8–16–95; 8:45 am]

BILLING CODE 5000–04–P

## Public Information Collection Requirement Submitted to the Office of Management and Budget (OMB) for Review

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Title, Applicable Form, and OMB Control Number:* NROTC Applicant Questionnaire; NAVCRUIT Form 1131/6; OMB Control Number 0703–0028.

*Type of Request:* Expedited Processing—Approval date requested: Thirty days following publication in the **Federal Register**.

*Number of Respondents:* 40,000.

*Responses per Respondent:* 1.

*Annual Responses:* 40,000.

*Average Burden per Response:* 15 minutes.

*Annual Burden Hours:* 10,000.

*Needs and Uses:* This requirement provides for the collection of necessary information from applicants for consideration under the NROTC Scholarship Program. The information collected hereby, will be utilized by the Navy Recruiting Command to perform initial screening and determine the basic eligibility of applicants.

*Affected Public:* Individuals or households.

*Frequency:* On occasion.

*Respondent's Obligation:* Required to obtain or retain benefits.

*OMB Desk Officer:* Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

*DoD Clearance Officer:* Mr. William Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: August 14, 1995.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 95–20410 Filed 8–16–95; 8:45 am]

BILLING CODE 5000–04–P

## Public Information Collection Requirement Submitted to the Office of Management and Budget (OMB) for Review

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Title; Applicable Form; and OMB Control Number:* DoD FAR Supplement, Subpart 249.7002, Notification and Reporting of Substantial Impact on Employment, and the Clause at 252.249–7001; DD Form 2604; OMB Control Number 0704–0327.

*Type of Request:* Expedited Processing—Approval date requested: Thirty days following publication in the **Federal Register**.

*Number of Respondents:* 10.

*Responses per Respondent:* 1.

*Annual Responses:* 10.

*Average Burden per Response:* 16 hours.

*Annual Burden Hours:* 160.

*Needs and Uses:* This requirement provides for the collection of necessary information to determine if the modification or termination of a contract for convenience will result in a substantial impact on employment. This clause is included in all prime contracts exceeding $5 million or which have subcontracts of $500,000 or more. The information collected hereby, will be utilized by the Government to identify communities which have been substantially and seriously affected by a contract modification or termination for convenience which caused a substantial impact on employment. It is additionally utilized to determine if these communities are eligible for economic adjustment assistance as authorized by the Public Works and Economic Development Act of 1965.

*Affected Public:* Business or other for-profit.

*Frequency:* On occasion.

*Respondent's Obligation:* Required to obtain or retain benefits.

*OMB Desk Officer:* Mr. Peter N. Weiss.

*Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.*

*DoD Clearance Officer:* Mr. William Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: August 14, 1995.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 95–20411 Filed 8–16–95; 8:45 am]

BILLING CODE 5000–04–P

## Public Information Collection Requirement Submitted to the Office of Management and Budget (OMB) for Review

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Title and OMB Control Number:* DoD FAR Supplement, Subparts 227.4, Rights in Technical Data, and 227.5, Rights in Computer Software and Computer Software Documentation; OMB Control Number 0704–0369.

*Type of Request:* Expedited Processing—Approval date requested: Thirty days following publication in the **Federal Register**.

*Number of Respondents:* 2,330,688.

*Responses per Respondent:* 5.
*Annual Responses:* 11,834,453.
*Average Burden per Response:* .46 hours.
*Annual Burden Hours (Including Recordkeeping):* 6,457,651.
*Needs and Uses:* This requirement provides for the collection of necessary information from contractors and subcontractors concerning the justification for restrictions on the Government's right to use or disclose technical data. It will be utilized to protect data or software from unauthorized release or disclosure; to facilitate public release of technical data or software developed by the Government; and to enable contracting officers in determining if other Government agencies have paid for rights to the data or software.
*Affected Public:* Business or other for-profit; not-for-profit institutions.
*Frequency:* On occasion.
*Respondent's Obligation:* Required to obtain or retain benefits.
*OMB Desk Officer:* Mr. Peter N. Weiss. Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.
*DoD Clearance Officer:* Mr. William Pearce. Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: Aug. 14, 1995.

**Patricia L. Toppings,**

*Alternate OSD Federal Register* Liaison Officer, Department of Defense.

[FR Doc. 95–20412 Filed 8–16–95; 8:45 am]

BILLING CODE 5000–04–P

## Public Information Collection Requirement Submitted to the Office of Management and Budget (OMB) for Review

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).
*Title and OMB Control Number:* Employer Support Survey; OMB Control Number 0701–0140.
*Type of Request:* Expedited Processing—Approval date requested: Thirty days following publication in the **Federal Register**.
*Number of Respondents:* 3,200.
*Responses Per Respondent:* 1.
*Annual Responses:* 3,200.
*Average Burden Per Response:* 15 minutes.
*Annual Burden Hours:* 800.
*Needs and Uses:* The information collected hereby, will enable the Department of the Air Force to determine the impact on civilian employers of additional Air Force Reserve duty requirements. These increased requirements result from the reduction of the active duty force, increased training initiatives, and force structure changes.
The results will also be used to develop Air Force Reserve employer support programs, and to develop reserve mission policies.
*Affected Public:* Business or other for-profit; State, local, or tribal government.
*Frequency:* Onetime.
*Respondent's Obligation:* Voluntary.
*OMB Desk Officer:* Mr. Edward C. Springer.
Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.
*DoD Clearance Officer:* Mr. William Pearce.
Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: August 14, 1995.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 95–20413 Filed 8–16–95; 8:45 am]

BILLING CODE 5000–04–P

## Public Information Collection Requirement Submitted to the Office of Management and Budget (OMB) for Review

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).
*Title; Applicable Form; and OMB Control Number:* DoD Building Pass Application; DD Form 2249; OMB Control Number 0704–0328.
*Type of Request:* Reinstatement.
*Number of Respondents:* 102,000.
*Responses Per Respondent:* 1.
*Annual Responses:* 102,000.
*Average Burden Per Response:* 6 minutes.
*Annual Burden Hours:* 10,200.
*Needs and Uses:* This requirement provides for the collection of information from applicants for DoD Building Passes. The information collected hereby, will be used to verify need and to issue a DoD Building Pass to DoD personnel, other authorized U.S. Government personnel, and DoD consultants and experts who regularly work in or require frequent and continuing access to DoD owned or occupied buildings in the National Capitol Region.
*Affected Public:* Individuals or households; business or other for-profit; Federal Government.
*Frequency:* On occasion.
*Respondent's Obligation:* Required to obtain or retain benefits.
*OMB Desk Officer:* Mr. Edward C. Springer.
Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.
*DoD Clearance Officer:* Mr. William Pearce.
Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: August 14, 1995.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 95–20414 Filed 8–16–95; 8:45 am]

BILLING CODE 5000–04–P

## Public Information Collection Requirement Submitted to the Office of Management and Budget (OMB) for Review

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).
*Title; Applicable Form; and OMB Control Number:* Carrier Selection and Performance; DLA Form 1773; OMB Control Number 0704–0291
*Type of Request:* Expedited Processing—Approval date requested: Thirty days following publication in the **Federal Register**.
*Number of Respondents:* 2,000.
*Responses Per Respondent:* 1.25.
*Annual Responses:* 2,500.
*Average Burden Per Response:* 20 minutes.

*Annual Burden Hours:* 825.

*Needs and Uses:* This requirement provides for the collection of information from contractors necessary to the maintenance and operation of the Military Traffic Management Command's (MTMC) Carrier Performance Program. The information collected hereby, will document performance and service deficiencies of freight carriers, and will be utilized by MTMC to determine whether to suspend or bar carriers failing to meet minimum service requirements from hauling DoD freight.

*Affected Public:* Business or other for-profit.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

*OMB Desk Officer:* Mr. Peter N. Weiss.

Written comments and recommendations on the proposed information collection should be sent to Mr. Weiss at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

*DoD Clearance Officer:* Mr. William Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: August 14, 1995.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 95–20415 Filed 8–16–95; 8:45 am]

BILLING CODE 5000–04–P

## Defense Logistics Agency

### Privacy Act of 1974; Notice to Amend Systems of Records

**AGENCY:** Defense Logistics Agency, DOD.

**ACTION:** Notice to amend systems of records

**SUMMARY:** The Defense Logistics Agency is amending their systems of records notices in their inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), to reflect a change of physical address.

The amendment consists of changing the Cameron Station, Alexandria, VA address to 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221. The categories affected are the System location, System manager(s) and address, Notification procedure, Record access procedures, and the four addresses listed under Virginia in the DLA mailing directory.

**DATES:** This proposed action will be effective without further notice on August 13, 1995.

**ADDRESSES:** Send comments to the Privacy Act Officer, Defense Logistics Agency, DASC-RP, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

**FOR FURTHER INFORMATION CONTACT:** Mr. Barry Christensen at (703) 767–5102.

**SUPPLEMENTARY INFORMATION:** The Defense Logistics Agency systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Defense Logistics Agency is amending their systems of records notices in their inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), to reflect a change of physical address.

The amendment consists of changing the Cameron Station, Alexandria, VA address to 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221. The categories affected are the System location, System manager(s) and address, Notification procedure, Record access procedures, and the four addresses listed under Virginia in the DLA mailing directory.

The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: August 8, 1995.

**Patricia Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

Change the Virginia entry in the DLA mailing directory to the following:

**VIRGINIA**

Defense Fuel Supply Center, 8725 John J. Kingman Road, Suite 2941, Fort Belvoir, VA 22060–6222.

DLA Administrative Support Center, 8725 John J. Kingman Road, Suite 0119, Fort Belvoir, VA 22060–6220.

Defense General Supply Center, 8000 Jefferson Davis Highway, Richmond, VA 23297–5000.

Defense National Stockpile Center, 8725 John J. Kingman Road, Suite 3339, Fort Belvoir, VA 22060–6223.

[FR Doc. 95–20416 Filed 8–16–95; 8:45 am]

BILLING CODE 5000–04–F

## Department of the Navy

### Privacy Act of 1974; Amend Records Systems

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Amend records systems.

**SUMMARY:** The Department of the Navy proposes to amend five systems of records notices to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. In addition, the directory of Department of the Navy mailing addresses is also being amended.

**DATES:** The amendments will be effective on September 18, 1995, unless comments are received that would result in a contrary determination.

**ADDRESSES:** Send comments to the Acting Head, PA/FOIA Branch, Office of the Chief of Naval Operations (N09B30), 2000 Navy Pentagon, Washington, DC 20350–2000.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Doris Lama at (703) 614–2004 or DSN 224–2004.

**SUPPLEMENTARY INFORMATION:** The Department of the Navy record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Department of the Navy proposes to amend five systems of records notices to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended. In addition, the directory of Department of the Navy mailing addresses is also being amended.

The specific changes to the system of records are set forth below followed by the system of records notice published in its entirety, as amended. The amendments are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports.

Dated: August 11, 1995.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

**N01754–1**

**SYSTEM NAME:**

Navy Family Support Program *(February 22, 1993, 58 FR 10723).*

**CHANGES:**

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with 'File could contain personal information such as name, Social Security Number, case number, home address, telephone number, marriage counseling information, parent-child relationship information, family relations, financial data, developmental disability information, and Quality of Life Management Information System (QOLMIS-66)'.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 301, Departmental Regulations and E.O. 9397.'

* * * * *

STORAGE:

Delete entry and replace with 'Paper records are stored in file folders and automated records are stored on personal computers, magnetic tapes, or discs.'

* * * * *

**N01754–1**

SYSTEM NAME:

Navy Family Support Program.

SYSTEM LOCATION:

Navy Family Service Centers located at various Navy and Marine Corps activities.

CATGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military service members and their dependents, retirees and their dependents, and spouses of POW's and MIA's and their eligible dependents. In certain overseas locations and certain remote CONUS locations, civilian DOD employees may be eligible for services.

CATEGORIES OF RECORDS IN THE SYSTEM:

File could contain personal information such as name, Social Security Number, case number, home address, telephone number, marriage counseling information, parent-child relationship information, family relations, financial data, developmental disability information, and Quality of Life Management Information System (QOLMIS-66).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

PURPOSE(S):

The Family Service Centers (FSC) offer information, conduct referral services, and directly deliver services for a wide array of personal and family matters, counseling, assistance and crisis intervention to those eligible.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are stored in file folders and automated records are stored on personal computers, magnetic tapes, or discs.

RETRIEVABILITY:

Records may be retrieved by the Social Security Number or name of eligible person being served by the FSC.

SAFEGUARDS:

Access is limited to professional FSC staff and as delegated by the FSC Director at each location on a need-to-know basis. Paper records are stored in locked file cabinets. Automated records may be controlled by limiting physical access to data entry terminals or use of passwords. Access to computer information, and tape and disc storage, is strictly controlled. Work areas are sought-controlled during normal working hours. Building access is controlled and doors are locked during non-duty hours.

RETENTION AND DISPOSAL:

Paper records are retained for two years and then destroyed. Automated records are maintained for five years, then tapes/discs are erased.

SYSTEM MANAGER(S) AND ADDRESS:

Service Member and Family Support Branch (PERS 661), Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370–5661, and Commandant of the Marine Corps (MHF), Headquarters, U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380–0001.

NOTIFICATION PROCEDURE:

Navy individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Service Member and Family Support Branch (PERS 661), Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370–5661.

Marine Corps individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commandant of the Marine Corps (MHF), Headquarters, U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380–0001.

Individuals should provide proof of identity, full name, rank, Social Security Number, dates of counseling, etc.

RECORD ACCESS PROCEDURES:

Navy individuals seeking access to information about themselves contained in this system should address written inquiries to the Service Member and Family Support Branch (PERS 661), Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370–5661.

Marine Corps individuals seeking access to information about themselves contained in this system should address written inquiries to the Commandant of the Marine Corps (MHF), Headquarters, U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380–0001.

Individuals should provide proof of identity, full name, rank, Social Security Number, dates of counseling, etc.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is normally obtained directly from the individual applying for counseling/assistance, however, there may be instances when the FSC counselor obtains information from mental health officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

**N05300–2**

SYSTEM NAME:

Administrative Personnel Management System *(February 22, 1993, 58 FR 10749).*

CHANGES:

* * * * *

STORAGE:

Delete entry and replace with 'File folders, card files, magnetic tape, magnetic disc, personal computer'.

RETRIEVABILITY:

Delete entry and replace with 'Name, Social Security Number, employee badge number, case number, organization, work center and/or job order, supervisor's shop and code.'

* * * * *

**N05300–2**

**SYSTEM NAME:**

Administrative Personnel Management System.

**SYSTEM LOCATION:**

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices. Included in this notice are those records duplicated for maintenance at a site closer to where the employee works (e.g., in an administrative office or a supervisor's work area).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All civilian, (including former members and applicants for civilian employment), military and contract employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Correspondence/records concerning personnel identification, location (assigned organization code and/or work center code); MOS; labor code; payments for training, travel advances and claims, hours assigned and worked, routine and emergency assignments, functional responsibilities, clearance, access to secure spaces and issuance of keys, educational and experience characteristics and training histories, travel, retention group, hire/termination dates; type of appointment; leave; trade, vehicle parking, disaster control, community relations, (blood donor, etc), employee recreation programs; grade and series or rank/rate; retirement category; awards; biographical data; property custody; personnel actions/dates; violations of rules; physical handicaps and health/safety data; veterans preference; postal address; location of dependents and next of kin and their addresses; mutual aid association memberships; union memberships; qualifications; computerized modules used to track personnel data; and other data needed for personnel, financial, line, safety and security management, as appropriate.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, Departmental Regulations and E.O. 9397.

**PURPOSE(S):**

To manage, supervise, and administer programs for all Navy civilian and military personnel such as preparing rosters/locators; contacting appropriate personnel in emergencies; training; identifying routine and special work assignments; determining clearance for access control; record handlers of hazardous materials; record rental of welfare and recreational equipment; track beneficial suggestions and awards; controlling the budget; travel claims; manpower and grades; maintaining statistics for minorities; employment; labor costing; watch bill preparation; projection of retirement losses; verifying employment to requesting banking; rental and credit organizations; name change location; checklist prior to leaving activity; payment of mutual aid benefits; safety reporting/monitoring; and, similar administrative uses requiring personnel data. Arbitrators and hearing examiners in civilian personnel matters relating to civilian grievances and appeals.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS:**

**STORAGE:**

File folders, card files, magnetic tape, magnetic disc, personal computer.

**RETRIEVABILITY:**

Name, Social Security Number, employee badge number, case number, organization, work center and/or job order, supervisor's shop and code.

**SAFEGUARDS:**

Password controlled system, file, and element access based on predefined need to know. Physical access to terminals, terminal rooms, buildings and activities' grounds are controlled by locked terminals and rooms, guards, personnel screening and visitor registers.

**RETENTION AND DISPOSAL:**

Normally retained for two years and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

The request should include full name, Social Security Number, and address of the individual concerned and should be signed.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the commanding officer of the activity in question. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

The request should include full name, Social Security Number, and address of the individual concerned and should be signed.

**CONTESTING RECORD PROCEDURES:**

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

**RECORD SOURCE CATEGORIES:**

Individual, employment papers, other records of the organization, official personnel jackets, supervisors, official travel orders, educational institutions, applications, duty officer, investigations, OPM officials, and/or members of the American Red Cross.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**N05300–5**

**SYSTEM NAME:**

Sys Cmd Accting/Monitoring of Projects (SCAMP) *(February 22, 1993, 58 FR 10751).*

**CHANGES:**

* * * * *

**SYSTEM NAME:**

Delete entry and replace with 'Command Management Information System (CMIS).'

**SYSTEM LOCATION:**

Delete entry and replace with 'Naval Computer and Telecommunications Station, Washington, 901 M Street, Southeast, Building 143, Washington Navy Yard, Washington, DC 20374–5069.'

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with 'Individual's Social Security Number, date of birth, home address, home telephone number, education level, sex, race or ethnic group. Other types of records integrated with personnel records include: (a) Status of travel orders during the previous fiscal year; (b) vehicle identification for parking control purposes; (c) manual privacy log containing a history of accesses made to any of the privacy protected data; (d) record of personnel actions issued; (e) training data extracted from the Individual Development Plan (IDP); (f) history of all promotions associated with employment at Naval Computer and Telecommunications Station (NAVCOMTELSTA) Washington; (g) listing of security accesses; (h) manpower costs for all personnel distributed by project and task; and (i) data relating to projects or endeavors that individuals have work on. This data deals with costs and milestone monitoring.'

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

In line 1, insert 'Departmental Regulations,' after the words '5 U.S.C. 301,' and at the end of entry, add 'and E.O. 9397.'

* * * * *

RETRIEVABILITY:

In line 1 of this section, delete the first word 'SCAMP' and replace with the following, 'CMIS'.

SAFEGUARDS:

In line 1, insert 'a Card Access System and' after the words 'protected by'.

RETENTION AND DISPOSAL:

At end of entry, add 'and then destroyed.'

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Director, Resources Management Directorate (N1) NAVCOMTELSTA, Washington, 901 M Street, Southeast, Building 143, Washington Navy Yard, Washington, DC 20374–5069.'

NOTIFICATION PROCEDURE:

Delete entry and replace with 'Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Resources Management Directorate (N1) NAVCOMTELSTA, Washington, 901 M Street, Southeast, Building 143, Washington Navy Yard, Washington, DC 20374–5069.

Individual should provide full name and signature of the individual concerned and his/her Social Security Number indicated on the letter. For personal visits, the individual should be able to provide some acceptable form of identification, i.e., driver's license, etc.'

RECORD ACCESS PROCEDURES:

Delete entry and replace 'Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Resources Management Directorate (N1) NAVCOMTELSTA, Washington, 901 M Street, Southeast, Building 143, Washington Navy Yard, Washington, DC 20374–5069.

Individual should provide full name and signature of the individual concerned and his/her Social Security Number indicated on the letter. For personal visits, the individual should be able to provide some acceptable form of identification, i.e., driver's license, etc.'

* * * * *

**N05300–5**

SYSTEM NAME:

Command Management Information System (CMIS).

SYSTEM LOCATION:

Naval Computer and Telecommunications Station, Washington, 901 M Street, Southeast, Building 143, Washington Navy Yard, Washington, DC 20374–5069.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employee assigned military personnel, contractor personnel and those separated within the current five fiscal years.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's Social Security Number, date of birth, home address, home telephone number, education level, sex, race or ethnic group. Other types of records integrated with personnel records include: (a) Status of travel orders during the previous fiscal year; (b) vehicle identification for parking control purposes; (c) manual privacy log containing a history of accesses made to any of the privacy protected data; (d) record of personnel actions issued; (e) training data extracted from the Individual Development Plan (IDP); (f) history of all promotions associated with employment at Naval Computer and Telecommunications Station (NAVCOMTELSTA) Washington; (g) listing of security accesses; (h) manpower costs for all personnel distributed by project and task; and (i) data relating to projects or endeavors that individuals have work on. This data deals with costs and milestone monitoring.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 42 U.S.C. 2000e et seq.; 44 U.S.C. 3101; Federal Personnel Manuals 293, 294, 295, 713; and E.O. 9397.

PURPOSE(S):

To manage personnel, monitor projects and manage financial data.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk and on magnetic tape.

RETRIEVABILITY:

CMIS users obtain information by means of either a query or a request for a standard report. Personnel data may be indexed by any data item although the primary search key is the badge number.

SAFEGUARDS:

Access to building is protected by a Card Access System and uniformed guards requiring positive identification for admission. The computer room where data is physically stored is protected by a cipher lock. The system is protected by user account number and password sign-on, data base authority, set and item authority for list, add, delete, and update.

RETENTION AND DISPOSAL:

An individual's Personnel Master Data Set record is retained in the data base as long as they are actively employed with the Command. The on-line personnel data set is purged of all records of separated personnel at the end of each fiscal year. Historical data may be kept for five years on separate tape files and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Resources Management Directorate (N1) NAVCOMTELSTA, Washington, 901 M Street, Southeast, Building 143, Washington Navy Yard, Washington, DC 20374–5069.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Resources Management Directorate (N1) NAVCOMTELSTA, Washington, 901 M Street, Southeast, Building 143, Washington Navy Yard, Washington, DC 20374–5069.

Individual should provide full name and signature of the individual concerned and his/her Social Security Number indicated on the letter. For personal visits, the individual should be able to provide some acceptable form of identification, i.e., driver's license, etc.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Director, Resources Management Directorate (N1) NAVCOMTELSTA, Washington, 901 M Street, Southeast, Building 143, Washington Navy Yard, Washington, DC 20374–5069.

Individual should provide full name and signature of the individual concerned and his/her Social Security Number indicated on the letter. For personal visits, the individual should be able to provide some acceptable form of identification, i.e., driver's license, etc.

**CONTESTING RECORD PROCEDURES:**

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

**RECORD SOURCE CATEGORIES:**

Information in this system comes from the individual to whom it applies, from security agencies to which application for clearances have been made, and from agencies' various administrative departments.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**N06150–2**

**SYSTEM NAME:**

Health Care Record System *(February 22, 1993, 58 FR 10790).*

**CHANGES:**

* * * * *

**RETENTION AND DISPOSAL:**

Delete paragraph 10 and replace with 'Radiation exposure records for personnel are maintained indefinitely in the health record, and in a centralized exposure registry held by the Navy Environmental Health Center Detachment, Naval Dosimetry Center, Bethesda, MD 20889–5614.'

* * * * *

**N06150–2**

**SYSTEM NAME:**

Health Care Record System.

**SYSTEM LOCATION:**

Military outpatient health (medical and dental) records of active duty individuals are retained at the member's medical or dental treatment facility. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Military outpatient health (medical and dental) records of current reservists are retained by the member's command. Military outpatient health (medical and dental) records of retired and separated individuals are retained at the National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132–5100; Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, LA 70149–7800; Marine Corps Reserve Support Center, 10905 El Monte, Overland Park, KS 66211–1408; Bureau of Medicine and Surgery, 2300 E Street, Northwest, Washington, DC 20372–5300; or Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380–0001.

Inpatient health records are retained at the originating naval medical treatment facility (official mailing addresses are published as an appendix to the Navy's compilation of system of records notices); Department of Veterans Affairs Hospitals; other medical treatment facilities such as PRIMUS; National Personnel Records Center (Military), 9700 Page Avenue, St. Louis, MO 63132–5100; National Personnel Records Center (Civilian), 111 Winnebago Street, St. Louis, MO 63118–4199; Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, LA 70149–7800; Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, KS 66211–1408; Medical Director, American Red Cross, Washington, DC 20226; Bureau of Medicine and Surgery, 2300 E Street, Northwest, Washington, DC 20372–5300; or Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380–0001.

Outpatient health (medical and dental) treatment records of civilians are retained at the originating naval medical or dental treatment facility (official mailing addresses are published as an appendix to the Navy's compilation of system of records notices); Department of Veterans Affairs Hospitals; other medical treatment facilities such as PRIMUS; National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132–5100; National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118–4199; Medical Director, American Red Cross, Washington, DC 20226; Bureau of Medicine and Surgery, 2300 E Street, Northwest, Washington, DC 20372–5300; or Commandant of the Marine Corps, Headquarters, U.S. Marine Corps, 2 Navy Annex, Washington, DC 20380–0001.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Navy and Marine Corps personnel, other military personnel, dependents, retired and separated military personnel and dependents, civilian employees, Red Cross personnel, foreign personnel, VA beneficiaries, humanitarian patients, and all other individuals who receive treatment at a Navy medical or dental treatment facility. All commercial insurance carriers with whom the Department of the Navy has filed a claim under the Third Party Payers Act.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Outpatient and inpatient health (medical and dental) records contain forms documenting care and treatment. These records contain patient and sponsor demographic data.

Secondary health records contain forms documenting care and treatment at specific departments or clinics.

Subsidiary health records contain information from individual health records and supporting documentation. Examples are: X-ray files; electrocephalogram tracing files; laboratory or secondary treatment record with supporting documentation or they may be based on the files; pharmacy files, social work case files; alcohol rehabilitation files; psychiatric or psychology case files, including psychology files documenting the clinical psychological evaluation of individuals for suitability for certain assignments; nursing care plans; medication and treatment cards, stat/daily orders; patient intake and output forms; ward reports; day books; nursing service reports; pathology and clinical laboratory reports; tumor registries; autopsy reports; laboratory information system (LABIS); blood transfusion reaction records; blood donor and blood donor center records; pharmacy records,

surgery records, and vision records and reports; communicable disease case files, statistics, and reports; occupational health, industrial, and environmental control records, statistics, and reports, including data concerning periodic and total lifetime accumulated exposure to occupational/environmental hazards; emergency room and sick call logs; family advocacy case files, statistics, reports, and registers; psychiatric workload statistics and unit evaluations; gynecology malignancy data, etc.

Aviation physical examinations and evaluation case files contain medical records documenting fitness for admission or retention in aviation programs.

Marine Security Guard Battalion psychological examination, evaluation, and treatment case files contain medical records documenting suitability for assignment as Embassy Guards.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 1095, Collection from Third Party Payers Act; 10 U.S.C. 5131 (as amended); 10 U.S.C. 5132; 44 U.S.C. 3101; 10 CFR part 20, Standards for Protection Against Radiation; and, E.O. 9397.

**PURPOSE(S):**

This system is used by officials, employees and contractors of the Department of the Navy (and members of the National Red Cross in naval medical treatment facilities) in the performance of their official duties relating to the health and medical treatment of Navy and Marine Corps members; physical and psychological qualifications and suitability of candidates for various programs; personnel assignment; law enforcement; dental readiness; claims and appeals before the Council of Personnel Boards and the Board for Correction of Naval Records; member's physical fitness for continued naval service; litigation involving medical care; performance of research studies and compilation of statistical data; implementation of preventive medicine programs and occupational health surveillance programs; implementation of communicable disease control programs; and management of the Bureau of Medicine and Surgery's Radiation program and to report data concerning individual's exposure to radiation.

This system is also used for the initiation and processing, including litigation, of affirmative claims against potential third party payers.

This system is used by officials and employees of other components of the Department of Defense in the performance of their official duties relating to the health and medical treatment of those individuals covered by this record system; physical and psychological qualifications and suitability of candidates for various programs; and the performance of research studies and the compilation of medical data.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To officials and employees of the Department of Veterans Affairs in the performance of their official duties relating to the adjudication of veterans' claims and in providing medical care to Navy and Marine Corps members.

To officials and employees of other departments and agencies of the Executive Branch of Government upon request in the performance of their official duties related to review of the physical qualifications and medical history of applicants and employees who are covered by this record system and for the conduct of research studies.

To private organizations (including educational institutions) and individuals for authorized health research in the interest of the Federal Government and the public. When not considered mandatory, patient identification data shall be eliminated from records used for research studies.

To officials and employees of the National Research Council in cooperative studies of the National History of Disease.To officials and employees of local and state governments and agencies in the performance of their official duties relating to public health and welfare, communicable disease control, preventive medicine, child and spouse abuse prevention and public safety.

To officials and employees of local and state governments and agencies in the performance of their official duties relating to professional certification, licensing and accreditation of health care providers.

To law enforcement officials to protect the life and welfare of third parties. This release will be limited to necessary information. Consultation with the hospital or regional judge advocate is advised.

To spouses of service members (including reservists) who are infected with the Human Immunodeficiency Virus. This release will be limited to HIV positivity information. Procedures for informing spouses will be published by the Director, Naval Medicine and must be used.

To military and civilian physicians to further the medical care and treatment of the patient.

To release radiation data per 10 CFR part 20.

To third parties in those cases where the Government is seeking reimbursement under the Third Party Payers Act.

When required by federal statute, by executive order, or by treaty, medical record information will be disclosed to the individual, organization, or government agency, as necessary.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of system of records notices also apply to this system.

**Note:** Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C 290dd-3 and 290ee-3. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The 'Blanket Routine Uses' do not apply to these types of records.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Primary, secondary, and subsidiary medical health records are stored in file folders, microform, on magnetic tape, personal computers, machine listings, discs, and other computerized or machine readable media.

**RETRIEVABILITY:**

Military health (medical and dental) treatment records are filed and maintained by the last four digits of the military member's Social Security Number, the member's last name, or the member's Social Security Number. A locator case file cross-references the patient's name with the location of his/her record.

Inpatient (clinical) health records are filed and maintained by the last four digits of the sponsor's Social Security Number or a register number. A manual or automatic register of patients is kept at each Navy medical treatment facility. The location of the file can be determined by a seven-digit register number or the patient's name.

Outpatient (medical and dental) health records are filed and maintained by the sponsor's Social Security Number or date of birth, relationship to the sponsor, and name. A locator file cross-references the patient's name with the location of his/her record.

Treatment records retired to a Federal Records Center prior to 1971 are retrieved by the name and service number or file number. After that date, records are retrieved by name and Social Security Number.

Aviation medical records are filed and maintained by Social Security Number and name.

Marine Security Guard Battalion psychological examination, evaluation, and treatment case files contain medical records documenting fitness for assignment as Embassy Guards and are filed and maintained by Social Security Number and name. Subsidiary health care records may or may not be identified by patient identifier. When they are, they may be retrieved by name and Social Security Number.

**SAFEGUARDS:**

Records are maintained in various kinds of filing equipment in specific monitored or controlled access rooms or areas; public access is not permitted. Computer terminals are located in supervised areas. Access is controlled by password or other user code system. Utilization reviews ensure that the system is not violated. Access is restricted to personnel having a need for the record in providing further medical care or in support of administrative/clerical functions. Records are controlled by a charge-out system to clinical and other authorized personnel.

**RETENTION AND DISPOSAL:**

Health care records are retained, retired, and disposed of in accordance with Secretary of the Navy Instruction 5215.5 (Disposal of Navy Marine Corps Records) and Bureau of Medicine and Surgery Instruction 6150.1 (Health Care Treatment Records). Specifics are given below:

Military health (medical and dental) records, are transferred with the member upon permanent change of duty station to his/her new duty station. These records are retired to the National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132–5100; Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, LA 70149–7800; and, Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, KS 66211–1408.

Inpatient health records are transferred to the National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132–5100 or to the National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118–4199, two years after the calendar year of the last date of treatment.

Outpatient health records of civilians are transferred to the National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132–5100 or to the National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118–4199, two years after the calendar year of the last date of treatment.

X-ray files are retained on-site and destroyed three years after the last x-ray in the file. Asbestos x-rays are retained on site indefinitely.

Secondary health record may be retained separate from the health record. A notation is made in the health record that these records exist and where they are being kept. When the health record is retired or the patient transfers, these records should be entered in the health record.

Aviation medical records are retained at the activity and destroyed when 30 years old.

Marine Security Guard Battalion psychological examination, evaluation, and treatment case files containing medical records documenting fitness for assignment as Embassy Guards are retained at the activity and destroyed after 50 years.

Clinical psychology case files documenting suitability for special assignment will be retained at the originating medical treatment facility and destroyed when 50 years old.

Radiation exposure records for personnel are maintained indefinitely in the health record, and in a centralized exposure registry held by the Navy Environmental Health Center Detachment, Naval Dosimetry Center, Bethesda, MD 20889–5614.

**SYSTEM MANAGER(S) AND ADDRESS:**

Service medical (health and dental) records for active and reserve, Navy and Marine Corps: Chief, Bureau of Medicine and Surgery, 2300 E Street, Northwest, Washington, DC 20372–5300; Commanding Officers, Naval Activities, Ships and Stations; and, Director, National Personnel Records Center, Military Personnel Records, 9700 Page Avenue, St. Louis, MO 63132–5100. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

Inpatient and outpatient treatment records: Chief, Bureau of Medicine and Surgery, 2300 E Street, Northwest, Washington, DC 20372–5300; Commanding Officers and Officers-in-Charge of naval medical treatment facilities; and, Director, National Personnel Records Center, Military Personnel Records, 9700 Page Avenue, St. Louis, MO 63132–5100. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

**NOTIFICATION PROCEDURE:**

Active duty Navy and Marine Corps personnel and drilling members of the Navy and Marine Corps Reserves seeking to determine whether this system of records contains information about themselves should address written inquiries to the originating medical or dental treatment facility. Official mailing addresses are published as an appendix to the Navy's compilation of system of record notices.

Inactive Naval Reservists should address requests for information to the Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, LA 70149–7800. Marine Reservists should address requests for information to Marine Corps Reserve Support Center, 10950 El Monte, Overland Park, KS 66211–1408. Former members who have no further reserve or active duty obligations should address requests for information to the Director, National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132–5100.

All written requests should contain the full name and Social Security Number of the individual, his/her signature, and in those cases where his/her period of service ended before 1971, his/her service or file number. In requesting records for personnel who served before 1964, information provided to the National Personnel Records Center should also include date and place of birth and dates of periods of active Naval service.

Records may be requested in person. Proof of identification will consist of the Armed Forces Identification Card or by other types of identification bearing picture and signature.

Requests for inpatient records within two years of inpatient stay should be addressed to the Commanding Officer of

the hospital where the individual was treated.

Requests for inpatient records after two years after inpatient stay should be addressed to the Director, National Personnel Records Center, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118–4199 or to the Director, National Personnel Records Center, (Military Personnel Records), 9700 Page Avenue, St. Louis, MO 63132–5100.

Requests for subsidiary medical records should be addressed to the Commanding Officer of medical or dental center where treatment was received.

The following data should be provided: Full name, Social Security Number, status, date(s) of treatment or period of hospitalization, address at time of medical treatment, and service number.

Full name, date, and place of birth, I.D. card or driver's license, or other identification to sufficiently identify the individual with the medical records held by the treatment facility must be presented.

**RECORD ACCESS PROCEDURE:**

Individuals seeking access to record about themselves contained in this system of records should address written inquiries to the medical or dental treatment facility where treatment was received or to the officials listed under 'Notification procedure'.

**CONTESTING RECORD PROCEDURE:**

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

**RECORD SOURCE CATEGORIES:**

Reports from attending and previous physicians and other medical personnel regarding the results of physical, dental, and mental examinations, treatment, evaluation, consultation, laboratory, x-rays, and special studies conducted to provide health care to the individual or to determine the individual's physical and dental qualification.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

**N12771–2**

**SYSTEM NAME:**

Employee Relations Including Discipline, Employee Grievances, Complaints, Etc. *(February 22, 1993, 58 FR 10822).*

**CHANGES:**

* * * * *

**SYSTEM LOCATION:**

Delete entry and replace with 'Office of Civilian Personnel Management (OCPM), OCPM Regional Offices, Navy and Navy Staff Headquarters and Field Activities employing civilians, Commandant of the Marine Corps (Code MPC-30/AR), and Marine Corps Field Activities employing civilians. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.'

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Delete entry and replace with 'Navy and Marine Corps civilian employees, paid from appropriated funds servicing under career, career-conditional, temporary and excepted service appointments on whom discipline, grievances, and complaints records exist. Discrimination complaints of Navy and Marine Corps civilian employees, paid from appropriated and non-appropriated funds, applicants for employment and former employees in appropriated and non-appropriated positions. Appeals of Navy and Marine Corps civilian employees paid from appropriated funds'.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

In line 4, insert 'and computerized files' after the words 'manual files'.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Delete entry and replace with '5 U.S.C. 1205, 1206, 1302, 3301, 3302, 7105, 7512; 21 U.S.C. 812; 29 U.S.C. 201, et. seq., amendment to the Fair Labor Standards Act; Age Discrimination and Employment Act, 29 U.S.C. 633a; the Rehabilitation Act of 1973 as amended, 29 U.S.C. 791 and 794a; 42 U.S.C. 2000e-17 et. seq.; Pub. L. 93–259, amendment to the Fair Labor Standards Act; relevant portions of the Civil Service Reform Act, Pub. L. 95–454; Pub. L. 100–71; Equal Employment Opportunity Act of 1972; E.O. 9830, Amending the Civil Service Rules and Providing for Federal Personnel Administration, amended by E.O. 10577; E.O. 12106; E.O. 12107; and, E.O. 12564'.

**PURPOSE(S):**

Delete entry and replace with 'To assist the Human Resource Office in the processing, administration and adjudication of discipline, grievances, complaints, appeals, litigation, and program evaluation.'

* * * * *

**STORAGE:**

Delete entry and replace with 'Automated records are stored on magnetic tapes/disks. Manual records in file folders.'

* * * * *

**SAFEGUARDS:**

Delete entry and replace with 'All records are stored under strict control and are accessible only to authorized personnel. Access to the automated records is controlled through the use of multiple security passwords'.

**RETENTION AND DISPOSAL:**

Delete entry and replace with 'Complaint records are retained for six years after final adjudication. All other records are retained for two years or destroyed upon separation of the employee, whichever is later'.

**SYSTEM MANAGER(S) AND ADDRESS:**

In line 6, replace the letter 'M' with 'MPC-30'.

**NOTIFICATION PROCEDURE:**

In line 12, replace the letter 'M' with 'MPC-30'.

**RECORD ACCESS PROCEDURES:**

In line 12, replace the letter 'M' with 'MPC-30.'

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**N12771–2**

**SYSTEM NAME:**

Employee Relations Including Discipline, Employee Grievances, Complaints, Etc.

**SYSTEM LOCATION:**

Office of Civilian Personnel Management (OCPM), OCPM Regional Offices, Navy and Navy Staff Headquarters and Field Activities employing civilians, Commandant of the Marine Corps (Code MPC-30/AR), and Marine Corps Field Activities employing civilians. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Navy and Marine Corps civilian employees, paid from appropriated funds servicing under career, career-conditional, temporary and excepted service appointments on whom discipline, grievances, and complaints records exist. Discrimination complaints of Navy and Marine Corps civilian employees, paid from appropriated and non-appropriated funds, applicants for employment and former employees in appropriated and non-appropriated

positions. Appeals of Navy and Marine Corps civilian employees paid from appropriated funds.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information pertaining to discipline, grievances, complaints, and appeals. Management operation record system consisting of manual files and computerized files maintained by immediate supervisors and high level managers concerning employee performance, capability, informal discipline, attendance leave and tardiness, work assignments, and similar work related employee records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 1205, 1206, 1302, 3301, 3302, 7105, 7512; 21 U.S.C. 812; 29 U.S.C. 201, et. seq., amendment to the Fair Labor Standards Act; Age Discrimination and Employment Act, 29 U.S.C. 633a; the Rehabilitation Act of 1973 as amended, 29 U.S.C. 791 and 794a; 42 U.S.C. 2000e-17 et. seq.; Pub. L. 93–259, amendment to the Fair Labor Standards Act; relevant portions of the Civil Service Reform Act, Pub. L. 95–454; Pub. L. 100–71; Equal Employment Opportunity Act of 1972; E.O. 9830, Amending the Civil Service Rules and Providing for Federal Personnel Administration, amended by E.O. 10577; E.O. 12106; E.O. 12107; and, E.O. 12564.

**PURPOSE(S):**

To assist the Human Resource Office in the processing, administration and adjudication of discipline, grievances, complaints, appeals, litigation, and program evaluation.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To representatives of the Office of Personnel Management on matters relating to the inspection, survey, audit, or evaluation of Navy and Marine Corps civilian personnel management programs or personnel actions, or such other matters under the jurisdiction of the Office of Personnel Management.

To appeals officers and complaints examiners of the Merit Systems Protection Board and Equal Employment Opportunity Commission for the purpose of conducting hearings in connection with employees appeals from adverse actions and formal discrimination complaints.

To disclose information on any source from which additional information is requested in the course of processing a grievance or appeal to the extent necessary to identify the individual, to inform the source of the purpose(s) of the request, and identify the type of information requested.

To disclose information on any source from which additional information is requested in the course of processing a grievance or appeal to the extent necessary to identify the individual, to inform the source of the purpose(s) of the request, and identify the type of information requested.

To disclose information to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of an investigation of an individual, the classifying of jobs, the letting of a contract of the issuance of a license, grant, or other benefit by the requesting agency, to the extent the information is relevant and necessary.

To the National Archives and Records Administration in records management inspection conducted under authority of 5 U.S.C. 2904 and 2906.

To disclose, in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in the pending judicial or administrative proceeding.

To officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

**Note:** Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd-3 and 290ee-3. These statutes take precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The Navy's 'Blanket Routine Uses' do not apply to these records.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Automated records are stored on magnetic tapes/disks. Manual records in file folders.

**RETRIEVABILITY:**

Filed by last name.

**SAFEGUARDS:**

All records are stored under strict control and are accessible only to authorized personnel. Access to the automated records is controlled through the use of multiple security passwords.

**RETENTION AND DISPOSAL:**

Complaint records are retained for six years after final adjudication. All other records are retained for two years or destroyed upon separation of the employee, whichever is later.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Civilian Personnel Management, Department of the Navy, 800 North Quincy Street, Arlington, VA 22203–1998. For Marine Corps civilian personnel, the Commandant of the Marine Corps (Code MPC-30), Headquarters, U.S. Marine Corps (Arlington Annex), Washington, DC 20380–0001.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine whether this system contains information about themselves should address written inquiries to the Commander/Commanding Officer of the activity assigned or to the Director, Office of Civilian Personnel Management, Department of the Navy, 800 North Quincy Street, Arlington, VA 22203–1998.

For Marine Corps civilian personnel, the Commandant of the Marine Corps (Code MPC-30), Headquarters, U.S. Marine Corps (Arlington Annex), Washington, DC 20380–0001.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the Commander/Commanding Officer of the activity assigned or to the Director, Office of Civilian Personnel Management, Department of the Navy, 800 North Quincy Street, Arlington, VA 22203–1998.

For Marine Corps civilian personnel, the Commandant of the Marine Corps (Code MPC-30), Headquarters, U.S. Marine Corps (Arlington Annex), Washington, DC 20380–0001.

**CONTESTING RECORD PROCEDURES:**

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

**RECORD SOURCE CATEGORIES:**

Supervisors or other appointed officials designated for this purpose.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

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## DIRECTORY OF DEPARTMENT OF THE NAVY MAILING ADDRESSES

The Department of the Navy has over 4,000 ships and stations. Not all mailing addresses are included in this directory. Should you require assistance in obtaining any Navy mailing address not listed, please contact the Head, PA/FOIA Branch, Office of the Chief of Naval Operations (N09B30), Navy Department, Room 5E521, 2000 Navy Pentagon, Washington, DC 20350–2000, Commercial (703) 614–2817 or DSN 224–2817/2004.

Assistance in obtaining any Marine Corps mailing address not included in this directory may be obtained from the Commandant of the Marine Corps (Code ARAD), Headquarters, United States Marine Corps, 2 Navy Annex, Washington, DC 20380–0001, Commercial (703) 614–4008 or DSN 224–4008.

### ALABAMA

Commanding Officer, Naval and Marine Corps Reserve Readiness Center, 1001 4th Avenue, Southwest, Bessemer, AL 35023–4731.

Commanding Officer, Naval Reserve Center, Armed Forces Reserve Center, 2627 10th Avenue, Tuscaloosa, AL 35401–6699.

Commanding Officer, Naval Reserve Center, 3011 Sparkman Drive, Northwest, Huntsville, AL 35810–3799.

Commanding Officer, Naval and Marine Corps Reserve Center, 4851 Museum Drive, Mobile, AL 36608–2510.

Officer in Charge, Naval Branch Medical Clinic, 1800 Camellia Loop, Building 200A, Mobile, AL 36675–5005.

### ALASKA

Commanding Officer, Naval Air Facility, PSC 486 Box 1202, FPO AP 96506–1202.

Commanding Officer, Naval Security Group Activity, FPO AP 98777–1800.

Commanding Officer, Naval Security Group Activity, 41760 Loop Road, Elmendorf Air Force Base, AK 99506–3910.

Commanding Officer, Naval Reserve Center, 2735 East Rudor Road, Anchorage, AK 99507–5113.

Commander, U.S. Naval Forces Alaska, Box 25517, Juneau, AK 99802–5517.

### ARIZONA

Commanding Officer, Naval and Marine Corps Reserve Readiness Center, 1201 North 35th Avenue, Phoenix, AZ 85009–3398.

Officer in Charge, Naval Branch Medical Clinic, Box 99116, Marine Corps Air Station, Yuma, AZ 85364–9116.

Commanding Officer, Marine Corps Air Station, Yuma, AZ 85369–5000.

Commanding Officer, Naval and Marine Corps Reserve Center, 3655 South Wilmot Drive, Tucson, AZ 85730–3259.

### ARKANSAS

Commanding Officer, Naval and Marine Corps Reserve Center, 8005 Camp Robinson Road, North Little Rock, AR 72118–2206.

### CALIFORNIA

Commanding Officer, Navy Recruiting District Los Angeles, 5051 Rodeo Road, Los Angeles, CA 90016–4795.

Director, Navy Office of Information West, 11000 Wilshire Boulevard, Suite 1100, Los Angeles, CA 90024–3691.

Commanding Officer, Naval Weapons Station Seal Beach, 800 Seal Beach Boulevard, Seal Beach, CA 90740–5000.

Commanding Officer, Naval Station, Long Beach, CA 90822–5000.

Officer in Charge, Personnel Support Detachment Naval Station Long Beach, Naval Station, Long Beach, CA 90822–5001.

Commanding Officer, Naval Medical Clinic, Building 831 Reeves Avenue, Naval Shipyard, Long Beach, CA 90822–5073.

Office in Charge, Naval Legal Service Office Detachment, Building 2 Naval Station, Richardson Street, Long Beach, CA 90822–5075.

Commanding Officer, Naval and Marine Corps Reserve Readiness Center, Building 676 Naval Shipyard, Long Beach, CA 90822–5092.

Commanding Officer, Naval Dental Center, Long Beach, CA 90822–5096.

Navy Exchange Officer, Navy Exchange, Long Beach, CA 90822–5097.

Commander, Long Beach Naval Shipyard, 300 Shipjack Road, Long Beach, CA 90822–5099.

Commanding Officer, Naval and Marine Corps Reserve Center, 6337 Balboa Boulevard, Encino, CA 91316–1584.

Commanding Officer, Naval Reserve Center, 1700 East First Street, Pomona, CA 91766–2303.

Navy Exchange Officer, Navy Exchange Detachment, Naval Air Station North Island, Imperial Beach, CA 92032–5000.

Commanding General, Marine Corps Base, Camp Pendleton, CA 92055–5001.

Commanding General, I Marine Expeditionary Force FMF, Camp Pendleton, CA 92055–5008.

Commanding Officer, Naval Hospital, Camp Pendleton, CA 92055–5008.

Commanding Officer, Naval Dental Center, Camp Pendleton, CA 92055–5009.

Commanding General, 1st Marine Division FMF, Camp Pendleton, CA 92055–5501.

Director, Naval Criminal Investigative Service Western Region, Federal Building, 880 Front Street, Suite 5265, San Diego, CA 92101–8820.

Commanding Officer, Naval Submarine Base, 140 Sylvester Road, San Diego, CA 92106–3521.

Commanding Officer, Submarine Training Facility, 544 White Road, San Diego, CA 92106–3550.

Director, Naval Audit Service Western Region, 8885 Rio San Diego Drive, Suite 107, San Diego, CA 92108–1625.

Director, Office of Civilian Personnel Management Southwest Region, 9040 Friars Road, Suite 550, San Diego, CA 92108–5896.

Commanding Officer, Naval and Marine Corps Reserve Readiness Center, 9955 Pomerado Road, San Diego, CA 92131–5001.

Commanding Officer, Fleet and Industrial Supply Center, 937 North Harbor Drive, San Diego, CA 92132–5044.

Commander, Naval Base, 937 North Harbor Drive, San Diego, CA 92132–5100.

Officer in Charge, Naval Computer and Telecommunications Activity, 937 Harbor Drive, San Diego, CA 92132–5104.

Commander, Naval Reserve Readiness Command Region Nineteen, 960 North Harbor Drive, San Diego, CA 92132–5108.

Commanding Officer, Southwest Naval Facilities Engineering Command, 1220 Pacific Highway, Room 207, San Diego, CA 92132–5190.

Commanding Officer, Personnel Support Activity, 937 North Harbor Drive, San Diego, CA 92132–5190.

Navy Exchange Officer, Navy Exchange, Naval Training Center, 32133 Roosevelt Road, San Diego, CA 92133–1342.

Commanding Officer, Service School Command, 32224 Roosevelt Road, Suite 220B, San Diego, CA 92133–1368.

Commander, Naval Training Center, 33502 Decatur Road, Suite 120, San Diego, CA 92133–1449.

Officer in Charge, Personnel Support Activity Detachment, Naval Training Center, 32182 Dewey Road, Suite 100, San Diego, CA 92133–1450.

Commanding Officer, Navy Recruiting District San Diego, 33176 Sampson Road, San Diego, CA 92133–1641.

Commanding Officer, Naval Medical Center, 34800 Bob Wilson Drive, Suite 1800, San Diego, CA 92134–5001.

Commanding Officer, Naval School of Health Sciences, San Diego, CA 92134–6000.

Commanding Officer, Navy Drug Screening Laboratory, San Diego, CA 92134–6900.

Director, Navy Exchange, Naval Medical Center, San Diego, CA 92134–7000.

Officer in Charge, Naval Healthcare Support Office, San Diego, CA 92134–7000.

Navy Exchange Officer, Navy Exchange, Naval Air Station North Island, San Diego, CA 92135–5000.

Commanding Officer, Naval Air Station North Island, PO Box 357033, San Diego, CA 92135–7033.

Officer in Charge, Branch Medical Clinic, Naval Air Station North Island, PO Box 357046, San Diego, CA 92135–7046.

Commander, Naval Air Force U.S. Pacific Fleet, Naval Air Station North Island, PO Box 357051, San Diego, CA 92135–7051.

Office in Charge, Naval Reserve Recruiting Command Detachment Pacific, Fleet Career Information Team, PO Box 357051 CNAP Code N01RC, Naval Air Station North Island, CA 92135–7051.

Officer in Charge, Personnel Support Detachment North Island, Naval Air Station North Island, PO Box 357052, San Diego, CA 92135–7052.

Commanding Officer, Naval Computer and Telecommunications Station, Naval Air Station North Island Building 1482, PO Box 357056, San Diego, CA 92135–7056.

Commanding Officer, Naval Aviation Depot, Naval Air Station North Island, PO Box 357058, San Diego, CA 92135–7058.

Commanding Officer, Naval Air Reserve San Diego, Naval Air Station North Island, PO Box 357099, San Diego, CA 92135–7099.

Navy Exchange Officer, Navy Exchange Detachment, Naval Auxiliary Landing Field, San Clemente, San Diego, CA 92136–5000.

Navy Exchange Officer, Navy Exchange Naval Station, San Diego, CA 92136–5000.

Supervisor of Shipbuilding, Conversion and Repair, PO Box 368119, 3600 Surface Navy Boulevard, San Diego, CA 92136–5066.

Officer in Charge, Personnel Support Detachment Naval Station San Diego, 3395 Sturtevant Street, Suite 1, Box 368204, San Diego, CA 92136–5075.

Commanding Officer, Naval Station, Box 368016, 3455 Senn Road, Room 105, San Diego, CA 92136–5084.

Commanding Officer, Naval Legal Service Office Southwest, PO Box 368138, 3205 Senn Road, San Diego, CA 92136–5090.

Officer in Charge, Naval Branch Medical Clinic, Naval Station, San Diego, CA 92136–5133.

Officer in Charge, Navy Environmental and Preventive Medicine Unit 5, 3035 Albacore Alley Box 368143, San Diego, CA 92136–5199.

Commander, Amphibious Group 3, Box 368201, 3985 Cummings Road, Suite 4, San Diego, CA 92136–5289.

Commanding Officer, Public Works Center, 2730 Mckean Street, Suite 1, San Diego, CA 92136–5294.

Commanding Officer, Naval Dental Center, PO Box 368147, 2310 Craven Street, San Diego, CA 92136–5596.

Commanding Officer, Navy Exchange Service Center, Box 368150, San Diego, CA 92136–8150.

Commanding Officer, Naval Health Research Center, PO Box 85122, San Diego, CA 92138–9174.

Commanding General, Marine Corps Recruiting Depot, San Diego, CA 92140–5001.

Commanding Officer, Naval Air Station Miramar, San Diego, CA 92145–5000.

Navy Exchange Officer, Navy Exchange, Naval Air Station Miramar, San Diego, CA 92145–5000.

Officer in Charge, Naval Branch Medical Clinic, Naval Air Station Miramar, 19871 Mitscher Way, San Diego, CA 92145–5197.

Commanding Officer, Naval Alcohol Rehabilitation Center, Naval Air Station Miramar, 19760 Polaris Avenue, San Diego, CA 92145–5299.

Commanding Officer, Naval Consolidated Brig Miramar, 46141 Miramar Way, Suite 1, San Diego, CA 92145–5499.

Commanding Officer, Navy Fighter Weapons School, Naval Air Station Miramar, 45390 Regulus Road, San Diego, CA 92145–5698.

Officer in Charge, Personnel Support Detachment Miramar, San Diego, CA 92145–5858.

Commanding Officer, Naval Air Reserve Center, Naval Air Station Miramar, 45876 Raven Road, Suite 1, San Diego, CA 92145–5902.

Commanding Officer, Fleet Combat Training Center Pacific, 53690 Tomahawk Drive, Suite 144, San Diego, CA 92147–5080.

Commanding Officer, Tactical Training Group Pacific, 53720 Horizon Drive, San Diego, CA 92147–5087.

Commander, Naval Command Control and Ocean Surveillance Center, 53660 Oceanview Drive, Suite 317, San Diego, CA 92147–5088.

Commander, Training Command U.S. Pacific Fleet, 33055 Nixie Way, San Diego, CA 92147–5192.

Commanding Officer, Navy Personnel Research and Development Center, San Diego, CA 92152–6800.

Commanding Officer, Naval Amphibious Base Coronado, 5420 Guadalcanal Road, San Diego, CA 92155–5001.

Commanding Officer, Naval Amphibious School Coronado, Naval Amphibious Base, 3423 Guadalcanal Road, Room 142, San Diego, CA 92155–5099.

Commander, Naval Surface Force U.S. Pacific Fleet, Naval Amphibious Base Coronado, 2421 Vella Lavella Road, Room 105, San Diego, CA 92155–5490.

Commanding Officer, Naval Special Warfare Center, 2446 Trident Way, San Diego, CA 92155–5494.

Commander, Naval Special Warfare Group One, 3632 Guadalcanal Road, Naval Amphibious Base Coronado, San Diego, CA 92155–5583.

Commanding Officer, Command and Control Warfare Group Pacific, 2024 Trident Way Room 228, San Diego, CA 92155–5598.

Commander, Naval Special Warfare Command, 2000 Trident Way, San Diego, CA 92155–5599.

Navy Exchange Officer, Navy Exchange Detachment, Naval Air Facility El Centro, El Centro, CA 92243–5000.

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Commanding Officer, Naval Hospital, Twentynine Palms, CA 92278–5008.

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Commander, Marine Corps Air Base Western Area, Marine Coprs Air Station El Toro, Santa Ana, CA 92709–5001.

Commanding General, Marine Coprs Air Station El Toro, Santa Ana, CA 92709–5001.

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Commanding Officer, Naval Reserve Center, 2345 Barranca Road, Irvine, CA 92714–5053.

Commanding Officer, Naval Air Weapons Station, Point Mugu, CA 93042–5000.

Commander, Naval Air Warfare Center Weapons Division, 521 9th Street, Point Mugu, CA 93042–5001.

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**COLORADO**

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**CONNECTICUT**

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Commanding Officer, Naval Submarine School, Box 700, Groton, CT 06349–5700.

Commanding Officer, Naval Submarine Medical Research Laboratory, PO Box 900, Groton, CT 06349–5900.

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Chief, Bureau of Medicine and Surgery, Navy Department, Washington, DC 20372–5120.

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Commanding Officer, Naval Legal Service Office National Capital, Washington Navy Yard, Washington, DC 20374–1003.

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Commanding Officer, Personnel Support Activity, Building 92, Naval District Washington, Washington, DC 20374–2002.

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Chief, Navy Marine Corps Trial Judiciary, Washington Navy Yard, Washington, DC 20374–2004.

Commanding Officer, Naval and Marine Corps Reserve Center, Armed Forces Reserve Center, Naval District Washington, Washington Navy Yard Anacostia, Washington, DC 20374–3511.

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Commanding Officer, Naval Media Center, Naval Station Anacostia, Building 168, 2701 South Capitol Street Northwest, Washington, DC 20374–5080.

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Commanding Officer, Naval Alcohol Rehabilitation Center, Naval Air Station, Jacksonville, Fl 32212-0046.

Commanding Officer, Personnel Support, Box 50, Naval Air Station, Jacksonville, FL 32212–0050.

Commanding Officer, Naval Dental Center, Jacksonville, FL 32212-0074.

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Commanding Officer, Fleet and Industrial Supply Center, Box 97, Jacksonville, FL 32212-0097.

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Navy Exchange Officer, Navy Exchange, Jacksonville, FL 32212-0104.

Commanding Officer, Naval Legal Service Office, Naval Air Station, Jacksonville, FL 32212–0107.

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Commanding Officer, Naval Air Station, Jacksonville, FL 32212–5000.

Commanding Officer, Screening Laboratory, Naval Hospital, Jacksonville, FL 32214–0113.

Commanding Officer, Naval Hospital, Jacksonville, FL 32214–0113.

Commanding Officer, Strike Fighter Weapons School Atlantic, Naval Air Station, Cecil Field, FL 32215-0615.

Officer in Charge, Naval Legal Service Office Southeast Detachment, Naval Air Station, Cecil Field, FL 32215-5000.

Commanding Officer, Naval Air Station, Cecil Field, FL 32215-5000.

Navy Exchange Officer, Navy Exchange, Cecil Field, FL 32215-5000.

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Director, Human Resources Office, 368 South Avenue, Naval Air Station, Pensacola, FL 32508-5124.

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Commanding Officer, Personnel Support Activity, 431 Saufley Street, Pensacola, FL 32508–5203.

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**GEORGIA**

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Commander, Submarine Squadron 20, 580 USS Mariano G Vallejo Avenue, Kings Bay, GA 31547–2626.

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**HAWAII**

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Commanding Officer, Navy Exchange Service Center, Pearl Harbor, HI 96860–5180.

Navy Exchange Officer, Navy Exchange, Pearl Harbor, HI 96860–5180.

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Commanding Officer, Naval Station, Pearl Harbor, HI 96860–6000.

Commanding Officer, Naval Alcohol Rehabilitation Center, Naval Station Box 77, Pearl Harbor, HI 96860–6300.

Commanding Officer, Naval Submarine Base, Pearl Harbor, HI 96860–6500.

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Commander, Pacific Naval Facilities Engineering Command, Building 258 Makalapa, Pearl Harbor, HI 96860–7300.

Commanding General, Fleet Marine Force Pacific, Camp H M Smith, HI 96861–5000.

Commander, Marine Corps Base Hawaii, Camp H M Smith, HI 96861–5000.

Commander, Patrol Wings U.S. Pacific Fleet, Naval Air Station, Barbers Point, HI 96862–4415.

Commanding Officer, Naval Air Station, Barber Point, HI 96862–5000.

Commanding Officer, Marine Corps Air Facility, Marine Corps Base Hawaii, Kaneohe Bay, HI 96863–5001.

**IDAHO**

Officer in Charge, Naval Reserve Facility, 611 West Quinn Road, Pocatello, ID 83202–1954.

Officer in Charge, Personnel Support Detachment Idaho Falls, 550 First Street, Idaho Falls, ID 83401–3998.

Officer in Charge, Naval Administrative Unit, 550 First Street, Idaho Falls, ID 83401–3998.

Commanding Officer, Naval and Marine Corps Reserve Center, 4087 West Harvard, Boise, ID 83705–6507.

Officer in Charge, Naval Surface Warfare Center, Carderock Division Detachment, Box 129, Bayview, ID 83803–0129.

**ILLINOIS**

Commanding Officer, Naval Air Station, Glenview, IL 60026–5000.

Commanding Officer, Navy Recruiting District Chicago, Naval Air Station Building 41, Glenview, IL 60026–5200.

Officer in Charge, Navy Data Automation Facility, Great Lakes, Building 3400, North Chicago, IL 60064–3013.

Commander, Naval Training Center, Great Lakes, IL 60088–5000.

Commander, Naval Reserve Readiness Command Region Thirteen, 2701 Sheridan Road, Great Lakes, IL 60088–5026.

Commanding Officer, Naval Legal Service Office, Building 1, Room 230, Great Lakes, IL 60088–5029.

Director, Navy Exchange Detachment, Great Lakes, IL 60088–5129.

Navy Exchange Officer, Navy Exchange, Great Lakes, IL 60088–5129.

Commander, Navy Recruiting Area Five, Building 3, Naval Training Center, Great Lakes, IL 60088–5135.

Commanding Officer, Navy Drug Screening Laboratory, Building 38–H, Great Lakes, IL 60088–5223.

Commanding Officer, Naval Hospital, Great Lakes, IL 60088–5230.

Commanding Officer, Naval Hospital Corps School, Great Lakes, IL 60088–5257.

Commanding Officer, Naval Dental Center, Great Lakes, IL 60088–5258.

Commanding Officer, Naval Dental Research Institute, Great Lakes, IL 60088–5259.

Commanding Officer, Recruit Training Command, Great Lakes, IL 60088–5300.

Commanding Officer, Service School Command, Building 3, Great Lakes, IL 60088–5400.

Commanding Officer, Personnel Support Activity, Building 2C Third Deck, Great Lakes, IL 60088–5500.

Officer in Charge, Personnel Support Activity Detachment, Naval Training Center, Building 2C Second Deck, Great Lakes, IL 60088–5521.

Officer in Charge, Personnel Support Activity Detachment, Recruit Training Command, Building 1405, Great Lakes, IL 60088–5522.

Petty Officer in Charge, Navy Exchange Services Support Office Field Support Office Detachment, Building 3451, Great Lakes, IL 60088–5707.

Commanding Officer, Naval Reserve Readiness Center, Building 2711 Naval

Training Center, Great Lakes, IL 60088–5707.

Officer in Charge, Naval Reserve Recruiting Command Detachment Two, 2500 Green Bay Road, Building 3400, Room 230, Great Lakes, IL 60088–5709.

Commanding Officer, Naval Reserve Center, 7410 West Roosevelt Road, Forest Park, IL 60130–2592.

Director, Navy Office of Information Midwest, 55 East Monroe Street, Suite 1402, Chicago, IL 60603–5705.

Commanding Officer, Naval and Marine Corps Reserve Center, Building 218, Rock Island Arsenal, Rock Island, IL 61299–7620.

Commanding Officer, Naval and Marine Corps Reserve Center, 7117 West Plank Road, Peoria, IL 61604–5297.

Commanding Officer, Naval Reserve Center, 2595 Federal Drive, Decatur, IL 62526–2162.

**INDIANA**

Commanding Officer, Naval and Marine Corps Reserve Readiness Center, 3010 White River Parkway East Drive, Indianapolis, IN 46208–4998.

Petty Officer in Charge, Service School Command Detachment, Fort Benjamin, Harrison, IN 46216–6200.

Officer in Charge, Personnel Support Activity Detachment, 6221 East 21st Street, Indianapolis, IN 46219–2189.

Commanding Officer, Naval Air Warfare Center, Aircraft Division, 6000 East 21st Street, Indianapolis, IN 46219–2189.

Commanding Officer, Navy Recruiting District Indianapolis, 8925 North Meridian Street, Room 250, Indianapolis, IN 46260–2386.

Commanding Officer, Naval and Marine Corps Reserve Center, 860 North Lake Street, Gary, IN 46403–1098.

Commanding Officer, Naval and Marine Corps Reserve Center, 1901 Kemble Avenue, South Bend, IN 46613–1799.

Commander, Crane Division, Naval Surface Warfare Center Division, 300 Highway 361, Crane, IN 47522–5001.

Commanding Officer, Naval and Marine Corps Reserve Center, Armed Forces Reserve Center, 2900 East Division Street, Evansville, IN 47711–6897.

**IOWA**

Commanding Officer, Naval and Marine Corps Reserve Center, Building 47 Dickman Road, Fort Des Moines, Des Moines, IA 50315–0000.

Commanding Officer, Naval and Marine Corps Reserve Center, 1689 Burton Avenue, Waterloo, IA 50703–2198.

Commanding Officer, Naval Reserve Center, 10677 Airport Road, Dubuque, IA 52003–9556.

Commanding Officer, Naval Reserve Center, Armed Forces Reserve Center, 2525 Matterhorn Drive, Cedar Rapids, IA 52402–3798.

**KANSAS**

Commanding Officer, Naval Air Reserve Center Olathe, 300 Navy Drive, Industrial Airport, KS 66031–0013.

Commanding Officer, Marine Corps Reserve Center, 721 South Packard Street, Kansas City, KS 66105–2199.

Director, 9th Marine Corps District, 10000 West 75th Street, Shawnee Mission, KS 66211–1408.

Commanding Officer, Naval and Marine Corps Reserve Center, 2014 Southeast Washington Street, Suite 2, Topeka, KS 66607–1398.

Commanding Officer, Naval Reserve Center, 3026 George Washington Boulevard, Wichita, KS 67210–1599.

**KENTUCKY**

Commanding Officer, Naval and Marine Corps Reserve Center, 5401 Southside Drive, Louisville, KY 40214–2674.

Commanding Officer, Naval Surface Warfare Center Ordnance Station, 5403 Southside Drive, Louisville, KY 40214–5000.

Commanding Officer, Naval Reserve Center, 151 Votech Road, Lexington, KY 40510–1002.

**LOUISIANA**

Commanding Officer, Naval Support Activity, New Orleans, LA 70142–5000.

Director, 8th Marine Corps District, New Orleans, LA 70142–5100.

Director, Human Resources Office New Orleans, New Orleans, LA 70142–5200.

Commanding Officer, Naval Medical Clinic, New Orleans, LA 70142–5300.

Commanding Officer, Personnel Support Activity, Naval Support Activity, 2300 General Meyer Avenue, New Orleans, LA 70142–5400.

Officer in Charge, Personnel Support Activity Detachment, Naval Support Activity, 2300 General Meyer Avenue, New Orleans, LA 70142–5450.

Commander, Naval Reserve Readiness Command Region Ten, Building 11 Naval Support Activity, New Orleans, LA 70142–5600.

Officer in Charge, Naval Reserve Force Detachment, Management School, Naval Support Activity Building 59, New Orleans, LA 70142–5900.

Officer in Charge, Personnel Support Activity Detachment, Naval Air Station, 400 Russell Avenue, New Orleans, LA 70143–5012.

Commanding Officer, Naval Air Station, Joint Reserve Base, 400 Russell Avenue, New Orleans, LA 70143–5012.

Commanding Officer, Naval Computer and Telecommunications Station, 4400 Dauphine Street, New Orleans, LA 70145–7799.

Commanding Officer, Naval and Marine Corps Reserve Readiness Center, 5020 Lakeshore Drive, New Orleans, LA 70146–3310.

Commander, Naval Reserve Force, 4400 Dauphine Street, New Orleans, LA 70146–5000.

Commander, Naval Reserve Recruiting Command, 4400 Dauphine Street, New Orleans, LA 70146–5001.

Commander, Naval Surface Reserve Force, 4400 Dauphine Street, New Orleans, LA 70146–5100.

Commander, Naval Air Reserve Force, New Orleans, LA 70146–5200.

Commanding General, 4th Marine Division (Rein) FMF USMCR, 400 Dauphine Street, New Orleans, LA 70146–5400.

Navy Exchange Officer, Navy Exchange Detachment, Naval Air Station New Orleans, New Orleans, LA 70146–5450.

Commanding Officer, Navy Recruiting District New Orleans, 4400 Dauphine Street, Building 602 2C, New Orleans, LA 70146–6400.

Director, Navy Air Logistic Office, 4400 Dauphine Street, New Orleans, LA 70146–7500.

Commanding Officer, Naval Reserve Personnel Center, 4400 Dauphine Street, New Orleans, LA 70149–7800.

Commanding Officer, Enlisted Personnel Management Center, 4400 Dauphine Street, New Orleans, LA 70159–7900.

Commanding Officer, Naval Biodynamics Laboratory, Box 29407, New Orleans, LA 70189–0407.

Commanding Officer, Naval and Marine Corps Reserve Center, 8410 General Chennault Drive, Baton Rouge, LA 70807–8000.

Commanding Officer, Naval and Marine Corps Reserve Center Shreveport, 1440 Swan Lake Road, Bossier City, LA 71111–5344.

**MAINE**

Officer in Charge, Personnel Support Activity Detachment, Naval Air Station, Brunswick, ME 04011–5000.

Commanding Officer, Naval Air Station, Brunswick, ME 04011–5000.

Commanding Officer, Naval Reserve Readiness Center, 350 Commercial Street, Portland, ME 04101–4620.

Commanding Officer, Naval Reserve Center, 300 Hildreth Street North, Number 300, Bangor, ME 04401–5773.

Supervisor of Shipbuilding, Conversion and Repair, 574 Washington Street, Bath, ME 04530–1916.

Commanding Officer, Naval Computer and Telecommunications Station, HCR

69 Box 198, East Machias, ME 04630–1000.

Officer in Charge, Personnel Support Activity Detachment Cutler, East Machias, ME 04630–1000.

Navy Exchange Officer, Navy Exchange Cutler, East Machias, ME 04630–1000.

Navy Exchange Officer, Navy Exchange, Winter Harbor, ME 04693–0900.

Commanding Officer, Naval Security Group Activity, Building 10, Winter Harbor, ME 04693–0900.

Officer in Charge, Personnel Support Activity Detachment, Winter Harbor, ME 04693–0900.

**MARYLAND**

Commander, Carderock Division, Naval Surface Warfare Center, Bethesda, MD 20084–5000.

Navy Exchange Officer, Navy Exchange Detachment, Naval Surface Warfare Center, 3 Jackson Road, Indian Head, MD 20640–5035.

Commander, Indian Head Division, Naval Surface Warfare Center, 101 Strauss Avenue, Indian Head, MD 20640–5035.

Officer in Charge, Naval Branch Medical Clinic, Naval Surface Warfare Center Indian Head Division, 1600 West Wilson Road, Indian Head, MD 20640–5035.

Commanding Officer, Naval School Explosive Ordnance Disposal, 309 Strauss Avenue, Indian Head, MD 20640–5040.

Commander, Naval Air Warfare Center Aircraft Division, Building 304, Patuxent River, MD 20670–5304.

Commanding Officer, Naval Hospital, Patuxent River MD 20670–5370.

Senior Member, Board of Inspection and Survey, Patuxent River Naval Air Station, Patuxent River, MD 20670–5405.

Officer in Charge, Personnel Support Activity Detachment, Naval Air Station, Patuxent River, MD 20670–5409.

Commanding Officer, Naval Air Station, Patuxent River, MD 20670–5409.

Officer in Charge, Personnel Support Activity Detachment, Naval Security Group Activity, Fort George G Meade, MD 20755–5285.

Commanding Officer, Naval Security Group Activity, Fort George G Meade, MD 20755–5290.

Commanding Officer, Naval Reserve Center, 2600 Powder Mill Road, Adelphi, MD 20783–1198.

Commanding Officer, Naval Health Sciences Education and Training command, Bethesda, MD 20814–5022.

Commanding Officer, Naval Medical Research Institute, Bethesda, MD 20814–5022.

Commanding Officer, Naval Medical Research and Development Command, Bethesda, MD 20814–5022.

Commanding Officer, Naval School of Health Sciences, Bethesda, MD 20814–5033.

Navy Exchange Officer, Navy Exchange, Bethesda, MD 20814–5099.

Officer in Charge, Naval Reserve Recruiting Command Detachment Five, 4040 Blackburn Lane, Suite 210, Burtonsville, MD 20866–1170.

Commander, National Naval Medical Center, 8901 Wisconsin Avenue, Bethesda, MD 20889–5000.

Commanding Officer, Naval Medical Information Management Center, 8901 Wisconsin Avenue, Bethesda, MD 20889–5066.

Administrator, Naval Council of Personnel Boards Detachment, Physical Evaluation Board Hearing Panel, Bethesda, MD 20889–5135.

Commanding Officer, National Naval Dental Center, 8901 Wisconsin Avenue, Bethesda, MD 20889–5602.

Director, Armed Forces Radiobiology Research Institute, 8901 Wisconsin Avenue, Bethesda, MD 20889–5603.

Officer in Charge, Personnel Support Activity Detachment, National Naval Medical Center, 8901 Wisconsin Avenue, Bethesda, MD 20889–5610.

Officer in Charge, Dahlgren Division Detachment White Oak, Naval Surface Warfare Center, 10901 New Hampshire Avenue, Silver Spring, MD 20903–5640.

Commanding Officer, Naval Reserve Readiness Center, Fort McHenry, 1201 Halsey Place, Baltimore, MD 21230–5392.

Officer in Charge, Naval Surface Warfare Center, Carderock Division Detachment, Annapolis, MD 21402–1198.

Superintendent, United States Naval Academy, 121 Blake Road, Annapolis, MD 21402–5000.

Commanding Officer, Naval Medical Clinic, 250 Wood Road, Annapolis, MD 21402–5050.

Officer in Charge, Personnel Support Activity Detachment, 251 Wood Road, Annapolis, MD 21402–5051.

Commanding Officer, Naval Station, 58 Bennion Road, Annapolis, MD 21402–5054.

Navy Exchange Officer, Navy Exchange, 321 Kinkaid Road, Annapolis, MD 21402–5066.

Commanding Officer, Naval Reserve Center, 1 Navy Way, Cumberland, MD 21502–2598.

Commanding Officer, Naval Medical Logistics Command, Fort Detrick, Frederick, MD 21702–5015.

Commanding Officer, Naval Support Facility, Box 1000, Thurmont, MD 21788–5001.

Naval Air Warfare Center Aircraft Division, Patuxent River Detachment, Villa Road, St Inigoes, MD 22684–0010.

**MASSACHUSETTS**

Commanding Officer, Naval and Marine Corps Reserve Center, 640 Plantation Street, Worcester, MA 01605–2098.

Commanding Officer, Naval and Marine Corps Reserve Center, Armed Forces Reserve Center, 67 North Parish Road, Lawrence, MA 01843–2999.

Director, Navy Office of Information New England, 408 Atlantic Avenue, Room 222, Boston, MA 02110–3316.

Commanding Officer, Naval Air Station, 1134 Main Street, South Weymouth, MA 02190–5000.

Commanding Officer, Naval Reserve Center, 1134 Main Street, Building 17, Naval Air Station, South Weymouth, MA 02190–5000.

Officer in Charge, Naval Branch Medical Clinic, Naval Air Station, 1134 Main Street, South Weymouth, MA 02190–5001.

Navy Exchange Officer, Navy Exchange, Naval Air Station, 1134 Main Street, South Weymouth, MA 02190–5003.

Officer in Charge, Personnel Support Activity Detachment, Naval Air Station, 1134 Main Street, South Weymouth, MA 02190–5004.

Commanding Officer, Navy Recruiting District New England, 495 Summer Street, Boston, MA 02210–2282.

**MICHIGAN**

Officer in Charge, Personnel Support Activity Detachment Detroit, Building 1410, Mt Clemens, MI 48045–5065.

Commanding Officer, Naval Reserve Center, 3500 Douglass Street, Saginaw, MI 48601–4799.

Commanding Officer, Naval and Marine Corps Reserve Center, 1620 East Saginaw, St Lansing, MI 48912–2396.

Commanding Officer, Naval and Marine Corps Reserve Center, 101 Base Avenue, Battle Creek, MI 49015–1242.

Commanding Officer, Naval and Marine Corps Reserve Center, 1863 Monroe Ave Northwest, Grand Rapids, MI 49505–6294.

Commanding Officer, Naval Reserve Center, 601 Chestnut Street, Cadillac, MI 49601–1798.

Officer in Charge, Naval Reserve Facility, Route 1, Box 94F, Calumet, MI 49913–0231.

**MINNESOTA**

Commanding Officer, Naval and Marine Corps Reserve Readiness Center, Twin Cities Fort Snelling, 6400 Bloomington Road, St Paul, MN 55111–4051.

Commanding Officer, Navy Recruiting District Minneapolis, 212 3rd Avenue South, Suite 159, Minneapolis, MN 55401–2556.

Officer in Charge, Personnel Support Activity Detachment, 3201 East 62nd Street, Minneapolis, MN 55450–2800.

Commanding Officer, Naval Air Reserve Center, 3201 East 62nd Street, Minneapolis, MN 55450–2800.

Commander, Naval Reserve Readiness Command Region Sixteen, Building 715 Minneapolis St Paul International Airport, Minneapolis, MN 55450–2996.

Commanding Officer, Naval Reserve Center, 5019 Airport Road, Duluth, MN 55811–1546.

**MISSISSIPPI**

Officer in Charge, Personnel Support Activity Detachment, 1155 Rosenbaum Avenue, Suite 91, Meridian, MS 39309–5002.

Commanding Officer, Naval Air Station, 1155 Rosenbaum Avenue, Suite 13, Meridian, MS 39309–5003.

Officer in Charge, Branch Medical Clinic, 1801 Fuller Road, Suite A01, Meridian, MS 39309–5107.

Commanding Officer, Naval Technical Training Center, Meridian, MS 39309–5200.

Commanding Officer, CBC, 5200 CBC 2nd Street, Gulfport, MS 39501–5001.

Officer in Charge, Personnel Support Activity Detachment, 4801 Marvin Shields Boulevard, Gulfport, MS 39501–5004.

Officer in Charge, Branch Medical Clinic, 5501 Marvin Shields Boulevard, Gulfport, MS 39501–5007.

Commanding Officer, Naval Reserve Center, ATTN NCS Standby Reporting Officer, 4901 CBC 3 Road Street, Gulfport, MS 39501–5013.

Commanding Officer, Naval Oceanographic Office, 1002 Balch Boulevard, Stennis Space Center, MS 39522–5001.

Commander, Naval Meteorology and Oceanography Command, 1020 Balch Boulevard, Stennis Space Center, MS 39529–5005.

Commanding Officer, Naval Technical Training Unit, Keesler Air Force Base, MS 39534–5000.

Officer in Charge, Personnel Support Activity Detachment, Naval Station, Pascagoula, MS 39567–5000.

Officer in Charge, Naval Branch Medical Clinic, Naval Station, Pascagoula, MS 39567–5000.

Commanding Officer, Naval Station, Pascagoula, MS 39567–5000.

Supervisor of Shipbuilding, Conversion and Repair, Box 7003, Pascagoula, MS 39568–7003.

**MISSOURI**

Commanding Officer, Naval Reserve Readiness Center, 10810 Lambert International Boulevard, Bridgeton, MO 63044–2314.

Commanding Officer, Naval Reserve Readiness Center, 3100 East Brush Creek Boulevard, Kansas City, MO 64130–2499.

**MONTANA**

Commanding Officer, Naval and Marine Corps Reserve Center, 8th Avenue North and 22nd Street, Billings, MT 59101–0398.

Commanding Officer, Naval Reserve Center, 2825 Airport Avenue B, Great Falls, MT 59404–5571.

Commanding Officer, Naval Reserve Center, Building 26A Fort Missoula, Missoula, MT 59801–7299.

**NEBRASKA**

Commanding Officer, Navy Recruiting District Omaha, Overland Wolf Building, 6910 Pacific Street, Suite 400, Omaha, NE 68106–1085.

Commanding Officer, Naval and Marine Corps Reserve Center, 5808 North 30th Street, Omaha, NE 68111–1603.

Officer in Charge, Personnel Support Activity Detachment, 513 Sac Boulevard, Suite 1, Offutt Air Force Base, NE 68113–2090.

Commanding Officer, Naval Reserve Center, 4511 North West 42nd Street, Lincoln, NE 68524–2241.

**NEVADA**

Commanding Officer, Naval and Marine Corps Reserve Center, Armed Forces Reserve Center, 2801 East Sahara Avenue, Las Vegas, NV 89104–4119.

Commanding Officer, Naval Air Station, Fallon, NV 89406–5000.

Commanding Officer, Naval and Marine Corps Reserve Center, 4601 Cocoa Avenue, Reno, NV 89506–1298.

**NEW HAMPSHIRE**

Commanding Officer, Naval and Marine Corps Reserve Center, 25 Constitution Drive, Bedford, NH 03110–6000.

Commanding Officer, Naval Medical Clinic, Portsmouth, NH 03801–3884.

Officer in Charge, Personnel Support Activity Detachment, Portsmouth Naval Shipyard Building H10, Portsmouth, NH 03804–5000.

Commander, Portsmouth Naval Shipyard, Portsmouth, NH 03804–5000.

**NEW JERSEY**

Officer in Charge, Personnel Support Activity Detachment, Military Ocean Terminal Building 42, Bayonne, NJ 07002–5393.

Commander, Military Sealift Command Atlantic, 32nd Street & Avenue E, Military Ocean Terminal Building 42, Bayonne, NJ 07002–5399.

Naval Control of Shipping Officer, c/o Commanding Officer, Naval Reserve Readiness Center, 53 Hackensack Avenue, Kearny, NJ 07032–3238.

Commanding Officer, Naval Reserve Readiness Center, 53 Hackensack Avenue, Kearny, NJ 07032–4619.

Commanding Officer, Naval Weapons Station Earle, 201 Highway 34 South, Colts Neck, NJ 07722–5001.

Officer in Charge, Naval Legal Service Branch Office Earle, 201 Highway 34 South, Colts Neck, NJ 07722–5016.

Navy Exchange Officer, Navy Exchange Detachment, Naval Weapons Station Earle, 201 Highway 34 South, Colts Neck, NJ 07722–5027.

Director, Naval Audit Service Northeast Region, 5 Executive Campus, Suite 200, Cherry Hill, NJ 08002–4104.

Commanding Officer, Naval Air Warfare Center Aircraft Division Trenton, Box 7176, Trenton, NJ 08628–0176.

Commanding Officer, Naval Reserve Center, 5952 Orlando Street, Fort Dix, NJ 08640–7800.

Navy Exchange Officer, Navy Exchange, Lakehurst, NJ 08733–5000.

Officer in Charge, Naval Air Technical Training Center Detachment, Lakehurst, NJ 08733–5001.

Officer in Charge, Personnel Support Activity Detachment, Naval Air Warfare Center, Aircraft Division Lakehurst, Lakehurst, NJ 08733–5003.

Officer in Charge, Naval Branch Medical Clinic, Naval Air Engineering Station, Lakehurst, NJ 08733–5066.

**NEW MEXICO**

Officer in Charge, Marine Corps Recruiting Station, 505 Marquette Avenue Northwest, Number 800, Albuquerque, NM 87102–2160.

Officer in Charge, Personnel Support Detachment Albuquerque, 2050 Second Street Southeast, Kirtland Air Force Base, NM 87117–5000.

Officer in Charge, Warfare Center Weapons Division Detachment, 2050 Second Street Southeast, Kirtland Air Force Base, Albuquerque, NM 87117–5000.

Commanding Officer, Naval and Marine Corps Reserve Center, Armed Forces Reserve Center, 400K Wyoming Northeast, Albuquerque, NM 87123–1099.

Commanding Officer, Navy Recruiting District Albuquerque, Box 8667, Albuquerque, NM 87198–8667.

**NEW YORK**

Director, Navy Office of Information East, 133 East 58th Street, 15th Floor, New York, NY 10022–1236.

Officer in Charge, Naval Legal Service Office Detachment, Naval Station New York, 355 Front Street, Staten Island, NY 10304–3848.

Commanding Officer, Naval Reserve Center, 356 New York Avenue, Staten Island, NY 10305–5082.

Commanding Officer, Naval and Marine Corps Reserve Center, Fort Schuyler, 4 Pennyfield Avenue, Bronx, NY 10465–4196.

Commanding Officer, Naval and Marine Corps Reserve Readiness Center, Armed Forces Reserve Center, Floyd Bennett Field, Brooklyn, NY 11234–7097.

Director, 1st Marine Corps District, 605 Stewart Avenue, Garden City, Long Island, NY 11530–4761.

Navy Exchange Officer, Navy Exchange, Mitchel Field Building 14, Garden City, NY 11530–6795.

Commanding Officer, Navy Recruiting District New York, 1975 Hempstead Turnpike, East Meadow Long Island, NY 11554–1781.

Commanding Officer, Naval and Marine Corps Reserve Center, Armed Forces Reserve Center, 600 Albany Avenue, Amityville, NY 11701–1124.

Clinic Supervisor, Naval Branch Medical Clinic, Ballston Spa, NY 12020–1215.

Commanding Officer, Naval and Marine Corps Reserve Readiness Center, 780 Washington Avenue, Albany, NY 12203–1492.

Officer in Charge, Personnel Support Activity Detachment, Scotia, NY 12302–9460.

Officer in Charge, Naval Administrative Unit, Scotia, NY 12302–9460.

Commander, Navy Recruiting Area One, GSA Depot Building One, Amsterdam Road, Scotia, NY 12302–9462.

Commander, Naval Reserve Readiness Command Region Two, Building 1, Scotia, NY 12302–9465.

Officer in Charge, Naval Reserve Recruiting Command Detachment Six, GSA Depot Building 2, Scotia, NY 12302–9465.

Commanding Officer, Naval Reserve Center, 2 Parker Street, Glens Falls, NY 12801–2285.

Commanding Officer, Naval Reserve Center, 5308 East Malloy Road, Syracuse, NY 13211–1999.

Commanding Officer, Naval Reserve Center, 201 Third Avenue, Frankfort, NY 13340–1419.

Commanding Officer, Naval Reserve Center, 327 Mullin Street Box 247, Watertown, NY 13601–0247.

Commanding Officer, Naval and Marine Corps Reserve Readiness Center, 3 Porter Avenue, Buffalo, NY 14201–1096.

Commanding Officer, Navy Recruiting District Buffalo, Federal Building, 111 West Huron Street, Buffalo, NY 14202–2384.

Officer in Charge, Personnel Support Activity Detachment, Federal Building, Room 1110, 111 West Huron Street, Buffalo, NY 14202–2396.

Commanding Officer, Naval and Marine Corps Reserve Center, 439 Paul Road, Rochester, NY 14624–4796.

Commanding Officer, Naval Reserve Center, 3126 Lake Road, Horseheads, NY 14845–3103.

**NORTH CAROLINA**

Commanding Officer, Naval and Marine Corps Reserve Readiness Center, Triad Armed Forces Reserve Center, 7838 Mcloud Road, Greensboro, NC 27409–9634.

Commanding Officer, Navy Recruiting District Raleigh, 801 Oberlin Road, Suite 120, Raleigh, NC 27605–1130.

Commanding Officer, Naval and Marine Corps Reserve Center, 2725 Western Boulevard, Raleigh, NC 27606–2127.

Commanding Officer, Naval Reserve Officers Training Corps Unit, North Carolina Piedmont Region, Hanes House Trent Drive, Durham, NC 27706–2589.

Commanding Officer, Naval and Marine Corps Reserve Center, 6115 North Hills Circle, Charlotte, NC 28213–6256.

Commanding Officer, Naval Reserve Center, Armed Forces Reserve Center, 2144 West Lakeshore Drive, Wilmington, NC 28401–7297.

Officer in Charge, Personnel Support Activity Detachment, PSC Box 8012, Cherry Point, NC 28533–0012.

Commanding General, 2D Marine Aircraft Wing, PSC Box 8050, U.S. Marine Corps Forces Atlantic, Cherry Point, NC 28533–0050.

Commanding General, Marine Corps Air Station, Cherry Point, NC 28533–5000.

Commander, Marine Corps Air Bases Eastern Area, Marine Corps Air Station, Cherry Point, NC 28533–5001.

Commanding Officer, Naval Hospital, Cherry Point, NC 28533–5030.

Commanding General, Marine Corps Base, Camp Lejeune, NC 28542–5001.

Commanding Officer, Naval Dental Center, Camp Lejeune, NC 28542–5009.

Commanding Officer, Naval Hospital, Camp Lejeune, NC 28542–5009.

Commanding General, 2D Marine Division FMF, Camp Lejeune, NC 28542–5501.

Commanding General, 2D Force Service Support Group FMF, Camp Lejeune, NC 28542–5701.

Commanding Officer, Marine Corps Air Station, New River, Jacksonville, NC 28545–5001.

Commanding Officer, Naval Reserve Center, 721 Merrimon Avenue, Asheville, NC 28804–2414.

**NORTH DAKOTA**

Commanding Officer, Naval Reserve Center, Armed Forces Reserve Center, 3920 31st Street Northwest, Fargo, ND 58102–6206.

**OHIO**

Petty Officer in Charge, Personnel Support Activity Detachment, 3990 East Broad Street, DCSC Building 48, Columbus, OH 43213–1120.

Commanding Officer, Naval and Marine Corps Reserve Readiness Center, 85 North Yearling Road, Columbus, OH 43213–1392.

Commanding Officer, Navy Recruiting District Columbus, Federal Building, Room 609, 200 North High Street, Columbus, OH 43215–6192.

Commanding Officer, Naval Air Reserve Center, 2988 North Access Road, Columbus, OH 43217–1199.

Commanding Officer, Naval and Marine Corps Reserve Center, 28828 Glenwood Road, Perrysburg, OH 43551–3014.

Commanding Officer, Naval Reserve Center, 1089 East 9th Street, Cleveland, OH 44114–1091.

Officer in Charge, Naval Branch Medical Clinic, DFAS Cleveland Center, 1240 East Ninth Street, Cleveland, OH 44199–2055.

Officer in Charge, Naval Training Center Detachment, DFAS Cleveland Center, 1240 East Ninth Street, Cleveland, OH 44199–2055.

Commanding Officer, Naval and Marine Corps Reserve Center, 800 Dan Street, Akron, OH 44310–3986.

Commanding Officer, Naval and Marine Corps Reserve Center, 3893 King Graves Road, Afressta Building 540, Vienna, OH 44473–5000.

Commander, Naval Reserve Readiness Command Region Five, 3893 King Graves Road, Vienna, OH 44473–5000.

Commanding Officer, Naval and Marine Corps Reserve Center, 3190 Gilbert Avenue, Cincinnati, OH 45207–1498.

Commanding Officer, Naval and Marine Corps Reserve Center, Armed Forces Reserve Center, 410 North Gettysburg Avenue, Dayton, OH 45417–1797.

**OKLAHOMA**

Officer in Charge, Personnel Support Detachment Oklahoma City, 7641 Mercury Road Building 830, Tinker Air Force Base, OK 73145–8706.

Commanding Officer, Naval Reserve Readiness Center, 5316 South Douglas Boulevard, Oklahoma City, OK 73150–9702.

Commanding Officer, Naval and Marine Corps Reserve Center, Tulsa Armed Forces Reserve Center, 1101 North 6th Street, Suite 5, Broken Arrow, OK 74012–2041.

**OREGON**

Commanding Officer, Navy Recruiting District Portland, Federal Building, Suite 576, 1220 Southwest Third Avenue, Portland, OR 97204–2813.

Commanding Officer, Naval and Marine Corps Reserve Readiness Center, 6735 N Basin Avenue, Portland, OR 97217–3993.

Commanding Officer, Naval and Marine Corps Reserve Center, 1015 Airport Road Southeast, Salem, OR 97301–5097.

Commanding Officer, Naval and Marine Corps Reserve Center, 1520 West 13th Avenue, Eugene, OR 97402–3899.

Commanding Officer, Naval Reserve Center, 3070 Ross Lane, Central Point, OR 97502–1399.

**PENNSYLVANIA**

Petty Officer in Charge, Personnel Support Activity Detachment, 625 East Pittsburgh McKeesport Boulevard, North Versailles, PA 15137–2209.

Commanding Officer, Naval and Marine Corps Reserve Readiness Center, 625 East Pittsburgh McKeesport Boulevard, North Versailles, PA 15137–2209.

Commanding Officer, Navy Recruiting District Pittsburgh, Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222–4094.

Commanding Officer, Naval and Marine Corps Reserve Center, 261 Industrial Park Road, Ebensburg, PA 15931–8955.

Commanding Officer, Naval and Marine Corps Reserve Center, 3938 Old French Road, Erie, PA 16504–2098.

Officer in Charge, Personnel Support Activity Detachment, Navy Ships Parts Control Center, Box 2020, Mechanicsburg, PA 17055–0788.

Commanding Officer, Navy Ships Parts Control Center, 5450 Carlisle Pike Box 2020, Mechanicsburg, PA 17055–0788.

Commanding Officer, Naval Sea Logistics Center, 5450 Carlisle Pike, Box 2060, Mechanicsburg, PA 17055–0795.

Commanding Officer, Naval and Marine Corps Reserve Center, 2991 North 2nd Street, Harrisburg, PA 17110–1298.

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Commanding Officer, Naval Submarine Base Bangor, 1100 Hunley Road, Suite 203, Silverdale, WA 98315–1199.

Officer in Charge, Branch Medical Clinic Bangor, 2050 Barb Street, Suite A, Silverdale, WA 98315–2099.

Navy Exchange Officer, Navy Exchange Bangor, 2600 Ohio Street, Silverdale, WA 98315–2600.

Commander, Naval Base Seattle, NAVSUBASE Bangor, 1103 Hunley Road, Silverdale, WA 98315–5000.

Commanding Officer, Strategic Weapons Facility Pacific Bangor, 6401 Skipjack Circle, Silverdale, WA 98315–6499.

Commander, Naval Undersea Warfare Center Division, 610 Dowell Street, Keyport, WA 98345–7610.

Commanding Officer, Naval and Marine Corps Reserve Center, 1100 Alexander Avenue, Tacoma, WA 98421–4198.

Officer in Charge, Marine Corps Reserve Training Center, 1702 Tahoma Avenue, Yakima, WA 98902–5792.

Commanding Officer, Naval and Marine Corps Reserve Readiness Center, North 5101 Assembly Street, Spokane, WA 99205–6199.

Commanding Officer, Naval Reserve Center, 1840 Terminal Drive, Richland, WA 99352–4923.

**WEST VIRGINIA**

Commanding Officer, Naval Reserve Center, Armed Forces Reserve Center, 105 Lakeview Drive, Charleston, WV 25313–1487.

Commanding Officer, Naval Reserve Center, 841 Jackson Avenue, Huntington, WV 25704–2595.

Commanding Officer, Naval and Marine Corps Reserve Center, 1600 Lafayette Avenue, Moundsville, WV 26041–2347.

Commanding Officer, Naval Security Group Activity, Sugar Grove, WV 26815–0002.

**WISCONSIN**

Commanding Officer, Naval Reserve Center, 428 Wisconsin Avenue, Sheboygan, WI 53081–4146.

Commanding Officer, Naval and Marine Corps Reserve Center, 2401 South Lincoln Memorial Drive, Milwaukee, WI 53207–1999.

Commanding Officer, Naval and Marine Corps Reserve Center, Armed Forces Reserve Center, 1430 Wright Street, Madison, WI 53704–4192.

Commanding Officer, Naval and Marine Corps Reserve Center, 2949 Ramada Way, Green Bay, WI 54304–5799.

Commanding Officer, Marine Wing Support Squadron 474 Detachment A, Naval and Marine Corps Reserve Center, 2949 Ramada Way, Green Bay, WI 54304–5799.

Commanding Officer, Naval Reserve Center, 4701 Industrial Park Road, Stevens Point, WI 54481–5009.

**OVERSEAS - AA ADDRESSES**

Commanding Officer, U.S. Naval Station (Roosevelt Roads RQ), PSC 1008 Box 1, FPO AA 34051–0001.

Navy Exchange Officer, U.S. Navy Exchange (Roosevelt Roads RQ), PSC 1008 Box 3006, FPO AA 34051–0003.

Commander, Fleet Air Caribbean, PSC 1008 Box 3037, FPO AA 34051–8000.

Commanding Officer, U.S. Naval Hospital (Roosevelt Roads RQ), PSC 1008, FPO AA 34051–8100.

Commanding Officer, U.S. Naval Dental Center (Roosevelt Roads RQ), PSC 1008 Box 3012, FPO AA 34051–8300.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (Roosevelt Roads RQ), PSC 1008, FPO AA 34051–8400.

Officer in Charge, U.S. Naval Legal Service Office Detachment (Roosevelt Roads RQ), PSC 1008 Box 3017, FPO AA 34051–8800.

Commanding Officer, U.S. Naval Reserve Center (Roosevelt Roads RQ), U.S. Naval Station, PSC 1008 Box 3937, FPO AA 34051–8800.

Navy Exchange Officer, U.S. Navy Exchange Detachment (Sabana Seca RQ), Naval Security Group Activity, PSC 1009 Box 2, FPO AA 34053–0003.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (Sabana Seca RQ), PSC 1009 Box 4, FPO AA 34053–2000.

Navy Exchange Officer, U.S. Navy Exchange Detachment (Antigua), FPO AA 34054–0003.

Commanding Officer, U.S. Naval Support Facility (Antigua), PSC 1011 Box 10, FPO AA 34054–1000.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (Andros Island, Bahamas), PSC 1012, FPO AA 34058–0051.

Commanding Officer, Military Sealift Command Office Panama, Unit 5902, FPO AA 34059–1300.

Commanding Officer, U.S. Naval Security Group Activity (Galeta Island PM), Unit 6000, FPO AA 34060–9998.

Commanding Officer, U.S. Naval Station (Canal Rodman PM), Unit 6249, FPO AA 34061–1000.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (Panama Rodman PM) FPO AA 34061–1600.

**OVERSEAS - AE ADDRESSES**

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (Vaihingen GE), Box 1000, APO AE 09128–0178.

Commanding Officer, U.S. Naval Security Group Activity (Augsburg GE), APO AE 09157–5000.

Petty Officer in Charge, U.S. Naval Medical Clinic London Detachment Landstuhl, 2nd General Hospital, CMR 402 Box 4, APO AE 09180–5000.

Petty Officer in Charge, U.S. Naval Medical Clinic London Detachment (Wiesbaden GE), 7100 C Southwest Medical Center, PSC 18 Box SGR, APO AE 09220–5300.

Navy Exchange Officer, U.S. Navy Exchange Detachment (Mawgan UK), PSC 803 Box 13, FPO AE 09409–0003.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (Mawgan UK), PSC 803, FPO AE 09415–5000.

Navy Exchange Officer, U.S. Navy Exchange Detachment (Edzell UK), PSC 807 Box 1400, FPO AE 09419–0003.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (Edzell UK), PSC 807 Box 2300, FPO AE 09419–0051.

Officer in Charge, U.S. Naval Branch Medical Clinic (Edzell UK), U.S. Naval Security Group Activity, PSC 807 Box 1900, FPO AE 09419–0055.

Commanding Officer, U.S. Naval Security Group Activity (Edzell) C, PSC 807 Box 1700, FPO AE 09419–1002.

Navy Exchange Officer, U.S. Navy Exchange Detachment (Brawdy UK), PSC 808 Box 580, FPO AE 09420–0003.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (Brawdy UK), PSC 808 Box 590, FPO AE 09420–0003.

Commanding Officer, U.S. Naval Facility (Brawdy UK), PSC 808 Box 001, FPO AE 09420–1000.

Navy Exchange Officer, U.S. Navy Exchange Detachment (West Ruislip UK), PSC 821 Box 46, FPO AE 09421–0003.

Navy Exchange Officer, U.S. Navy Exchange (Dunstable UK), PSC 821 Box 46, FPO AE 09421–0003.

Commander, Military Sealift Command Europe, PSC 821 Box 3, FPO AE 09421–2000.

Navy Exchange Officer, U.S. Navy Exchange Detachment (Machrinhanish UK), Unit 50144, FPO AE 09422–0003.

Navy Exchange Officer, U.S. Navy Exchange Detachment (London UK), PSC 802 Box 98, FPO AE 09499–0003.

Commander in Chief, U.S. Naval Forces Europe, PSC 802 Box 2, FPO AE 09499–0152.

Director, Office of Civilian Personnel Management European Region, PSC 802 Box 4, FPO AE 09499–0152.

Officer in Charge, U.S. Naval Legal Service Office Detachment (London UK), PSC 802 Box 60, FPO AE 09499–1000.

Commander, U.S. Naval Activities United Kingdom, PSC 802 Box 60, FPO AE 09499–1000.

Officer in Charge, U.S. Naval Branch Dental Clinic (London UK), U.S. Naval Activities, PSC Box 51, FPO AE 09499–1006.

Commanding Officer, U.S. Naval Medical Clinic (London UK), PSC 802 Box 31, FPO AE 09499–1006.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (London UK), PSC 802 Box 96, FPO AE 09499–2700.

Commander, Carrier Group 2, Unit 60101, FPO AE 09501–4302.

Commander, Carrier Group 4, Unit 60102, FPO AE 09501–4304.

Commander, Carrier Group 8, Unit 60104, FPO AE 09501–4308.

Commander, Submarine Squadron 22, Unit 60602, FPO AE 09501–5201.

Commander, Submarine Squadron 2, Unit 60201, FPO AE 09501–5204.

Commander, Submarine Squadron 6, Unit 60205, FPO AE 09501–5206.

Commander, Submarine Squadron 8, Unit 60203, FPO AE 09501–5208.

Commander, Sixth Fleet, FPO AE 09501–6002.

Commander, Amphibious Group 2, Unit 60001, FPO AE 09501–6007.

Commander, U.S. Naval Forces Central Command, FPO AE 09501–6008.

Commander, Middle East Force, FPO AE 09501–6008.

Officer in Charge, Fleet Surgical Team Six, FPO AE 09501–7027.

Officer in Charge, Fleet Surgical Team Two, FPO AE 09501–7028.

Officer in Charge, Fleet Surgical Team Four, FPO AE 09501–7029.

Commander Second Fleet, FPO AE 09506–6000.

Officer in Charge, Medical Treatment Facility, USNS Comfort (TAH 20), FPO AE 09566–4008.

Navy Exchange Officer, U.S. Navy Exchange (Guantanamo Bay CU), PSC 1005 Box 35, FPO AE 09593–0003.

Officer in Charge, U.S. Naval Branch Dental Clinic (Guantanamo Bay CU), U.S. Naval Base, PSC 1005 Box 64, FPO AE 09593–0064.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (Guantanamo Bay CU), PSC 1005 Box 95, FPO AE 09593–0095.

Commanding Officer, U.S. Naval Station (Guantanamo Bay CU), PSC 1005 Box 1, FPO AE 09593–0100.

Commanding Officer, U.S. Naval Hospital (Guantanamo Bay CU), PSC 1005 Box 36, FPO AE 09593–0136.

Officer in Charge, Naval Legal Service Office Detachment (Guantanamo Bay CU), U.S. Naval Base, PSC 1005 Box 40, FPO AE 09593–0140.

Commanding Officer, U.S. Naval Security Group Activity (Guantanamo Bay CU), U.S. Naval Base, PSC 1005 Box 41, FPO AE 09593–0141.

Commander, U.S. Naval Base (Guantanamo Bay CU), PSC 1005 Box 25, FPO AE 09593–1000.

Navy Exchange Officer, U.S. Navy Exchange Detachment (Gaeta IT), PSC 811, FPO AE 09609–0003.

Commanding Officer, U.S. Naval Support Activity, PSC 811 Administrative Office (Gaeta IT), FPO AE 09609–1001.

Navy Exchange Officer, U.S. Navy Exchange Detachment, U.S. Naval Support Office La Maddalena, PSC 816 Box 1750, FPO AE 09612–0003.

Commanding Officer, U.S. Navy Support Activity (La Maddalena IT), PSC 816 Box 1795, FPO AE 09612–0051.

Petty Officer in Charge, U.S. Navy Personnel Support Activity Detachment (La Maddalena IT), PSC 816 Box 1865, FPO AE 09612–0065.

Navy Exchange Officer, U.S. Navy Exchange, PSC 810 Box 30, FPO AE 09619–0003.

Commanding Officer, U.S. Navy Personnel Support Activity Europe (Naples IT), PSC 810 Box 20, FPO AE 09619–0200.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (Naples IT), PSC 810 Box 4, FPO AE 09619–0300.

Commanding Officer, U.S. Naval Legal Service Office Europe and Southwest Asia, PSC 810 Box 8, FPO AE 09619–0500.

Commanding Officer, U.S. Naval Hospital (Naples IT), PSC 810 Box 19, FPO AE 09619–0700.

Commanding Officer, U.S. Naval Dental Center (Naples IT), PSC 810 Box 21, FPO AE 09619–0800.

Commanding Officer, U.S. Naval Support Activity (Naples IT), PSC 810 Box 1, FPO AE 09619–1000.

Commander, Fleet Air Mediterranean, PSC 810 Box 2, FPO AE 09619–2000.

Commander, Submarine Group 8, PSC 810 Box 16, FPO AE 09619–3000.

Commanding Officer, U.S. Naval Security Group Activity (Naples), PSC 810 Box 37, FPO AE 09619–4000.

Navy Exchange Officer, U.S. Navy Exchange Detachment (Sigonella IT), Unit 50059, FPO AE 09627–0003.

Commanding Officer, U.S. Naval Air Station (Sigonella IT), PSC 812 Box 1000, FPO AE 09627–1000.

Officer in Charge, U.S. Navy Environmental and Preventive Medicine Unit 7 (Sigonella IT), PSC 825 Box 295, FPO AE 09627–2003.

Officer in Charge, U.S. Naval Branch Dental Clinic, U.S. Naval Air Station Sigonella, Unit 50003, FPO AE 09627–2403.

Commanding Officer, U.S. Naval Hospital (Sigonella IT), PSC 824 Box 318, FPO AE 09627–2500.

Officer in Charge, U.S. Naval Legal Service Office Detachment (Sigonella IT), U.S. Naval Air Station, Unit 50022, FPO AE 09627–2700.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (Sigonella IT), Unit 50066, FPO AE 09627–3500.

Navy Exchange Officer, U.S. Navy Exchange Detachment Moron Air Force Base, APO AE 09643–5000.

Navy Exchange Officer, U.S. Navy Exchange (Rota SP), PSC 819 Box 17, FPO AE 09645–0003.

Commander, U.S. Naval Activities Spain, PSC 819 Box 2, FPO AE 09645–1000.

Commanding Officer, U.S. Naval Station (Rota SP), PSC 819 Box 1, FPO AE 09645–1000.

Officer in Charge, U.S. Naval Legal Service Office Detachment, U.S. Naval Station, PSC 819 Box 46, FPO AE 09645–2200.

Officer in Charge, U.S. Naval Branch Dental Clinic (Rota SP), U.S. Naval Station, PSC 819 Box 18, FPO AE 09645–2500.

Commanding Officer, U.S. Naval Hospital (Rota SP), PSC 819 Box 18, FPO AE 09645–2500.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (Rota SP), PSC 819 Box 48, FPO AE 09645–3900.

Navy Exchange Officer, U.S. Navy Exchange Detachment (Lisbon PO), PSC 83 Box NEX, APO AE 09726–0001.

Navy Exchange Officer, U.S. Navy Exchange (Bermuda), PSC 1002, FPO AE 09727–0003.

Officer in Charge, U.S. Naval Branch Medical Clinic (Bermuda), U.S. Naval Air Station, PSC 1002, FPO AE 09727–0023.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment, Bermuda, PSC 1002, FPO AE 09727–0027.

Officer in Charge, U.S. Naval Branch Dental Clinic (Bermuda), U.S. Naval Air Station, PSC 1002, FPO AE 09727–5020.

Commanding Officer, U.S. Naval Air Station (Bermuda), PSC 1002, FPO AE 09727–5056.

Commander, U.S. Naval Forces Iceland, PSC 1003 Box 2, FPO AE 09728–0302.

Commander, Fleet Air Keflavik, PSC 1003 Box 2, FPO AE 09728–0302.

Commanding Officer, U.S. Naval Facility (Keflavik IC), PSC 1003 Box 7, FPO AE 09728–0307.

Commanding Officer, U.S. Naval Hospital (Keflavik IC), PSC 1003 Box 8, FPO AE 09728–0308.

Officer in Charge, U.S. Naval Branch Dental Clinic (Keflavik IC), PSC 1003 Box 9, FPO AE 09728–0309.

Navy Exchange Officer, U.S. Navy Exchange (Keflavik IC), PSC 1003 Box 10, FPO AE 09728–0310.

Commanding Officer, U.S. Naval Air Station (Keflavik IC), PSC 1003 Box 15, FPO AE 09728–0315.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (Keflavik IC), PSC 1003 Box 36, FPO AE 09728–0336.

Navy Exchange Officer, U.S. Navy Exchange (Argentia CAN), PSC 1006 Box 44, FPO AE 09730–0003.

Officer in Charge, Personnel Support Activity Detachment Argentia, PSC 1006 Box 17, FPO AE 09730–3000.

Commanding Officer, U.S. Naval Medical Research Unit 3 (Cairo), PSC 452 Box 5000, FPO AE 09835–0007.

Navy Exchange Officer, U.S. Navy Exchange Detachment (Souda Bay GR), U.S. Naval Support Activity, PSC 814 Box 24, FPO AE 09865–0003.

Commanding Officer, U.S. Naval Support Activity (Souda Bay GR), PSC 814 Box 1, FPO AE 09865–0051.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (Souda Bay GR), PSC 814 Box 2, FPO AE 09865–0103.

**OVERSEAS - AP ADDRESSES**

Commander, U.S. Naval Forces Korea, Unit 15250, APO AP 96205–0023.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (Seoul KOR), Unit 15601, APO AP 96205–0573.

Commander, Fleet Activities Chinhae, PSC 479, APO AP 96269–1100.

Navy Exchange Officer, U.S. Navy Exchange Detachment (Atsugi JA), PSC 477 Box 10, FPO AP 96306–0003.

Commanding Officer, U.S. Naval Air Facility (Atsugi JA), PSC 477 Box 9, FPO AP 96306–1209.

Officer in Charge, U.S. Naval Branch Medical Clinic (Atsugi JA), U.S. Naval Air Facility, PSC 477 Box 2, FPO AP 96306–1602.

Officer in Charge, U.S. Navy Personnel Support Detachment Atsugi, PSC 477 Box 6, FPO AP 96306–2800.

Officer in Charge, U.S. Naval Branch Medical Clinic (Iwakuni JA), U.S. Marine Corps Air Station, FPO AP 96310–0000.

Commanding Officer, U.S. Naval Security Group Activity (Misawa JA), APO AP 96319–0006.

Officer in Charge, U.S. Navy Personnel Support Detachment Misawa, Unit 5054, APO AP 96319–5000.

Commanding Officer, U.S. Naval Air Facility Misawa, Unit 5048, APO AP 96319–5000.

Navy Exchange Officer, U.S. Navy Exchange Detachment (Sasebo JA), PSC 476 Box 3, FPO AP 96322–0003.

Commander, Fleet activities (Sasebo JA), PSC 476 Box 1100, FPO AP 96322–1100.

Officer in Charge, U.S. Naval Branch Medical Clinic (Sasebo JA), Fleet Activities, PSC 476 Box 1650, FPO AP 96322–1650.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (Sasebo JA), PSC 476 Box 1700, FPO AP 96322–1700.

Navy Exchange Officer, U.S. Navy Exchange (Yokosuka JA), PSC 473 Box 70, FPO AP 96349–0003.

Commander, U.S. Naval Forces Japan, PSC 473 Box 12, FPO AP 96349–0051.

Commander, Fleet Activities (Yokosuka JA), PSC 473 Box 1, FPO AP 96349–1100.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (Yokosuka JA), PSC 473 Box 19, FPO AP 96349–1700.

Commanding Officer, U.S. Navy Personnel Support Activity Far East PSC 473 Box 19, FPO AP 96349–1700.

Commanding Officer, U.S. Naval Legal Service Office Northwest Pacific, PSC 473 Box 14, FPO AP 96349–2400.

Commanding Officer, U.S. Naval Hospital (Yokosuka JA), FPO AP 96350–1600.

Commanding Officer, U.S. Naval Dental Center (Yokosuka JA), FPO AP 96350–1690.

Commanding Officer, U.S. Naval Hospital (Okinawa JA), PSC 482, FPO AP 96362–1620.

Commander, Fleet Activities U.S. Naval Air Facility (Okinawa JA), PSC 480 Box 1100, FPO AP 96370–1100.

Officer in Charge, U.S. Navy Personnel Support Activity Detachment (Okinawa Kadena JA), PSC 480, FPO AP 96370–1700.

Officer in Charge, U.S. Navy Personnel Support Detachment Diego Garcia, PSC 466 Box 1, FPO AP 96464–1701.

Commanding Officer, U.S. Naval Support Facility (Diego Garcia), PSC 466 Box 2, FPO AP 96464–2000.

Commanding Officer, Naval Air Facility (Adak AK), PSC 486 Box 1202, FPO AP 96506–1202.

Officer in Charge, U.S. Naval Branch Medical Clinic (Adak AK), PSC 486 Box 1211, FPO AP 96506–1211.

Officer in Charge, Personnel Support Detachment Adak, PSC 486 Box 1274, FPO AP 96506–1274.

Commanding Officer, U.S. Naval Air Facility (Midway Island), FPO AP 96516–1200.

Commanding Officer U.S. Naval Medical Research Unit 2 (Jakarta), Box 3, APO AP 96520–1600.

Commanding Officer, U.S. Naval Antarctic Support Unit Christchurch, PSC 467 Box 291, FPO AP 96531–2000.

Navy Exchange Officer, U.S. Navy Exchange (Christchurch NZ), PSC 467 Box 293, FPO AP 96531–2000.

Commander, U.S. Naval Forces Marianas, PSC 489, FPO AP 96536–0051.

Commanding Officer, U.S. Naval Air Station (Agana GU), PSC 456 Box 51, FPO AP 96539–1200.

Officer in Charge, U.S. Navy Personnel Support Detachment Agana, U.S. Naval Air Station Agana, PSC 456 Box 95, FPO AP 96539–1751.

Navy Exchange Officer, U.S. Navy Exchange Detachment (Agana GU), PSC 455 Box 178, FPO AP 96540–1000.

Commanding Officer, U.S. Naval Activities (Navacts GU), PSC 455 Box 152, FPO AP 96540–1000.

Commanding Officer, U.S. Naval Hospital (GU), PSC 455 Box 7607, FPO AP 96540–1600.

Commanding Officer, U.S. Naval Dental Center (GU), PSC 455 Box 171, FPO AP 96540–1674.

Officer in Charge, U.S. Navy Personnel Support Detachment Naval Station Guam, U.S. Naval Station, PSC 455 Box 172, FPO AP 96540–1728.

Navy Exchange Officer, U.S. Navy Exchange (GU), PSC 455 Box 184, FPO AP 96540–2300.

Commanding Officer, U.S. Naval Legal Service Office Southwest Pacific, U.S. Naval Station, PSC 455 Box 177, FPO AP 96540–2400.

Commander, Cruiser Destroyer Group 1, Unit 25064, FPO AP 96601–4700.

Commander, Cruiser Destroyer Group 3, Unit 25065, FPO AP 96601–4702.

Commander, Cruiser Destroyer Group 5, Unit 25066, FPO AP 96601–4703.

Commander Third Fleet, FPO AP 96601–6001.

Commander Seventh Fleet, FPO AP 96601–6003.

Commander, Amphibious Group 1, Unit 25093, FPO AP 96601–6006.

Commanding General, 3D Marine Division FMF, Unit 35880, FPO AP 96602–5880.

Commanding General, 1st Marine Aircraft Wing, Unit 37101, FPO AP 96603–7101.

Commanding Officer, U.S. Naval Dental Center (Okinawa JA), Unit 38450, FPO AP 96604–8450.

Officer in Charge, Medical Treatment Facility, USNS Mercy (TAH 19), FPO AP 96672–4090.

[FR Doc. 95–20417 Filed 8–16–95; 8:45 am]

BILLING CODE 5000–04–F

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### North Canal Waterworks; Notice of Availability of Environmental Assessment

**[Project No. 5906–005 Massachusetts]**

August 11, 1995.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) Regulations, 18 CFR Part 380 (Order 486, 52 FR 47897), the Commission's Office of Hydropower Licensing has reviewed a license surrender application for the North Canal Waterworks Project, No. 5906–005. The North Canal Waterworks Project is located on the Merrimack River in the City of Lawrence, Essex County, Massachusetts. The licensee is applying for a surrender of the license because the project is no longer economically viable. An Environmental Assessment (EA) was prepared for the application. The EA finds that approving the application would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, Room 3104, of the Commission's offices at 941 North Capitol Street, N.E., Washington, D.C. 20426.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 95–20368 Filed 8–16–95; 8:45 am]

BILLING CODE 6717–01–M

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–5278–5]**

### Proposed Settlement Agreement, Clean Air Act Petition for Review

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

**ACTION:** Notice of proposed settlement; request for public comment.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act, as amended (''Act''), notice is hereby given of a proposed settlement agreement in the following case: *Western States Petroleum Association* v. *Environmental Protection Agency*, No. 95–70034 (9th Cir.). These petitions for review were filed under § 307(b) of the Act, 42 U.S.C. 7607(b), contesting certain aspects of EPA's interim approval of the Washington State title V program of November 9, 1994.

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement agreement from persons who were not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withhold or withdraw consent to the proposed agreement if the comments disclose facts or circumstances that indicate that such agreement is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

A copy of the proposed settlement agreement is available from Phyllis J. Cochran, Air and Radiation Division (2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 260–7606. Written comments should be sent to Adan Schwartz, Esq. at the above address and must be submitted on or before September 18, 1995.

Dated: August 8, 1995.

**Gary Guzy,**

*Acting Assistant Administrator (General Counsel).*

[FR Doc. 95–20425 Filed 8–16–95; 8:45 am]

BILLING CODE 6560–50–M

**[FRL–5278–6]**

### Acid Rain Program: Draft Nitrogen Oxide Compliance Plans

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

**ACTION:** Notice of draft compliance plans and public comment period.

**SUMMARY:** The U.S. Environmental Protection Agency is issuing for comment nitrogen oxides ($NO_X$) compliance plans, which amend previously issued final Phase I Acid Rain Permits, for 10 utility units at 3 plants in accordance with the Acid Rain Program regulations (40 CFR parts 72 and 76).

**DATES:** Comments on draft $NO_X$ compliance plans must be received no later than September 18, 1995 or 30 days after the publication date of a similar notice in local newspapers.

**ADDRESSES:** *Administrative records.* The administrative record for the $NO_X$ compliance plans, except information protected as confidential, may be viewed during normal operating hours at the following locations: EPA Region 7 Library, 726 Minnesota Ave., Kansas City, KS 66101 or St. Louis County Air Pollution Control, 111 South Meramec, Clayton, MO, 63105 or Missouri Dept. of Natural Resources, Jefferson State Office Building, Jefferson City, MO 65102.

*Comments.* Send comments to the following address: William A. Spratlin, Director, Air and Toxics Division, EPA Region 7 (address above). Submit comments in duplicate and identify the $NO_X$ compliance plan to which the comments apply, the commenter's name, address, and telephone number, and the commenter's interest in the matter and affiliation, if any, to the owners and operators of the unit(s) covered by the compliance plan. All timely comments will be considered, except comments on aspects of the permit other than the $NO_X$ compliance plan and comments not relevant to the compliance plan.

*Hearings.* To request a public hearing, state the issues proposed to be raised in the hearing. EPA may schedule a hearing if EPA finds that it will contribute to the decision-making process by clarifying significant issues affecting a $NO_X$ compliance plan.

**FOR FURTHER INFORMATION CONTACT:** Jon Knodel, (913) 551–7622, EPA Region 7.

**SUPPLEMENTARY INFORMATION:** EPA proposes to approve $NO_X$ averaging plans under which units will comply with the applicable emission limitations under 40 CFR 76.10, for the following utility plants:

**Region 7**

Labadie in Missouri: units 1, 2, 3, and 4 will each comply with a $NO_X$ averaging plan for 1996–1999. For each year under the plan, the actual annual average emission rate for $NO_X$ for each of these units shall not exceed the alternative contemporaneous annual emission limitation of 0.31 lbs/MMBtu, and the actual annual heat input for units 1, 2, 3, and 4 shall not be less than the annual heat input limits of 25,000,000 MMBtu, 30,000,000 MMBtu, 27,000,000 MMBtu, and 33,000,000 MMBtu, respectively. The other units designated in this plan are Meramec units 1, 2, 3, and 4, and Rush Island units 1 and 2. The designated representative is Paul A. Agathen.

Meramec in Missouri: units 1, 2, 3, and 4 will each comply with a $NO_X$ averaging plan for 1996–1999. For each year under the plan, the actual annual average emission rate for $NO_X$ for each of these units shall not exceed the alternative contemporaneous annual emission limitation of 0.90 lbs/MMBtu for units 1 and 2, and 1.00 lbs/MMBtu for units 3 and 4. The actual annual heat input for units 1, 2, 3, and 4 shall not be greater than the annual heat input limits of 6,000,000 MMBtu, 4,000,000

MMBtu, 11,000,000 MMBtu, and 12,000,000 MMBtu, respectively. The other units designated in this plan are Labadie units 1, 2, 3, and 4, and Rush Island units 1 and 2. The designated representative is Paul A. Agathen.

Rush Island in Missouri: units 1 and 2 will each comply with a $NO_X$ averaging plan for 1996–1999. For each year under the plan, the actual annual average emission rate for $NO_X$ for each of these units shall not exceed the alternative contemporaneous annual emission limitation of 0.31 lbs/MMBtu for unit 1, and 0.60 lbs/MMBtu for unit 2. The actual annual heat input for unit 1 shall not be less than the annual heat input limit of 34,000,000 MMBtu; the actual annual heat input for unit 2 shall not be greater than the annual heat input limit of 31,000,000 MMBtu. The other units designated in this plan are Labadie units 1, 2, 3, and 4, and Meramac units 1, 2, 3, and 4. The designated representative is Paul A. Agathen.

Dated: August 10, 1995.

**Larry F. Kertcher,**

*Acting Director, Acid Rain Division, Office of Atmospheric Programs, Office of Air and Radiation.*

[FR Doc. 95–20426 Filed 8–16–95; 8:45 am]

BILLING CODE 6560–50–P

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**[FRL–5276–4]**

## Notice of Agency Completion of Study Regarding Heavy-Duty Engine Rebuilding Practices and Availability of Documents

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

**ACTION:** Notice of completion of study and availability of documents.

**SUMMARY:** EPA has completed a study of heavy-duty engine rebuilding practices as required by Section 202(a)(3)(D) of the Clean Air Act (CAA), and the results of that study are now available to the public.

Based on this study, EPA takes the current view that regulations are not warranted to ensure that rebuilt current-technology heavy-duty engines meet the certification emission standards that applied to the engines when new. EPA retains broad authority under section 202(a)(3)(D) of the CAA to impose requirements controlling heavy-duty engine rebuilding practices, and will continue to analyze whether requirements are warranted to protect public health or welfare.

**FOR FURTHER INFORMATION CONTACT:** Tom Stricker, Environmental Engineer, Manufacturers Operations Division (6405–J), U.S. Environmental Protection Agency, Washington, D.C. 20460, Telephone: (202) 233–9322. The available reports may be obtained by contacting the person identified above.

**SUPPLEMENTARY INFORMATION:**

### I. Introduction

Section 202(a)(3)(D) of the amended Clean Air Act (Act) requires the Administrator to study the practice of rebuilding heavy-duty engines (HDE's) and the impact rebuilding has on engine emissions. On the basis of that study and other information, EPA may prescribe requirements to control rebuilding practices, including emissions standards, ''* * * which in the Administrator's judgment cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare taking costs into account.'' 42 U.S.C. 7521(a)(3)(D). The required study has been completed and is now available to the public. The study findings are set forth in three documents: ''Heavy-Duty Engine Rebuilding Practices'', ''Heavy-Duty Engine Rebuilding Practices—Results of Emissions Testing'', and Heavy-Duty Engine Rebuilding Practices—Executive Summary''.

### II. Background

EPA has long been aware that many HDE's, specifically heavy heavy-duty diesel engines (HDDE's) and medium HDDE's, accumulate mileage far exceeding their statutory useful-life mileage [1], in large part due to engine rebuilding. Many heavy HDDE's accumulate up to one million miles or more before retirement. As a result, heavy HDDE's and medium HDDE's are unregulated for a large part of their actual lives.

EPA conducted the statutorily required study in two phases described below:

Phase I: Conduct a study of the current heavy-duty rebuild market, including identifying the key players in the rebuild industry, the current practices employed by rebuilders, the frequency of rebuilds and the types of engines being rebuilt. The primary data collection source utilized was a Request for Information published in the **Federal Register**.[2] Phase I was completed in January 1992, and a report was circulated to various interested parties within government and industry.

Phase II: Using the findings of Phase I, conduct emissions testing of various rebuilt heavy-duty engines. EPA solicited comments from industry in the development of the final testing plan. A draft report was completed in May, 1994 and made available to various interested parties.

### III. Phase I: Rebuild Study Findings

EPA found a marked difference in rebuild practices among the various types of heavy-duty diesel engines. Heavy and medium heavy-duty diesel engines are usually rebuilt whereas light heavy-duty diesel engines and heavy-duty gasoline engines are seldom rebuilt.

EPA determined that heavy HDDE's are rebuilt every 300,000–400,000 miles. These large diesel engines are designed to be rebuilt, may undergo up to three or more rebuilds in a lifetime, and generally accumulate one million miles or more before scrappage.

EPA estimates that 220,000–250,000 heavy HDDE's (out of a total heavy HDDE population of approximately 1.5 million) are rebuilt each year by fleets, independent garages, independent remanufacturing centers, original equipment (OE) dealers, OE remanufacturing facilities and others. Critical emissions components such as the fuel injection pump, fuel injectors, cylinder head, and cylinder kits (piston, rings and liner) are generally rebuilt, replaced or calibrated during a typical rebuild.

EPA found that medium HDDE's are generally rebuilt only once, typically at around 200,000 miles. Significant mileage accumulation after rebuild is possible since most of these engines operate for about 300,000 miles before scrappage.

EPA estimates that approximately 67,000 medium HDDE's (out of a total medium HDDE population of approximately 900,000) are rebuilt each year by fleets, independent garages, independent remanufacturing centers, OE dealers, and OE remanufacturing facilities. As with heavy HDDE's, most critical emission components are serviced during rebuild.

Due to the significant number of rebuilds performed on heavy HDDE's and medium HDDE's and the likelihood of significant mileage accumulation after rebuild, EPA determined quantitative emission data from these categories of engines were needed to effectively determine the impact of rebuilding on engine emissions.

Light heavy-duty diesel engines and heavy-duty gasoline engines (HDGE's) are quite different from medium HDDE's and heavy HDDE's. EPA found that light HDDE's and HDGE's are not frequently rebuilt. Most engine manufacturers do not sponsor remanufacturing programs

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[1] See 40 CFR 86.085–2 for useful-life definitions.

[2] See ''Request for Information Concerning Heavy-Duty Rebuild Study'', 56 FR 13825 (Apr. 4, 1991).

for these engines because of small market demand.

EPA estimates that about 40,000 HDGE's are rebuilt each year out of a population of about four million (about 1 percent annually). EPA could not estimate the number of light HDDE rebuilds because so few of these engines are rebuilt that data were not available. Rebuilds on these two categories of engines generally result if engine failure occurs early in the life of the vehicle, and rebuilding the engine is financially advantageous compared to purchasing a new vehicle or engine. Once rebuilt, additional mileage accrued by these engines is generally limited by the vehicle life, which typically does not substantially exceed the statutorial useful-life of 110,000 miles. Due to the few number of rebuilds performed on these engines, no emissions data were generated by EPA.

## IV. Phase II: Rebuilt Engine Test Findings

EPA conducted emissions testing of rebuilt medium HDDE's and heavy HDDE's to determine the impact of rebuilding on engine emissions. Mack Trucks, Inc. (Mack) performed similar testing. The results of EPA and Mack testing are shown in Tables 1 and 2 below. A complete description of each test program is contained in an EPA report entitled ''Heavy-Duty Engine Rebuild Study—Results of Emissions Testing''.

Every engine tested, when rebuilt, demonstrated emissions of hydrocarbons (HC), carbon monoxide (CO), oxides of nitrogen ($NO_X$) and particulate matter (PM) below the new engine certification standards applicable when each engine was new. Five engines emitted higher than the applicable standard for smoke. As discussed in the above referenced report, the smoke emissions measured by EPA are considered worst-case. In general, smoke emissions are becoming less of a concern as PM standards become more stringent.

Based on the available data, no substantial difference in emissions performance was noted based on the party that rebuilt the engine—OE manufacturer, dealer, independent rebuild facility or fleet. Similarly, no significant emissions performance difference was noted between OE and aftermarket parts used to rebuild engines.

## V. Advanced Diesel Engine Technologies

Engines contained in this study ranged from model year 1983 through 1990, inclusive. In general, heavy-duty diesel engines originally produced during this timeframe used mechanical fuel injection control, turbochargers and air-to-water or air-to-air aftercooling. Beginning in the late 1980's and early 1990's, advanced technologies such as electronic engine controls were incorporated into many engine designs to increase durability, reliability and emissions control (EPA tested one electronically controlled engine as part of this study). In addition to electronic controls, future engines may be equipped with other advanced control measures not present on most current engines, such as exhaust gas recirculation (EGR), aftertreatment (catalyst or particulate trap), advanced turbocharger geometry, and other engine modifications. At present, it is unknown how these future technologies will be addressed during rebuild and what affect rebuilding these components will have on engine emissions. Additionally, as future emission standards become more stringent, it may become more difficult for rebuilders to achieve the same ''like-new'' emissions levels demonstrated by the current-technology engines tested in EPA's study.

## VI. Conclusion

Based on the study findings, regulations to control rebuilding practices applicable to current-technology heavy-duty engines are not warranted to ensure that rebuilt engines meet the emission certification standards that applied to the engines when new. The study demonstrated that current-technology rebuilt engines generally emit below the standards applicable when such engines were new. While rebuilding extends the actual life of engines, it does not appear that the emissions characteristics of current engines deteriorate as a result of rebuild. Furthermore, most emissions critical components are currently replaced or adjusted during a typical engine rebuild.

EPA retains broad authority to prescribe requirements to control heavy-duty engine rebuilding practices, and EPA will continue to analyze whether such requirements are warranted to protect public health or welfare.

Dated: August 7, 1995.

**Carol M. Browner,**

*Administrator.*

TABLE 1.—RESULTS OF EPA HEAVY-DUTY REBUILT ENGINE TESTING

| Engine description | HC (g/bhphr) | CO (g/bhphr) | $NO_x$ (g/bhphr) | Part. (g/bhphr) | Smoke* | | |
|---|---|---|---|---|---|---|---|
| | | | | | ''A'' | ''B'' | ''C'' |
| OE Remanufacture (After Rebuild): | | | | | | | |
| 1987 Cummins NTC 315 | 0.778 | 5.000 | 6.140 | 0.424 | *24.7* | *18.4* | 41.7 |
| | (1.3) | (15.5) | (10.7) | (na) | (20) | (15) | (50) |
| 1986 Caterpillar 3406B | 0.708 | 3.840 | 8.203 | 0.603 | *21.0* | 10.1 | 32.2 |
| | (1.3) | (15.5) | (10.7) | (na) | (20) | (15) | (50) |
| Fleet Rebuild (After Rebuild): | | | | | | | |
| 1990 Cummins NTC 365 | 0.896 | 3.620 | 5.782 | 0.430 | 8.4 | 11.2 | 12.2 |
| | (1.3) | (15.5) | (6.0) | (0.6) | (20) | (15) | (50) |
| 1983 Cummins NTC 400 | 0.597 | 4.540 | 4.835 | 0.476 | 18.7 | 6.8 | 26.6 |
| | (1.3) | (15.5) | (10.7) | (na) | (20) | (15) | (50) |
| 1986 Cummins LTA10 | 1.293 | 6.270 | 4.288 | 0.902 | *43.2* | *18.7* | *68.9* |
| | (1.3) | (15.5) | (10.7) | (na) | (20) | (15) | (50) |
| Simulated In-Frame Rebuild (After Rebuild): | | | | | | | |
| 1989 Cummins NTC 365 | 0.752 | 3.000 | 5.736 | 0.286 | 10.0 | *16.3* | 16.8 |
| | (1.3) | (15.5) | (10.7) | (0.6) | (20) | (15) | (50) |
| 1989 Detroit Diesel Series 60 | 0.370 | 3.810 | 8.697 | 0.329 | 15.4 | 10.1 | 24.5 |
| | (1.3) | (15.5) | (10.7) | (0.6) | (20) | (15) | (50) |
| 1986 Caterpillar 3406B | 0.180 | 2.680 | 5.988 | 0.407 | 19.2 | 11.7 | 36.6 |
| | (1.3) | (15.5) | (10.7) | (na) | (20) | (15) | (50) |

TABLE 1.—RESULTS OF EPA HEAVY-DUTY REBUILT ENGINE TESTING—Continued

| Engine description | HC (g/bhphr) | CO (g/bhphr) | $NO_x$ (g/bhphr) | Part. (g/bhphr) | Smoke* | | |
|---|---|---|---|---|---|---|---|
| | | | | | "A" | "B" | "C" |
| Independent Remanufacture (After Rebuild): | | | | | | | |
| 1987 General Motors 8.2T | 0.823 | 2.100 | 7.280 | 0.451 | 12.5 | 8.6 | 24.8 |
| | (1.3) | (15.5) | (10.7) | (na) | (20) | (15) | (50) |
| 1987 Navistar DT466 | 0.559 | 2.560 | 7.435 | 0.343 | 10.6 | 9.2 | 17.8 |
| | (1.3) | (15.5) | (10.7) | (na) | (20) | (15) | (50) |

*"A" = Acceleration; "B" = Lugging; "C" = Peak.
Applicable standard shown in parentheses ( ) under each emission result.
Italic type indicates emissions above applicable standard when such engine was new.

TABLE 2.—RESULTS OF MACK TRUCKS, INC. HEAVY-DUTY REBUILT ENGINE TESTING

| Engine description | HC (g/bhphr) | CO (g/bhphr) | $NO_X$ (g/bhphr) | Part. (g/bhphr) | Smoke* | | |
|---|---|---|---|---|---|---|---|
| | | | | | "A" | "B" | "C" |
| OE Remanufacture (After Rebuild): | | | | | | | |
| 1987 Mack E6–350 | 0.29 | 2.97 | 6.27 | 0.31 | 10.5 | 3.4 | 18.8 |
| | (1.3) | (15.5) | (10.7) | (NA) | (20) | (15) | (50) |
| 1985 Mack EM6–300 | 0.59 | 7.46 | 6.90 | 1.26 | *62.1* | 5.2 | *98.8* |
| | (1.3) | (15.5) | (10.7) | (NA) | (20) | (15) | (50) |
| 1987 Mack EM6–237 | 0.56 | 2.37 | 8.99 | 0.75 | 17.6 | 10.9 | 35.8 |
| | (1.3) | (15.5) | (10.7) | (NA) | (20) | (15) | (50) |
| Fleet Rebuild (After Rebuild): | | | | | | | |
| 1984 Mack EM6–300 | 0.21 | 1.56 | 8.27 | 0.37 | 8.1 | 3.6 | 14.8 |
| | (1.3) | (15.5) | (10.7) | (NA) | (20) | (15) | (50) |
| 1986 Mack E6–300 | 0.16 | 2.69 | 8.82 | 0.23 | 9.1 | 3.1 | 17.0 |
| | (1.3) | (15.5) | (10.7) | (NA) | (20) | (15) | (50) |
| Simulated In-Frame Rebuild (After Rebuild): | | | | | | | |
| 1987 Mack E6–350 | 0.21 | 2.18 | 6.32 | 0.42 | 10.6 | 10.4 | 19.4 |
| | (1.3) | (15.5) | (10.7) | (NA) | (20) | (15) | (50) |
| 1984 Mack EM6–300 | 0.28 | 2.10 | 7.58 | 0.44 | 10.4 | 5.4 | 19.5 |
| | (1.3) | (15.5) | (10.7) | (NA) | (20) | (15) | (50) |

*"A" = Acceleration; "B" = Lugging; "C" = Peak.
Applicable standard shown in parentheses ( ) under each emission result.
Italic type indicates emissions above applicable standard when such engine was new.

[FR Doc. 95–20423 Filed 8–16–95; 8:45 am]
BILLING CODE 6560–50–P

**[FRL–5277–8]**

## Intent to Grant an Exclusive Patent License

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of intent to grant an exclusive patent license.

**SUMMARY:** Pursuant to 37 CFR Part 404, EPA hereby gives notice of its intent to grant an exclusive, royalty-bearing, revocable license to practice the invention described and claimed in the patent listed below, all corresponding patents issued throughout the world, and all reexamined patents and reissued patents granted in connection with such patents, to the University of Maryland, College Park, Maryland. The patent is:

U.S. Patent No. 5,406,805 entitled "Tandem Refrigeration System," issued April 18, 1995.

The invention was announced as being available for licensing in the April 26, 1995 issue of the **Federal Register** (60 Fed. Reg. 20490, 20491) as U.S. Patent Application No. 08/150,996, filed November 12, 1993. The University of Maryland is joint owner of the patent by assignment from its employee inventors. The proposed exclusive license will contain appropriate terms, limitations and conditions to be negotiated in accordance with 35 U.S.C. 209 and the U.S. Government Patent Licensing Regulation at 37 CFR Part 404.

EPA will negotiate the final terms and conditions and grant the exclusive license, unless within 60 days from the date of this Notice EPA receives, at the address below, written objections to the grant, together with supporting documentation. The documentation from objecting parties having an interest in practicing the above patent should include an application for exclusive or nonexclusive license with the information set forth in 37 CFR 404.8. The EPA Patent Counsel and other EPA officials will review all written responses and then recommend to the Assistant Administrator for Research and Development, for the U.S. Environmental Protection Agency, or his designee, who has been delegated the authority to issue patent licenses under 35 U.S.C. 207, whether to grant the exclusive license.

**DATES:** Comments to this notice must be received by EPA at the address listed below by October 16, 1995.

**FOR FURTHER INFORMATION CONTACT:** Alan Ehrlich, Patent Attorney, Office of General Counsel (Mail Code 2379), U.S. Environmental Protection Agency, Washington, D.C. 20460, Telephone (202) 260–7510.

**Scott Fulton,**

*Acting General Counsel.*

[FR Doc. 95–20420 Filed 8–16–95; 8:45 am]
BILLING CODE 6560–50–P

**[PF–629; FRL–4963–7]**

## Pesticide Tolerance Petitions; Filings, Amendments, and a Correction

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

**ACTION:** Notice.

**SUMMARY:** This notice announces initial filings and amendments of pesticide petitions (PP) and food/feed additive petitions (FAP) proposing the establishment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities. The notice also makes a correction to a previously published petition notice.

**ADDRESSES:** By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [PF-629]. No CBI should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

**FOR FURTHER INFORMATION CONTACT:** By mail: Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, contact the PM named in each petition at the following office location/telephone number:

| Product Manager | Office location/telephone number/e-mail | Address |
|---|---|---|
| Dennis Edwards (PM-19) | Rm. 205, CM #2, 703-305-6386; e-mail: edwards.dennis@epamail.epa.gov. | 1921 Jefferson Davis Hwy., Arlington, VA. |
| Connie Welch (PM-21) | Rm. 227, CM #2, 703-305-6226; e-mail: welch.connie@epamail.epa.gov. | Do. |
| Robert Taylor (PM-25) | Rm. 241, CM #2, 703-305-6800; e-mail: taylor.robert@epamail.epa.gov. | Do. |

**SUPPLEMENTARY INFORMATION:** EPA has received pesticide petitions and food/feed additive petitions as follows proposing the amendment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities. EPA is also correcting a previously issued petition notice.

### Initial Filings

1. *PP 3F4268*. E.I. du Pont de Nemours & Co., Inc., Barley Mill Plaza, Walker's Mill Plaza, Walker's Mill Building 37, Post Office Box 80038, Wilmington, DE 19880-0038, proposes to amend 40 CFR part 180 by establishing a regulation to permit residues of the herbicide quizalofop-p-ethyl ester (ethyl R-2-(4-(6-chloro-quinoxalin-2-yl)oxy)phenoxy) propanoic acid) and the S-enantiomers of the ester and the acid, all expressed as quizolofop-p-ethyl ester, in or on the raw agricultural commodities (RACs) legume vegetable (succulent or dried) group at 0.3 ppm; foilage of legume vegetables (except soybeans and bean hay) at 0.7 ppm; sugar beet root at 0.1 ppm; sugar beet top at 0.5 ppm; and cotton seed at 0.1 ppm. The analytical method is HPLC followed by GC/MS. (PM-25)

2. *PP 3F4270*. BASF Corp., Agricultural Products, Post Office Box 13528, Research Triangle Park, NC 27709-3528, proposes to amend 40 CFR part 180 by establishing a regulation to permit residues of the herbicide bentazon (3-isopropyl-1H-2,1,3-benzothiadiazin-4(3H)-one 2,2-dioxide) and its 6- and 8-hydroxymetabolites in or on the raw agricultural commodities flax, seed at 1.0 ppm and flax, straw at 6.0 ppm. The analytical method is gas chromatography. (PM 25)

3. *PP 4F4278* E.I. du Pont de Nemours & Co., Barley Mill Plaza, Walker's Mill Building 37, Post Office Box 80038, Wilmington, DE 19880-0038, proposes to amend 40 CFR part 180 by establishing a regulation to permit residues of the herbicide triflusulfuron methyl (methyl 2-[-[-[[[4-(dimethyl amino)-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]amino]carbonyl]amino]sulfonyl]-3-methylbenzoate) in or on the raw agricultural commodities sugar beet roots and sugar beet tops at 0.05 ppm. (PM-25)

4. *PP 4F4344*. BASF Corp., Agricultural Products, Post Office Box 13528, Research Triangle Park, NC 27709-3528, proposes to amend 40 CFR part 180 by establishing a regulation to permit residues of the herbicide sethoxydim (2-[1-(ethoxyimino)butyl]-5-[2-(ethylthio)propyl[-3-hydroxy-2-cyclohexen-1-one) and its metabolites containing the 2-cyclohexen-1-one moiety (calculated as the herbicide) in or on the following raw agricultural commodities (RACs): corn, grain at 0.5 ppm; corn, fodder at 2.5 ppm; corn, forage at 2.0 ppm; and corn, silage at 2.0 ppm. The analytical method is gas chromatography using sulfur-specific flame photometric detection. (PM-25)

5. *PP 4F4390* American Cyanamid Co., Agricultural Research Division, Post Office Box 400, Princeton, NJ 08543-0400, proposes to amend 40 CFR part 180 by establishing a regulation to permit residues of the herbicide Cadre, in or on peanuts (peanut nutmeat and peanut hulls) at 0.1 ppm. (PM-25)

6. *PP 5F4493*. Monsanto Co., 700 14th St., NW., Suite1100, Washington, DC 20005, proposes to amend 40 CFR part 180 by establishing a regulation to permit residues of glyphosate [N-(phosphonomethyl) glycine] resulting from the application of isopropylamine salt of glyphosate and/or the monoammonium salt of glyphosate in or on cotton gin byproducts at 100 ppm. (PM-25).

7. *PP 5F4497*. Ciba Crop Protection, Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419-8300, proposes to amend 40 CFR 180.408 by establishing

a tolerance for the combined residues of the fungicide metalaxyl (N-(6-dimethylphenyl)-N-(methoxyacetyl) alanine methyl ester) and its metabolites containing the 2,6-dimethylaniline moiety, and N-(2-hydroxymethyl-6-methyl)-N-(methoxyacetyl)-alanine methylester, each expressed as metalaxyl equivalents in or on the raw agricultural commodities canola seed at 0.2 part per million (ppm) and rape seed at 0.2 ppm. The proposed analytical method for determining residues is AG-395 (PAM enforcement method). (PM-21)

8. *PP 5F4505.* Acetochlor Registration Partnership, c/o Zeneca Agricultural Products, 1800 Concord Pike, Wilmington, DE 19897, proposes to amend 40 CFR part 180 by establishing a regulation to permit residues of acetochlor (2-chloro-2'-methyl-6'-ethyl-N-ethoxymethylacetanilide) and its metabolites containing the ethyl methyl aniline (EMA) moiety and the hydroxy ethyl methyl aniline (HEMA) moiety to be analyzed, EMA and HEMA and expressed as acetochlor equivalents in or on corn forage at 2.6 ppm. (PM-25)

9. *PP 5F4534.* Gustafson, Inc. P.O. Box 660065, Dallas, TX 75266-0065, proposes to amend 40 CFR 180.472 by establishing a regulation permitting residues of the pesticide imidacloprid (1-[(6-chloro-3-pyridinyl)methyl-N-nitro-2-imidazolidinimine) and its metabolites (calculated as imidacloprid), in or on canola seed at 0.05 ppm.

10. *FAP 5H5720.* E.I. du Pont de Nemours & Co., Inc., Barley Mill Plaza, Walker's Mill Building No. 37, Post Office Box 80038, Wilmington, DE 19880-0038, proposes to amend 40 CFR part 186 by establishing a regulation to permit residues of the herbicide quizalofop-p-ethyl ester [ethyl R-2-(4-((6-chloro-quinoxalin-2-yl)oxy)phenoxy) propanoic acid] and the s-enantiomers of the ester and the acid, all expressed as quizalofop-p-ethyl ester, in or on the animal feed sugar beet molasses at 0.2 ppm. (PM-25).

**Amended Filings**

11. *PP 3F4174.* DuPont Agricultural Products, Walker's Mill Plaza, P.O. Box 80038, Wilmington, DE 19880-0038, proposes to amend 40 CFR part 180 by establishing a regulation to permit residues of clorethoxyfos in or on corn grain (field, pop) at 0.01 ppm; corn forage (field, sweet) at 0.01 ppm; corn fodder (stover) (field, pop, sweet) at 0.01 ppm; sweet corn (K + CWHR) at 0.01 ppm. The original petition, notice of which appeared in the **Federal Register** of October 21, 1993 (58 FR 54353), proposed a tolerance for sweet corn separate from field corn. (PM-19)

12. *PP 3F4222.* Bayer Corp., P.O. Box 4913, Hawthorne Rd., Kansas City, MO 64120-0013, proposes amending 40 CFR part 180 by establishing tolerances for the residues of the fungicide tebuconazole (alpha-(2-(4-(chlorophenyl) ethyl)-alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol) in or on the raw agricultural commodities cherries at 4.0 ppm and peaches at 1.0 ppm. Notice of this petition originally appeared in the **Federal Register** of October 21, 1993 (58 FR 54354), and proposed establishing tolerances in or on cherries at 3.5 ppm and peaches at 1.0 ppm. (PM 21)

13. *PP 4F4337.* Gustafson, Inc., P.O. Box 660065, Dallas, TX 75266-0065, submitted PP 4F4337 to EPA, notice of which originally appeared in the **Federal Register** of November 2, 1994 (59 FR 54907), amended in the **Federal Register** of June 15, 1995 (60 FR 31467), proposing to amend 40 CFR part 180 by establishing a regulation to permit residues of imidaclolprid, 1-[(chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine, and its metabolites (calculated as imidacloprid), in or on various agricultural commodities. Gustafson has submitted an amendment to the petition to increase the proposed tolerance for imidacloprid and its metabolites on barley forage from 1.2 ppm to 1.5 ppm. (PM-19)

**Corrected Notice**

14. *PP 5F4469.* Notice of filing of petition by American Cyanamid Co. for the herbicide prosulfuron is corrected to state that the filing is by Ciba-Geigy Corp., not American Cyanamid Co. The notice appeared in the **Federal Register** of May 24, 1995, at page 27506 (60 FR 27506, May 24, 1995). (PM-25)

A record has been established for this notice document under docket number [PF-629] (including any comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

**List of Subjects**

Environmental protection, Agricultural commodities, Food additives, Feed additives, Pesticides and pests, Reporting and recordkeeping.

**Authority:** 7 U.S.C. 136a.

Dated: August 8, 1995.

**Peter Caulkins,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 95–20308 Filed 8–16–95; 8:45 am]

BILLING CODE 6560–50–F

## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collection Requirement Submitted to Office of Management and Budget (OMB) Review

August 11, 1995.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3507. Persons wishing to comment on this information collection should contact Timothy Fain, Office of Management and Budget, Room 10236, New Executive Office Building, Washington, D.C. 20503, (202) 395–3561. For further information, contact Judy Boley, Federal Communications Commission, (202) 418–0214.

Please note: The Commission has requested emergency review of this collection by August 18, 1995, under the provisions of 5 CFR Section 1320.18.

*OMB Control No.:* None.

*Title:* 800 Service Providers and Customers Investigation.

*Action:* New Collection.

*Respondents:* Business or other for-profit entities.

*Frequency of response:* One time collection.

*Estimated Annual Burden:* 25 respondents; 80 hours per response; 2000 hours total annual burden.

*Needs and Uses:* The Commission plans to collect information from various long distance carriers and certain 800 service customers to determine whether there is a problem with the ''hoarding'' of 800 numbers and to evaluate the status of 800 number availability.

Federal Communications Commission.

**LaVera F. Marshall,**

*Acting Secretary.*

[FR Doc. 95–20477 Filed 8–16–95; 8:45 am]

BILLING CODE 6712–01–F

## FEDERAL RESERVE SYSTEM

### Fleet Financial Group, Inc.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 95-17974) published on pages 37642 of the issue for Friday, July 21, 1995, and a notice (FR Doc. 95-19104) published on pages 39740 of the issue for Thursday, August 3, 1995.

Under the Federal Reserve Bank of Boston heading, the entry for Fleet Financial Group, Inc., and the entry for Shawmut National Corporation, is revised to read as follows:

*1. Fleet Financial Group, Inc.*, Providence, Rhode Island, and Shawmut National Corporation, Hartford, Connecticut and Boston, Massachussetts, through its acquisition of Interpay, Inc., Mansfield, Massachusetts, will provide fiduciary services pursuant to in connection with providing payroll processing services pursuant to § 225.25(b) 3 of the Board's Regulation Y; and engaging in related data processing activities pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 11, 1995.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 95–20388 Filed 8–16–95; 8:45 am]

BILLING CODE 6210–01–F

### Hibernia Corporation; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 31, 1995.

**A. Federal Reserve Bank of Atlanta** (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

*1. Hibernia Corporation*, New Orleans, Louisiana; to engage *de novo* in making, acquiring, or servicing loans or other extensions of credit, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 11, 1995.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 95–20387 Filed 8–16–95; 8:45 am]

BILLING CODE 6210–01–F

### Westfield Mutual Savings Bank Holding Company, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than September 11, 1995.

**A. Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

*1. Westfield Mutual Savings Bank Holding Company*, Westfield, Massachusetts; to be known as Westfield Mutual Holding Company, Westfield, Massachusetts, to become a bank holding company by acquiring 100 percent of the voting shares of Westfield Savings Bank, Westfield, Massachusetts. **The comment period for this application ends August 31, 1995.**

**B. Federal Reserve Bank of Chicago** (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

*1. Calumet National Corporation*, Hammond, Indiana; to merge with Chicago Heights Bancorp, Inc., Chicago Heights, Illinois, and thereby indirectly acquire Chicago Heights National Bank, Chicago Heights, Illinois.

**C. Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

*1. 215 Holding Company*, Minneapolis, Minnesota; to acquire 100 percent of the voting shares of Valley Bancorporation, Inc., Le Sueur, Minnesota, and thereby indirectly acquire Valley National Bank of Le Sueur, Le Sueur, Minnesota.

**D. Federal Reserve Bank of Kansas City** (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

*1. First National Bank Shares, Ltd.*, Great Bend, Kansas; to acquire 9.9 percent of the voting shares of Unison Bancorp, Inc., Lenexa, Kansas, and thereby acquire Western National Bank, Lenexa, Kansas, a *de novo* bank.

Board of Governors of the Federal Reserve System, August 11, 1995.

**William W. Wiles,**

*Secretary of the Board.*

[FR Doc. 95–20386 Filed 8–16–95; 8:45 am]

BILLING CODE 6210–01–F

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

### 1995 Federal Council on the Aging; Meeting

**AGENCY:** Administration on Aging, HHS.

**ACTION:** Notice of pubic meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, this notice announces a meeting of the 1995 Federal Council on the Aging (FCoA).

**DATES:** Tuesday, September 12, 1995, 9 a.m. to 5 p.m. and Wednesday, September 13, 1995, 9 a.m. to 4 p.m.

**ADDRESSES:** The meeting will be held in the Snow Room, room 5500 of the Wilbur Cohen Building, 330 Independence Avenue SW., Washington, DC 20201.

**STATUS:** The meeting is open to the public. Due to building security, the names of attendees should be called into the FCoA office prior to the meeting dates.

**FOR FURTHER INFORMATION CONTACT:** By mail—Barbara Lewis, Program Assistant, room 4661 Wilbur Cohen Federal Building, 330 Independence Avenue SW., Washington, DC; by telephone—(202) 619–2451; By fax—(202) 619–3759.

**SUPPLEMENTARY INFORMATION:**

#### I. Purpose

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93–29; 42 U.S.C. 3015) for the purpose of advising the President on matters related to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92–453, 5 U.S.C. app. 1, section 10, 1976) that the Council will hold a quarterly meeting on September 12 and 13 from 9 a.m. to 5 p.m. in the Snow Room, room 5500, of the Wilbur Cohen Building, 330 Independence Avenue, SW., Washington, DC 20201.

#### II. Agenda

The Council's meetings are an officially sanctioned post-Conference event to the 1995 White House Conference on Aging (WHCoA). The major purpose of the meetings is to develop an action plan for implementing major resolutions passed by the delegates to the WHCoA, with a focus on the Older Americans Act, mental health and aging, community-based long-term care.

September 12, from 9 a.m. to 10 a.m., old and new business will be addressed including an update of activities by the Chairman, Council members, and the executive director.

September 12, from 10 a.m. to 10:30 a.m., Mr. Robert Blancato, executive director of the White House Conference on Aging, will provide an update regarding the status of post-WHCoA events, the draft post-WHCoA report that has been sent to the governors, and an overview of the major resolutions and themes that were passed by the Conference delegates.

September 12, from 10:30 a.m.–12:30 p.m., the Council will consider an implementation plan for delegate-passed resolutions pertaining to the Older Americans Act.

September 12, from 1:30 p.m.–3 p.m., the Council will consider an implementation plan for delegate-passed resolutions pertaining to community-based long-term care.

September 12, from 3 p.m.–5 p.m., the Council will consider an implementation plan for delegate-passed resolutions pertaining to mental health and aging.

September 13, from 9 a.m. to 10 a.m., the Assistant Secretary for Aging, Dr. Fernando Torres-Gil, will provide an update on the status of the Older Americans Act and other issues.

September 13, from 10 a.m.–12 p.m., the Council will discuss issues related to the Council and the Older Americans Act.

September 13, from 1:30 p.m. to 5 p.m., the Council will conclude business and finalize its recommendations and resolutions to the President and the Congress.

Dated: August 10, 1995.

**Brian T. Lutz,**

*Executive Director, 1995 Federal Council on the Aging.*

[FR Doc. 95–20316 Filed 8–16–95; 8:45 am]

BILLING CODE 4150–04–M

### Centers for Disease Control and Prevention

### Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Cooperative Agreements for Analytic Studies to Elaborate the Impact of Race, Ethnicity, and Socioeconomic Status Upon the Health of Minority Populations—Program Announcement 562: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

*Name:* Disease, Disability, and Injury Prevention and Control SEP: Cooperative Agreements for Analytic Studies to Elaborate the Impact of Race, Ethnicity, and Socioeconomic Status Upon the Health of Minority Populations—Program Announcement 562.

*Time and Dates:* 8:30 a.m.–4:30 p.m., September 13–15, 1995.

*Place:* The Bethesda Ramada Hotel and Conference Center, 8400 Wisconsin Avenue, Bethesda, Maryland 20814.

*Status:* Closed.

**Matters to be Discussed**

The meeting will include the review, discussion, and evaluation of applications received in response to Program Announcement 562. The applications being reviewed include information of a confidential nature, including personal information concerning individuals associated with the applications.

The meeting will be closed to the public in accordance with provisions set forth in section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Pub. L. 92–463.

*Contact Person for More Information:* Audrey Burwell, Grants Coordinator (P08), National Center for Health Statistics, CDC, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436–7050.

Dated: August 9, 1995.

**Carolyn J. Russell,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 95–20367 Filed 8–16–95; 8:45 am]

BILLING CODE 4163–18–M

### Health Care Financing Administration

### Public Information Collection Requirements Submitted for Public Comment and Recommendations

**AGENCY:** Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the

Health Care Financing Administration (HCFA), Department of Health and Human Services (HHS), is publishing the following summaries of proposed collections for public comment.

1. *Type of Information Collection Request:* New collection; *Title of Information Collection:* National Provider Identifier (NPI); *Form No.:* HCFA R–182; *Use:* HHS is consolidating Provider Enumeration across agencies. The NPI will be used in program operations and management to assign provider identification numbers; i.e., billing numbers for claims processing and payment. It will replace the current Medicare Physician and Eligibility System and Unique Physician Identifier Number. It will replace the enumeration functions of the Medicare Oscar, Clinical Laboratories Improvement Amendments of 1988, and National Supplier Clearing House systems and Civilian Health and Medical Program of the Uniformed Services provider numbering systems. *Frequency:* On occasion; *Affected Public:* Federal Government, State, local, or tribal government, individuals or households, business or other for profit, not-for-profit institutions; *Number of Respondents:* 45,000; *Total Annual Hours:* 23,000.

2. *Type of Information Collection Request:* Reinstatement, without change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Request for Medicare Payment Ambulance; *Form No.:* HCFA 1491; *Use:* This form is completed on an ''occasion'' basis by beneficiaries and/or ambulance services. It is submitted to the Medicare carrier to request payment for ambulance services. *Frequency:* On occasion; *Affected Public:* Business or other for profit, not-for-profit institutions, individuals or households; *Number of Respondents:* 8,513,000; *Total Annual Hours:* 1,362,128.

To request copies of the proposed paperwork collections referenced above, call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections should be sent within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Financial and Human Resources, Management Planning and Analysis Staff, Attention: Zaneta Davis, 7500 Security Boulevard, Room C2–26–17, Baltimore, Maryland 21244–1850.

Dated: August 9, 1995.

**Kathleen B. Larson,**

*Director, Management Planning and Analysis Staff.*

[FR Doc. 95–20325 Filed 8–16–95; 8:45 am]

BILLING CODE 4120–03–P

## Public Information Collection Requirements Submitted for Public Comment and Recommendations

**AGENCY:** Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services (HHS), is publishing the following summaries of proposed collections for public comment.

1. *Type of Information Collection Request:* Revision of a currently aproved collection; *Title of Information Collection:* Evaluation of the Medicare Cataract Surgery Allternate Payment Demonstration; *Form No.:* HCFA–R–154; *Use:* This survey will be implemented in an effort to estimate the effects of a bundled payment for cataract surgery on Medicare beneficiaries. Effects of the packaged payment on the nature of services, quality, and satisfaction will be measured. *Frequency:* Annually; *Affected Public:* Individuals or households, business or other for profit, not for profit; *Number of Respondents:* 1,686; *Total Annual Hours:* 506.

2. *Type of Information Collection Request:* Reinstatement, without change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Corrective Action Plan (Medicaid Eligibility Quality Control); *Form No.:* HCFA–320; *Use:* Medicaid Eligibility Quality Control is a State administered management system designed to improve the administration of the Medicaid program. States are required to submit a corrective action plan annually. The plan must detail the initiatives the State will implement in order to reduce the type of errors found. *Frequency:* Annually; *Affected Public:* State, local, or tribal government; *Number of Respondents:* 51; *Total Annual Hours:* 20,400.

To request copies of the proposed paperwork collections referenced above, call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections should be sent within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Financial and Human Resources, Management Planning and Analysis Staff, Attention: John Burke, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: August 8, 1995.

**Kathleen B. Larson,**

*Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.*

[FR Doc. 95–20452 Filed 8–16–95; 8:45 am]

BILLING CODE 4120–03–P

## Statement of Organization, Functions, and Delegations of Authority; Substructure for the Bureau of Program Operations

Part F of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services, Health Care Financing Administration (HCFA), (**Federal Register**, Vol. 59, No. 60, pp. 14648–14654, dated Tuesday, March 29, 1994, and **Federal Register**, Vol. 60, No.12, pg. 3869, dated Thursday, January 19, 1995) is amended to reflect a change to the subordinate structure of the Bureau of Program Operations (BPO).

BPO is streamlining their organization by eliminating one entire organizational layer and realigning functions that supports the bureau in moving toward and into the Medicare Transaction System.

The specific amendments to part F are described below:

Section F.10.D., Health Care Financing Administration, Associate Administrator for Operations and Resource Management (FL) (Organization), paragraphs 4.a. through g. and all the associated subparagraphs are deleted and replaced with the following new organizational structure and administrative codes:

4. Bureau of Program Operations (FLG)

a. Management & Program Support Staff (FLG–1)
b. Office of Analysis and Systems (FLG1)
  (1) Analysis (FLG11)
  (2) Operational Systems (FLG12)
  (3) Systems Testing (FLG13)
  (4) Systems Design (FLG14)
c. Office of Benefits Integrity (FLG2)
  (1) Medical Review (FLG21)
  (2) Program Integrity (FLG22)
  (3) Audit/CMP (FLG23)
  (4) Overpayment & MSP Collections (FLG24)
d. Office of Program Requirements (FLG3)

(1) Institutional Claims Processing Requirements (FLG31)
(2) Practitioner Claims Processing Requirements (FLG32)
(3) Supplier Claims Processing Requirements (FLG33)
(4) Standards Setting (FLG34)
(5) Provider Enrollment (FLG35)
(6) Benefit Coordination (FLG36)

e. Office of Contract Administration (FLG4)
(1) Acquisitions & Contracts (FLG41)
(2) Financial Management (FLG42)
(3) Transition Management (FLG43)
(4) Contract Management (FLG44)
(5) Planning (FLG45)

f. Office of Customer Communications (FLG5)
(1) Appeals (FLG51)
(2) Entitlement & Premium Billing (FLG52)
(3) Issuances (FLG53)
(4) Medicare Customer Assistance (FLG54)
(5) Communications (FLG55)

g. Medicare Transaction System Initiative Task Force (FLG6)
(1) Medicare Transaction System Quality Assurance (FLG61)
(2) Medicare Transaction System Development (FLG62)
(3) Medicare Transaction System Program Planning & Needs Analysis (FLG63)

Section F.20.D, Health Care Financing Administration Associate Administrator for Operations and Resource Management (FL) (Functions), paragraphs 4.a. through g. and all the associated subparagraphs are deleted and replaced with the following new functional statements and administrative codes:

**a. Management & Program Support Staff (FLG–1)**

• Plans and directs a comprehensive bureau-wide human resource management program including manpower selection and placement, organizational analysis, training and employee development (including ADP and Medicare program related training), position control, manpower utilization, employee counseling, equal employment opportunity, and labor relations activities.

• Plans, directs, and coordinates bureau-wide employee appraisal programs including SES performance monitoring programs and the administration of mandatory performance award system.

• Plans and manages the bureau's financial management program, interprets administrative budgetary policies and limitations, and issues bureau-wide guidelines and instructions for budget formulation and execution.

• Executes the budget through the issuance of staff and dollar controls, budget allowances for administrative expenditures, and employee ceilings to BPO sub-components.

• Plans and monitors all BPO administrative contracts and procurement and conducts management evaluations to assure the effectiveness of the bureau's overall financial operations.

• Directs the bureau's ADP activities which includes providing technical assistance to bureau components in mainframe and microcomputer applications, developing BPO automation strategy based on long-term needs and new initiatives, identifying bureau ADP needs and requirements, and coordinating with the Bureau of Data Management and Strategy the necessary implementation activities.

• Serves as a focus for information and analysis to support both short and long-range planning for the bureau, identifying trends in the findings of external monitoring organizations (i.e, the General Accounting Office) as well as internal reviews. Recommends changes in operating procedures, policies, strategies, and organizational structure as appropriate.

• Conducts studies and analyses of the bureau's work processes and procedures, workload and production data, material and staff resources, budgetary data and expenditures trends, and physical layout. Recommends changes in operating procedures, policies, strategies, and organizational structure as appropriate.

• Develops and implements all bureau programs and administrative delegations of authority and serves as a focal point for all delegations of authority issues affecting the bureau. Serves as the focal point in leading negotiations with other HCFA components to resolve conflicts over central or regional office responsibilities.

• Serves as the bureau's primary source for management consultation and advice on management policies and issues including highly sensitive and complex actions involving inter-bureau coordination. Develops and implements bureau-wide management policies.

**b. Office of Analysis and Systems (FLG1)**

• Provides requirements and specifications for the design, development, and maintenance of reporting and information management systems that generate data reflecting on Medicare program operations.

• Identifies reporting and information needs for data relating to Medicare contractor operations and initiates appropriate action for establishing or modifying the reporting and information systems to satisfy these needs.

• Analyzes a broad range of information, including computer stored data, on operations performed in support of the Medicare program; prepares interpretive reports and recommendations on findings to internal bureau components for purposes of conducting program and performance evaluations.

• Provides overall support to other staff in analyzing and interpreting program and operational data to better understand the program.

• Provides requirements and specifications for the design, development, and management at the national level, activities required to enhance systems for improvement of the Medicare eligibility systems, Part A and Part B claims processing systems, and the Medicare program database.

• Provides direction and guidance to HCFA staff (central office and regional) on improving contractor systems.

• Prepares systems plans and develops policies for the design, implementation, and evaluation of shared systems and standardized modules for use by Medicare carriers, intermediaries, and hosts.

• Directs the design, development testing, and implementation of innovative system enhancements to the Common Working File (CWF) shared claims processing systems resulting in improvements to the national Medicare claims payment process.

• Provides requirements and specifications for the development, implementation, execution, and monitoring of a procedure to provide ongoing testing of national claims processing and information system to detect flaws in the operation of software, hardware, and related operations.

• Provides requirements and specifications for the development and implementation of systems that provide for the creation and maintenance of databases and test files that are required to conduct comprehensive system acceptance testing of a national claims processing and information system.

*(1) Analysis (FLG11)*

• Provides requirements and specifications for the design, establishment, and maintenance of reporting and information management systems that generate data reflecting on Medicare program operations.

• Reviews contractors' reporting systems for consistency and the ability to transmit the required information and

prepares the appropriate reporting requirements.

• Develops the specifications for an automated operational data system for Medicare.

• Prepares recurring reports on the status and trends in program administration and operational effectiveness.

• Provides technical assistance to regional offices and contractors on reporting requirements.

• Identifies reporting and information needs for data relating to Medicare contractor operations and initiates appropriate action for establishing or modifying the reporting and information systems to satisfy these needs.

• Analyzes a broad range of information, including computer stored data, on operations performed in support of the Medicare program; prepares interpretive reports and recommendations for the findings to other bureau components for purposes of conducting program and performance evaluations.

• Provides overall support to other staff in analyzing and interpreting program and operational data to better understand the program.

• Develops and publishes national reports on Medicare utilization patterns by procedure, beneficiary, etc.

• Analyzes patterns to determine contractor differences, changes in patterns, relationships between procedures, etc.

• Serves as the bureau focal point for support and liaison with other HCFA and non-HCFA components involved in data and information analyses.

• Utilizes the National Claims History Database to analyze and compare utilization patterns and to assess national trends in the provision of care to the Medicare population.

• Uses statistical databases and applications to analyze, evaluate, and make recommendations towards improving program operations, including operational efficiency.

• Provides statistical support to program studies and to analytical studies throughout the bureau.

• Evaluates and monitors proposals for new analytic methods to identify fraud, abuse and over utilization from claims data (Medicare Parts A and B).

• Responds to ad-hoc data requests for management information data.

• Acts as a liaison with the Bureau of Data Management and Strategy staff to enhance data available to BPO components.

• Directs workgroups to promote the continuous improvement in the use of data to conduct effective analysis in support of BPO component activities.

• Develops procedures and requirements for data analysis in the Medicare Transaction System environment.

*(2) Operational Systems (FLG12)*

• Prepares systems plans and develops policies for the design, implementation, and evaluation of shared systems and standardized modules for use by Medicare carriers, intermediaries, and hosts.

• Directs the design, development testing and implementation of innovative system enhancements to the Common Working File (CWF) shared claims processing systems resulting in improvements to the national Medicare claims payment process.

• Evaluates HCFA-wide systems plans for their impact on functions related to Part A and Part B of Medicare.

• Integrates systems changes within the framework of HCFA policies, goals, and objectives in an efficient and cost effective manner and coordinates system changes with other HCFA components, the Social Security Administration, HCFA regional offices, provider groups, and other affected organizations.

• Provides direction to the national CWF Maintenance Contractor and establishes priorities and schedules for all changes to CWF software and procedures and monitors progress in the release of these changes to all CWF users.

• Conducts and reviews national system impact analysis assessments relating to Medicare legislative mandates and oversees development of CWF specifications for national implementation of mandates.

• Develops and controls activities associated with the development of standard systems and standard modules and assists other HCFA components in preparing contract modifications associated with standard systems activities.

• Develops, monitors, and evaluates budgets and the budget forecasts for CWF, shared systems, and other contractor based operations including participation in long-range procurement planning support to procurement officials.

• Develops comprehensive systems security instructions in the Medicare Intermediary and Carrier Manuals.

• Provides regional offices with methods of reviews of contractor safeguards which include providing checklists for such initiatives as contingency planning and safeguarding the integrity of the Internal Revenue Service data used in the Medicare Secondary Payer data match and applying internal control sampling techniques to make sure that reviews have been performed adequately.

• Prepares quarterly listings of all significant tasks for carriers and intermediaries with special emphasis on those involving standard systems maintenance.

*(3) Systems Testing (FLG13)*

• Develops, implements, executes, and monitors a procedure to provide ongoing testing of national claims processing and information system to detect flaws in the operation of software, hardware, and related operations.

• Develops and implements systems that provide for the creation and maintenance of databases and test files that are required to conduct comprehensive system acceptance testing of a national claims processing and information system.

• Develops system test designs and test requirements for accomplishing system testing (hardware and software, etc.).

• Designs, develops, and maintains system software to accomplish testing requirements and processes.

• Performs system analyses and studies to develop testing strategies, procedures, and methodologies.

• Develops requirements and monitors implementation of corrective action plans for claims processing and information system that have failed to meet HCFA system testing requirements.

• Develops processes to monitor the implementation of new changed hardware and software that impact HCFA's claims processing and information system.

• Provides training and technical guidance to regional office and contractor staffs for implementing and operating national programs for assessing system testing activities.

• Consults and maintains working relations with contractors, HCFA components, and outside organizations for effective interchange of information and resolution of problems.

• Plans, develops, tests, and maintains a system to support Medicare claim and remittance electronic standardization enforcement and other front-end system testing activities.

*(4) Systems Design (FLG14)*

• Designs, develops, and manages, at the national level, activities required to enhance systems for improvement of the Medicare eligibility systems, Part A and Part B claims processing systems, and the Medicare program database.

• Provides direction and guidance to HCFA staff (central office and regional) on improving contractor systems.

• Designs, develops, and manages at the national level activities required to support the acquisition, establishment, and operation of the operating sites for the Medicare Transaction System (MTS).

• Coordinates and plans for the establishment of a test facility to ensure the system fully meets expectations of customers.

• Plans, develops, establishes, and maintains the processes necessary to manage all levels of change to the MTS.

• Plans, coordinates, and supports activities necessary to support the ongoing development and maintenance of system and program requirements for the MTS.

• Plans, supports, and participates in system activities to support transition to MTS.

• Serves as a technical specialist in the data telecommunications field and performs a broad variety of systems, software and hardware related tasks for major networks related to HCFA/BPO's nationwide Medicare claims processing telecommunications networks.

• Plans, designs, organizes, and leads studies to develop long-range Medicare operational systems telecommunications strategies and advises senior program managers on applying advances in telecommunications technologies to the Medicare operational systems.

**c. Office of Benefits Integrity (FLG2)**

• Oversees the administration of Medicare program audit and payment management, benefit integrity, Medicare Secondary Payer (MSP), other overpayment collections, and medical review.

• Plans and develops methods to improve and enhance the audit and payment management functions and makes recommendations for improvements in the management of the audit program. Analyzes regulations, executive orders, policies, and legislative proposals and assesses their financial impact on the audit budget.

• Develops, implements, and maintains programs and systems to ensure that Medicare benefits are paid within the meaning of applicable law, regulations, and program policy and to ensure that internal or external allegations of fraudulent or abusive behavior are promptly acknowledged, developed, and disposed of including referral to the Office of Inspector General.

• Directs the development and issuance of specifications, requirements, procedures, forms, and instructional material to implement and maintain operational systems for Part A and Part B medical review and utilization analysis.

• Develops the national budget for intermediary and carrier payment safeguard activities, linking programmatic expectations with funding requirements and available resources. Implements new legislation impacting on payment safeguard processes and/or Medicare covered services.

• Supports MSP litigation and post pay activities.

• Reviews regional office and contractor performance in determining the correct amount of provider, physician, and supplier overpayments and assists contractors in negotiations related to the acceptability of techniques for determining the amount of an overpayment and the methods of recovery.

• Prepares cases when compromises are not appropriate and overpayments are collectable and assists the HCFA Claims Collection Officer in preparing such cases for disposition.

• Prepares manual instructions concerning the procedures for the recovery of provider, physician, and supplier overpayments.

• Designs, implements, and maintains a Medicare overpayment tracking system.

• Conducts in-depth evaluations of selected programmatic areas to determine whether established policy and operational criteria are effectively and accurately met.

• Develops and implements requirements for payment safeguard activities in the Medicare Transaction System environment.

*(1) Medical Review (FLG21)*

• Directs the development and issuance of specifications, requirements, procedures, forms, and instructional material to implement and maintain operational systems for carrier and fiscal intermediary medical review and utilization analysis.

• Reviews proposed payment and coverage policy and legislative proposals to evaluate the operational impact on the Medical Review and Utilization Review (MR/UR) program. Implements new legislation affecting MR/UR and develops program safeguards for new and revised procedures.

• Oversees and evaluates contractor development and implementation of local medical review policy and procedures. Provides support to contractor medical directors and develop tools and instructions that enhance the consistency local MR policy. Coordinates and generally oversees the Carrier Advisory Committee activities.

• Assists with the development of contractor performance standards to promote improvement and assess the effectiveness of the contractor's MR/UR program.

• Provides technical support and assistance to bureau, other HCFA, and non-HCFA components. Serves as liaison with representatives of the health care industry to obtain expert input, promote understanding of the MR/UR program, and to ensure that HCFA's processes are compatible with health practices.

• Recommends legislative, regulatory, and programmatic changes to implement utilization controls in problematic areas.

• Develops the national budget for intermediary and carrier medical review activities, linking programmatic expectations with funding requirements.

• Develops and implements procedures and requirements for medical review procedures in the Medicare Transaction System environment.

• Participates in the development of analytical studies, tools, methodologies, etc., to assist in identifying patterns and trends in health care utilization that indicate over utilization or abuse.

*(2) Program Integrity (FLG22)*

• Develops, implements, and maintains programs and systems to ensure that Medicare benefits are paid within the meaning of applicable law, regulations, and program policy.

• Develops, implements, and maintains programs and systems to ensure that internal or external allegations of fraudulent or abusive behavior against the Medicare program are promptly acknowledged, developed and corrective action taken including referral to Office of Inspector General.

• Coordinates the development, budgeting, and institutionalization of Medicare dedicated program integrity units in Medicare carriers and fiscal intermediaries and monitors their activities. Develop regulations, legislative proposals, contract amendments, and operating procedures for these units.

• Plans, conducts, and evaluates studies and recommends actions aimed at short and long-range improvements in methods and procedures, legislative and policy proposals to prevent and detect fraud, abuse, waste, and other violations of billing requirements of the Medicare program.

• Provides bureau liaison with the Office of Inspector General, the Federal Bureau of Investigations, and the Department of Justice on program integrity issues, particularly on fraud and abuse issues and to improve the detection, development, and referral of fraud cases. Prepares and assists in preparation of reports to Congress. Develops and monitors relationships between Medicare contractors, and the State, local and private organizations, which are responsible for the detection and prevention of health care fraud including Medicaid State Agencies and fraud units. Ensures sharing of fraud information.

• Directs the development of analytical studies, tools, and other methodologies, etc., to detect potential fraudulent and abusive practices and patterns of over utilization.

• Develops procedures and requirements for program integrity activities in Medicare Transaction System environment.

• Issues national Medicare fraud alerts to notify contractors and public of fraudulent schemes. Coordinates at national level the review of proposed settlements negotiated by Office of the Inspector General, AUSA.

*(3) Audit/CMP (FLG23)*

• Analyzes regulations, executive orders, policies, and legislative proposals and assesses their financial impact on the audit budget. Develops the plan, necessary audit programs, guidelines, and instructions for the implementation of current and future legislation, regulations, and court orders.

• Plans and develops methods to improve and enhance the audit function and makes recommendations for improvements in management of the audit program. This includes the identification and implementation of ADP programs in the desk review, audit, and settlement activities.

• Develops rationale for the audit and payment management portion of the current and future national contractor budgets; monitors return ratios for provider audits to assure maximum return on investment expenditures.

• Reviews and analyzes Contractor Auditing and Settlement Reports to determine the effectiveness of contractor audit and payment performance and compliance with established audit guidelines, priorities, funding limitations, and workload objectives.

• Researches and responds to all Office of Inspector General and General Accounting Office reimbursement and financial audit reports and studies. Prepares position papers and reports offering alternative methods of resolution.

• Analyzes System Tracking for Audit and Reimbursement (STAR) data to assess effectiveness of audit policy and procedures and contractors compliance with such policy and procedures.

• Evaluates contractor requests for supplemental audit and payment management funding at the current operating budget level and makes recommendations based on available funding and defined program objectives.

• Develops, tests, and updates desk reviews, audit guidelines, and audit programs for use by the intermediaries to ensure that program objectives are achieved. Maintains contact with fiscal intermediaries through the regional office for resolution of audit problems.

• Reviews and evaluates existing audit and payment revisions with other components to resolve current and prevent potential problems. Analyzes and comments on proposed policy revisions, regulations, and legislation regarding provider payments.

• Plans, monitors, reports on, and develops guidelines for implementation of legislative special audit projects; e.g., the Wage Data Survey mandated by Section 4004 of OBRA and the implementation of the Capital Prospective Payment System.

• Manages the successful implementation of various negotiated agreements, court orders, special project activities, and Blue Cross/Blue Shield Association provider audit activities.

• Establishes audit protocols, priorities, and procedures for all intermediaries to follow in utilizing their audit resources.

• Assures optimum use of audit resources through the ADP processes.

• Directs the resolution of provider appeals assigned to the bureau. Analyzes and summarizes the payment issues and recommends a course of action.

• Develops guidelines and procedures for identifying appropriate civil monetary penalty cases under provisions for which HCFA has authority.

• Works with contractors and regional offices to document and develop specific cases.

• Oversees final adjudication of cases and collection of penalties.

• Negotiates settlement and compromises of selected penalty cases.

• Develops procedures and requirements for audit and reimbursement activities in Medicare Transaction System environment.

*(4) Overpayment & MSP Collections (FLG24)*

• Directs the nationwide administration of the institutional and physician/supplier (provider) payment recovery activity.

• Develops regulations, policies, procedures, guidelines, and recommendations for regional offices and HCFA contractors to assure timely and accurate provider overpayment identification, interest assessment, collection, and reduction of incidences of overpayment.

• Assures that the accounting practices, recovery procedures, and collection activities of regional offices and contractors properly and sufficiently implement (with respect to providers) the overpayment recovery policies, procedures, and regulations of HCFA, the Department of Health and Human Services, the General Accounting Office, the Department of Justice, and all applicable Federal statutes.

• Directs regional offices and contractors in determining the correct amount of provider, physician, and supplier overpayments and assists contractors in negotiations related to the acceptability of techniques for determining the amount of an overpayment and the methods of recovery.

• Prepares cases when compromises are not appropriate and overpayments are collectable and assists the HCFA Claims Collection Officer in preparing such cases for disposition.

• Prepares manual instructions concerning the procedures for the recovery of provider, physician, and supplier overpayment.

• Designs, implements, and maintains a Medicare overpayment tracking system.

• Develops procedures and provides training and assistance to regional offices for the review and evaluation of the institutional provider, physician, supplier, and beneficiary overpayment recovery and third party systems.

• Enforces Medicare Secondary Payer (MSP) provisions and supports MSP litigation and post pay activities. Monitors regional office and contractor operations on negotiation, waiver, and compromise of liability settlements where Medicare has a claim for recovery of prior conditional payments.

• Directs, oversees, and manages the contract for IRS/HCFA/SSA data match activities. Oversees contractor activities for demands and collection of mistaken payments identified by data match.

• Oversees regional office and contractor identification of liability

situations where Medicare has an interest in collection of monies paid on behalf of a Medicare beneficiary.

• Develops procedures and requirements for MSP and other overpayment activities in Medicare Transaction System environment.

• Coordinates and cooperates with medical review, audit, and program integrity units on use of overpayment recovery as a payment safeguard tool and to coordinate relationship between established overpayments and fraud cases.

**d. Office of Program Requirements (FLG3)**

• Develops, issues, and administers the specifications, requirements, methods, standards, procedures, and budget guidelines for Medicare claims processing related activities, including detailed definitions of the relative responsibilities of providers, contractors, HCFA, other third-party payers, and the beneficiaries of the Medicare program.

• Develops specifications and recommends budget necessary for more effective methods to process Medicare claims.

• Develops and maintains standards, including forms and electronic formats, used by contractors to process claims.

Represents the Medicare program before the health care industry with regard to standards for administrative health care transactions.

• Develops and implements requirements for provider enrollment in the Medicare program and assures the safeguard of program payments through effective enrollment processes and procedures.

• Ensures effective program compliance in areas related to Medicare claims processing and provider enrollment. Implements and manages requirements related to prohibited physician referrals and provider billings resulting from prohibited referrals.

• Develops and implements procedures for capturing information related to Medicare Secondary Payer situations and Medigap insurance to insure appropriate program payment and effective coordination of claims information with other insurers.

• Reviews and evaluates the processes and procedures used in the receipt, review, and payment/denial of Medicare claims.

• Recommends alternatives to existing processes and procedures, as well as, methods of improvement.

• Manages experiments that incorporate proposed alternatives to existing processes and procedures.

• Coordinates modifications to existing operational procedures, contracts, reporting mechanisms, and related materials as required.

• Identifies vulnerabilities in Medicare claims processing requirements and implements instructions and guidelines for safeguarding program expenditures (administrative and benefit).

• Conducts in-depth evaluations of selected programmatic areas to determine whether established policy and operational criteria are effectively and accurately met.

• Maintains liaison with beneficiaries, providers, contractors, and other partners for purposes of ensuring that continuous improvements are made to HCFA processes and that the interests of customers and partners are considered.

*(1) Institutional Claims Processing Requirements (FLG31)*

• Develops and issues specifications, requirements, procedures, and instructional material to process claims from Medicare institutional providers and defines their applications to these providers (hospitals, skilled nursing facilities, home health agencies, hospices, rural health clinics, comprehensive outpatient rehabilitation facilities, End Stage Renal Disease facilities) and Medicare contractors.

• Develops and issues instructions for, as well as monitors, implementation of institutional provider pricers.

• Develops applicable bill processing edits for contractors and the Common Working File (CWF) processing of Medicare provider claims and works with the Office of Analysis and Systems to implement these edits at contractor and CWF sites.

• Identifies vulnerabilities in Medicare claims processing requirements and implements instructions and guidelines for safeguarding program expenditures (administrative and benefit).

• Maintains the contractor/provider instructional manuals including CWF interface instructions for processing claims from Medicare institutional providers.

• Implements new legislation impacting on the provider payment process.

• Reviews proposed policy, reimbursement, and legislative proposals to evaluate the operational impact on claims processing operations, including the development of cost estimates for the implementation of such proposals.

• Maintains liaison with representatives of the health care industry to ensure that HCFA processes are compatible with provider administration practices.

• Maintains liaison with beneficiaries, providers, contractors, and other partners for purposes of ensuring that continuous improvements are made to HCFA processes and that the interests of customers and partners are considered.

*(2) Practitioner Claims Processing Requirements (FLG32)*

• Develops and issues specifications, requirements, procedures, and instructional material to process claims from physicians and other independent medical professionals and defines their application to these physicians and other independent medical professionals (Certified Registered Nurse Anesthetists, clinical psychologist and clinical social workers) as well as Medicare contractors and beneficiaries.

• Develops and issues instructions for, as well as monitors, implementation of practitioner provider pricers.

• Develops applicable bill processing edits for contractor and Common Working File (CWF) processing of claims from physicians and other independent medical professionals. Coordinates with the Office of Analysis and Systems to implement these changes at contractors.

• Identifies vulnerabilities in Medicare claims processing requirements and implements instructions and guidelines for safeguarding program expenditures (administrative and benefit).

• Maintains the contractor/provider instructional manuals including CWF interface instructions for processing bills from physicians and other independent medical professionals contractor payment program for physicians and other independent medical professionals.

• Reviews proposed changes in Medicare policy, regulations, and law to evaluate the operational impact on practitioner claims processing operations including the development of cost estimates for the implementation of such proposals.

• Maintains liaison with representatives of the health care industry to ensure that HCFA processes are compatible with professional medical field administrative practices.

• Maintains liaison with beneficiaries, providers, contractors, and other partners for purposes of ensuring that continuous improvements are made to HCFA processes and that the interests of customers and partners are considered.

*(3) Supplier Claims Processing Requirements (FLG33)*

- Develops and issues specifications, requirements, procedures, and instructional material to process claims from Medicare suppliers of services and defines their applications to these suppliers (durable medical equipment, ambulance, labs, orthotics and prosthetics, oxygen and parental and enteral nutrition), Medicare contractors, and beneficiaries.
- Develops and issues instructions for, as well as monitors, implementation of supplier provider pricers.
- Develops applicable processing edits for contractor and Common Working File (CWF) processing of claims from physicians and other independent medical professionals. Coordinates with the Office of Analysis and Systems to implement these changes at contractors.
- Identifies vulnerabilities in Medicare claims processing requirements and implements instructions and guidelines for safeguarding program expenditures (administrative and benefit).
- Maintains the contractor/provider instructional manuals including CWF interface instructions for processing bills from physicians and other independent medical professionals.
- Implements new legislation impacting on the contractor payment program for physicians and other independent medical professionals.
- Reviews proposed policy, reimbursement, and legislative proposals to evaluate the operational impact on supplier claims processing operations including the development of cost estimates for implementation of such proposals.
- Maintains liaison with representatives of the health care industry to ensure that HCFA processes are compatible with the professional medical field administrative practices.
- Maintains liaison with beneficiaries, providers, contractors, and other partners for purposes of ensuring that continuous improvements are made to HCFA processes and that the interests of customers and partners are considered.

*(4) Standards Setting (FLG34)*

- Develops and issues specifications, requirements, procedures, and instructional material related to electronic formats for claims, electronic funds transfer, remittance advice, eligibility, coordination of benefits, and any other claims processing items related to electronic transactions.
- Develops and maintains billing forms and formats used by contractors including the HCFA–1450 (UB–82) and the HCFA–1500.
- Develops, monitors, and approves all aspects of the notice of utilization.
- Develops programs to promote acceptance and usage of electronic claims processing, electronic funds transfer, and electronic remittance advice.
- Coordinates with stakeholders (providers, contractors, and HCFA components) to develop standardized data content for paper and electronic administrative transactions, such as claims, attachments, remittance advice, and eligibility inquiries.
- Serves as BPO focal point with the American National Standards Institute (ANSI) on electronic information formats used by the health insurance industry.
- Represents HCFA at the National Uniform Billing Committee and other established standards organizations to ascertain that HCFA's requirements are met.
- Reviews proposed changes in Medicare policy, regulations, and law to evaluate the operational impact on claims processing activities, including the development of cost estimates for the implementation of such proposals.
- Maintains liaison with beneficiaries, providers, contractors, and other partners for purposes of ensuring that continuous improvements are made to HCFA processes and that the interests of customers and partners are considered.
- Identifies vulnerabilities in Medicare claims processing requirements and implements instructions and guidelines for safeguarding program expenditures (administrative and benefit).

*(5) Provider Enrollment (FLG35)*

- Develops and issues specifications, requirements, procedures, and instructional material for provider enrollment and enumeration. Provides for the maintenance of the provider data base.
- Develops and issues general provider operating policy and procedures for the processing of Medicare claims that relate to any facet of provider applications and enumeration of provider applicants including standardizing the format(s), identifying data to be furnished by providers, and contractor validation/verification of application data submitted by non-institutional providers.
- Develops applicable bill processing edits for contractor and Common Working File (CWF) processing of claims from Medicare providers.
- Develops budget guidelines and cost estimates for Medicare claims processing activities.
- Develops instructions and maintains the contractor and provider instructional manuals applicable to provider enrollment, enumeration, and requirements.
- Oversees the National Supplier Clearinghouse and the Uniform Provider Identification Number (UPIN) Registry activities which include monitoring carrier ongoing maintenance of UPIN Registry, managing the printing of UPIN Directory, and overseeing UPIN data cleanup to resolve issues involving missing/discrepant UPIN data.
- Works with the Bureau of Data Management and Strategy in developing and implementing the National Provider File and enumerating providers with the National Provider Identifier.
- Reviews proposed changes in Medicare policy, regulations, and law to evaluate the operational impact on provider qualification and enumeration including the development of cost estimates for the implementation of such proposals.
- Maintains liaison with representatives of the health care industry to ensure that HCFA processes are compatible with their administrative practices.
- Maintains liaison with providers, contractors, and other partners for purposes of ensuring that continuous improvements are made to HCFA processes and that the interests of customers and partners are considered.
- Identifies vulnerabilities in Medicare claims processing requirements and implements instructions and guidelines for safeguarding program expenditures (administrative and benefit).

*(6) Benefit Coordination (FLG36)*

- Develops, implements, and administers Medicare Secondary Payer (MSP) operational policy for coordinating Medicare benefits with other health insurance benefits. Analyzes and evaluates specific operating policy and procedural problems in the benefit coordination program and initiates proposals to better achieve program objectives as they relate to claims processing.
- Develops applicable bill processing edits for contractors and the Common Working File (CWF) for application of MSP claim processing policy and works with the Office of Analysis and Systems to implement these edits at contractor and CWF sites.
- Develops, implements, and administers Medigap operational policy

(Section 1882 of the Social Security Act).

• Develops and implements a unique national payer identifier.

• Maintains the contractor and provider instructional manuals including CWF interface instructions for MSP claims processing policy.

• Implements new legislation impacting on the provider MSP payment process.

• Plans and directs operational liaison and outreach activities including public relations, publications, conferences, and presentations.

• Participates in the design, performance, and analysis of evaluations of contractor MSP pre-pay performance assessment.

• Analyzes State laws and regulations for Medicare supplemental health insurance to ensure compliance with Section 1882 of the Social Security Act. Prepares recommendations regarding approval or disapproval, or other appropriate actions, to the appropriate HCFA official.

• Develops national MSP budget and annual performance objectives for pre-pay activities. Analyzes contractors' MSP expenditures and goal performance.

• Reviews proposed changes in Medicare policy, regulations, and law to evaluate the operational impact on claims processing activities related to MSP and Medigap including the development of cost estimates for the implementation of such proposals.

• Maintains liaison with representatives of the health care industry to ensure that HCFA processes are compatible with provider administration practices.

• Maintains liaison with beneficiaries, providers, contractors, and other partners for purposes of ensuring that continuous improvements are made to HCFA processes and that the interests of customers and partners are considered.

**e. Office of Contract Administration (FLG4)**

• Administers contracts with private organizations to perform various aspects of Medicare program operations.

• Develops, negotiates, maintains, and modifies primary contracts and agreements with intermediaries, carriers, and other organizations authorized under Title XVIII of the Social Security Act.

• Provides direction and guidance to central office and regional office staff on Medicare intermediary and carrier contracts and procurement activities.

• Establishes policies and procedures to be used by Medicare intermediary and carrier contractors in the procurement of personnel, equipment, facilities management, software, and other services.

• Establishes financial management policies and procedures by which Medicare contractors prepare and submit periodic budget estimates.

• In consultation with other HCFA and bureau components, develops and negotiates the national budget for Medicare contractors.

• Controls and manages the Medicare cash flow and related banking activities. Monitors benefit payment expenditures.

• Reviews periodic contractor expenditure reports to evaluate Medicare budget execution and determines the allowability of costs. Prepares analysis of Medicare intermediary and carrier expenditure trends and patterns.

• Serves as bureau-wide support for participation in agency and department strategic planning and information resource management planning. Evaluates Medicare operational contracting arrangements, formulates recommendations for improvements, and develops appropriate implementation plans.

• Develops plans for possible transitions between new and current contractors and manages transition activities in coordination with the regional offices and HCFA components. Evaluates the impact of contractor transitions on HCFA's customers and strives for process improvements and responsiveness to customer needs.

• Plans, develops, and directs Medicare intermediary and carrier operating contracting experiments.

• Makes recommendations to agency management on proposed contract management actions for Medicare contractors determined to have serious performance deficiencies.

• Develops, implements, and monitors national performance evaluation programs to assess and improve overall effectiveness and quality of Medicare contractor operations.

*(1) Acquisitions and Contracts (FLG41)*

• Develops, maintains, negotiates, and modifies all agreements with intermediaries and contracts with carriers, as authorized under Title XVIII of the Social Security Act, and related contracts necessary to the Medicare program.

• Develops procedures for the award, non-renewal, termination, extension, and amendment of Medicare contracts.

• Represents the Contracting Officer in processing contractor claims resulting from changes in contract requirements and litigation activities related to contract disputes or protests involving selection or non-selection of contractors.

• Directs contract-related surveys requested by both the Executive and Legislative Branches of the Federal Government.

• Directs, coordinates, and serves as the HCFA resource in regard to technical contracting and procurement issues and maintains oversight on regional activity regarding Medicare contracting.

• Reviews contractors' requests for change orders and adjustments in price, determines where liquidated damages should be assessed against contractor, and takes appropriate action.

• Develops Medicare acquisition policy, providing technical acquisition guidance, and maintains Medicare contractor procurement procedures.

• Serves as bureau coordinator with the Office of Research and Demonstration on demonstration projects that impact Medicare contractor operations.

• Serves as the bureau focal point on the Small and Disadvantaged Business Subcontracting Program (SADBUS) requirements. Reviews and approves contractors' SADBUS plans and oversees related regional office monitoring.

• Provides liaison with contractor management.

*(2) Financial Management (FLG42)*

• Provides leadership in developing, implementing, and evaluating policies and procedures for the Medicare contractor budget formulation and execution process.

• Formulates and approves the national budget for Medicare contractor administrative costs.

• Develops, implements, and monitors cash management letter-of-credit procedures for contractors and servicing banks.

• Develops, implements, and monitors fund control for the Medicare contractor administrative costs.

• Sets requirements and procedures for contractors and regional offices to prepare and submit periodic budget estimates and reports.

• Participates and/or monitors negotiations and approval of all budgets and budget adjustments. Reviews periodic contractor expenditure reports to evaluate budget execution and to determine the appropriateness of costs.

• Designs, maintains, and as necessary, prepares specifications to revise the Contractor Administrative Budget and Financial Management System.

• Analyzes contractor administrative cost data and trends.

• Directs and prepares instructions to guide regional office performance to assure consistency implementation of financial policy.

• Develops procedures and monitors regional office actions related to the contractor administrative cost settlement process, interprets cost principles, and makes recommendations on final determinations of allowability of costs.

• Develops, implements, and monitors a process for reporting Medicare benefit payments.

• Develops and maintains policy, procedures, and systems for contractor reporting consistent with the Chief Financial Officer's Act.

*(3) Transition Management (FLG43)*

• Manages, monitors, and provides oversight of contractor transition activities including replacement of departing contractors and the resulting transfer of workload, major pre-Medicare Transaction System (MTS) electronic data processing (EDP) systems conversions, functional re-alignments, geographic workload carve-outs, and MTS operating site transitions, in coordination with the regional offices.

• Develops and implements contingency plans including replacement strategies for contractors at risk of leaving the Medicare program.

• Evaluates implementation proposals associated with contractor transitions, major pre-MTS EDP systems transitions, functional re-alignments, geographic workload carve-outs, and MTS operating site readiness testing and transitions.

• Provides technical expertise and support to HCFA central and regional office staffs regarding transition activities.

• Evaluates the impact of transitions on HCFA's customers and strives for continuous process improvements and responsiveness to customer needs.

• Incorporates current procurement and operating policy as well as lessons learned from prior transitions into the *Transition Handbook*.

• Conducts training for central and regional office staff on successful transition management and monitoring techniques and strategies.

*(4) Contract Management (FLG44)*

• Works in partnership with regional offices, central office components, and Medicare customers in identifying and arriving at proposed performance expectations of Medicare contractors.

• Develops, implements, and monitors national performance evaluation programs to assess and improve the overall effectiveness and quality of Medicare contractor operations.

• Develops, conducts, directs, and monitors HCFA operational component(s) participation in quality assurance reviews and studies of selected areas of contractor operations.

• Initiates, interprets, evaluates, and maintains data on each Medicare contractor in terms of compliance with performance requirements and expectations.

• Analyzes information and data on inaccurate or inconsistent Medicare contractor performance and reviews and approves corrective action planning and monitoring including, where applicable, recovery of any misspent Trust Fund dollars.

• In response to program needs, works in cooperation with other HCFA components to design, develop, and conduct special internal/external reviews, studies, projects and/or surveys which have an impact on contractor performance evaluation (includes development and implementation of the Medicare Transaction System).

• Reviews program instructions and evaluates policy and operations to improve Medicare program operations and implement policy and legislative directives.

• Provides information and makes recommendations to HCFA management concerning proposed contract management actions for Medicare contractors determined to have serious performance deficiencies.

• Designs and develops oversight requirements for Medicare contractors to assess their internal controls for assuring effective safeguard of program expenditures in compliance with the Federal Managers' Fiscal Integrity Act.

• Advises contractors on weaknesses identified in their internal controls and provides guidance on corrective action.

• Develops proposals and conducts needed analysis for benchmarking strategies for the Medicare Transaction System.

*(5) Planning (FLG45)*

• Provides support to HCFA staff in identifying opportunities for the achievement of Medicare program improvements and efficiencies through innovation in infrastructure support; including contracting, technology, and information resources.

• Provides bureau-wide guidance and provides planning support for those program office initiatives that relate to strategic planning and information resource planning objectives.

• Evaluates Medicare operational contracting arrangements, including provision of information and technological support, formulates recommendations for improvements and develops appropriate implementation plans.

• Evaluates contractor configurations and recommends contracting arrangements to perform or support specific functions or to serve in specified geographic areas.

• Provides planning assistance to HCFA staff in developing operational and contracting experiments to achieve program improvements and efficiencies.

**f. Office of Customer Communications (FLG5)**

• Serves as the primary bureau focal point for various Agency-wide communication programs dealing with direct interaction with our customers, e.g. beneficiary provider groups, regional offices, carriers, and fiscal intermediaries.

• Serves as the primary focal point for the bureau on operational as well as administrative inquiries including telephone inquiries from Presidential staffs, congressional offices, other government agencies, private institutions, and individuals seeking information concerning the various regulations and policies related to the administration of the Medicare program.

• Plans, develops, and issues operating policy, specifications, procedural requirements, and other materials to implement, maintain, and oversee the appeals process for Medicare Part A and Part B claims. Issues instructions to regional offices as well as intermediaries and carriers.

• Plans, directs, and issues operational policy and procedures for the establishment and maintenance of premium billing and collection and Medicare entitlement activities.

• Develops standard language for use by Medicare contractors in communicating with beneficiaries and providers.

• Coordinates policy and procedures concerning Privacy Act and Freedom of Information Act issues.

• Coordinates the preparation of manuals and other policy issuances required to meet the instructional and informational needs of providers, contractors, State agencies, regional offices, Peer Review Organizations, the Social Security Administration, and other audiences directly involved in the administration of HCFA programs.

• Participates in Medicare Transaction System workgroups and reviews deliverables that impact on the Office of Customer Communications program functions.

• Serves as bureau lead on special communications projects and serves as bureau focal point for agency-wide communications initiatives.

• Serves as bureau focal point on interaction with the Social Security Administration relative to Medicare program operational issues.

*(1) Appeals (FLG51)*

• Plans, develops, and issues operating policy, specifications, procedural requirements, and other materials to implement, maintain, or refine the appeals process for Part A and Part B claims. This includes instructions to the regional offices as well as intermediaries and carriers.

• Plans, conducts, and evaluates studies and implements changes to streamline and make more effective the appeals process.

• Develops, plans, implements, and oversees procedures and activities to reduce unnecessary appeals.

• Reviews proposed policy, reimbursement, and legislative proposals to evaluate the operational impact of such proposals on the appeals process for Part A and Part B claims.

• Evaluates and makes recommendations concerning the impact of claims processing policy and procedures on appeals. Evaluates impact of the appeals program on Medicare claims.

• Identifies management's information needs for data relating to Administrative Law Judge's (ALJ) decisions concerning both Part A and B claims and initiates appropriate actions for establishing or modifying the reporting and information systems to satisfy these needs (i.e., ALJ database, reversal reports, decision reports, etc.).

• Implements new legislation impacting on the appeals process.

• Maintains liaison with Part A and Part B contractors, HCFA components, and all other customers (including beneficiaries, institutional providers, physicians/suppliers, and advocacy groups) which use and implement the appeals process.

• Provides direction to regional offices and contractors (including Hearing Officers) on appeals procedures and in developing solutions to specific appeals issues as they arise during contractor processing of claims or appeals (or during Social Security Administration (SSA), Office of Hearing and Appeals processing of appeals).

• Participates in cross-functional efforts with claims processing and particularly with benefits integrity efforts for medical review, overpayments, and some aspects of fraud and abuse.

• Participates in the budgeting for and monitoring of the appeals process.

• Acts as HCFA's liaison with SSA's Office of Hearings and Appeals (ALJ level and Appeals Council level) to resolve issues affecting the Medicare appeals process.

• Maintains and evaluates data on the volume and qualitative aspects of the appeals process.

• Participates in the development of requirements, design, and implementation of appeals activities in the Medicare Transaction System environment.

*(2) Entitlement & Premium Billing (FLG52)*

• Plans, develops, and issues operational policy, specifications, requirements, procedures, and instructional material for the establishment and maintenance of three major systems: Enrollment Database (EDB) for Medicare Entitlement, Separate Operations for Billing, Entitlement, and Remittances (SOBER) for direct billed beneficiaries, and the SMI and HI Premium Accounting Collection and Enrollment System (SPACE) for third-party arrangements for States, the Office of Personnel Management (OPM), and formal groups.

• Plans, develops, issues operational policies, systems specifications, systems requirements, procedures and instructional material to administer the Medicare Lock-box premium collection operations for the direct billing operation and premium collections authorized by State Buy-In agreements, formal third-party group arrangements, and OPM.

• Develops contracts and negotiates agreements and modifications to efficiently administer the collection activities of the direct billing operations and production of the Carrier Alphabet State File and Beneficiary State File (CASF/BEST) for contractors, Peer Review Organizations, Railroad Retirement Board, and State agencies.

• Maintains liaison and works closely with the Social Security Administration (SSA) operational components, HCFA central and regional office components, State Agencies, the Railroad Retirement Board, and third-party groups on premium collection issues and beneficiary services related matters.

• Maintains liaison activities and works closely with SSA components, HCFA components, Medicare contractors, and the Railroad Retirement Board on entitlement issues.

• Resolves entitlement problems that cannot be done by the regional offices. Monitors the process and develops procedures for issuing and reissuing health insurance (HI) cards and monitors the Bureau of Data Management and Strategy (BDMS) records maintenance and correction.

• Oversees and reviews the processing of voluntary withdrawals, the identification of entitlement problems from the Medicare claim process and the Common Working File, and the process of providing direct input facilities with the date of death, name, and rejects from field offices. Develops SSA district office instructions on entitlement, HI cards, withdrawals, and premiums.

• Resolves premium billing and collection problems for States, OPM, the Railroad Retirement Board, third-party groups, and beneficiaries in direct billing status.

• Provides training and technical assistance to HCFA regional and central office personnel, State Agencies, and SSA personnel on enrollment, entitlement, HI cards, and premium billing and collection activities.

• Plans, conducts, and evaluates studies to improve systems methods and procedures pertaining to entitlement and premium collections.

• Develops, analyses, and recommends legislative and policy proposals pertaining to entitlement and premium collection issues.

• Validates BDMS initiated systems changes in entitlement.

*(3) Issuances (FLG53)*

• Plans, directs, develops and coordinates the preparation of manuals and other instructional materials to meet the instructional and informational needs of contractors, providers, State agencies, regional offices, Peer Review Organizations, the Social Security Administration, and other audiences directly involved in the administration of the Medicare and Medicaid programs.

• Prepares and coordinates preparation of written documents that assists the Director, Bureau of Program Operations, in resolving program and administrative policy issues.

• Manages the HCFA-wide system for developing instructions, setting instructions priorities, and coordinating work schedules related to instructions.

• Maintains an ongoing review system, including clearance of instructions, to ensure clarity and consistency. Identifies instructional needs and initiates development of instructions by HCFA components.

• Reviews instructional materials prepared by regional offices, contractors, and others that impact on HCFA instructions for conformance with national policies and procedures.

• Represents HCFA on issues involving instructions issued by the Social Security Administration and the Office of the Inspector General dealing with the Medicare and Medicaid programs.

• Initiates and develops plans for changes to the manual issuances system as it is impacted by the Medicare Transaction System.

• Prepares the quarterly **Federal Register** notice of instructional and informational materials issued by HCFA.

• Manages the manual issuances database (Text Information Management System) and the preparation of manual issuance database material for production of CD–ROM.

*(4) Medicare Customer Assistance (FLG54)*

• Develops and coordinates responses to all inquiries, both written and telephone, directed to the Bureau of Program Operations on the operational aspects of the Medicare Program received from a wide range of customers including beneficiaries, providers, Congressional Staffs, public interest groups, White House Staff, etc.

• Conducts analyses and studies to identify trends in customer needs and alerts appropriate bureau staff. Works in partnership with bureau staff to identify and resolve areas of customer concern with the Medicare program.

• Directs the management of the bureau's assignment control system including the receipt, review, coordination, and control of all correspondence and assignments. Prepares or coordinates the preparation of responsive replies for signature of the Secretary of the Department of Health and Human Services, the Administrator of HCFA, the Director of the Bureau of Program Operations, and other high level management officials.

• Establishes and maintains contact with HCFA's Executive Secretariat, the Office of Legislative and Inter-Governmental Affairs, the Freedom of Information and Privacy Office, the Office of the General Counsel, and other HCFA components and federal departments and agencies, to coordinate correspondence replies.

• Coordinates policy and procedures concerning Privacy Act and Freedom of Information Act issues for the bureau.

• Provides guidance and technical assistance to bureau and HCFA regional office staff on procedures and standards for content of memoranda and correspondence.

• Provides management reports to senior bureau staff on the quality and timeliness of the customer assistance and assignment coordination processes.

*(5) Communications (FLG55)*

• Develops, monitors, and approves formats and messages for the Explanation of Medicare Benefits.

• Initiates improvements and develops procedures for providing beneficiary and provider services for telephone, written, and personal contacts by Medicare contractors and other field facilities.

• Develops standard language for use by Medicare contractors in communicating with beneficiaries and providers.

• Plans, conducts, and evaluates studies and pilots to develop both long-range and short-range improvements in system requirements, methods, and procedures relating to beneficiary and provider communications.

• Approves funding requests and monitors contractor project plans for beneficiary and provider outreach activities.

• Works in direct partnership with HCFA customers in order to improve the communications process between HCFA and its customers.

• Validates and analyzes data relating to beneficiary and provider communications (e.g., telephone usage, pilot trends and findings) and prepares statistical reports for distribution to HCFA Senior Staff, BPO components, and the regional offices.

**g. Medicare Transaction System Initiative Task Force (FLG6)**

• Serves as the Agency focal point for the management and coordination of the Medicare Transaction System initiative (MTSI). Represents HCFA to the Department, other Federal Agencies, and outside organizations.

• Provides direction and technical guidance for the design, development, implementation, verification and validation, and maintenance of the Medicare Transaction System (MTS) to integrate Medicare Part A and Part B claims processing systems.

• Provides technical management, oversight, coordination, and day-to-day monitoring of contract(s) for the MTS design and the independent verification and validation of the MTS design, development, validation, implementation, and maintenance activities.

• Recommends alternatives to existing requirements, operational priorities, processes, procedures, and methods for improvement which will enhance the quality and cost-effectiveness of Medicare operational and administrative procedures and meet the needs of HCFA's internal and external customers.

• Develops, implements, and directs project planning, control, and administrative procedures, processes, and methods used to determine MTSI program status, assess performance, report progress, and implement changes.

• Develops, implements, directs, and operates activities to assure the quality of the MTSI development throughout the system development life cycle.

• Provides direction and technical guidance for the transition of Medicare claims processing from the current Part A and Part B systems to the integrated MTS, operating sites, and local contractor operations.

• Oversees the development of specifications for, and management of, any procurements that are necessary to conduct experiments incorporating approved alternatives to existing processes and procedures.

• Coordinates with HCFA components in the planning, development, and implementation of projects which impact on or are impacted by the MTSI.

*(1) Medicare Transaction System Quality Assurance (FLG61)*

• Develops, implements, directs, and operates activities to assure the quality of Medicare Transaction System (MTS) development throughout the system development life cycle.

• Provides technical management, oversight, coordination and day-to-day monitoring of contract(s) for the independent verification and validation of MTS analysis, design, development, validation, implementation, and maintenance activities.

• Reviews and evaluates the effectiveness of the processes and procedures used to analyze, design, develop, implement, and maintain the MTS.

• Provides the documentation and analysis necessary to initiate and support corrective action resulting from findings of the MTS quality assurance activities.

• Reviews and evaluates quality assurance programs maintained by the MTS design contractor, the independent verification and validation contractor and HCFA to ensure integration of quality assurance activities throughout the MTS development process.

• Recommends alternatives to proposed methodologies for the analysis, design, development, validation, implementation and maintenance of the MTS.

*(2) Medicare Transaction System Development (FLG62)*

- Develops, implements, and directs activities to assure the development of the Medicare Transaction System (MTS) throughout the system development life cycle.
- Provides technical management, oversight and coordination and day-to-day monitoring of the contract(s) for performing the Medicare Transaction System (MTS) analysis, design, development, validation, implementation, and maintenance activities.
- Provides the inter- and intra-component coordination required to insure appropriate and timely review and dissemination of the contract work products and other pertinent information.
- Reviews and evaluates the effectiveness of the processes and procedures used to coordinate and facilitate the review of the contract work products.
- Develops, conducts, and coordinates modifications to existing operational procedures, contracts, reporting mechanisms and related materials as required.
- Provides the documentation and analysis necessary to initiate and support corrective action resulting from the findings of the MTS development activities.

*(3) Medicare Transaction System Program Planning & Needs Analysis (FLG63)*

- Recommends alternatives to existing requirements, operational priorities, processes, procedures, and methods for improvement which will enhance the quality and cost-effectiveness of Medicare operational and administrative procedures and meet the needs of HCFA's internal and external customers.
- Develops, implements, and directs project planning, control and administration procedures, processes, and methods used to determine Medicare Transaction System initiative (MTSI) program status, assess performance, report progress, and implement changes.
- Maintains the MTSI program schedule and MTSI program management plan and various program management databases.
- Provides advisory and consultative services on project planning to HCFA central and regional office staff and key officials responsible for planning and implementing projects in support of the development and implementation of the Medicare Transaction System.
- Conducts project planning training to HCFA staff responsible for MTSI projects.

Dated: July 31, 1995.

**Bruce C. Vladeck,**

*Administrator, Health Care Financing Administration.*

[FR Doc. 95–20317 Filed 8–16–95; 8:45 am]

BILLING CODE 4120–01–P

## National Institutes of Health

### National Institute of Mental Health; Notice of Closed Meeting

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 meeting 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:* August 24, 1995.

*Time:* 10:30 a.m.

*Place:* Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.

*Contact Person:* Angela L. Redlingshafer, Parklawn Building, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1367.

The meeting will be closed in accordance with the provisions set forth in secs. 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 meeting due to the urgent need to meet timing limitations imposed by the grant review cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: August 10, 1995.

**Susan K. Feldman,**

*Committee Management Officer, NIH.*

[FR Doc. 95–20323 Filed 8–16–95; 8:45 am]

BILLING CODE 4140–01–M

## Substance Abuse and Mental Health Services Administration

### Cooperative Agreement With the National Association of State Mental Health Program Directors

**AGENCY:** Center for Mental Health Services, SAMHSA, HHS.

**ACTION:** Cooperative agreement to support a technical assistance center for States in planning mental health services.

**SUMMARY:** This notice is to provide information to the public concerning a planned grant from the Center for Mental Health Services to the National Association of State Mental Health Program Directors to fund the Technical Assistance Center (TA Center) for State Mental Health Planning. If the application is recommended for approval by the Initial Review Group, and the CMHS National Advisory Council concurs, funds will be made available. This is not a formal request for applications. Assistance will be provided only to the National Association of State Mental Health Program Directors.

**AUTHORITY/JUSTIFICATION:** The cooperative agreement will be made under the authority of section 1948(a) of the Public Health Service Act, as amended (42 USC 300x–58). A single source award will be made to the National Association of State Mental Health Program Directors (NASMHPD) based on its close relationship with the single State mental health authorities (SMHAs). This relationship provides NASMHPD with a unique qualification to carry out the activities of this cooperative agreement, which require such an affiliation with the State agencies. As the organization representing all State mental health agencies, NASMHPD is the only organization whose membership is composed of the persons directly responsible for the administration of public mental health policies in the respective States. NASMHPD enjoys a full 59–State membership of the Mental Health Services Block Grant recipients, as well as a full, continuous, and fruitful communication with the leadership and staff of these agencies. It thus has staff who are uniquely knowledgeable about the needs of the States, and is in a unique position to assess the actual and verified needs of States for technical assistance.

### Background

One of the primary goals of the Community Mental Health Services Block Grant is to assist States in the creation of a comprehensive, community-based system of care for adults with severe mental illness and children with serious emotional disturbances. The burden of providing for mental health services lies primarily with the States. Block grant legislation requires CMHS to collaborate with the States in meeting this obligation by helping them to determine their needs and by cooperating with them in identifying appropriate technical assistance to help them in planning

ways of meeting their programmatic obligations.

The primary goals of this program are to:

(1) Provide the Nation, through a center of excellence, with models on which to base programs dealing with clinical, fiscal, and management aspects of State-based mental health service delivery;

(2) Develop collaboratively with SMHAs model standards for systems of mental health services that can be adopted by the States to improve their fiscal, management and clinical functioning;

(3) Provide a center for information and expertise in technical assistance to meet the needs of State public mental health agencies that receive Federal funding in a crossover from Block Grants to funding under Mental Health Services Performance Partnership Grants;

(4) Constitute a centralized resource for technical assistance to the State mental health agencies that can effectively help States anticipate mental health related trends, such as the impact of managed care, and assist them in quickly planning appropriate strategies; and

(5) Serve as a reservoir of expertise to disseminate information to assist States in implementation of mental health planning efforts.

NASMHPD, through its needs assessment surveys, frequent contact in ''meet-me'' telephone conferences, focus groups, semi-annual meetings, and electronic communication channels, can rapidly address information to the specific needs of the States, its members, and evaluate member response, and can communicate technical mental health information from the States to the Technical Assistance Center and vice versa. Such capability provides a singular benefit to the States in that information that is invaluable to program success but generally unavailable because of Federal process requirements becomes available to States through NASMHPD's close organizational relationship with its members.

Because of its research activities, this organization is also able to identify the prime movers in the mental health field, and to enlist them in the creation of authority-articulated clinical, management, and fiscal model standards. Also through NASMHPD's membership, the TA Center's knowledge base and technical assistance extends to the State mental health planning councils, to block grant sub-recipient programs, and thence to consumers and their families.

**AVAILABILITY OF FUNDS:** The project will be for a 3-year period with $500,000 available for the first year. Future year funding will depend on the availability of funds and program performance.

**FOR FURTHER INFORMATION CONTACT:** Carol T. Bush, Ph.D., R.N., CMHS/SAMHSA, Parklawn Building, Room 15C–26, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone (301) 443–4257.

Dated: August 11, 1995.

**Richard Kopanda,**

*Acting Executive Officer, Substance Abuse and Mental Health Services Administration.*

[FR Doc. 95–20376 Filed 8–16–95; 8:45 am]

**BILLING CODE 4162–20–P**

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[CA–060–01–4410–04–ADVB]**

### Meeting of the California Desert District Advisory Council

**SUMMARY:** Notice is hereby given, in accordance with Public Laws 92–463 and 94–579, that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet in formal session Wednesday, September 13, 1995, from 9:00 a.m. to 5:00 p.m., and Thursday, September 14, 1995, from 8:00 a.m. to 3:00 p.m., at the Holiday Inn Hotel in Barstow, California.

Agenda items for the meetings may include:

—an update from the BLM State Director on national and state issues.
—a report from the BLM California Desert District Manager.
—an update on the West Mojave Coordinated Management Plan.
—an overview on the Northern and Eastern Colorado Desert Coordinated Management Plan and the Northern and Eastern Mojave Desert Coordinated Management Plan.
—reports from the Area Managers on Resource Area activities.
—a briefing on the implementation of the California Desert Protection Act.
—a report on range policy reform.
—an update on mining issues in the California Desert District.
—a status report on District environmental assessments and environmental impact statements.
—a report on plan amendments to the California Desert Conservation Area Plan.

All Desert District Advisory Council meetings are open to the public. Time for public comment may be made available by the Council Chairman during the presentation of various agenda items, and is scheduled at the end of the meeting for topics not on the agenda.

Written comments may be filed in advance of the meeting for the California Desert District Advisory Council c/o Bureau of Land Management, Public Affairs Office, 6221 Box Springs Boulevard, Riverside, California 92507–0714. Written comments are also accepted at the time of the meeting and, if copies are provided to the recorder, will be incorporated into the minutes.

**FOR FURTHER INFORMATION AND MEETING CONFIRMATION:** Contact the Bureau of Land Management, California Desert District, Public Affairs Office, 6221 Box Springs Boulevard, Riverside, California 92507; (909) 697–5215.

Dated: August 9, 1995.

**Henri R. Bisson,**

*District Manager.*

[FR Doc. 95–20443 Filed 8–16–95; 8:45 am]

**BILLING CODE 4310–40–M**

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**[NM–930–1310–01; NMNM 43748]**

### Notice of Proposed Reinstatement of Terminated Oil and Gas Lease; New Mexico

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** Under the provision of Public Law 97–451; a petition for reinstatement of Oil and Gas Lease NMNM 43748, Rio Arriba County, New Mexico, was timely filed and was accompanied by all required rentals and royalties accruing from August 1, 1986, the date of termination. No valid lease has been issued affecting the land. The lessees have agreed to new lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, and 16⅔ percent, respectively. Payment of a $500.00 administrative fee has been made. Having met all the requirements for reinstatement of the lease as set in Section 31 (d) and (e) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 188 (d) and (e)), the Bureau of Land Management is proposing to reinstate the lease effective August 1, 1986, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above, and the reimbursement for cost of publication of this Notice.

**FOR FURTHER INFORMATION CONTACT:** Becky C. Olivas, BLM, New Mexico State Office, (505) 438–7609.

Dated: August 10, 1995.

**Becky C. Olivas,**

*Land Law Examiner.*

[FR Doc. 95–20454 Filed 8–16–95; 8:45 am]

BILLING CODE 4310–FB–M

## Utah; Notice of Competitive Combined Hydrocarbon Lease Sale

In accordance with the Combined Hydrocarbon Leasing Act of 1981 and the regulations in 43 CFR part 3140, subpart 3141, the Bureau of Land Management (BLM), Utah State Office, will hold a competitive lease sale for lands within Designated Tar Sand Areas, as a result of expressions of interest received from industry.

The State of Utah has notified the BLM of their concurrence to hold this sale and advised that this will help a portion of the Utah oil and gas industry to develop its plans for conducting business in the state. Therefore, the BLM agrees with and accepts the State of Utah's recommendation and will hold the lease sale on September 25, 1995.

Notice is hereby given that 47 parcels of land totaling 90,475.54 acres within the Designated Tar Sand Areas of Argyle Canyon-Willow Creek, Circle Cliffs East and West Flanks, Sunnyside and Vicinity, White Canyon, Pariette, Asphalt Ridge-Whiterocks and Vicinity, Hill Creek, PR Spring, and Raven Ridge-Rim Rock and Vicinity are offered for Combined Hydrocarbon Leasing (oil and gas and tar sand deposits within Designated Tar Sand Areas) through sealed bids to the qualified bidder of the highest acceptable bid. The minimum bid shall not be less than $25 per acre and no bid will be accepted for less than fair market value as determined by the BLM. Sealed bids must be submitted on or before 10 a.m., Monday, September 25, 1995. Bids will be opened and read at 1 p.m., September 25, 1995, in the Utah State Office, 3rd Floor Conference Room, Room 302, 324 South State Street, Salt Lake City, Utah. Sealed bids may not be modified or withdrawn unless such modification or withdrawal is received before the date, time, and place set for opening of bids. A Detailed Statement containing the land description, conditions of the lease offering, rental and royalty rates, and how and where to submit bids may be obtained from the Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145–0155, at a cost of $5, payable in advance, or may be obtained from the BLM Public Room (801) 539–4001.

**Robert Lopez,**

*Chief, Branch of Mineral Leasing Adjudication.*

[FR Doc. 95–20324 Filed 8–16–95; 8:45 am]

BILLING CODE 4310–DQ–M

**[AZ–933–95–1430–01; AZA 28181, AZA 28672, AZA 29074]**

## Arizona, Notice of Application for Conveyance of Federally-Owned Mineral Interests, Correction; Segregation Extended

**AGENCY:** Bureau of Land Management.

**ACTION:** Corrections; segregation extension.

**SUMMARY:** *AZA 29074.* In notice document published Wednesday, June 14, 1995, (60FR31322), make the following corrections: Change Column 1, line 10, from ''All'' to ''Lots 1, 2, 3, 4, E½, E½W½.'' Change Column 1, line 11, from ''All'' to ''Lots 1, 2, 3, 4, E½, E½W½.''

*AZA 28672.* In notice document published Thursday, May 18, 1995 (60FR26734), make the following corrections:

Change Column 3, line 15, from ''The private lands * * *'' to ''The Federally-owned minerals * * *''

Change Column 3, line 46 to read: ''That portion located within the former Chance Mining claim, in the SE¼.''

*AZA 28181.* Pursuant to section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719), the segregation on the following lands is extended for Royden L. Lebrecht, Trustee, for the mineral estate described as follows:

**Gila and Salt River Meridian, Arizona**

T. 18 S., R., 15 E.,
Sec. 10, lots 3, 4, N½SW¼;
Sec. 15, lots 3, 4, S½NW¼, SW¼.
Containing 471.54 acres.

Upon publication of this notice in the **Federal Register**, the mineral interest described above will be segregated from the mining and mineral leasing laws. The segregation shall terminate upon issuance of a patent, upon final rejection of the application, or 2 years from the publication date, whichever occurs first.

**FOR FURTHER INFORMATION CONTACT:** Laura Rowdabaugh, Land Law Examiner, Arizona State Office, P.O. Box 16563, Phoenix, AZ 85011–6563, (602) 650–0518.

Dated: August 10, 1995.

**Evelyn Stob,**

*Acting Chief, Lands and Minerals Operations Section.*

[FR Doc. 95–20451 Filed 8–16–95; 8:45 am]

BILLING CODE 4310–32–P

**[UT–040–1430–01; U–71351]**

## Recreation and Public Purposes (R&PP) Act Classification; Utah

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The following described public lands near the community of St. George, Utah have been examined and found suitable for lease or conveyance to Washington County under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.):

**Salt Lake Meridian**

T. 42 S., R. 14 W., sec. 3, lots 6, 7, 9–11, 18, and 20; Containing 248.58 acres.

**DATES:** Comments must be submitted by October 2, 1995.

**ADDRESSES:** Comments should be sent to the Area Manager, Dixie Resource Area Office, 345 E. Riverside Drive, St. George, Utah 84790.

**FOR FURTHER INFORMATION CONTACT:** Randy Massey, Realty Specialist, (801) 673–4654, extension 274.

**SUPPLEMENTARY INFORMATION:** Washington County proposes to use the land for a horse race track, fairgrounds and associated facilities. The lands are not needed for Federal purposes. Lease or conveyance is not consistent with current BLM land use planning, so a notice of a plan amendment is running concurrently with this notice. Any comments received regarding the proposed plan amendment, will be considered and a decision made as to whether the plan will be amended to allow this action. No action will be taken to lease the described land until the Virgin River Management Framework Plan has been amended to allow this action. No comments were received when the Notice to Intent to Amend the Virgin River MFP was published.

The lease/patent, when issued, would be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

4. Those rights for power transmission line purposes granted to Pacificorp and Hurricane City by rights-of-way No. U–0140800 and U–71166.

5. Those rights for natural gas pipeline purposes granted to Mountain Fuel Supply Company by rights-of-way No. U–62308 and U–71320.

6. Those rights for a water treatment facility and water pipeline granted to St. George City by right-of-way U–60051.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Dixie Resource Area Office, 345 E. Riverside Drive, St. George, Utah 84770.

Upon publication of this notice in the **Federal Register,** the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands at the Area Manager, Dixie Resource Area Office. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

**James D. Crisp,**

*Area Manager.*

[FR Doc. 95–20453 Filed 8–16–95; 8:45 am]

BILLING CODE 4310–DQ–M

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**[WY–040–1430–01; WYW65458]**

## Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification; Wyoming

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The following public lands have been examined and found suitable for classification for conveyance to Sweetwater County, Wyoming, under the provisions of the Recreation and Public Purposes Act, as amended, 43 U.S.C. 869 *et seq.* The county has a lease under the R&PP Act for use of the lands as a developed picnic site.

**Sixth Principal Meridian**

T. 20 N., R. 108 W.,
Sec. 30, lot 12.

The area contains 29.37 acres more or less.

**FOR FURTHER INFORMATION CONTACT:** Patricia Hamilton, Realty Specialist, Green River Resource Area, Bureau of Land Management, 1993 Dewar Drive, Rock Springs, Wyoming 82901, 307–362–6422, ext. 116.

**SUPPLEMENTARY INFORMATION:** The purpose of the classification and application for conveyance of this land is for the Pioneer Trails Picnic Grounds. The proposed conveyance is consistent with the Big Sandy Management Framework Plan (MFP) and the Draft Green River Resource Management Plan. The land is not required for any Federal purpose, and this action would be in the public interest. The patent, when issued, will be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals. Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Green River Resource Area, 1993 Dewar Drive, Rock Springs, Wyoming.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested persons may submit comments regarding the proposed conveyance or classification of the lands to the District Manager, P.O. Box 1869, Rock Springs, Wyoming 82902.

**CLASSIFICATION COMMENTS:** Interested parties may submit comments involving the suitability of the land for conveyance as a developed picnic site. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses for the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

**APPLICATION COMMENTS:** Interested parties may submit comments regarding the application for conveyance, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a developed picnic site. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

Dated: August 4, 1995.

**Patrick Wendt,**

*Assistant Area Manager.*

[FR Doc. 95–20450 Filed 8–16–95; 8:45 am]

BILLING CODE 4310–22–P

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**[ID–942–7130–00–7660]**

## Idaho: Filing of Plats of Survey; Idaho

The supplemental plats (2) of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., August 8, 1995.

The supplemental plat of partially unsurveyed T. 48 N., R. 5 E., Meridian, Idaho, prepared to amend lots in sections 26 and 27 and to create tract 97 in unsurveyed section 22, was accepted, August 8, 1995.

The supplemental plat of T. 49 N., R. 5 E., Boise Meridian, Idaho, prepared to amend lots in sections 32 and 33, was accepted, August 8, 1995.

These plats were prepared to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: August 8, 1995.

**Duane E. Olsen,**

*Chief Cadastral Surveyor for Idaho.*

[FR Doc. 95–20446 Filed 8–16–95; 8:45 am]

BILLING CODE 4310–66–M

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**[MT–930–1430–01; MTM 83585]**

## Proposed Withdrawal; Montana; Correction

In notice document 95–18509 beginning on page 38852 in the issue of Friday, July 28, 1995, make the following corrections:

1. In the heading, serial number ''MTM 82330'' should read ''MTM 83585;''

2. On page 38852, in the legal description in the third column between lines 2 and 3, insert ''Sec. 13, N½NW¼;''

3. On page 38853, in the second column, beginning on line 17, the

sentence reading ''The existing road closure that is in effect for the Sweet Grass Hills will not be continued'' should read ''The existing road closure that is in effect for the Sweet Grass Hills will be continued.''

Dated: August 9, 1995.

**James Binando,**

*Chief, Branch of Land Resources.*

[FR Doc. 95–20449 Filed 8–16–95; 8:45 am]

BILLING CODE 4310–DN–P

## Minerals Management Service

### Announcement of Minerals Management Service Workshop on Expanded Use of Royalty-In-Kind Procedures

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

**ACTION:** Rescheduling of Denver workshop.

**SUMMARY:** In a **Federal Register** notice published July 19 (60 FR 37070), the Minerals Management Service (MMS) announced a workshop to be held in Denver, Colorado on August 24, 1995. This workshop has been rescheduled for September 11, 1995. The workshop will focus on ways to expand the ongoing pilot program for collecting Federal royalties in-kind rather than in value. The workshop will take place at the address given below from 9:30 A.M. until 4:30 P.M. The other workshops announced in the July 19 notice, August 22, 1995 in Houston, Texas and September 15, 1995 in New Orleans, Louisiana will take place at the addresses listed in that notice from 9:30 A.M. until 4:30 P.M.

**FOR FURTHER INFORMATION CONTACT:** Mr. Hugh Hilliard, Minerals Management Service, Mail Stop 4013, 1849 C St. NW, Washington, D.C. 20240, telephone number (202) 208–3398, facsimile number (202) 208–4891; or, contact Mr. John Bratland at the same address, telephone number (202) 208–3979, facsimile number (202) 208–3118.

**ADDRESSES:** Denver Federal Center, 6th & Kipling (Entrance W2), U.S.G.S., Building 25, Lecture Halls A and B, (Rooms 1252 and 1254), Lakewood, Colorado 80215.

**REGISTRATION:** Since seating will be limited, those wishing to attend any of the workshops should register in advance, no later than September 1, 1995. Registration should be made by phone (202) 208–3398, (202) 208–3822, facsimile (202) 208–3118 or mail to Ms. Ruby Minor or Ms. LaVerne Gailliard, Minerals Management Service, Mail Stop 4013, 1849 C St. NW, Washington, D.C. 20240. Copies of the Invitation for Bids and the Volunteer Agreement will be available to registrants on request.

**COMMENTS:** Written comments on the workshops or the panels should be addressed to Mr. Hugh Hilliard at the address given above or sent by facsimile c/o Mr. Hilliard to the number given.

Dated: August 11, 1995.

**Lucy Querques,**

*Associate Director, Policy and Management Improvement.*

[FR Doc. 95–20318 Filed 8–16–95; 8:45 am]

BILLING CODE 4310–MR–M

## INTERSTATE COMMERCE COMMISSION

**[Docket No. AB–317 (Sub-No. 4X)]**

### Indiana Harbor Belt Railroad Company—Abandonment Exemption—in Cook County, IL

Indiana Harbor Belt Railroad Company (Indiana), has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 1.01 miles of its Hammond Branch which extends from the southerly bank of the Calumet River at approximately 125th St. (Val. Station 876. + 60) running northerly to the northern edge of 117th St. (Val. Station 823 + 50) in Chicago, Cook County, IL.

Indiana has certified that: (1) No local or overhead traffic has moved over the line for at least 2 years; (2) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (3) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on September 16, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29[3] must be filed by August 28, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by September 6, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Ave., N.W., Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Roger A. Serpe, Indiana Harbor Belt Railroad Company, 175 W. Jackson Blvd., Suite 1460, Chicago, IL 60604.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio.*

Indiana has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by August 21, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: August 11, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 95–20430 Filed 8–16–95; 8:45 am]

BILLING CODE 7035–01–P

[1] A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made before the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit the Commission to review and act on the request before the effective date of this exemption.

[2] See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

## DEPARTMENT OF JUSTICE

## Drug Enforcement Administration

### Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on June 2, 1995, Arenol Chemical Corporation, 189 Meister Avenue, Somerville, New Jersey 08876, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

| Drug | Schedule |
|---|---|
| 2,5-Dimethoxyamphetamine (7396) | I |
| 3,4-Methylenedioxyamphetamine (7400). | I |
| Difenoxin (9186) | I |
| Amphetamine (1100) | II |
| Methamphetamine (1105) | II |

The firm plans to manufacture Difenoxin, Amphetamine and Methamphetamine to produce pharmaceutical products for distribution to its customers; and 2,5-Dimethoxyamphetamine and 3,4-Methylenedioxyamphetamine as intermediates for the development of other pharmaceutical products.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application.

Any such comments, or objections may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than October 16, 1995.

Dated: August 10, 1995.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 95–20340 Filed 8–16–95; 8:45 am]

BILLING CODE 4410–09–M

### Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on May 24, 1995, Dupont Pharmaceuticals, The Dupont Merck Pharmaceutical Company, 1000 Stewart Avenue, Garden City, New York 11530, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

| Drug | Schedule |
|---|---|
| Oxycodone (9143) | II |
| Hydrocodone (9193) | II |
| Oxymorphone (9652) | II |

The firm plans to manufacture these controlled substances to make finished products.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application.

Any such comments or objections may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than October 16, 1995.

Dated: August 10, 1995.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 95–20341 Filed 8–16–95; 8:45 am]

BILLING CODE 4410–09–M

### Manufacturer of Controlled Substances; Notice of Registration

By Notice dated May 30, 1995, and published in the **Federal Register** on June 8, 1995, (60 FR 30320), Johnson & Johnson Pharmaceutical Partners, HC02 State Road 933, KMO.1 Mamey Ward, HC–02 Box 19250, Gurabo, Puerto Rico 00778–9629, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

| Drug | Schedule |
|---|---|
| Alfentanil (9737) | II |
| Sufentanil (9740) | II |

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, Section 1301.54(e), the Deputy Assistant Administrator, Office of Division Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: August 10, 1995.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 95–20336 Filed 8–16–95; 8:45 am]

BILLING CODE 4410–09–M

### Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on April 10, 1995, Noramco of Delaware, Inc., Division of McNeilab, Inc., 500 Old Swedes Landing Road, Wilmington, Delaware 19801, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

| Drug | Schedule |
|---|---|
| Opium, raw (9600) | II |
| Poppy Straw Concentrate (9670) | II |

The firm intends to import the listed controlled substances to produce Codeine Phosphate, Codeine Sulfate, Morphine Sulfate, Oxycodone and Hydrocodone.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of these basic classes of controlled substances may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than (30 days from publication).

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import basic classes of any controlled substances in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: August 10, 1995.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 95–20338 Filed 8–16–95; 8:45 am]

BILLING CODE 4410–09–M

## Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on April 14, 1995, Noramco of Delaware, Inc., Division of McNeilab, Inc., 500 Old Swedes Landing Road, Wilmington, Delaware 19801, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

| Drug | Schedule |
|---|---|
| Codeine (9050) | II |
| Oxycodone (9143) | II |
| Hydrocodone (9193) | II |
| Morphine (9300) | II |
| Thebaine (9333) | II |
| Alfentanil (9737) | II |
| Fentanyl (9801) | II |

The firm plans to manufacture the listed controlled substances for distribution to its customers as bulk product.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application.

Any such comments, or objections may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than October 16, 1995.

Dated: August 10, 1995.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 95–20339 Filed 8–16–95; 8:45 am]

BILLING CODE 4410–09–M

## Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on April 12, 1995, Wildlife Laboratories, Inc., 1401 Duff Drive, Suite 600, Ft. Collins, Colorado 80524, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

| Drug | Schedule |
|---|---|
| Etorphine Hydrochloride (9059) | II |
| Carfentanil (9743) | II |

The firm plans to import these controlled substances to produce finished products for distribution to its customers.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of these basic classes of controlled substances may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than (30 days from publication).

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import basic classes of any controlled substances in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: August 10, 1995.

**Gene R. Haislip,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 95–20337 Filed 8–16–95; 8:45 am]

BILLING CODE 4410–09–M

## National Institute of Justice

**[OJP (NIJ) No. 1061]**

**RIN 1121–ZA23**

## Office of Justice Programs; National Institute of Justice ''Solicitation for the Operation of the National Law Enforcement and Corrections Technology Center''

**AGENCY:** U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

**ACTION:** Announcement of the availability of the National Institute of Justice's ''Solicitation for the Operation of the National Law Enforcement and Corrections Technology Center.''

**ADDRESSES:** National Institute of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531.

**DATES:** The deadline for receipt of proposals is close of business on September 29, 1995.

**FOR FURTHER INFORMATION CONTACT:** Kevin Jackson, National Institute of Justice, at (202) 307–2956.

**SUPPLEMENTARY INFORMATION:** The following supplementary information is provided:

### Authority

This action is authorized under the Omnibus Crime Control and Safe Streets Act of 1968, §§ 201–03, as amended, 42 U.S.C. 3721–23 (1988).

### Background

The purpose of this solicitation is to support the continued operation of the National Institute of Justice's National Law Enforcement and Corrections

Technology Center. This Center was established to coordinate and support the identification, development, and application of technology and information to meet the needs of criminal justice. This solicitation applies solely to the operation of the National Law Enforcement and Corrections Technology Center, and does not include the operation of any of the regional centers, the Border Research and Technology Center, the Office of Law Enforcement Commercialization, or the Office of Law Enforcement Standards. For a copy of the solicitation, call Kevin Jackson at the National Institute of Justice, 202–307–2956.

**Jeremy Travis,**

*Director, National Institute of Justice.*

[FR Doc. 95–20322 Filed 8–16–95; 8:45 am]

BILLING CODE 4410–18–P

## DEPARTMENT OF LABOR

### Employment and Training Administration

### Notice of Changes in Status of Extended Benefit (EB) Periods for the States of Alaska and Rhode Island

This notice announces changes in benefit period eligibility under the EB Program for the States of Alaska and Rhode Island.

*Summary*

The following changes have occurred since the publication of the last notice regarding States' EB status:

- July 8, 1995—Alaska's 13-week insured unemployment rate for the week ending June 17, 1995 fell below 6.0 percent and was less than 120 percent of the average for the corresponding period for the prior two years, causing the State to trigger ''off'' EB effective July 8, 1995.
- July 8, 1995—Rhode Island triggered ''off'' EB. The EB trigger mechanisms for Rhode Island had been below the thresholds necessary to be triggered ''on'' to EB since the week beginning April 23, 1995. However, Section 203(b)(1)(A) of the Federal-State Extended Unemployment Compensation Act of 1970 specifies that no EB period shall last for less than 13 consecutive weeks, regardless of whether or not the necessary thresholds are met. That 13-week period ended for Rhode Island on July 8, 1995.

**Information for Claimants**

The duration of benefits payable in the EB Program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the States by the U.S. Department of Labor. In the case of a State ending an EB period, the State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits informing them of the ending of the EB period and its effect on the individual's right to Extended Benefits (20 CFR 615.13(c)(4)).

Persons who believe they may be entitled to EB benefits, or who wish to inquire about their rights under the programs, should contact the nearest State employment service office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on August 10, 1995.

**Timothy M. Barnicle,**

*Assistant Secretary of Labor for Employment and Training.*

[FR Doc. 95–20419 Filed 8–16–95; 8:45 am]

BILLING CODE 4510–30–M

### Labor Surplus Area Classification Under Executive Orders 12073 and 10582; Annual List of Labor Surplus Areas

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice.

**DATES:** The annual list of labor surplus areas is effective until replaced by the new list to be effective October 1, 1995.

**SUMMARY:** The purpose of this notice is to announce the annual list of labor surplus areas.

**FOR FURTHER INFORMATION CONTACT:** William J. McGarrity, Labor Economist, USES, Employment and Training Administration, 200 Constitution Avenue, NW., Room N–4470, Attention: TEESS, Washington, DC 20210. Telephone: 202–219–5185.

**SUPPLEMENTARY INFORMATION:** Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under that Order for classifying and designating areas as labor surplus areas. Executive agencies should refer to Federal Acquisition Regulation Part 20 (48 CFR Part 20) in order to assess the impact of the labor surplus area program on particular procurements.

Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by Executive Order 12260. Federal Acquisition Regulation Part 25 (48 CFR Part 25) implements Executive Order 12260. Executive agencies should refer to Federal Acquisition Regulation Part 25 in procurements involving foreign businesses or products in order to assess its impact on the particular procurements.

The Department of Labor regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR Part 654, Subparts A and B. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor is publishing the annual list of labor surplus areas.

Subpart B of Part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under Subpart A. Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582.

The areas described below have been classified by the Assistant Secretary as labor surplus areas pursuant to 20 CFR 654.5(b) (48 FR 15615 April 12, 1983) and are effective August 21, 1995 through September 30, 1995.

The list of labor surplus areas is published for the use of all Federal agencies in directing procurement activities and locating new plants or facilities.

Signed at Washington, D.C. on August 8, 1995.

**Timothy M. Barnicle,**

*Assistant Secretary.*

BILLING CODE 6510–30–M

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| **ALABAMA** | |
| ANNISTON CITY ..... | ANNISTON CITY IN CALHOUN COUNTY |
| BARBOUR COUNTY | BARBOUR COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| BESSEMER CITY | BESSEMER CITY IN JEFFERSON COUNTY |
| BIBB COUNTY | BIBB COUNTY |
| BULLOCK COUNTY | BULLOCK COUNTY |
| BUTLER COUNTY | BUTLER COUNTY |
| CHILTON COUNTY | CHILTON COUNTY |
| CHOCTAW COUNTY | CHOCTAW COUNTY |
| CLARKE COUNTY | CLARKE COUNTY |
| CLAY COUNTY | CLAY COUNTY |
| CONECUH COUNTY | CONECUH COUNTY |
| COVINGTON COUNTY. | COVINGTON COUNTY |
| DALLAS COUNTY | DALLAS COUNTY |
| ESCAMBIA COUNTY | ESCAMBIA COUNTY |
| FAYETTE COUNTY | FAYETTE COUNTY |
| FLORENCE CITY | FLORENCE CITY IN LAUDERDALE COUNTY |
| GADSDEN CITY | GADSDEN CITY IN ETOWAH COUNTY |
| GREENE COUNTY | GREENE COUNTY |
| HALE COUNTY | HALE COUNTY |
| HENRY COUNTY | HENRY COUNTY |
| JACKSON COUNTY | JACKSON COUNTY |
| LAMAR COUNTY | LAMAR COUNTY |
| LAWRENCE COUNTY. | LAWRENCE COUNTY |
| LOWNDES COUNTY | LOWNDES COUNTY |
| MACON COUNTY | MACON COUNTY |
| MARENGO COUNTY | MARENGO COUNTY |
| MARION COUNTY | MARION COUNTY |
| MOBILE CITY | MOBILE CITY IN MOBILE COUNTY |
| MONROE COUNTY | MONROE COUNTY |
| PERRY COUNTY | PERRY COUNTY |
| PICKENS COUNTY | PICKENS COUNTY |
| PRICHARD CITY | PRICHARD CITY IN MOBILE COUNTY |
| RANDOLPH COUNTY. | RANDOLPH COUNTY |
| SUMTER COUNTY | SUMTER COUNTY |
| TALLADEGA COUNTY. | TALLADEGA COUNTY |
| WALKER COUNTY | WALKER COUNTY |
| WASHINGTON COUNTY. | WASHINGTON COUNTY |
| WILCOX COUNTY | WILCOX COUNTY |
| **ALASKA** | |
| DENALI BOROUGH | DENALI BOROUGH |
| FAIRBANKS CITY | FAIRBANKS CITY IN FAIRBANKS NORTH STAR BOROUGH |
| HAINES BOROUGH | HAINES BOROUGH |
| KENAI PENINSULA BOROUGH. | KENAI PENINSULA BOROUGH |
| KETCHIKAN GATEWAY BOROUGH. | KETCHIKAN GATEWAY BOROUGH |
| KODIAK ISLAND BOROUGH. | KODIAK ISLAND BOROUGH |
| MATANUSKA-SUSITNA BOROUGH. | MATANUSKA-SUSITNA BOROUGH |
| NOME CENSUS AREA. | NOME CENSUS AREA |
| NORTHWEST ARCTIC BOROUGH. | NORTHWEST ARCTIC BOROUGH |
| PRINCE OF WALES OUTER KETCHIKAN. | PRINCE OF WALES OUTER KETCHIKAN |
| SKAGWAY YAKUTAT ANGOON CENS AREA. | SKAGWAY YAKUTAT ANGOON CENS AREA |
| SOUTHEAST FAIRBANKS CENSUS AREA. | SOUTHEAST FAIRBANKS CENSUS AREA |
| VALDEZ CORDOVA CENSUS AREA. | VALDEZ CORDOVA CENSUS AREA |
| WADE HAMPTON CENSUS AREA. | WADE HAMPTON CENSUS AREA |
| WRANGELL-PETERSBURG CENSUS AREA. | WRANGELL-PETERSBURG CENSUS AREA |
| YUKON-KOYUKUK CENSUS AREA. | YUKON-KOYUKUK CENSUS AREA |
| **ARIZONA** | |
| APACHE COUNTY | APACHE COUNTY |
| BALANCE OF COCHISE COUNTY. | COCHISE COUNTY LESS SIERRA VISTA CITY |
| BALANCE OF COCONINO COUNTY. | COCONINO COUNTY LESS FLAGSTAFF CITY |
| GILA COUNTY | GILA COUNTY |
| GRAHAM COUNTY | GRAHAM COUNTY |
| GREENLEE COUNTY | GREENLEE COUNTY |
| LA PAZ COUNTY | LA PAZ COUNTY |
| MOHAVE COUNTY | MOHAVE COUNTY |
| NAVAJO COUNTY | NAVAJO COUNTY |
| SANTA CRUZ COUNTY. | SANTA CRUZ COUNTY |
| YUMA CITY | YUMA CITY IN YUMA COUNTY |
| BALANCE OF YUMA COUNTY. | YUMA COUNTY LESS YUMA CITY |
| **ARKANSAS** | |
| BRADLEY COUNTY | BRADLEY COUNTY |
| CALHOUN COUNTY | CALHOUN COUNTY |
| CHICOT COUNTY | CHICOT COUNTY |
| CLAY COUNTY | CLAY COUNTY |
| CLEBURNE COUNTY | CLEBURNE COUNTY |
| BALANCE OF CRITTENDEN COUNTY. | CRITTENDEN COUNTY LESS WEST MEMPHIS CITY |
| CROSS COUNTY | CROSS COUNTY |
| DESHA COUNTY | DESHA COUNTY |
| HOT SPRING COUNTY. | HOT SPRING COUNTY |
| HOT SPRINGS CITY | HOT SPRINGS CITY IN GARLAND COUNTY |
| IZARD COUNTY | IZARD COUNTY |
| JACKSON COUNTY | JACKSON COUNTY |
| LAFAYETTE COUNTY. | LAFAYETTE COUNTY |
| LEE COUNTY | LEE COUNTY |
| LINCOLN COUNTY | LINCOLN COUNTY |
| LITTLE RIVER COUNTY. | LITTLE RIVER COUNTY |
| MISSISSIPPI COUNTY. | MISSISSIPPI COUNTY |
| MONROE COUNTY | MONROE COUNTY |
| OUACHITA COUNTY | OUACHITA COUNTY |
| PERRY COUNTY | PERRY COUNTY |
| PHILLIPS COUNTY | PHILLIPS COUNTY |
| PINE BLUFF CITY | PINE BLUFF CITY IN JEFFERSON COUNTY |
| POINSETT COUNTY | POINSETT COUNTY |
| PRAIRIE COUNTY | PRAIRIE COUNTY |
| RANDOLPH COUNTY. | RANDOLPH COUNTY |
| ST. FRANCIS COUNTY. | ST. FRANCIS COUNTY |
| VAN BUREN COUNTY. | VAN BUREN COUNTY |
| WOODRUFF COUNTY. | WOODRUFF COUNTY |
| **CALIFORNIA** | |
| ALPINE COUNTY | ALPINE COUNTY |
| AMADOR COUNTY | AMADOR COUNTY |
| ANTIOCH CITY | ANTIOCH CITY IN CONTRA COSTA COUNTY |
| APPLE VALLEY CITY | APPLE VALLEY CITY IN SAN BERNARDINO COUNTY |
| AZUSA CITY | AZUSA CITY IN LOS ANGELES COUNTY |
| BAKERSFIELD CITY | BAKERSFIELD CITY IN KERN COUNTY |
| BALDWIN PARK CITY. | BALDWIN PARK CITY IN LOS ANGELES COUNTY |
| BELL CITY | BELL CITY IN LOS ANGELES COUNTY |
| BELL GARDENS CITY. | BELL GARDENS CITY IN LOS ANGELES COUNTY |
| BALANCE OF BUTTE COUNTY. | BUTTE COUNTY LESS CHICO CITY PARADISE CITY |
| CALAVERAS COUNTY. | CALAVERAS COUNTY |
| CARSON CITY | CARSON CITY IN LOS ANGELES COUNTY |
| CATHEDRAL CITY | CATHEDRAL CITY IN RIVERSIDE COUNTY |
| CERES CITY | CERES CITY IN STANISLAUS COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| CHICO CITY | CHICO CITY IN BUTTE COUNTY |
| CLOVIS CITY | CLOVIS CITY IN FRESNO COUNTY |
| COLTON CITY | COLTON CITY IN SAN BERNARDINO COUNTY |
| COLUSA COUNTY | COLUSA COUNTY |
| COMPTON CITY | COMPTON CITY IN LOS ANGELES COUNTY |
| CORONA CITY | CORONA CITY IN RIVERSIDE COUNTY |
| DEL NORTE COUNTY. | DEL NORTE COUNTY |
| EL CAJON CITY | EL CAJON CITY IN SAN DIEGO COUNTY |
| EL CENTRO CITY | EL CENTRO CITY IN IMPERIAL COUNTY |
| EL MONTE CITY | EL MONTE CITY IN LOS ANGELES COUNTY |
| EUREKA CITY | EUREKA CITY IN HUMBOLDT COUNTY |
| FONTANA CITY | FONTANA CITY IN SAN BERNARDINO COUNTY |
| FRESNO CITY | FRESNO CITY IN FRESNO COUNTY |
| BALANCE OF FRESNO COUNTY. | FRESNO COUNTY LESS CLOVIS CITY |
| | FRESNO CITY |
| GARDEN GROVE CITY. | GARDEN GROVE CITY IN ORANGE COUNTY |
| GILROY CITY | GILROY CITY IN SANTA CLARA COUNTY |
| GLENDALE CITY | GLENDALE CITY IN LOS ANGELES COUNTY |
| GLENN COUNTY | GLENN COUNTY |
| HANFORD CITY | HANFORD CITY IN KINGS COUNTY |
| HAWTHORNE CITY | HAWTHORNE CITY IN LOS ANGELES COUNTY |
| HEMET CITY | HEMET CITY IN RIVERSIDE COUNTY |
| HESPERIA CITY | HESPERIA CITY IN SAN BERNARDINO COUNTY |
| HIGHLAND CITY | HIGHLAND CITY IN SAN BERNARDINO COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| BALANCE OF HUMBOLDT COUNTY. | HUMBOLDT COUNTY LESS EUREKA CITY |
| HUNTINGTON PARK CITY. | HUNTINGTON PARK CITY IN LOS ANGELES COUNTY |
| IMPERIAL BEACH CITY. | IMPERIAL BEACH CITY IN SAN DIEGO COUNTY |
| BALANCE OF IMPERIAL COUNTY. | IMPERIAL COUNTY LESS EL CENTRO CITY |
| INDIO CITY | INDIO CITY IN RIVERSIDE COUNTY |
| INGLEWOOD CITY | INGLEWOOD CITY IN LOS ANGELES COUNTY |
| INYO COUNTY | INYO COUNTY |
| BALANCE OF KERN COUNTY. | KERN COUNTY LESS BAKERSFIELD CITY |
| | RIDGECREST CITY |
| BALANCE OF KINGS COUNTY. | KINGS COUNTY LESS HANFORD CITY |
| LA PUENTE CITY | LA PUENTE CITY IN LOS ANGELES COUNTY |
| LAKE COUNTY | LAKE COUNTY |
| LANCASTER CITY | LANCASTER CITY IN LOS ANGELES COUNTY |
| LASSEN COUNTY | LASSEN COUNTY |
| LAWNDALE CITY | LAWNDALE CITY IN LOS ANGELES COUNTY |
| LODI CITY | LODI CITY IN SAN JOAQUIN COUNTY |
| LOMPOC CITY | LOMPOC CITY IN SANTA BARBARA COUNTY |
| LONG BEACH CITY | LONG BEACH CITY IN LOS ANGELES COUNTY |
| LOS ANGELES CITY | LOS ANGELES CITY IN LOS ANGELES COUNTY |
| BALANCE OF LOS ANGELES COUNTY. | LOS ANGELES COUNTY LESS ALHAMBRA CITY |
| | ARCADIA CITY |
| | AZUSA CITY |
| | BALDWIN PARK CITY |
| | BELL CITY |
| | BELL GARDENS CITY |
| | BELLFLOWER CITY |
| | BEVERLY HILLS CITY |
| | BURBANK CITY |
| | CARSON CITY |
| | CERRITOS CITY |
| | CLAREMONT CITY |
| | COMPTON CITY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| | COVINA CITY |
| | CULVER CITY |
| | DIAMOND BAR CITY |
| | DOWNEY CITY |
| | EL MONTE CITY |
| | GARDENA CITY |
| | GLENDALE CITY |
| | GLENDORA CITY |
| | HAWTHORNE CITY |
| | HUNTINGTON PARK CITY |
| | INGLEWOOD CITY |
| | LA MIRADA CITY |
| | LA PUENTE CITY |
| | LA VERNE CITY |
| | LAKEWOOD CITY |
| | LANCASTER CITY |
| | LAWNDALE CITY |
| | LONG BEACH CITY |
| | LOS ANGELES CITY |
| | LYNWOOD CITY |
| | MANHATTAN BEACH CITY |
| | MAYWOOD CITY |
| | MONROVIA CITY |
| | MONTEBELLO CITY |
| | MONTEREY PARK CITY |
| | NORWALK CITY |
| | PALMDALE CITY |
| | PARAMOUNT CITY |
| | PASADENA CITY |
| | PICO RIVERA CITY |
| | POMONA CITY |
| | RANCHO PALOS VERDES CITY |
| | REDONDO BEACH CITY |
| | ROSEMEAD CITY |
| | SAN DIMAS CITY |
| | SAN GABRIEL CITY |
| | SANTA CLARITA CITY |
| | SANTA MONICA CITY |
| | SOUTH GATE CITY |
| | TEMPLE CITY |
| | TORRANCE CITY |
| | WALNUT CITY |
| | WEST COVINA CITY |
| | WEST HOLLYWOOD CITY |
| | WHITTIER CITY |
| LYNWOOD CITY | LYNWOOD CITY IN LOS ANGELES COUNTY |
| MADERA CITY | MADERA CITY IN MADERA COUNTY |
| BALANCE OF MADERA COUNTY. | MADERA COUNTY LESS MADERA CITY |
| MANTECA CITY | MANTECA CITY IN SAN JOAQUIN COUNTY |
| MARIPOSA COUNTY | MARIPOSA COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| MAYWOOD CITY | MAYWOOD CITY IN LOS ANGELES COUNTY |
| MENDOCINO COUNTY. | MENDOCINO COUNTY |
| MERCED CITY | MERCED CITY IN MERCED COUNTY |
| BALANCE OF MERCED COUNTY. | MERCED COUNTY LESS MERCED CITY |
| MODESTO CITY | MODESTO CITY IN STANISLAUS COUNTY |
| MODOC COUNTY | MODOC COUNTY |
| MONO COUNTY | MONO COUNTY |
| MONTCLAIR CITY | MONTCLAIR CITY IN SAN BERNARDINO COUNTY |
| MONTEBELLO CITY | MONTEBELLO CITY IN LOS ANGELES COUNTY |
| BALANCE OF MONTEREY COUNTY. | MONTEREY COUNTY LESS MARINA CITY |
| | MONTEREY CITY |
| | SALINAS CITY |
| | SEASIDE CITY |
| MORENO VALLEY CITY. | MORENO VALLEY CITY IN RIVERSIDE COUNTY |
| NAPA CITY | NAPA CITY IN NAPA COUNTY |
| NATIONAL CITY | NATIONAL CITY IN SAN DIEGO COUNTY |
| NORWALK CITY | NORWALK CITY IN LOS ANGELES COUNTY |
| OAKLAND CITY | OAKLAND CITY IN ALAMEDA COUNTY |
| OCEANSIDE CITY | OCEANSIDE CITY IN SAN DIEGO COUNTY |
| ONTARIO CITY | ONTARIO CITY IN SAN BERNARDINO COUNTY |
| OXNARD CITY | OXNARD CITY IN VENTURA COUNTY |
| PALM SPRINGS CITY. | PALM SPRINGS CITY IN RIVERSIDE COUNTY |
| PALMDALE CITY | PALMDALE CITY IN LOS ANGELES COUNTY |
| PARADISE CITY | PARADISE CITY IN BUTTE COUNTY |
| PARAMOUNT CITY | PARAMOUNT CITY IN LOS ANGELES COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| PICO RIVERA CITY | PICO RIVERA CITY IN LOS ANGELES COUNTY |
| PITTSBURG CITY | PITTSBURG CITY IN CONTRA COSTA COUNTY |
| PLUMAS COUNTY | PLUMAS COUNTY |
| POMONA CITY | POMONA CITY IN LOS ANGELES COUNTY |
| PORTERVILLE CITY | PORTERVILLE CITY IN TULARE COUNTY |
| REDDING CITY | REDDING CITY IN SHASTA COUNTY |
| RIALTO CITY | RIALTO CITY IN SAN BERNARDINO COUNTY |
| RICHMOND CITY | RICHMOND CITY IN CONTRA COSTA COUNTY |
| RIVERSIDE CITY | RIVERSIDE CITY IN RIVERSIDE COUNTY |
| BALANCE OF RIVERSIDE COUNTY. | RIVERSIDE COUNTY LESS CATHEDRAL CITY |
| | CORONA CITY |
| | HEMET CITY |
| | INDIO CITY |
| | MORENO VALLEY CITY |
| | NORCO CITY |
| | PALM SPRINGS CITY |
| | RIVERSIDE CITY |
| | TEMECULA CITY |
| ROSEMEAD CITY | ROSEMEAD CITY IN LOS ANGELES COUNTY |
| ROSEVILLE CITY | ROSEVILLE CITY IN PLACER COUNTY |
| SACRAMENTO CITY | SACRAMENTO CITY IN SACRAMENTO COUNTY |
| SALINAS CITY | SALINAS CITY IN MONTEREY COUNTY |
| SAN BENITO COUNTY. | SAN BENITO COUNTY |
| SAN BERNARDINO CITY. | SAN BERNARDINO CITY IN SAN BERNARDINO COUNTY |
| BALANCE OF SAN BERNARDINO COUNTY. | SAN BERNARDINO COUNTY LESS APPLE VALLEY CITY |
| | CHINO CITY |
| | COLTON CITY |
| | FONTANA CITY |
| | HESPERIA CITY |
| | HIGHLAND CITY |
| | MONTCLAIR CITY |
| | ONTARIO CITY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| | RANCHO CUCAMONGA CITY |
| | REDLANDS CITY |
| | RIALTO CITY |
| | SAN BERNARDINO CITY |
| | UPLAND CITY |
| | VICTORVILLE CITY |
| | YUCAIPA CITY |
| BALANCE OF SAN JOAQUIN COUNTY. | SAN JOAQUIN COUNTY LESS LODI CITY |
| | MANTECA CITY |
| | STOCKTON CITY |
| | TRACEY CITY |
| SAN LUIS OBISPO CITY. | SAN LUIS OBISPO CITY IN SAN LUIS OBISPO COUNTY |
| SAN PABLO CITY | SAN PABLO CITY IN CONTRA COSTA COUNTY |
| SANTA ANA CITY | SANTA ANA CITY IN ORANGE COUNTY |
| SANTA CRUZ CITY | SANTA CRUZ CITY IN SANTA CRUZ COUNTY |
| SANTA MARIA CITY | SANTA MARIA CITY IN SANTA BARBARA COUNTY |
| SANTA PAULA CITY | SANTA PAULA CITY IN VENTURA COUNTY |
| SEASIDE CITY | SEASIDE CITY IN MONTEREY COUNTY |
| BALANCE OF SHASTA COUNTY. | SHASTA COUNTY LESS REDDING CITY |
| SIERRA COUNTY | SIERRA COUNTY |
| SISKIYOU COUNTY | SISKIYOU COUNTY |
| SOUTH GATE CITY | SOUTH GATE CITY IN LOS ANGELES COUNTY |
| BALANCE OF STANISLAUS COUNTY. | STANISLAUS COUNTY LESS CERES CITY |
| | MODESTO CITY |
| | TURLOCK CITY |
| STANTON CITY | STANTON CITY IN ORANGE COUNTY |
| STOCKTON CITY | STOCKTON CITY IN SAN JOAQUIN COUNTY |
| BALANCE OF SUTTER COUNTY. | SUTTER COUNTY LESS YUBA CITY |
| TEHAMA COUNTY | TEHAMA COUNTY |
| TRACEY CITY | TRACEY CITY IN SAN JOAQUIN COUNTY |
| TRINITY COUNTY | TRINITY COUNTY |
| TULARE CITY | TULARE CITY IN TULARE COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| BALANCE OF TULARE COUNTY. | TULARE COUNTY LESS PORTERVILLE CITY |
| | TULARE CITY |
| | DVISALIA CITY |
| TUOLUMNE COUNTY. | TUOLUMNE COUNTY |
| TURLOCK CITY | TURLOCK CITY IN STANISLAUS COUNTY |
| VALLEJO CITY | VALLEJO CITY IN SOLANO COUNTY |
| BALANCE OF VENTURA COUNTY. | VENTURA COUNTY LESS CAMARILLO CITY |
| | MOORPARK CITY |
| | OXNARD CITY |
| | SANTA PAULA CITY |
| | SIMI VALLEY CITY |
| | THOUSAND OAKS CITY |
| | VENTURA CITY |
| VICTORVILLE CITY | VICTORVILLE CITY IN SAN BERNARDINO COUNTY |
| VISALIA CITY | VISALIA CITY IN TULARE COUNTY |
| VISTA CITY | VISTA CITY IN SAN DIEGO COUNTY |
| WATSONVILLE CITY | WATSONVILLE CITY IN SANTA CRUZ COUNTY |
| WEST HOLLYWOOD CITY. | WEST HOLLYWOOD CITY IN LOS ANGELES COUNTY |
| WEST SACRAMENTO CITY. | WEST SACRAMENTO CITY IN YOLO COUNTY |
| YUBA CITY | YUBA CITY IN SUTTER COUNTY |
| YUBA COUNTY | YUBA COUNTY |
| **COLORADO** | |
| CONEJOS COUNTY | CONEJOS COUNTY |
| COSTILLA COUNTY | COSTILLA COUNTY |
| DOLORES COUNTY | DOLORES COUNTY |
| GRAND JUNCTION CITY. | GRAND JUNCTION CITY IN MESA COUNTY |
| HUERFANO COUNTY. | HUERFANO COUNTY |
| LAKE COUNTY | LAKE COUNTY |
| LAS ANIMAS COUNTY. | LAS ANIMAS COUNTY |
| PUEBLO CITY | PUEBLO CITY IN PUEBLO COUNTY |
| RIO GRANDE COUNTY. | RIO GRANDE COUNTY |
| SAGUACHE COUNTY. | SAGUACHE COUNTY |
| SAN JUAN COUNTY | SAN JUAN COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| **CONNECTICUT** | |
| ANSONIA TOWN | ANSONIA TOWN |
| BRIDGEPORT CITY | BRIDGEPORT CITY |
| EAST HARTFORD CITY. | EAST HARTFORD CITY |
| HARTFORD CITY | HARTFORD CITY |
| KILLINGLY TOWN | KILLINGLY TOWN |
| MERIDEN CITY | MERIDEN CITY |
| NEW BRITAIN CITY | NEW BRITAIN CITY |
| NEW LONDON CITY | NEW LONDON CITY |
| PLAINFIELD TOWN | PLAINFIELD TOWN |
| PLYMOUTH TOWN | PLYMOUTH TOWN |
| PUTNAM TOWN | PUTNAM TOWN |
| STERLING TOWN | STERLING TOWN |
| THOMASTON TOWN | THOMASTON TOWN |
| THOMPSON TOWN | THOMPSON TOWN |
| TORRINGTON CITY | TORRINGTON CITY |
| VOLUNTOWN TOWN | VOLUNTOWN TOWN |
| WATERBURY CITY | WATERBURY CITY |
| WINCHESTER TOWN. | WINCHESTER TOWN |
| **FLORIDA** | |
| BAKER COUNTY | BAKER COUNTY |
| BOYNTON BEACH CITY. | BOYNTON BEACH CITY IN PALM BEACH COUNTY |
| CITRUS COUNTY | CITRUS COUNTY |
| COCONUT CREEK CITY. | COCONUT CREEK CITY IN BROWARD COUNTY |
| COLLIER COUNTY | COLLIER COUNTY |
| COLUMBIA COUNTY | COLUMBIA COUNTY |
| DAYTONA BEACH CITY. | DAYTONA BEACH CITY IN VOLUSIA COUNTY |
| DE SOTO COUNTY | DE SOTO COUNTY |
| DELRAY BEACH CITY. | DELRAY BEACH CITY IN PALM BEACH COUNTY |
| DIXIE COUNTY | DIXIE COUNTY |
| FORT MYERS CITY | FORT MYERS CITY IN LEE COUNTY |
| FORT PIERCE CITY | FORT PIERCE CITY IN ST. LUCIE COUNTY |
| FT LAUDERDALE CITY. | FT LAUDERDALE CITY IN BROWARD COUNTY |
| GLADES COUNTY | GLADES COUNTY |
| GREENACRES CITY | GREENACRES CITY IN PALM BEACH COUNTY |
| HALLANDALE CITY | HALLANDALE CITY IN BROWARD COUNTY |
| HAMILTON COUNTY | HAMILTON COUNTY |
| HARDEE COUNTY | HARDEE COUNTY |
| HENDRY COUNTY | HENDRY COUNTY |
| HIALEAH CITY | HIALEAH CITY IN DADE COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| HIGHLANDS COUNTY. | HIGHLANDS COUNTY |
| INDIAN RIVER COUNTY. | INDIAN RIVER COUNTY |
| LAKE WORTH CITY | LAKE WORTH CITY IN PALM BEACH COUNTY |
| LAKELAND CITY | LAKELAND CITY IN POLK COUNTY |
| LAUDERDALE LAKES CITY. | LAUDERDALE LAKES CITY IN BROWARD COUNTY |
| MARTIN COUNTY | MARTIN COUNTY |
| MELBOURNE CITY | MELBOURNE CITY IN BREVARD COUNTY |
| MIAMI BEACH CITY | MIAMI BEACH CITY IN DADE COUNTY |
| MIAMI CITY | MIAMI CITY IN DADE COUNTY |
| NORTH MIAMI CITY | NORTH MIAMI CITY IN DADE COUNTY |
| OCALA CITY | OCALA CITY IN MARION COUNTY |
| OKEECHOBEE COUNTY. | OKEECHOBEE COUNTY |
| BALANCE OF PALM BEACH COUNTY. | PALM BEACH COUNTY LESS BOCA RATON CITY |
| | BOYNTON BEACH CITY |
| | DELRAY BEACH CITY |
| | GREENACRES CITY |
| | JUPITER CITY |
| | LAKE WORTH CITY |
| | RIVIERA BEACH CITY |
| | WEST PALM BEACH CITY |
| PANAMA CITY | PANAMA CITY IN BAY COUNTY |
| BALANCE OF POLK COUNTY. | POLK COUNTY LESS LAKELAND CITY |
| POMPANO BEACH CITY. | POMPANO BEACH CITY IN BROWARD COUNTY |
| PORT ST. LUCIE CITY. | PORT ST. LUCIE CITY IN ST. LUCIE COUNTY |
| RIVIERA BEACH CITY. | RIVIERA BEACH CITY IN PALM BEACH COUNTY |
| BALANCE OF ST. LUCIE COUNTY. | ST. LUCIE COUNTY LESS FORT PIERCE CITY |
| | PORT ST. LUCIE CITY |
| SUWANNEE COUNTY. | SUWANNEE COUNTY |
| TAYLOR COUNTY | TAYLOR COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| WEST PALM BEACH CITY. | WEST PALM BEACH CITY IN PALM BEACH COUNTY |
| **GEORGIA** | |
| ALBANY CITY | ALBANY CITY IN DOUGHERTY COUNTY |
| APPLING COUNTY | APPLING COUNTY |
| ATKINSON COUNTY | ATKINSON COUNTY |
| ATLANTA CITY | ATLANTA CITY IN DE KALB COUNTY FULTON COUNTY |
| AUGUSTA CITY | AUGUSTA CITY IN RICHMOND COUNTY |
| BAKER COUNTY | BAKER COUNTY |
| BRANTLEY COUNTY | BRANTLEY COUNTY |
| BURKE COUNTY | BURKE COUNTY |
| CALHOUN COUNTY | CALHOUN COUNTY |
| CHATTAHOOCHEE COUNTY. | CHATTAHOOCHEE COUNTY |
| DECATUR COUNTY | DECATUR COUNTY |
| EARLY COUNTY | EARLY COUNTY |
| ELBERT COUNTY | ELBERT COUNTY |
| EMANUEL COUNTY | EMANUEL COUNTY |
| GILMER COUNTY | GILMER COUNTY |
| GREENE COUNTY | GREENE COUNTY |
| HANCOCK COUNTY | HANCOCK COUNTY |
| HARALSON COUNTY. | HARALSON COUNTY |
| LA GRANGE CITY | LA GRANGE CITY IN TROUP COUNTY |
| MACON COUNTY | MACON COUNTY |
| MERIWETHER COUNTY. | MERIWETHER COUNTY |
| MILLER COUNTY | MILLER COUNTY |
| MITCHELL COUNTY | MITCHELL COUNTY |
| MONTGOMERY COUNTY. | MONTGOMERY COUNTY |
| POLK COUNTY | POLK COUNTY |
| QUITMAN COUNTY | QUITMAN COUNTY |
| RABUN COUNTY | RABUN COUNTY |
| RANDOLPH COUNTY. | RANDOLPH COUNTY |
| ROME CITY | ROME CITY IN FLOYD COUNTY |
| SEMINOLE COUNTY | SEMINOLE COUNTY |
| SUMTER COUNTY | SUMTER COUNTY |
| TALBOT COUNTY | TALBOT COUNTY |
| TALIAFERRO COUNTY. | TALIAFERRO COUNTY |
| TAYLOR COUNTY | TAYLOR COUNTY |
| TELFAIR COUNTY | TELFAIR COUNTY |
| TERRELL COUNTY | TERRELL COUNTY |
| TOOMBS COUNTY | TOOMBS COUNTY |
| TREUTLEN COUNTY | TREUTLEN COUNTY |
| TURNER COUNTY | TURNER COUNTY |
| WARREN COUNTY | WARREN COUNTY |
| WAYNE COUNTY | WAYNE COUNTY |
| **HAWAII** | |
| KAUAI COUNTY | KAUAI COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| **IDAHO** | |
| ADAMS COUNTY | ADAMS COUNTY |
| BENEWAH COUNTY | BENEWAH COUNTY |
| BONNER COUNTY | BONNER COUNTY |
| BOUNDARY COUNTY. | BOUNDARY COUNTY |
| CLEARWATER COUNTY. | CLEARWATER COUNTY |
| CUSTER COUNTY | CUSTER COUNTY |
| FREMONT COUNTY | FREMONT COUNTY |
| IDAHO COUNTY | IDAHO COUNTY |
| LEMHI COUNTY | LEMHI COUNTY |
| MINIDOKA COUNTY | MINIDOKA COUNTY |
| PAYETTE COUNTY | PAYETTE COUNTY |
| SHOSHONE COUNTY. | SHOSHONE COUNTY |
| VALLEY COUNTY | VALLEY COUNTY |
| WASHINGTON COUNTY. | WASHINGTON COUNTY |
| **ILLINOIS** | |
| ALEXANDER COUNTY. | ALEXANDER COUNTY |
| ALTON CITY | ALTON CITY IN MADISON COUNTY |
| AURORA CITY | AURORA CITY IN DU PAGE COUNTY KANE COUNTY |
| BELLEVILLE CITY | BELLEVILLE CITY IN ST. CLAIR COUNTY |
| BOND COUNTY | BOND COUNTY |
| BOONE COUNTY | BOONE COUNTY |
| CALHOUN COUNTY | CALHOUN COUNTY |
| CARPENTERSVILLE CITY. | CARPENTERSVILLE CITY IN KANE COUNTY |
| CASS COUNTY | CASS COUNTY |
| CHICAGO CITY | CHICAGO CITY IN COOK COUNTY |
| CHRISTIAN COUNTY | CHRISTIAN COUNTY |
| CICERO CITY | CICERO CITY IN COOK COUNTY |
| CLAY COUNTY | CLAY COUNTY |
| CUMBERLAND COUNTY. | CUMBERLAND COUNTY |
| DANVILLE CITY | DANVILLE CITY IN VERMILION COUNTY |
| DECATUR CITY | DECATUR CITY IN MACON COUNTY |
| EAST ST. LOUIS CITY. | EAST ST. LOUIS CITY IN ST. CLAIR COUNTY |
| EDGAR COUNTY | EDGAR COUNTY |
| EFFINGHAM COUNTY. | EFFINGHAM COUNTY |
| FAYETTE COUNTY | FAYETTE COUNTY |
| FRANKLIN COUNTY | FRANKLIN COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| FREEPORT CITY | FREEPORT CITY IN STEPHENSON COUNTY |
| FULTON COUNTY | FULTON COUNTY |
| GALLATIN COUNTY | GALLATIN COUNTY |
| GRANITE CITY | GRANITE CITY IN MADISON COUNTY |
| GRUNDY COUNTY | GRUNDY COUNTY |
| HAMILTON COUNTY | HAMILTON COUNTY |
| HARDIN COUNTY | HARDIN COUNTY |
| HARVEY CITY | HARVEY CITY IN COOK COUNTY |
| BALANCE OF JACKSON COUNTY. | JACKSON COUNTY LESS CARBONDALE CITY |
| JEFFERSON COUNTY. | JEFFERSON COUNTY |
| JOHNSON COUNTY | JOHNSON COUNTY |
| JOLIET CITY | JOLIET CITY IN WILL COUNTY |
| KANKAKEE CITY | KANKAKEE CITY IN KANKAKEE COUNTY |
| LA SALLE COUNTY | LA SALLE COUNTY |
| LAWRENCE COUNTY. | LAWRENCE COUNTY |
| MACOUPIN COUNTY | MACOUPIN COUNTY |
| MARION COUNTY | MARION COUNTY |
| MASON COUNTY | MASON COUNTY |
| MAYWOOD VILLAGE | MAYWOOD VILLAGE IN COOK COUNTY |
| MERCER COUNTY | MERCER COUNTY |
| MONTGOMERY COUNTY. | MONTGOMERY COUNTY |
| NORTH CHICAGO CITY. | NORTH CHICAGO CITY IN LAKE COUNTY |
| PEKIN CITY | PEKIN CITY IN TAZEWELL COUNTY |
| PERRY COUNTY | PERRY COUNTY |
| POPE COUNTY | POPE COUNTY |
| PULASKI COUNTY | PULASKI COUNTY |
| QUINCY CITY | QUINCY CITY IN ADAMS COUNTY |
| RANDOLPH COUNTY. | RANDOLPH COUNTY |
| ROCKFORD CITY | ROCKFORD CITY IN WINNEBAGO COUNTY |
| SALINE COUNTY | SALINE COUNTY |
| SCOTT COUNTY | SCOTT COUNTY |
| SHELBY COUNTY | SHELBY COUNTY |
| STARK COUNTY | STARK COUNTY |
| UNION COUNTY | UNION COUNTY |
| BALANCE OF VERMILION COUNTY. | VERMILION COUNTY LESS DANVILLE CITY |
| WABASH COUNTY | WABASH COUNTY |
| WAUKEGAN CITY | WAUKEGAN CITY IN LAKE COUNTY |
| WAYNE COUNTY | WAYNE COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| WHITE COUNTY | WHITE COUNTY |
| WILLIAMSON COUNTY. | WILLIAMSON COUNTY |
| **INDIANA** | |
| ANDERSON CITY | ANDERSON CITY IN MADISON COUNTY |
| BLACKFORD COUNTY. | BLACKFORD COUNTY |
| CRAWFORD COUNTY. | CRAWFORD COUNTY |
| EAST CHICAGO CITY. | EAST CHICAGO CITY IN LAKE COUNTY |
| FAYETTE COUNTY | FAYETTE COUNTY |
| GARY CITY | GARY CITY IN LAKE COUNTY |
| GREENE COUNTY | GREENE COUNTY |
| HENRY COUNTY | HENRY COUNTY |
| LAWRENCE COUNTY. | LAWRENCE COUNTY |
| MARION CITY | MARION CITY IN GRANT COUNTY |
| MICHIGAN CITY | MICHIGAN CITY IN LA PORTE COUNTY |
| ORANGE COUNTY | ORANGE COUNTY |
| RANDOLPH COUNTY. | RANDOLPH COUNTY |
| RICHMOND CITY | RICHMON CITY IN WAYNE COUNTY |
| SULLIVAN COUNTY | SULLIVAN COUNTY |
| VERMILLION COUNTY. | VERMILLION COUNTY |
| **KANSAS** | |
| KANSAS CITY KN | KANSAS CITY KN IN WYANDOTTE COUNTY |
| LINN COUNTY | LINN COUNTY |
| **KENTUCKY** | |
| BALLARD COUNTY | BALLARD COUNTY |
| BATH COUNTY | BATH COUNTY |
| BELL COUNTY | BELL COUNTY |
| BOYD COUNTY | BOYD COUNTY |
| BRACKEN COUNTY | BRACKEN COUNTY |
| BREATHITT COUNTY. | BREATHITT COUNTY |
| CALDWELL COUNTY | CALDWELL COUNTY |
| CARTER COUNTY | CARTER COUNTY |
| CLAY COUNTY | CLAY COUNTY |
| CLINTON COUNTY | CLINTON COUNTY |
| CUMBERLAND COUNTY. | CUMBERLAND COUNTY |
| EDMONSON COUNTY. | EDMONSON COUNTY |
| ELLIOTT COUNTY | ELLIOTT COUNTY |
| ESTILL COUNTY | ESTILL COUNTY |
| FLOYD COUNTY | FLOYD COUNTY |
| GREENUP COUNTY | GREENUP COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| HANCOCK COUNTY | HANCOCK COUNTY |
| HARLAN COUNTY | HARLAN COUNTY |
| JACKSON COUNTY | JACKSON COUNTY |
| KNOTT COUNTY | KNOTT COUNTY |
| LAWRENCE COUNTY. | LAWRENCE COUNTY |
| LEE COUNTY | LEE COUNTY |
| LETCHER COUNTY | LETCHER COUNTY |
| LEWIS COUNTY | LEWIS COUNTY |
| LIVINGSTON COUNTY. | LIVINGSTON COUNTY |
| MAGOFFIN COUNTY | MAGOFFIN COUNTY |
| MARTIN COUNTY | MARTIN COUNTY |
| MC CREARY COUNTY. | MC CREARY COUNTY |
| MC LEAN COUNTY | MC LEAN COUNTY |
| MENIFEE COUNTY | MENIFEE COUNTY |
| MONTGOMERY COUNTY. | MONTGOMERY COUNTY |
| MORGAN COUNTY | MORGAN COUNTY |
| MUHLENBERG COUNTY. | MUHLENBERG COUNTY |
| OHIO COUNTY | OHIO COUNTY |
| PERRY COUNTY | PERRY COUNTY |
| PIKE COUNTY | PIKE COUNTY |
| POWELL COUNTY | POWELL COUNTY |
| ROCKCASTLE COUNTY. | ROCKCASTLE COUNTY |
| RUSSELL COUNTY | RUSSELL COUNTY |
| WEBSTER COUNTY | WEBSTER COUNTY |
| WOLFE COUNTY | WOLFE COUNTY |
| **LOUISIANA** | |
| ACADIA PARISH | ACADIA PARISH |
| ALEXANDRIA CITY | ALEXANDRIA CITY IN RAPIDES PARISH |
| ALLEN PARISH | ALLEN PARISH |
| ASSUMPTION PARISH. | ASSUMPTION PARISH |
| AVOYELLES PARISH | AVOYELLES PARISH |
| BEAUREGARD PARISH. | BEAUREGARD PARISH |
| CALDWELL PARISH | CALDWELL PARISH |
| CATAHOULA PARISH. | CATAHOULA PARISH |
| CLAIBORNE PARISH | CLAIBORNE PARISH |
| CONCORDIA PARISH. | CONCORDIA PARISH |
| DE SOTO PARISH | DE SOTO PARISH |
| EAST CARROLL PARISH. | EAST CARROLL PARISH |
| EVANGELINE PARISH. | EVANGELINE PARISH |
| FRANKLIN PARISH | FRANKLIN PARISH |
| GRANT PARISH | GRANT PARISH |
| HOUMA CITY | HOUMA CITY IN TERREBONNE PARISH |
| IBERVILLE PARISH | IBERVILLE PARISH |
| JEFFERSON DAVIS PARISH. | JEFFERSON DAVIS PARISH |
| LA SALLE PARISH | LA SALLE PARISH |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| LAKE CHARLES CITY. | LAKE CHARLES CITY IN CALCASIEU PARISH |
| LIVINGSTON PARISH. | LIVINGSTON PARISH |
| MADISON PARISH | MADISON PARISH |
| MONROE CITY | MONROE CITY IN OUACHITA PARISH |
| MOREHOUSE PARISH. | MOREHOUSE PARISH |
| NEW IBERIA CITY | NEW IBERIA CITY IN IBERIA PARISH |
| POINTE COUPEE PARISH. | POINTE COUPEE PARISH |
| RED RIVER PARISH | RED RIVER PARISH |
| RICHLAND PARISH | RICHLAND PARISH |
| ST. JAMES PARISH | ST. JAMES PARISH |
| ST. JOHN BAPTIST PARISH. | ST. JOHN BAPTIST PARISH |
| ST. LANDRY PARISH | ST. LANDRY PARISH |
| ST. MARY PARISH | ST. MARY PARISH |
| TANGIPAHOA PARISH. | TANGIPAHOA PARISH |
| TENSAS PARISH | TENSAS PARISH |
| VERMILION PARISH | VERMILION PARISH |
| WASHINGTON PARISH. | WASHINGTON PARISH |
| WEBSTER PARISH | WEBSTER PARISH |
| WEST CARROLL PARISH. | WEST CARROLL PARISH |
| **MAINE** | |
| AROOSTOOK COUNTY. | AROOSTOOK COUNTY |
| LEWISTON CITY | LEWISTON CITY IN ANDROSCOGGIN COUNTY |
| OXFORD COUNTY | OXFORD COUNTY |
| PISCATAQUIS COUNTY. | PISCATAQUIS COUNTY |
| SOMERSET COUNTY. | SOMERSET COUNTY |
| WALDO COUNTY | WALDO COUNTY |
| WASHINGTON COUNTY. | WASHINGTON COUNTY |
| **MARYLAND** | |
| ALLEGANY COUNTY | ALLEGANY COUNTY |
| ANNAPOLIS CITY | ANNAPOLIS CITY IN ANNE ARUNDEL COUNTY |
| BALTIMORE CITY | BALTIMORE CITY |
| CECIL COUNTY | CECIL COUNTY |
| DORCHESTER COUNTY. | DORCHESTER COUNTY |
| GARRETT COUNTY | GARRETT COUNTY |
| HAGERSTOWN CITY | HAGERSTOWN CITY IN WASHINGTON COUNTY |
| SOMERSET COUNTY. | SOMERSET COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| WORCESTER COUNTY. | WORCESTER COUNTY |
| **MASSACHUSETTS** | |
| ACUSHNET TOWN .. | ACUSHNET TOWN IN BRISTOL COUNTY |
| ADAMS TOWN ..... | ADAMS TOWN IN BERKSHIRE COUNTY |
| ATHOL TOWN ..... | ATHOL TOWN IN WORCESTER COUNTY |
| ATTLEBORO CITY ... | ATTLEBORO CITY IN BRISTOL COUNTY |
| AVON TOWN ..... | AVON TOWN IN NORFOLK COUNTY |
| AYER TOWN ..... | AYER TOWN IN MIDDLESEX COUNTY |
| BARNSTABLE TOWN | BARNSTABLE TOWN IN BARNSTABLE COUNTY |
| BARRE TOWN ..... | BARRE TOWN IN WORCESTER COUNTY |
| BLACKSTONE TOWN. | BLACKSTONE TOWN IN WORCESTER COUNTY |
| BOURNE TOWN ..... | BOURNE TOWN IN BARNSTABLE COUNTY |
| BRIMFIELD TOWN ... | BRIMFIELD TOWN IN HAMPDEN COUNTY |
| BROCKTON CITY .... | BROCKTON CITY IN PLYMOUTH COUNTY |
| BROOKFIELD TOWN | BROOKFIELD TOWN IN WORCESTER COUNTY |
| CARVER TOWN ..... | CARVER TOWN IN PLYMOUTH COUNTY |
| CHARLEMONT TOWN. | CHARLEMONT TOWN IN FRANKLIN COUNTY |
| CHELSEA CITY ..... | CHELSEA CITY IN SUFFOLK COUNTY |
| CHESHIRE TOWN ... | CHESHIRE TOWN IN BERKSHIRE COUNTY |
| CHESTER TOWN ..... | CHESTER TOWN IN HAMPDEN COUNTY |
| CHICOPEE CITY ..... | CHICOPEE CITY IN HAMPDEN COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| CLARKSBURG TOWN. | CLARKSBURG TOWN IN BERKSHIRE COUNTY |
| CLINTON TOWN ..... | CLINTON TOWN IN WORCESTER COUNTY |
| CUMMINGTON TOWN. | CUMMINGTON TOWN IN HAMPSHIRE COUNTY |
| DARTMOUTH TOWN | DARTMOUTH TOWN IN BRISTOL COUNTY |
| DENNIS TOWN ..... | DENNIS TOWN IN BARNSTABLE COUNTY |
| DIGHTON TOWN ..... | DIGHTON TOWN IN BRISTOL COUNTY |
| DRACUT TOWN ..... | DRACUT TOWN IN MIDDLESEX COUNTY |
| EAST BRIDGEWATER TOWN. | EAST BRIDGEWATER TOWN IN PLYMOUTH COUNTY |
| EAST BROOKFIELD TOWN. | EAST BROOKFIELD TOWN IN WORCESTER COUNTY |
| EASTHAM TOWN ..... | EASTHAM TOWN IN BARNSTABLE COUNTY |
| EDGARTOWN TOWN | EDGARTOWN TOWN IN DUKES COUNTY |
| FAIRHAVEN TOWN . | FAIRHAVEN TOWN IN BRISTOL COUNTY |
| FALL RIVER CITY .... | FALL RIVER CITY IN BRISTOL COUNTY |
| FITCHBURG CITY .... | FITCHBURG CITY IN WORCESTER COUNTY |
| FLORIDA TOWN ..... | FLORIDA TOWN IN BERKSHIRE COUNTY |
| FREETOWN TOWN . | FREETOWN TOWN IN BRISTOL COUNTY |
| GAY HEAD TOWN ... | GAY HEAD TOWN IN DUKES COUNTY |
| GLOUCESTER CITY | GLOUCESTER CITY IN ESSEX COUNTY |
| HALIFAX TOWN ..... | HALIFAX TOWN IN PLYMOUTH COUNTY |
| HANSON TOWN ..... | HANSON TOWN IN PLYMOUTH COUNTY |
| HARDWICK TOWN .. | HARDWICK TOWN IN WORCESTER COUNTY |
| HARWICH TOWN ..... | HARWICH TOWN IN BARNSTABLE COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| HAVERHILL CITY ..... | HAVERHILL CITY IN ESSEX COUNTY |
| HINSDALE TOWN .... | HINSDALE TOWN IN BERKSHIRE COUNTY |
| HOLBROOK TOWN .. | HOLBROOK TOWN IN NORFOLK COUNTY |
| HOLYOKE CITY ..... | HOLYOKE CITY IN HAMPDEN COUNTY |
| HUBBARDSTON TOWN. | HUBBARDSTON TOWN IN WORCESTER COUNTY |
| HULL TOWN ..... | HULL TOWN IN PLYMOUTH COUNTY |
| HUNTINGTON TOWN. | HUNTINGTON TOWN IN HAMPSHIRE COUNTY |
| LAWRENCE CITY .... | LAWRENCE CITY IN ESSEX COUNTY |
| LEE TOWN ..... | LEE TOWN IN BERKSHIRE COUNTY |
| LOWELL CITY ..... | LOWELL CITY IN MIDDLESEX COUNTY |
| LUDLOW TOWN ..... | LUDLOW TOWN IN HAMPDEN COUNTY |
| LYNN CITY ..... | LYNN CITY IN ESSEX COUNTY |
| MASHPEE TOWN .... | MASHPEE TOWN IN BARNSTABLE COUNTY |
| METHUEN TOWN .... | METHUEN TOWN IN ESSEX COUNTY |
| MIDDLEBOROUGH TOWN. | MIDDLEBOROUGH TOWN IN PLYMOUTH COUNTY |
| MILLVILLE TOWN .... | MILLVILLE TOWN IN WORCESTER COUNTY |
| MONROE TOWN ..... | MONROE TOWN IN FRANKLIN COUNTY |
| NEW BEDFORD CITY. | NEW BEDFORD CITY IN BRISTOL COUNTY |
| NORTH ADAMS TOWN. | NORTH ADAMS TOWN IN BERKSHIRE COUNTY |
| ORANGE TOWN ..... | ORANGE TOWN IN FRANKLIN COUNTY |
| OTIS TOWN ..... | OTIS TOWN IN BERKSHIRE COUNTY |
| PALMER TOWN ..... | PALMER TOWN IN HAMPDEN COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| PHILLIPSTON TOWN | PHILLIPSTON TOWN IN WORCESTER COUNTY |
| PITTSFIELD CITY | PITTSFIELD CITY IN BERKSHIRE COUNTY |
| PLAINFIELD TOWN | PLAINFIELD TOWN IN HAMPSHIRE COUNTY |
| PLYMOUTH TOWN | PLYMOUTH TOWN IN PLYMOUTH COUNTY |
| PLYMPTON TOWN | PLYMPTON TOWN IN PLYMOUTH COUNTY |
| PROVINCETOWN TOWN. | PROVINCETOWN TOWN IN BARNSTABLE COUNTY |
| REHOBOTH TOWN | REHOBOTH TOWN IN BRISTOL COUNTY |
| REVERE CITY | REVERE CITY IN SUFFOLK COUNTY |
| ROCKPORT TOWN | ROCKPORT TOWN IN ESSEX COUNTY |
| ROWE TOWN | ROWE TOWN IN FRANKLIN COUNTY |
| SALISBURY TOWN | SALISBURY TOWN IN ESSEX COUNTY |
| SANDISFIELD TOWN | SANDISFIELD TOWN IN BERKSHIRE COUNTY |
| SAVOY TOWN | SAVOY TOWN IN BERKSHIRE COUNTY |
| SEEKONK TOWN | SEEKONK TOWN IN BRISTOL COUNTY |
| SHELBURNE TOWN | SHELBURNE TOWN IN FRANKLIN COUNTY |
| SOMERSET TOWN | SOMERSET TOWN IN BRISTOL COUNTY |
| SOUTHBRIDGE TOWN. | SOUTHBRIDGE TOWN IN WORCESTER COUNTY |
| SOUTHWICK TOWN | SOUTHWICK TOWN IN HAMPDEN COUNTY |
| SPRINGFIELD CITY | SPRINGFIELD CITY IN HAMPDEN COUNTY |
| SWANSEA TOWN | SWANSEA TOWN IN BRISTOL COUNTY |
| TAUNTON CITY | TAUNTON CITY IN BRISTOL COUNTY |
| TEMPLETON TOWN | TEMPLETON TOWN IN WORCESTER COUNTY |
| TISBURY TOWN | TISBURY TOWN IN DUKES COUNTY |
| TOLLAND TOWN | TOLLAND TOWN IN HAMPDEN COUNTY |
| TRURO TOWN | TRURO TOWN IN BARNSTABLE COUNTY |
| WALES TOWN | WALES TOWN IN HAMPDEN COUNTY |
| WAREHAM TOWN | WAREHAM TOWN IN PLYMOUTH COUNTY |
| WARREN TOWN | WARREN TOWN IN WORCESTER COUNTY |
| WEBSTER TOWN | WEBSTER TOWN IN WORCESTER COUNTY |
| WELLFLEET TOWN | WELLFLEET TOWN IN BARNSTABLE COUNTY |
| WEST BRIDGEWATER TOWN. | WEST BRIDGEWATER TOWN IN PLYMOUTH COUNTY |
| WESTPORT TOWN | WESTPORT TOWN IN BRISTOL COUNTY |
| WHITMAN TOWN | WHITMAN TOWN IN PLYMOUTH COUNTY |
| YARMOUTH TOWN | YARMOUTH TOWN IN BARNSTABLE COUNTY |
| **MICHIGAN** | |
| ALCONA COUNTY | ALCONA COUNTY |
| ALGER COUNTY | ALGER COUNTY |
| ALPENA COUNTY | ALPENA COUNTY |
| ANTRIM COUNTY | ANTRIM COUNTY |
| ARENAC COUNTY | ARENAC COUNTY |
| BARAGA COUNTY | BARAGA COUNTY |
| BAY CITY | BAY CITY IN BAY COUNTY |
| BENZIE COUNTY | BENZIE COUNTY |
| BURTON CITY | BURTON CITY IN GENESEE COUNTY |
| CHARLEVOIX COUNTY. | CHARLEVOIX COUNTY |
| CHEBOYGAN COUNTY. | CHEBOYGAN COUNTY |
| CHIPPEWA COUNTY | CHIPPEWA COUNTY |
| CLARE COUNTY | CLARE COUNTY |
| CRAWFORD COUNTY. | CRAWFORD COUNTY |
| DELTA COUNTY | DELTA COUNTY |
| DETROIT CITY | DETROIT CITY IN WAYNE COUNTY |
| DICKINSON COUNTY. | DICKINSON COUNTY |
| EMMET COUNTY | EMMET COUNTY |
| FLINT CITY | FLINT CITY IN GENESEE COUNTY |
| GLADWIN COUNTY | GLADWIN COUNTY |
| GOGEBIC COUNTY | GOGEBIC COUNTY |
| GRAND RAPIDS CITY. | GRAND RAPIDS CITY IN KENT COUNTY |
| HIGHLAND PARK CITY. | HIGHLAND PARK CITY IN WAYNE COUNTY |
| HOUGHTON COUNTY. | HOUGHTON COUNTY |
| HURON COUNTY | HURON COUNTY |
| INKSTER CITY | INKSTER CITY IN WAYNE COUNTY |
| IONIA COUNTY | IONIA COUNTY |
| IOSCO COUNTY | IOSCO COUNTY |
| IRON COUNTY | IRON COUNTY |
| JACKSON CITY | JACKSON CITY IN JACKSON COUNTY |
| KALKASKA COUNTY | KALKASKA COUNTY |
| KEWEENAW COUNTY. | KEWEENAW COUNTY |
| LAKE COUNTY | LAKE COUNTY |
| LAPEER COUNTY | LAPEER COUNTY |
| LUCE COUNTY | LUCE COUNTY |
| MACKINAC COUNTY | MACKINAC COUNTY |
| MANISTEE COUNTY | MANISTEE COUNTY |
| MASON COUNTY | MASON COUNTY |
| BALANCE OF MIDLAND COUNTY. | MIDLAND COUNTY LESS MIDLAND CITY |
| MISSAUKEE COUNTY. | MISSAUKEE COUNTY |
| MONTCALM COUNTY. | MONTCALM COUNTY |
| MONTMORENCY COUNTY. | MONTMORENCY COUNTY |
| MOUNT MORRIS TOWNSHIP. | MOUNT MORRIS TOWNSHIP IN GENESEE COUNTY |
| MUSKEGON CITY | MUSKEGON CITY IN MUSKEGON COUNTY |
| BALANCE OF MUSKEGON COUNTY. | MUSKEGON COUNTY LESS MUSKEGON CITY |
| NEWAYGO COUNTY | NEWAYGO COUNTY |
| OCEANA COUNTY | OCEANA COUNTY |
| OGEMAW COUNTY | OGEMAW COUNTY |
| ONTONAGON COUNTY. | ONTONAGON COUNTY |
| OSCEOLA COUNTY | OSCEOLA COUNTY |
| OSCODA COUNTY | OSCODA COUNTY |
| PONTIAC CITY | PONTIAC CITY IN OAKLAND COUNTY |
| PORT HURON CITY | PORT HURON CITY IN ST. CLAIR COUNTY |
| PRESQUE ISLE COUNTY. | PRESQUE ISLE COUNTY |
| ROSCOMMON COUNTY. | ROSCOMMON COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| ROSEVILLE CITY | ROSEVILLE CITY IN MACOMB COUNTY |
| SAGINAW CITY | SAGINAW CITY IN SAGINAW COUNTY |
| SANILAC COUNTY | SANILAC COUNTY |
| SCHOOLCRAFT COUNTY. | SCHOOLCRAFT COUNTY |
| SHIAWASSEE COUNTY. | SHIAWASSEE COUNTY |
| BALANCE OF ST. CLAIR COUNTY. | ST. CLAIR COUNTY LESS PORT HURON CITY |
| TUSCOLA COUNTY | TUSCOLA COUNTY |
| VAN BUREN COUNTY. | VAN BUREN COUNTY |
| WARREN CITY | WARREN CITY IN MACOMB COUNTY |
| WEXFORD COUNTY | WEXFORD COUNTY |
| **MINNESOTA** | |
| AITKIN COUNTY | AITKIN COUNTY |
| BECKER COUNTY | BECKER COUNTY |
| CASS COUNTY | CASS COUNTY |
| CLEARWATER COUNTY. | CLEARWATER COUNTY |
| HUBBARD COUNTY | HUBBARD COUNTY |
| ITASCA COUNTY | ITASCA COUNTY |
| KANABEC COUNTY | KANABEC COUNTY |
| KOOCHICHING COUNTY. | KOOCHICHING COUNTY |
| LAKE COUNTY | LAKE COUNTY |
| MARSHALL COUNTY | MARSHALL COUNTY |
| MORRISON COUNTY. | MORRISON COUNTY |
| PINE COUNTY | PINE COUNTY |
| RED LAKE COUNTY | RED LAKE COUNTY |
| **MISSISSIPPI** | |
| ATTALA COUNTY | ATTALA COUNTY |
| BOLIVAR COUNTY | BOLIVAR COUNTY |
| CHICKASAW COUNTY. | CHICKASAW COUNTY |
| CHOCTAW COUNTY | CHOCTAW COUNTY |
| CLAIBORNE COUNTY. | CLAIBORNE COUNTY |
| CLAY COUNTY | CLAY COUNTY |
| COAHOMA COUNTY | COAHOMA COUNTY |
| COLUMBUS CITY | COLUMBUS CITY IN LOWNDES COUNTY |
| COPIAH COUNTY | COPIAH COUNTY |
| GEORGE COUNTY | GEORGE COUNTY |
| GREENE COUNTY | GREENE COUNTY |
| GREENVILLE CITY | GREENVILLE CITY IN WASHINGTON COUNTY |
| HOLMES COUNTY | HOLMES COUNTY |
| HUMPHREYS COUNTY. | HUMPHREYS COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| ISSAQUENA COUNTY. | ISSAQUENA COUNTY |
| JASPER COUNTY | JASPER COUNTY |
| JEFFERSON COUNTY. | JEFFERSON COUNTY |
| JEFFERSON DAVIS COUNTY. | JEFFERSON DAVIS COUNTY |
| KEMPER COUNTY | KEMPER COUNTY |
| LAWRENCE COUNTY. | LAWRENCE COUNTY |
| LEFLORE COUNTY | LEFLORE COUNTY |
| LINCOLN COUNTY | LINCOLN COUNTY |
| MARION COUNTY | MARION COUNTY |
| MARSHALL COUNTY | MARSHALL COUNTY |
| NOXUBEE COUNTY | NOXUBEE COUNTY |
| PANOLA COUNTY | PANOLA COUNTY |
| PERRY COUNTY | PERRY COUNTY |
| PIKE COUNTY | PIKE COUNTY |
| QUITMAN COUNTY | QUITMAN COUNTY |
| SHARKEY COUNTY | SHARKEY COUNTY |
| STONE COUNTY | STONE COUNTY |
| SUNFLOWER COUNTY. | SUNFLOWER COUNTY |
| TALLAHATCHIE COUNTY. | TALLAHATCHIE COUNTY |
| TUNICA COUNTY | TUNICA COUNTY |
| WALTHALL COUNTY | WALTHALL COUNTY |
| BALANCE OF WASHINGTON COUNTY. | WASHINGTON COUNTY LESS GREENVILLE CITY |
| WAYNE COUNTY | WAYNE COUNTY |
| WILKINSON COUNTY. | WILKINSON COUNTY |
| WINSTON COUNTY | WINSTON COUNTY |
| YAZOO COUNTY | YAZOO COUNTY |
| **MISSOURI** | |
| BENTON COUNTY | BENTON COUNTY |
| CARTER COUNTY | CARTER COUNTY |
| CRAWFORD COUNTY. | CRAWFORD COUNTY |
| DUNKLIN COUNTY | DUNKLIN COUNTY |
| GASCONADE COUNTY. | GASCONADE COUNTY |
| IRON COUNTY | IRON COUNTY |
| LINN COUNTY | LINN COUNTY |
| MADISON COUNTY | MADISON COUNTY |
| MILLER COUNTY | MILLER COUNTY |
| MISSISSIPPI COUNTY. | MISSISSIPPI COUNTY |
| NEW MADRID COUNTY. | NEW MADRID COUNTY |
| PEMISCOT COUNTY | PEMISCOT COUNTY |
| PULASKI COUNTY | PULASKI COUNTY |
| RIPLEY COUNTY | RIPLEY COUNTY |
| ST LOUIS CITY | ST LOUIS CITY |
| ST. FRANCOIS COUNTY. | ST. FRANCOIS COUNTY |
| STODDARD COUNTY. | STODDARD COUNTY |
| STONE COUNTY | STONE COUNTY |
| TANEY COUNTY | TANEY COUNTY |
| TEXAS COUNTY | TEXAS COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| WASHINGTON COUNTY. | WASHINGTON COUNTY |
| WAYNE COUNTY | WAYNE COUNTY |
| **MONTANA** | |
| BIG HORN COUNTY | BIG HORN COUNTY |
| BLAINE COUNTY | BLAINE COUNTY |
| DEER LODGE COUNTY. | DEER LODGE COUNTY |
| GLACIER COUNTY | GLACIER COUNTY |
| GOLDEN VALLEY COUNTY. | GOLDEN VALLEY COUNTY |
| LAKE COUNTY | LAKE COUNTY |
| LINCOLN COUNTY | LINCOLN COUNTY |
| MINERAL COUNTY | MINERAL COUNTY |
| RAVALLI COUNTY | RAVALLI COUNTY |
| ROOSEVELT COUNTY. | ROOSEVELT COUNTY |
| SANDERS COUNTY | SANDERS COUNTY |
| BALANCE OF SILVER BOW COUNTY. | SILVER BOW COUNTY LESS BUTTE-SILVER BOW CITY |
| **NEVADA** | |
| CARSON CITY | CARSON CITY |
| ESMERALDA COUNTY. | ESMERALDA COUNTY |
| LANDER COUNTY | LANDER COUNTY |
| LINCOLN COUNTY | LINCOLN COUNTY |
| LYON COUNTY | LYON COUNTY |
| NORTH LAS VEGAS CITY. | NORTH LAS VEGAS CITY IN CLARK COUNTY |
| WHITE PINE COUNTY. | WHITE PINE COUNTY |
| **NEW HAMPSHIRE** | |
| COOS COUNTY | COOS COUNTY |
| ROCHESTER CITY | ROCHESTER CITY IN STRAFFORD COUNTY |
| **NEW JERSEY** | |
| ATLANTIC CITY | ATLANTIC CITY IN ATLANTIC COUNTY |
| BALANCE OF ATLANTIC COUNTY. | ATLANTIC COUNTY LESS ATLANTIC CITY |
| BERKELEY TOWNSHIP. | BERKELEY TOWNSHIP IN OCEAN COUNTY |
| CAMDEN CITY | CAMDEN CITY IN CAMDEN COUNTY |
| CAPE MAY COUNTY | CAPE MAY COUNTY |
| CITY OF ORANGE TOWNSHIP. | CITY OF ORANGE TOWNSHIP IN ESSEX COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| BALANCE OF CUMBERLAND COUNTY. | CUMBERLAND COUNTY LESS MILLVILLE CITY |
| | VINELAND CITY |
| EAST ORANGE CITY | EAST ORANGE CITY IN ESSEX COUNTY |
| ELIZABETH CITY | ELIZABETH CITY IN UNION COUNTY |
| GARFIELD CITY | GARFIELD CITY IN BERGEN COUNTY |
| HACKENSACK CITY | HACKENSACK CITY IN BERGEN COUNTY |
| IRVINGTON TOWNSHIP. | IRVINGTON TOWNSHIP IN ESSEX COUNTY |
| JERSEY CITY | JERSEY CITY IN HUDSON COUNTY |
| LAKEWOOD TOWNSHIP. | LAKEWOOD TOWNSHIP IN OCEAN COUNTY |
| LINDEN CITY | LINDEN CITY IN UNION COUNTY |
| LONG BRANCH CITY | LONG BRANCH CITY IN MONMOUTH COUNTY |
| MANCHESTER TOWNSHIP. | MANCHESTER TOWNSHIP IN OCEAN COUNTY |
| MILLVILLE CITY | MILLVILLE CITY IN CUMBERLAND COUNTY |
| NEW BRUNSWICK CITY. | NEW BRUNSWICK CITY IN MIDDLESEX COUNTY |
| NEWARK CITY | NEWARK CITY IN ESSEX COUNTY |
| NORTH BERGEN TOWNSHIP. | NORTH BERGEN TOWNSHIP IN HUDSON COUNTY |
| PASSAIC CITY | PASSAIC CITY IN PASSAIC COUNTY |
| PATERSON CITY | PATERSON CITY IN PASSAIC COUNTY |
| PEMBERTON TOWNSHIP. | PEMBERTON TOWNSHIP IN BURLINGTON COUNTY |
| PERTH AMBOY CITY | PERTH AMBOY CITY IN MIDDLESEX COUNTY |
| PLAINFIELD CITY | PLAINFIELD CITY IN UNION COUNTY |
| TRENTON CITY | TRENTON CITY IN MERCER COUNTY |
| UNION CITY | UNION CITY IN HUDSON COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| VINELAND CITY | VINELAND CITY IN CUMBERLAND COUNTY |
| WEST NEW YORK TOWN. | WEST NEW YORK TOWN IN HUDSON COUNTY |
| **NEW MEXICO** | |
| CARLSBAD CITY | CARLSBAD CITY IN EDDY COUNTY |
| CATRON COUNTY | CATRON COUNTY |
| CIBOLA COUNTY | CIBOLA COUNTY |
| COLFAX COUNTY | COLFAX COUNTY |
| BALANCE OF DONA ANA COUNTY. | DONA ANA COUNTY LESS LAS CRUCES CITY |
| GRANT COUNTY | GRANT COUNTY |
| GUADALUPE COUNTY | GUADALUPE COUNTY |
| LUNA COUNTY | LUNA COUNTY |
| MORA COUNTY | MORA COUNTY |
| BALANCE OF OTERO COUNTY. | OTERO COUNTY LESS ALAMOGORDO CITY |
| RIO ARRIBA COUNTY | RIO ARRIBA COUNTY |
| ROSWELL CITY | ROSWELL CITY IN CHAVES COUNTY |
| BALANCE OF SAN JUAN COUNTY. | SAN JUAN COUNTY LESS FARMINGTON CITY |
| SAN MIGUEL COUNTY | SAN MIGUEL COUNTY |
| SOCORRO COUNTY | SOCORRO COUNTY |
| TAOS COUNTY | TAOS COUNTY |
| TORRANCE COUNTY | TORRANCE COUNTY |
| **NEW YORK** | |
| ALLEGANY COUNTY | ALLEGANY COUNTY |
| AUBURN CITY | AUBURN CITY IN CAYUGA COUNTY |
| BINGHAMTON CITY | BINGHAMTON CITY IN BROOME COUNTY |
| BRONX COUNTY | BRONX COUNTY |
| BUFFALO CITY | BUFFALO CITY IN ERIE COUNTY |
| CATTARAUGUS COUNTY. | CATTARAUGUS COUNTY |
| ELMIRA CITY | ELMIRA CITY IN CHEMUNG COUNTY |
| ESSEX COUNTY | ESSEX COUNTY |
| FRANKLIN COUNTY | FRANKLIN COUNTY |
| FULTON COUNTY | FULTON COUNTY |
| GREENE COUNTY | GREENE COUNTY |
| HAMILTON COUNTY | HAMILTON COUNTY |
| HEMPSTEAD VILLAGE. | HEMPSTEAD VILLAGE IN NASSAU COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| BALANCE OF JEFFERSON COUNTY. | JEFFERSON COUNTY LESS WATERTOWN CITY |
| KINGS COUNTY | KINGS COUNTY |
| LEWIS COUNTY | LEWIS COUNTY |
| MONTGOMERY COUNTY. | MONTGOMERY COUNTY |
| MOUNT VERNON CITY. | MOUNT VERNON CITY IN WESTCHESTER COUNTY |
| NEW YORK COUNTY | NEW YORK COUNTY |
| NEWBURGH CITY | NEWBURGH CITY IN ORANGE COUNTY |
| NIAGARA FALLS CITY. | NIAGARA FALLS CITY IN NIAGARA COUNTY |
| OSWEGO COUNTY | OSWEGO COUNTY |
| POUGHKEEPSIE CITY. | POUGHKEEPSIE CITY IN DUTCHESS COUNTY |
| QUEENS COUNTY | QUEENS COUNTY |
| RICHMOND COUNTY | RICHMOND COUNTY |
| ST. LAWRENCE COUNTY. | ST. LAWRENCE COUNTY |
| SYRACUSE CITY | SYRACUSE CITY IN ONONDAGA COUNTY |
| UTICA CITY | UTICA CITY IN ONEIDA COUNTY |
| WARREN COUNTY | WARREN COUNTY |
| WATERTOWN CITY | WATERTOWN CITY IN JEFFERSON COUNTY |
| WYOMING COUNTY | WYOMING COUNTY |
| **NORTH CAROLINA** | |
| ANSON COUNTY | ANSON COUNTY |
| BLADEN COUNTY | BLADEN COUNTY |
| BRUNSWICK COUNTY | BRUNSWICK COUNTY |
| CHEROKEE COUNTY | CHEROKEE COUNTY |
| COLUMBUS COUNTY | COLUMBUS COUNTY |
| GRAHAM COUNTY | GRAHAM COUNTY |
| HERTFORD COUNTY | HERTFORD COUNTY |
| HYDE COUNTY | HYDE COUNTY |
| KINSTON CITY | KINSTON CITY IN LENOIR COUNTY |
| ROBESON COUNTY | ROBESON COUNTY |
| SCOTLAND COUNTY | SCOTLAND COUNTY |
| SWAIN COUNTY | SWAIN COUNTY |
| TYRRELL COUNTY | TYRRELL COUNTY |
| WILSON CITY | WILSON CITY IN WILSON COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| **NORTH DAKOTA** | |
| BENSON COUNTY | BENSON COUNTY |
| EDDY COUNTY | EDDY COUNTY |
| MERCER COUNTY | MERCER COUNTY |
| MOUNTRAIL COUNTY | MOUNTRAIL COUNTY |
| PEMBINA COUNTY | PEMBINA COUNTY |
| ROLETTE COUNTY | ROLETTE COUNTY |
| SIOUX COUNTY | SIOUX COUNTY |
| **OHIO** | |
| ADAMS COUNTY | ADAMS COUNTY |
| AKRON CITY | AKRON CITY IN SUMMIT COUNTY |
| ASHTABULA COUNTY | ASHTABULA COUNTY |
| BELMONT COUNTY | BELMONT COUNTY |
| BROWN COUNTY | BROWN COUNTY |
| CANTON CITY | CANTON CITY IN STARK COUNTY |
| CLEVELAND CITY | CLEVELAND CITY IN CUYAHOGA COUNTY |
| COLUMBIANA COUNTY. | COLUMBIANA COUNTY |
| CRAWFORD COUNTY | CRAWFORD COUNTY |
| DAYTON CITY | DAYTON CITY IN MONTGOMERY COUNTY |
| EAST CLEVELAND CITY. | EAST CLEVELAND CITY IN CUYAHOGA COUNTY |
| GALLIA COUNTY | GALLIA COUNTY |
| GUERNSEY COUNTY | GUERNSEY COUNTY |
| HAMILTON CITY | HAMILTON CITY IN BUTLER COUNTY |
| HARDIN COUNTY | HARDIN COUNTY |
| HARRISON COUNTY | HARRISON COUNTY |
| HIGHLAND COUNTY | HIGHLAND COUNTY |
| HOCKING COUNTY | HOCKING COUNTY |
| HURON COUNTY | HURON COUNTY |
| JACKSON COUNTY | JACKSON COUNTY |
| JEFFERSON COUNTY | JEFFERSON COUNTY |
| LIMA CITY | LIMA CITY IN ALLEN COUNTY |
| LORAIN CITY | LORAIN CITY IN LORAIN COUNTY |
| MANSFIELD CITY | MANSFIELD CITY IN RICHLAND COUNTY |
| MARION CITY | MARION CITY IN MARION COUNTY |
| MASSILLON CITY | MASSILLON CITY IN STARK COUNTY |
| MEIGS COUNTY | MEIGS COUNTY |
| MIDDLETOWN CITY | MIDDLETOWN CITY IN BUTLER COUNTY |
| MONROE COUNTY | MONROE COUNTY |
| MORGAN COUNTY | MORGAN COUNTY |
| NOBLE COUNTY | NOBLE COUNTY |
| OTTAWA COUNTY | OTTAWA COUNTY |
| PERRY COUNTY | PERRY COUNTY |
| PIKE COUNTY | PIKE COUNTY |
| SANDUSKY CITY | SANDUSKY CITY IN ERIE COUNTY |
| SCIOTO COUNTY | SCIOTO COUNTY |
| SPRINGFIELD CITY | SPRINGFIELD CITY IN CLARK COUNTY |
| TOLEDO CITY | TOLEDO CITY IN LUCAS COUNTY |
| VINTON COUNTY | VINTON COUNTY |
| WARREN CITY | WARREN CITY IN TRUMBULL COUNTY |
| WYANDOT COUNTY | WYANDOT COUNTY |
| YOUNGSTOWN CITY | YOUNGSTOWN CITY IN MAHONING COUNTY |
| ZANESVILLE CITY | ZANESVILLE CITY IN MUSKINGUM COUNTY |
| **OKLAHOMA** | |
| CHOCTAW COUNTY | CHOCTAW COUNTY |
| COAL COUNTY | COAL COUNTY |
| HASKELL COUNTY | HASKELL COUNTY |
| HUGHES COUNTY | HUGHES COUNTY |
| LATIMER COUNTY | LATIMER COUNTY |
| LE FLORE COUNTY | LE FLORE COUNTY |
| MC INTOSH COUNTY | MC INTOSH COUNTY |
| MURRAY COUNTY | MURRAY COUNTY |
| OKFUSKEE COUNTY | OKFUSKEE COUNTY |
| OKMULGEE COUNTY. | OKMULGEE COUNTY |
| PAWNEE COUNTY | PAWNEE COUNTY |
| PITTSBURG COUNTY. | PITTSBURG COUNTY |
| SEMINOLE COUNTY | SEMINOLE COUNTY |
| **OREGON** | |
| BAKER COUNTY | BAKER COUNTY |
| CLATSOP COUNTY | CLATSOP COUNTY |
| COLUMBIA COUNTY | COLUMBIA COUNTY |
| COOS COUNTY | COOS COUNTY |
| CROOK COUNTY | CROOK COUNTY |
| CURRY COUNTY | CURRY COUNTY |
| DOUGLAS COUNTY | DOUGLAS COUNTY |
| GRANT COUNTY | GRANT COUNTY |
| HARNEY COUNTY | HARNEY COUNTY |
| HOOD RIVER COUNTY | HOOD RIVER COUNTY |
| BALANCE OF JACKSON COUNTY. | JACKSON COUNTY LESS MEDFORD CITY |
| JEFFERSON COUNTY | JEFFERSON COUNTY |
| JOSEPHINE COUNTY | JOSEPHINE COUNTY |
| KLAMATH COUNTY | KLAMATH COUNTY |
| LAKE COUNTY | LAKE COUNTY |
| BALANCE OF LINN COUNTY. | LINN COUNTY LESS ALBANY CITY |
| MORROW COUNTY | MORROW COUNTY |
| SHERMAN COUNTY | SHERMAN COUNTY |
| UMATILLA COUNTY | UMATILLA COUNTY |
| WALLOWA COUNTY | WALLOWA COUNTY |
| WASCO COUNTY | WASCO COUNTY |
| WHEELER COUNTY | WHEELER COUNTY |
| **PENNSYLVANIA** | |
| ALLENTOWN CITY | ALLENTOWN CITY IN LEHIGH COUNTY |
| ALTOONA CITY | ALTOONA CITY IN BLAIR COUNTY |
| ARMSTRONG COUNTY. | ARMSTRONG COUNTY |
| BEDFORD COUNTY | BEDFORD COUNTY |
| BRISTOL TOWNSHIP | BRISTOL TOWNSHIP IN BUCKS COUNTY |
| BALANCE OF CAMBRIA. COUNTY | CAMBRIA COUNTY LESS JOHNSTOWN CITY |
| CAMERON COUNTY | CAMERON COUNTY |
| CARBON COUNTY | CARBON COUNTY |
| CHESTER CITY | CHESTER CITY IN DELAWARE COUNTY |
| CLARION COUNTY | CLARION COUNTY |
| CLEARFIELD COUNTY | CLEARFIELD COUNTY |
| CLINTON COUNTY | CLINTON COUNTY |
| CRAWFORD COUNTY | CRAWFORD COUNTY |
| ERIE CITY | ERIE CITY IN ERIE COUNTY |
| FAYETTE COUNTY | FAYETTE COUNTY |
| GREENE COUNTY | GREENE COUNTY |
| HAZLETON CITY | HAZLETON CITY IN LUZERNE COUNTY |
| HUNTINGDON COUNTY. | HUNTINGDON COUNTY |
| INDIANA COUNTY | INDIANA COUNTY |
| JEFFERSON COUNTY | JEFFERSON COUNTY |
| JOHNSTOWN CITY | JOHNSTOWN CITY IN CAMBRIA COUNTY |
| JUNIATA COUNTY | JUNIATA COUNTY |
| LANCASTER CITY | LANCASTER CITY IN LANCASTER COUNTY |
| BALANCE OF LAWRENCE COUNTY. | LAWRENCE COUNTY LESS NEW CASTLE CITY |
| BALANCE OF LUZERNE. COUNTY | LUZERNE COUNTY LESS HAZLETON CITY |
| | WILKES-BARRE CITY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| MCKEESPORT CITY | MCKEESPORT CITY IN ALLEGHENY COUNTY |
| MERCER COUNTY | MERCER COUNTY |
| MIFFLIN COUNTY | MIFFLIN COUNTY |
| MONROE COUNTY | MONROE COUNTY |
| NEW CASTLE CITY | NEW CASTLE CITY IN LAWRENCE COUNTY |
| NORTHUMBERLAND COUNTY. | NORTHUMBERLAND COUNTY |
| PHILADELPHIA CITY | PHILADELPHIA CITY IN PHILADELPHIA COUNTY |
| POTTER COUNTY | POTTER COUNTY |
| READING CITY | READING CITY IN BERKS COUNTY |
| SCHUYLKILL COUNTY | SCHUYLKILL COUNTY |
| SOMERSET COUNTY | SOMERSET COUNTY |
| SULLIVAN COUNTY | SULLIVAN COUNTY |
| SUSQUEHANNA COUNTY. | SUSQUEHANNA COUNTY |
| VENANGO COUNTY | VENANGO COUNTY |
| WAYNE COUNTY | WAYNE COUNTY |
| WILKES-BARRE CITY. | WILKES-BARRE CITY IN LUZERNE COUNTY |
| WILLIAMSPORT CITY. | WILLIAMSPORT CITY IN LYCOMING COUNTY |
| WYOMING COUNTY | WYOMING COUNTY |
| YORK CITY | YORK CITY IN YORK COUNTY |
| **PUERTO RICO** | |
| ADJUNTAS MUNICIPIO. | ADJUNTAS MUNICIPIO |
| AGUADA MUNICIPIO | AGUADA MUNICIPIO |
| AGUADILLA MUNICIPIO. | AGUADILLA MUNICIPIO |
| AGUAS BUENAS MUNICIPIO. | AGUAS BUENAS MUNICIPIO |
| AIBONITO MUNICIPIO. | AIBONITO MUNICIPIO |
| ANASCO MUNICIPIO | ANASCO MUNICIPIO |
| ARECIBO MUNICIPIO. | ARECIBO MUNICIPIO |
| ARROYO MUNICIPIO | ARROYO MUNICIPIO |
| BARCELONETA MUNICIPIO. | BARCELONETA MUNICIPIO |
| BARRANQUITAS MUNICIPIO. | BARRANQUITAS MUNICIPIO |
| BAYAMON MUNICIPIO. | BAYAMON MUNICIPIO |
| CABO ROJO MUNICIPIO. | CABO ROJO MUNICIPIO |
| CAGUAS MUNICIPIO | CAGUAS MUNICIPIO |
| CAMUY MUNICIPIO | CAMUY MUNICIPIO |
| CANOVANAS MUNICIPIO. | CANOVANAS MUNICIPIO |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| CAROLINA MUNICIPIO. | CAROLINA MUNICIPIO |
| CATANO MUNICIPIO | CATANO MUNICIPIO |
| CAYEY MUNICIPIO | CAYEY MUNICIPIO |
| CEIBA MUNICIPIO | CEIBA MUNICIPIO |
| CIALES MUNICIPIO | CIALES MUNICIPIO |
| CIDRA MUNICIPIO | CIDRA MUNICIPIO |
| COAMO MUNICIPIO | COAMO MUNICIPIO |
| COMERIO MUNICIPIO. | COMERIO MUNICIPIO |
| COROZAL MUNICIPIO. | COROZAL MUNICIPIO |
| DORADO MUNICIPIO | DORADO MUNICIPIO |
| FAJARDO MUNICIPIO. | FAJARDO MUNICIPIO |
| FLORIDA MUNICIPIO | FLORIDA MUNICIPIO |
| GUANICA MUNICIPIO. | GUANICA MUNICIPIO |
| GUAYAMA MUNICIPIO. | GUAYAMA MUNICIPIO |
| GUAYANILLA MUNICIPIO. | GUAYANILLA MUNICIPIO |
| GURABO MUNICIPIO | GURABO MUNICIPIO |
| HATILLO MUNICIPIO | HATILLO MUNICIPIO |
| HORMIGUEROS MUNICIPIO. | HORMIGUEROS MUNICIPIO |
| HUMACAO MUNICIPIO. | HUMACAO MUNICIPIO |
| ISABELA MUNICIPIO | ISABELA MUNICIPIO |
| JAYUYA MUNICIPIO | JAYUYA MUNICIPIO |
| JUANA DIAZ MUNICIPIO. | JUANA DIAZ MUNICIPIO |
| JUNCOS MUNICIPIO | JUNCOS MUNICIPIO |
| LAJAS MUNICIPIO | LAJAS MUNICIPIO |
| LARES MUNICIPIO | LARES MUNICIPIO |
| LAS MARIAS MUNICIPIO. | LAS MARIAS MUNICIPIO |
| LAS PIEDRAS MUNICIPIO. | LAS PIEDRAS MUNICIPIO |
| LOIZA MUNICIPIO | LOIZA MUNICIPIO |
| LUQUILLO MUNICIPIO. | LUQUILLO MUNICIPIO |
| MANATI MUNICIPIO | MANATI MUNICIPIO |
| MARICAO MUNICIPIO. | MARICAO MUNICIPIO |
| MAUNABO MUNICIPIO. | MAUNABO MUNICIPIO |
| MAYAGUEZ MUNICIPIO. | MAYAGUEZ MUNICIPIO |
| MOCA MUNICIPIO | MOCA MUNICIPIO |
| MOROVIS MUNICIPIO. | MOROVIS MUNICIPIO |
| NAGUABO MUNICIPIO. | NAGUABO MUNICIPIO |
| NARANJITO MUNICIPIO. | NARANJITO MUNICIPIO |
| OROCOVIS MUNICIPIO. | OROCOVIS MUNICIPIO |
| PATILLAS MUNICIPIO. | PATILLAS MUNICIPIO |
| PENUELAS MUNICIPIO. | PENUELAS MUNICIPIO |
| PONCE MUNICIPIO | PONCE MUNICIPIO |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| QUEBRADILLAS MUNICIPIO. | QUEBRADILLAS MUNICIPIO |
| RINCON MUNICIPIO | RINCON MUNICIPIO |
| RIO GRANDE MUNICIPIO. | RIO GRANDE MUNICIPIO |
| SABANA GRANDE MUNICIPIO. | SABANA GRANDE MUNICIPIO |
| SALINAS MUNICIPIO | SALINAS MUNICIPIO |
| SAN GERMAN MUNICIPIO. | SAN GERMAN MUNICIPIO |
| SAN JUAN MUNICIPIO. | SAN JUAN MUNICIPIO |
| SAN LORENZO MUNICIPIO. | SAN LORENZO MUNICIPIO |
| SAN SEBASTIAN MUNICIPIO. | SAN SEBASTIAN MUNICIPIO |
| SANTA ISABEL MUNICIPIO. | SANTA ISABEL MUNICIPIO |
| TOA ALTA MUNICIPIO. | TOA ALTA MUNICIPIO |
| TOA BAJA MUNICIPIO. | TOA BAJA MUNICIPIO |
| TRUJILLO ALTO MUNICIPIO. | TRUJILLO ALTO MUNICIPIO |
| UTUADO MUNICIPIO | UTUADO MUNICIPIO |
| VEGA ALTA MUNICIPIO. | VEGA ALTA MUNICIPIO |
| VEGA BAJA MUNICIPIO. | VEGA BAJA MUNICIPIO |
| VIEQUES MUNICIPIO. | VIEQUES MUNICIPIO |
| VILLALBA MUNICIPIO. | VILLALBA MUNICIPIO |
| YABUCOA MUNICIPIO. | YABUCOA MUNICIPIO |
| YAUCO MUNICIPIO | YAUCO MUNICIPIO |
| **RHODE ISLAND** | |
| BRISTOL TOWN | BRISTOL TOWN |
| CENTRAL FALLS CITY. | CENTRAL FALLS CITY |
| CHARLESTOWN TOWN. | CHARLESTOWN TOWN |
| EAST PROVIDENCE CITY. | EAST PROVIDENCE CITY |
| JOHNSTON TOWN | JOHNSTON TOWN |
| MIDDLETOWN TOWN. | MIDDLETOWN TOWN |
| NEW SHOREHAM TOWN. | NEW SHOREHAM TOWN |
| NEWPORT CITY | NEWPORT CITY |
| PAWTUCKET CITY | PAWTUCKET CITY |
| PROVIDENCE CITY | PROVIDENCE CITY |
| SCITUATE TOWN | SCITUATE TOWN |
| TIVERTON TOWN | TIVERTON TOWN |
| WARREN TOWN | WARREN TOWN |
| WEST WARWICK TOWN. | WEST WARWICK TOWN |
| WOONSOCKET CITY | WOONSOCKET CITY |
| **SOUTH CAROLINA** | |
| ALLENDALE COUNTY. | ALLENDALE COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| BAMBERG COUNTY | BAMBERG COUNTY |
| BARNWELL COUNTY. | BARNWELL COUNTY |
| CHESTER COUNTY . | CHESTER COUNTY |
| CLARENDON COUNTY. | CLARENDON COUNTY |
| COLLETON COUNTY | COLLETON COUNTY |
| DARLINGTON COUNTY. | DARLINGTON COUNTY |
| DILLON COUNTY ..... | DILLON COUNTY |
| FAIRFIELD COUNTY | FAIRFIELD COUNTY |
| FLORENCE CITY ..... | FLORENCE CITY IN FLORENCE COUNTY |
| GEORGETOWN COUNTY. | GEORGETOWN COUNTY |
| HAMPTON COUNTY | HAMPTON COUNTY |
| KERSHAW COUNTY | KERSHAW COUNTY |
| LANCASTER COUNTY. | LANCASTER COUNTY |
| LEE COUNTY ..... | LEE COUNTY |
| MARION COUNTY ... | MARION COUNTY |
| MARLBORO COUNTY. | MARLBORO COUNTY |
| MC CORMICK COUNTY. | MC CORMICK COUNTY |
| MYRTLE BEACH CITY. | MYRTLE BEACH CITY IN HORRY COUNTY |
| ORANGEBURG COUNTY. | ORANGEBURG COUNTY |
| ROCKHILL CITY ..... | ROCKHILL CITY IN YORK COUNTY |
| SUMTER CITY ..... | SUMTER CITY IN SUMTER COUNTY |
| UNION COUNTY ..... | UNION COUNTY |
| WILLIAMSBURG COUNTY. | WILLIAMSBURG COUNTY |
| **SOUTH DAKOTA** | |
| CORSON COUNTY .. | CORSON COUNTY |
| DEWEY COUNTY ..... | DEWEY COUNTY |
| SHANNON COUNTY | SHANNON COUNTY |
| **TENNESSEE** | |
| CAMPBELL COUNTY | CAMPBELL COUNTY |
| COCKE COUNTY ..... | COCKE COUNTY |
| CUMBERLAND COUNTY. | CUMBERLAND COUNTY |
| DECATUR COUNTY . | DECATUR COUNTY |
| FENTRESS COUNTY | FENTRESS COUNTY |
| GREENE COUNTY ... | GREENE COUNTY |
| GRUNDY COUNTY .. | GRUNDY COUNTY |
| HANCOCK COUNTY | HANCOCK COUNTY |
| HARDEMAN COUNTY. | HARDEMAN COUNTY |
| HARDIN COUNTY .... | HARDIN COUNTY |
| HAYWOOD COUNTY | HAYWOOD COUNTY |
| HOUSTON COUNTY | HOUSTON COUNTY |
| HUMPHREYS COUNTY. | HUMPHREYS COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| LAUDERDALE COUNTY. | LAUDERDALE COUNTY |
| MEIGS COUNTY ..... | MEIGS COUNTY |
| MONROE COUNTY .. | MONROE COUNTY |
| MORGAN COUNTY .. | MORGAN COUNTY |
| OVERTON COUNTY | OVERTON COUNTY |
| POLK COUNTY ..... | POLK COUNTY |
| RHEA COUNTY ..... | RHEA COUNTY |
| SCOTT COUNTY ..... | SCOTT COUNTY |
| SEVIER COUNTY ..... | SEVIER COUNTY |
| STEWART COUNTY | STEWART COUNTY |
| UNICOI COUNTY ..... | UNICOI COUNTY |
| WHITE COUNTY ..... | WHITE COUNTY |
| **TEXAS** | |
| BEAUMONT CITY .... | BEAUMONT CITY IN JEFFERSON COUNTY |
| BEE COUNTY ..... | BEE COUNTY |
| BROOKS COUNTY .. | BROOKS COUNTY |
| BROWN COUNTY .... | BROWN COUNTY |
| BROWNSVILLE CITY | BROWNSVILLE CITY IN CAMERON COUNTY |
| CALHOUN COUNTY | CALHOUN COUNTY |
| BALANCE OF CAMERON COUNTY. | CAMERON COUNTY LESS BROWNSVILLE CITY HARLINGEN CITY |
| CAMP COUNTY ..... | CAMP COUNTY |
| CASS COUNTY ..... | CASS COUNTY |
| COCHRAN COUNTY | COCHRAN COUNTY |
| CORPUS CHRISTI CITY. | CORPUS CHRISTI CITY IN NUECES COUNTY |
| DEAF SMITH COUNTY. | DEAF SMITH COUNTY |
| DEL RIO CITY ..... | DEL RIO CITY IN VAL VERDE COUNTY |
| DIMMIT COUNTY ..... | DIMMIT COUNTY |
| DUVAL COUNTY ..... | DUVAL COUNTY |
| BALANCE OF ECTOR COUNTY. | ECTOR COUNTY LESS ODESSA CITY |
| EDINBURG CITY ..... | EDINBURG CITY IN HIDALGO COUNTY |
| EL PASO CITY ..... | EL PASO CITY IN EL PASO COUNTY |
| BALANCE OF EL PASO COUNTY. | EL PASO COUNTY LESS EL PASO CITY |
| FRIO COUNTY ..... | FRIO COUNTY |
| FT WORTH CITY ..... | FT WORTH CITY IN TARRANT COUNTY |
| GALVESTON CITY ... | GALVESTON CITY IN GALVESTON COUNTY |
| BALANCE OF GREGG COUNTY. | GREGG COUNTY LESS LONGVIEW CITY |
| HARDIN COUNTY .... | HARDIN COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| HARLINGEN CITY .... | HARLINGEN CITY IN CAMERON COUNTY |
| BALANCE OF HARRISON COUNTY. | HARRISON COUNTY LESS LONGVIEW CITY |
| BALANCE OF HIDALGO COUNTY. | HIDALGO COUNTY LESS EDINBURG CITY MC ALLEN CITY MISSION CITY PHARR CITY |
| HOOD COUNTY ..... | HOOD COUNTY |
| HOUSTON CITY ..... | HOUSTON CITY IN FORT BEND COUNTY HARRIS COUNTY |
| JASPER COUNTY .... | JASPER COUNTY |
| JIM HOGG COUNTY | JIM HOGG COUNTY |
| JIM WELLS COUNTY | JIM WELLS COUNTY |
| KILLEEN CITY ..... | KILLEEN CITY IN BELL COUNTY |
| LA SALLE COUNTY . | LA SALLE COUNTY |
| LAREDO CITY ..... | LAREDO CITY IN WEBB COUNTY |
| LEON COUNTY ..... | LEON COUNTY |
| LIBERTY COUNTY ... | LIBERTY COUNTY |
| LONGVIEW CITY ..... | LONGVIEW CITY IN GREGG COUNTY HARRISON COUNTY |
| MARION COUNTY ... | MARION COUNTY |
| MATAGORDA COUNTY. | MATAGORDA COUNTY |
| MAVERICK COUNTY | MAVERICK COUNTY |
| MC ALLEN CITY ..... | MC ALLEN CITY IN HIDALGO COUNTY |
| MISSION CITY ..... | MISSION CITY IN HIDALGO COUNTY |
| MITCHELL COUNTY | MITCHELL COUNTY |
| MORRIS COUNTY ... | MORRIS COUNTY |
| NEWTON COUNTY .. | NEWTON COUNTY |
| BALANCE OF NUECES COUNTY. | NUECES COUNTY LESS CORPUS CHRISTI CITY |
| ODESSA CITY ..... | ODESSA CITY IN ECTOR COUNTY |
| ORANGE COUNTY .. | ORANGE COUNTY |
| PALO PINTO COUNTY. | PALO PINTO COUNTY |
| PANOLA COUNTY ... | PANOLA COUNTY |
| PECOS COUNTY ..... | PECOS COUNTY |
| PHARR CITY ..... | PHARR CITY IN HIDALGO COUNTY |
| POLK COUNTY ..... | POLK COUNTY |
| PORT ARTHUR CITY | PORT ARTHUR CITY IN JEFFERSON COUNTY |
| PRESIDIO COUNTY . | PRESIDIO COUNTY |
| REEVES COUNTY ... | REEVES COUNTY |
| SABINE COUNTY ..... | SABINE COUNTY |
| SAN PATRICIO COUNTY. | SAN PATRICIO COUNTY |
| SOMERVELL COUNTY. | SOMERVELL COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| STARR COUNTY | STARR COUNTY |
| STONEWALL COUNTY. | STONEWALL COUNTY |
| TEXARKANA CITY TEX. | TEXARKANA CITY TEX IN BOWIE COUNTY |
| TEXAS CITY | TEXAS CITY IN GALVESTON COUNTY |
| TITUS COUNTY | TITUS COUNTY |
| TYLER COUNTY | TYLER COUNTY |
| UVALDE COUNTY | UVALDE COUNTY |
| BALANCE OF VAL VERDE COUNTY. | VAL VERDE COUNTY LESS DEL RIO CITY |
| WARD COUNTY | WARD COUNTY |
| BALANCE OF WEBB COUNTY. | WEBB COUNTY LESS LAREDO CITY |
| WILLACY COUNTY | WILLACY COUNTY |
| WINKLER COUNTY | WINKLER COUNTY |
| ZAPATA COUNTY | ZAPATA COUNTY |
| ZAVALA COUNTY | ZAVALA COUNTY |
| **UTAH** | |
| GARFIELD COUNTY | GARFIELD COUNTY |
| **VERMONT** | |
| ESSEX COUNTY | ESSEX COUNTY |
| GRAND ISLE COUNTY. | GRAND ISLE COUNTY |
| ORLEANS COUNTY | ORLEANS COUNTY |
| **VIRGINIA** | |
| ACCOMACK COUNTY. | ACCOMACK COUNTY |
| BATH COUNTY | BATH COUNTY |
| BRUNSWICK COUNTY. | BRUNSWICK COUNTY |
| BUCHANAN COUNTY. | BUCHANAN COUNTY |
| BUENA VISTA CITY | BUENA VISTA CITY |
| CAROLINE COUNTY | CAROLINE COUNTY |
| CHARLES CITY COUNTY. | CHARLES CITY COUNTY |
| CHARLOTTE COUNTY. | CHARLOTTE COUNTY |
| COVINGTON CITY | COVINGTON CITY |
| DANVILLE CITY | DANVILLE CITY |
| DICKENSON COUNTY. | DICKENSON COUNTY |
| HOPEWELL CITY | HOPEWELL CITY |
| LANCASTER COUNTY. | LANCASTER COUNTY |
| LEE COUNTY | LEE COUNTY |
| LOUISA COUNTY | LOUISA COUNTY |
| LUNENBURG COUNTY. | LUNENBURG COUNTY |
| MARTINSVILLE CITY | MARTINSVILLE CITY |
| NORTHUMBERLAND COUNTY. | NORTHUMBERLAND COUNTY |
| PAGE COUNTY | PAGE COUNTY |
| PETERSBURG CITY | PETERSBURG CITY |
| PRINCE EDWARD COUNTY. | PRINCE EDWARD COUNTY |
| PULASKI COUNTY | PULASKI COUNTY |
| RICHMOND COUNTY. | RICHMOND COUNTY |
| RUSSELL COUNTY | RUSSELL COUNTY |
| SMYTH COUNTY | SMYTH COUNTY |
| SOUTH BOSTON CITY. | SOUTH BOSTON CITY |
| SURRY COUNTY | SURRY COUNTY |
| SUSSEX COUNTY | SUSSEX COUNTY |
| TAZEWELL COUNTY | TAZEWELL COUNTY |
| WARREN COUNTY | WARREN COUNTY |
| WESTMORELAND COUNTY. | WESTMORELAND COUNTY |
| WILLIAMSBURG CITY. | WILLIAMSBURG CITY |
| WISE COUNTY | WISE COUNTY |
| WYTHE COUNTY | WYTHE COUNTY |
| **WASHINGTON** | |
| ADAMS COUNTY | ADAMS COUNTY |
| BREMERTON CITY | BREMERTON CITY IN KITSAP COUNTY |
| CHELAN COUNTY | CHELAN COUNTY |
| CLALLAM COUNTY | CLALLAM COUNTY |
| COLUMBIA COUNTY | COLUMBIA COUNTY |
| BALANCE OF COWLITZ COUNTY. | COWLITZ COUNTY LESS LONGVIEW CITY |
| EVERETT CITY | EVERETT CITY IN SNOHOMISH COUNTY |
| FERRY COUNTY | FERRY COUNTY |
| FRANKLIN COUNTY | FRANKLIN COUNTY |
| GRANT COUNTY | GRANT COUNTY |
| GRAYS HARBOR COUNTY. | GRAYS HARBOR COUNTY |
| KITTITAS COUNTY | KITTITAS COUNTY |
| KLICKITAT COUNTY | KLICKITAT COUNTY |
| LEWIS COUNTY | LEWIS COUNTY |
| LONGVIEW CITY | LONGVIEW CITY IN COWLITZ COUNTY |
| MASON COUNTY | MASON COUNTY |
| OKANOGAN COUNTY. | OKANOGAN COUNTY |
| PACIFIC COUNTY | PACIFIC COUNTY |
| PEND OREILLE COUNTY. | PEND OREILLE COUNTY |
| SKAGIT COUNTY | SKAGIT COUNTY |
| SKAMANIA COUNTY | SKAMANIA COUNTY |
| STEVENS COUNTY | STEVENS COUNTY |
| VANCOUVER CITY | VANCOUVER CITY IN CLARK COUNTY |
| WALLA WALLA CITY | WALLA WALLA CITY IN WALLA WALLA COUNTY |
| YAKIMA CITY | YAKIMA CITY IN YAKIMA COUNTY |
| BALANCE OF YAKIMA COUNTY. | YAKIMA COUNTY LESS YAKIMA CITY |
| **WEST VIRGINIA** | |
| BARBOUR COUNTY | BARBOUR COUNTY |
| BERKELEY COUNTY | BERKELEY COUNTY |
| BOONE COUNTY | BOONE COUNTY |
| BRAXTON COUNTY | BRAXTON COUNTY |
| BROOKE COUNTY | BROOKE COUNTY |
| CALHOUN COUNTY | CALHOUN COUNTY |
| CHARLESTON CITY | CHARLESTON CITY IN KANAWHA COUNTY |
| CLAY COUNTY | CLAY COUNTY |
| DODDRIDGE COUNTY. | DODDRIDGE COUNTY |
| FAYETTE COUNTY | FAYETTE COUNTY |
| GILMER COUNTY | GILMER COUNTY |
| GRANT COUNTY | GRANT COUNTY |
| GREENBRIER COUNTY. | GREENBRIER COUNTY |
| HAMPSHIRE COUNTY. | HAMPSHIRE COUNTY |
| HANCOCK COUNTY | HANCOCK COUNTY |
| HARRISON COUNTY | HARRISON COUNTY |
| HUNTINGTON CITY | HUNTINGTON CITY IN CABELL COUNTY |
| | WAYNE COUNTY |
| JACKSON COUNTY | JACKSON COUNTY |
| LEWIS COUNTY | LEWIS COUNTY |
| LINCOLN COUNTY | LINCOLN COUNTY |
| LOGAN COUNTY | LOGAN COUNTY |
| MARION COUNTY | MARION COUNTY |
| BALANCE OF MARSHALL COUNTY. | MARSHALL COUNTY LESS WHEELING CITY |
| MASON COUNTY | MASON COUNTY |
| MC DOWELL COUNTY. | MC DOWELL COUNTY |
| MERCER COUNTY | MERCER COUNTY |
| MINGO COUNTY | MINGO COUNTY |
| MONROE COUNTY | MONROE COUNTY |
| MORGANTOWN CITY. | MORGANTOWN CITY IN MONONGALIA COUNTY |
| NICHOLAS COUNTY | NICHOLAS COUNTY |
| BALANCE OF OHIO COUNTY. | OHIO COUNTY LESS WHEELING CITY |
| PARKERSBURG CITY. | PARKERSBURG CITY IN WOOD COUNTY |
| PLEASANTS COUNTY. | PLEASANTS COUNTY |
| POCAHONTAS COUNTY. | POCAHONTAS COUNTY |
| PRESTON COUNTY | PRESTON COUNTY |
| PUTNAM COUNTY | PUTNAM COUNTY |
| RALEIGH COUNTY | RALEIGH COUNTY |
| RANDOLPH COUNTY. | RANDOLPH COUNTY |
| RITCHIE COUNTY | RITCHIE COUNTY |

LABOR SURPLUS AREAS ELIGIBLE FOR FEDERAL PROCUREMENT PREFERENCE AUGUST 21, 1995 THROUGH SEPTEMBER 30, 1995—Continued

| Eligible labor surplus areas | Civil jurisdictions included |
|---|---|
| ROANE COUNTY ..... | ROANE COUNTY |
| SUMMERS COUNTY | SUMMERS COUNTY |
| TAYLOR COUNTY ... | TAYLOR COUNTY |
| TUCKER COUNTY ... | TUCKER COUNTY |
| TYLER COUNTY ..... | TYLER COUNTY |
| UPSHUR COUNTY ... | UPSHUR COUNTY |
| BALANCE OF WAYNE COUNTY. | WAYNE COUNTY LESS HUNTINGTON CITY |
| WEBSTER COUNTY | WEBSTER COUNTY |
| WETZEL COUNTY ... | WETZEL COUNTY |
| WIRT COUNTY ..... | WIRT COUNTY |
| WYOMING COUNTY | WYOMING COUNTY |
| **WISCONSIN** | |
| BELOIT CITY ..... | BELOIT CITY IN ROCK COUNTY |
| MENOMINEE COUNTY. | MENOMINEE COUNTY |
| RACINE CITY ..... | RACINE CITY IN RACINE COUNTY |
| RUSK COUNTY ..... | RUSK COUNTY |

[FR Doc. 95–20418 Filed 8–16–95; 8:45 am]

BILLING CODE 4510–30–P

## Mine Safety and Health Administration

## Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

### 1. Chenoa Coal, Inc.

[Docket No. M–95–102–C]

Chenoa Coal, Inc., Box 101, Regina, Kentucky 41559 has filed a petition to modify the application of 30 CFR 75.1710–1 to its No. 3 Mine (I.D. No. 15–17656) located in Floyd County, Kentucky. The petitioner proposes to operate the following electric face equipment without canopies: One Joy 14CM–1 Continuous Miner; one Long Airdox Roof Bolter; two Joy 21 SC Shuttle Cars; and two 482 S & S Scoops. The petitioner states that due to ascending and descending grades creating dips in the coal bed, installation of canopies on this equipment would create hazardous conditions to the equipment operator and as well as to other employees in the mine.

### 2. Coal Miners, Inc.

[Docket No. M–95–103–C]

Coal Miners, Inc., Route 2, Box 130, Equality, Illinois 62934 has filed a petition to modify the application of 30 CFR 75.350 to its Eagle Valley Mine (I.D. No. 11–02846) located in Gallatin County, Illinois. The petitioner requests a modification to permit the use of air coursed through belt haulage entries to be used to ventilate active working places for a time period of 180 days from the date belt haulage is initiated in the Davis Seam. The petitioner proposes to install a low-level carbon monoxide detection system as an early warning fire detection system in the supply road with branches extended to the beltline at certain locations and located so that the air is monitored at each belt drive and tailpiece, and at intervals not to exceed 2,000 feet along each conveyor belt entry. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

### 3. Old Hickory Coal Company

[Docket No. M–95–104–C]

Old Hickory Coal Company, P.O. Box 305, Madison, West Virginia 25130 has filed a petition to modify the application of 30 CFR 77.1304(a) to its Peat's Branch No. 3 Mine (I.D. No. 46–06750) located in Logan County, West Virginia. The petitioner proposes to blend recycled oil, a petroleum-based lubrication oil recycled from equipment at the mine, with fuel oil to create a blasting agent (ANFO). The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

### 4. Hobet Mining, Inc.

[Docket No. M–95–105–C] and [Docket No. M–95–106–C]

Hobet Mining, Inc., P.O. Box 305, Madison, West Virginia 25130 has filed a petition to modify the application of 30 CFR 77.1304(a) to its No. 7 Surface Mine (I.D. No. 46–02249) located in Logan County, West Virginia, and its No. 21 Surface Mine (46–04670) located in Boone County, West Virginia. The petitioner proposes to blend recycled oil, a petroleum-based lubrication oil recycled from equipment at the mine, with fuel oil to create a blasting agent (ANFO). The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

### 5. Heatherly Mining, Inc.

[Docket No. M–95–107–C]

Heatherly Mining, Inc., P.O. Box 550, Henryetta, Oklahoma 74437 has filed a petition to modify the application of 30 CFR 75.1700 to its Pollyanna No. 8 Mine (I.D. No. 34–01787) located in Le Flore County, Oklahoma. The petitioner proposes to plug and mine through oil and gas wells. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

### 6. Lambert Coal Company

[Docket No. M–95–108–C]

Lambert Coal Company, P.O. Box 394, Nora, Virginia 24272 has filed a petition to modify the application of 30 CFR 75.1710 to its Mine No. 44 (I.D. No. 44–05210) located in Dickenson County, Virginia. The petitioner proposes to operate the following electric face equipment without canopies: One Simmons Rand 500 Continuous Miner; one Simmons Rand TD–2AM Dual Head Roof Bolter; two S & S 21SC Shuttle Cars; one S & S 74 Scoop; and one S & S 484 Scoop. The petitioner states that the use of canopies on this electric face equipment would create a hazard to the equipment operator.

### 7. Key West Mining, Inc.

[Docket No. M–95–109–C]

Key West Mining, Inc., P.O. Box 768, Grundy, Virginia 24614 has filed a petition to modify the application of 30 CFR 75.362 to its Mine No. 3 (I.D. No. 44–03264) located in Buchanan County, Virginia. The petitioner requests relief from the standard requiring on-shift examinations of underground conveyor belts in its entirety. The petitioner states that the area cannot be traveled safely due to deteriorating roof conditions in the No. 1 conveyor belt entry starting at a location approximately 170 feet from the surface and extending for a distance of approximately 90 feet. As an alternative, the petitioner proposes to visually examine the 90 feet area affected from either side of the adverse roof conditions; to have firefighting equipment with fog nozzles stationed on both sides of the adverse roof conditions; to install a mine phone and belt control switch on the inby end of the adverse roof conditions; and to have a certified person at the inby end of the adverse roof conditions at all times to conduct tests of the carbon monoxide level every 30 minutes while the No. 1 belt is in operation. The petitioner states that application of the standard would result in a diminution of safety to the miners. In addition, the petitioner

asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

**Request for Comments**

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 18, 1995. Copies of these petitions are available for inspection at that address.

Dated: August 9, 1995.

**Patricia W. Silvey,**

*Director, Office of Standards, Regulations and Variances.*

[FR Doc. 95–20456 Filed 8–16–95; 8:45 am]

BILLING CODE 4510–43–P

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice 95–071]**

### Solar System Exploration Subcommittee of the Space Science Advisory Committee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In Accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Space Science Advisory Committee, Solar System Exploration Subcommittee.

**DATES:** Wednesday, September 20, 1995, 8:30 a.m. to 5 p.m.; Thursday, September 21, 1995, 8:30 a.m. to 5 p.m.; and Friday, September 22, 1995, 8:30 a.m. to 3:30 p.m.

**ADDRESSES:** NASA Headquarters, Conference Room MIC 6 West, 300 E Street, SW, Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** William L. Piotrowski, Code SL, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–1588.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—Overview of Solar System Exploration Division Status
—Briefing on OSS reorganization
—Advanced Study Reports
—Technology Report
—Complex Report
—Strategic Planning Approach
—Discussion and Formulation of Recommendations/Action Items

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: August 14, 1995.

**Timothy M. Sullivan,**

*Advisory Committee Management Officer.*

[FR Doc. 95–20431 Filed 8–16–95; 8:45 am]

BILLING CODE 7510–01–M

## NATIONAL SCIENCE FOUNDATION

### Collection of Information Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting an expedited notice of information collection that will affect the public. Interested persons are invited to submit comments by September 1, 1995. Copies of materials may be obtained at the NSF address or telephone number shown below.

(A) *Agency Clearance Officer.* Herman G. Fleming, Division of Contracts, Policy, and Oversight, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, or by telephone (703) 306–1243. Comments may also be submitted to:

(B) *OMB Desk Officer.* Office of Information and Regulatory Affairs, Attn: Jonathan Winer, Desk Officer, OMB, 722 Jackson Place, Room 3208, NEOB, Washington, DC 20503.

*Title:* Cross Projects Evaluation of the Local Systemic Change through Teacher Enhancement Program

*Affected Public:* Individuals or households

*Respondents/Reporting Burden:* 37,375 responses, Average 10 minutes per response.

*Abstract:* NSF's Local Systemic Change through Teacher Enhancement Program currently funds 13 projects. This evaluation system will provide common evaluation data across all projects that will allow the Foundation to evaluate individual projects, aggregate data and information across projects and provide a cross-project analysis.

Dated: August 11, 1995.

**Herman G. Fleming,**

*Reports Clearance Officer.*

[FR Doc. 95–20342 Filed 8–16–95; 8:45 am]

BILLING CODE 7555–01–M

### Special Emphasis Panel in Bioengineering and Environmental Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

*Name:* Special Emphasis Panel in Bioengineering and Environmental Systems (No. 1189).

*Date and Time:* September 7, 1995; 8:30 am–5:00 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 565, Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Person:* Gilbert B. Devey, Program Director, Biomedical Engineering and Research to Aid Persons with Disabilities, Division of Bioengineering and Environmental Systems, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1318.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: August 14, 1995.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 95–20389 Filed 8–16–95; 8:45 am]

BILLING CODE 7555–01–M

### Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—#1194.

*Date and Time:* September 7–8, 1995, 8 a.m.–5 p.m.

*Place:* Rooms 730, and 320, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Person:* Pat Johnson, Program Director, SBIR Office, (703) 306–1390, Dr. Karl Koehler, Program Director, BIR, (703) 306–1470, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

*Agenda:* To review and evaluate Phase I Small Business proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 14, 1995.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 95–20390 Filed 8–16–95; 8:45 am]

BILLING CODE 7555–01–M

## Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—#1194.

*Date and Time:* September 6, 1995, 8 a.m.–5 p.m.

*Place:* Rooms 310, 320, 360, and 580, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Person:* Ritchie Coryell, Program Director, SBIR Office, (703) 306–1390, Dr. Deborah L. Crawford, Program Director, ECS, (703) 306–1339, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

*Agenda:* To review and evaluate Phase I Small Business proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 14, 1995.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 95–20391 Filed 8–16–95; 8:45 am]

BILLING CODE 7555–01–M

## Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Meeting

In accordance with the Federal Advisory Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—#1194.

*Date and Time:* September 7, 1995, 8 a.m.–5 p.m.

*Place:* Room 970, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Person:* Charles Hauer, Program Director, SBIR Office, (703) 306–1390, Dr. Priscilla Nelson, Program Director, CMS (703) 306–1361, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

*Agenda:* To review and evaluate Phase I Small Business proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 14, 1995.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 95–20392 Filed 8–16–95; 8:45 am]

BILLING CODE 7555–01–M

## Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—#1194.

*Date and Time:* September 7–8, 1995, 8 a.m.–5 p.m.

*Place:* Rooms 680, 730, 310, 320, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Person:* Pat Johnson, Program Director, SBIR Office, (703) 306–1390, Dr. James Koenig, Program Director, IBN, (703) 306–1423, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

*Agenda:* To review and evaluate proposals submitted to the Small Business Innovation Research Program in the area of Integrative Biology and Neuroscience.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 14, 1995.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 95–20393 Filed 8–16–95; 8:45 am]

BILLING CODE 7555–01–M

## Special Emphasis Panel in Industrial Innovation; Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces that the Special Emphasis Panel in Design, Manufacture and Industrial Innovation will be holding panel meetings for the purpose of reviewing proposals submitted to the Small Business Innovation Research Program in the area of Civil and Mechanical Systems, rooms 380 and 530. In order to review the large volume of proposals, panel meetings will be held on September 8, 1995 (2). All meetings will be closed to the public and will be held at the National Science Foundation, 4201 Wilson Blvd., Arlington, VA from 8 to 5 each day.

*Contact Person:* Charles Hauer, Program Director, SBIR, (703) 306–1390, room 570, Dr. Ken Chong, Program Director, CTS, Dr. Oscar Dillon, Program Director, CTS, (703) 306–1360, room 545.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 USC 552b (c)(4) and (6) of the Government in the Sunshine Act.

Dated: August 14, 1995.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 95–20394 Filed 8–16–95; 8:45 am]

BILLING CODE 7555–01–M

## Special Emphasis Panel in Geosciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–643, as amended), the National Science Foundation announces the following meeting.

*Name and Committee Code:* Special Emphasis Panel in Geosciences (1756).

*Date and Time:* August 29–30, 1995; 8:30 a.m. to 5 p.m.

*Place:* Room 730, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Sunanda Basu (703) 306–1529 and Dr. Robert Robinson (703) 306–1531, Program Directors, Division of Atmospheric Sciences, Room 775, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate Coupling, Energetics and Dynamics of Atmospheric Regions (CEDAR) proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being evaluated include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: August 11, 1995.

**M. Rebecca Winkler,**

*Committee Management Officer.*

[FR Doc. 95–20343 Filed 8–16–95; 8:45 am]

**BILLING CODE 7555–01–M**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 50–293]**

## Boston Edison Company; Pilgrim Nuclear Power Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations to Facility Operating License No. DPR–35, issued to Boston Edison Company (the licensee), for operation of the Pilgrim Nuclear Power Station located in Plymouth, Massachusetts.

### Environmental Assessment

*Identification of Proposed Action*

The proposed action is in accordance with the licensee's application dated June 21, 1995, for an exemption from certain requirements of 10 CFR 73.55, ''Requirements for physical protection of licensed activities in nuclear power plant reactors against radiological sabotage.'' The requested exemption would allow the implementation of a hand geometry biometric system of site access control in conjunction with photograph identification badges, and would allow the badges to be taken offsite.

*The Need for the Proposed Action*

Pursuant to 10 CFR 73.55(a), the licensee is required to establish and maintain an onsite physical protection system and security organization.

The Code of Federal Regulations at 10 CFR 73.55(d), ''Access Requirements,'' specifies in part that: ''The licensee shall control all points of personnel and vehicle access into a protected area.'' The Code of Federal Regulations at 10 CFR 73.55(d)(5), specifies in part that: ''A numbered picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort.'' It further indicates that an individual not employed by the licensee (e.g., contractors) may be authorized access to protected areas without an escort provided the individual, ''receives a picture badge upon entrance into the protected area which must be returned upon exit from the protected area.''

Currently, unescorted access for both employee and contractor personnel into the Pilgrim Nuclear Power Station is controlled through the use of picture badges. Positive identification of personnel who are authorized and request access into the protected area is established by security personnel making a visual comparison of the individual requesting access and that individual's picture badge. The picture badges are issued, stored, and retrieved at the entrance/exit location to the protected area. These picture badges are not taken offsite. This current practice is in accordance with the applicable requirements of 10 CFR Part 73 discussed above.

The licensee proposes to implement an alternative unescorted access control system which would eliminate the need to issue and retrieve picture badges at the entrance/exit location to the protected area. The proposal would also allow all individuals, including contractors, who have unescorted access to keep their picture badges in their possession when departing the Pilgrim site. Thus, an exemption is required from 10 CFR 73.55(d)(5) to allow contractors who have unescorted access to keep their picture badges in their possession when departing the Pilgrim site.

*Environmental Impacts of the Proposed Action*

The Commission has completed its evaluation of the proposed action. In addition to their picture badges, all individuals with authorized unescorted access will have the physical characteristics of their hand (hand geometry) registered with their picture badge number in a computerized access control system. Therefore, all authorized individuals must not only have their picture badges to gain access into the protected area, but must also have their hand geometry confirmed.

All other access processes, including search function capability and access revocation, will remain the same. A security officer responsible for access control will continue to be positioned within a bullet-resistant structure. The proposed system is only for individuals with authorized unescorted access and will not be used for individuals requiring escorts.

The underlying purpose for requiring that individuals not employed by the licensee must receive and return their picture badges at the entrance/exit is to provide reasonable assurance that the access badges could not be compromised or stolen with a resulting risk that an unauthorized individual could potentially enter the protected area. Although the proposed exemption will allow individuals to take their picture badges offsite, the proposed measures require not only that the picture badge be provided for access to the protected area, but also that verification of the hand geometry registered with the badge be performed as discussed above. Thus, the proposed system provides an identity verification process that is equivalent to the existing process.

Accordingly, the Commission concludes that the exemption to allow individuals not employed by the licensee to take their picture badges offsite will not result in an increase in the risk that an unauthorized individual could potentially enter the protected area. Accordingly, the Commission concludes that there are no significant radiological impacts associated with the proposed action.

The proposed exemption does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

*Alternatives to the Proposed Action*

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the proposed action would be to deny the requested action. Denial of the requested action would not significantly enhance the environment in that the proposed action will result in a process that is equivalent to the existing identification verification process.

*Alternate Use of Resources*

This action does not involve the use of any resources not previously considered in the April 1973 Final Environmental Statement for the Pilgrim Nuclear Power Station.

*Agencies and Persons Consulted*

In accordance with its stated policy, on July 17, 1995, the staff consulted with the Massachusetts State official, James Muckerheide of the Massachusetts Emergency Management Agency 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 exemption.

For further details with respect to this action, see the licensee's letter dated June 21, 1995, 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 Plymouth Public Library, 11 North Street, Plymouth, MA 02360.

Dated at Rockville, Maryland, this 8th day of August 1995.

For the Nuclear Regulatory Commission.

**Ledyard B. Marsh,**

*Director, Project Directorate I–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 95–20379 Filed 8–16–95; 8:45 am]

BILLING CODE 7590–01–P

## Twenty-Third Water Reactor Safety Information Meeting

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** The Twenty-Third Water Reactor Safety Information Meeting will be held on October 23–25, 1995, 8:30 a.m. to 5:00 p.m., in the Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814.

This year's Water Reactor Safety Information Meeting will be opened by the new NRC Chairman, Shirley A. Jackson, and a panel of senior executives from both the industry and NRC will address technical/safety issues of interest to both organizations. The panel will include the Director of the Office of Nuclear Reactor Regulation, William T. Russell; the Director of the Office of Nuclear Regulatory Research, David L. Morrison; and two senior utility executives. Mr. James M. Taylor, Executive Director of Operations for NRC, will speak at the luncheon on October 25. The meeting is international in scope and includes presentations by personnel from the NRC, U.S. Government laboratories, the National Academy of Sciences, private consulting firms, independent laboratories, universities, the Electric Power Research Institute, reactor vendors, and a number of foreign agencies. This meeting is sponsored by the NRC and conducted by the Brookhaven National Laboratory.

The preliminary agenda for this year's meeting includes 12 sessions on the following topics: Human Factors Research, Structural and Seismic Engineering, Instrumentation and Control, High Burnup Fuel Behavior, Severe Accident Research, Primary System Integrity, Equipment Operability and Aging, Thermal Hydraulic Research, Individual Plant Examination, Probabilistic Risk Assessment, and ECCS Strainer Blockage Research and Regulatory Issues.

Attendees may register at the meeting or in advance by contacting Susan Monteleone, Brookhaven National Laboratory, Department of Nuclear Energy, Building 130, Upton, NY 11973, telephone (516) 282–7235; or Christine Bonsby, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–5838.

Dated at Rockville, Maryland, this 10th day of August, 1995.

For the Nuclear Regulatory Commission.

**Alois J. Burda,**

*Deputy Director, Financial Management, Procurement and Administration Staff, Office of Nuclear Regulatory Research.*

[FR Doc. 95–20378 Filed 8–16–95; 8:45 am]

BILLING CODE 7590–01–M

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

**[Docket No. 301–95]**

## Termination of Investigation: Korean Agricultural Market Access Restrictions

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice.

**SUMMARY:** The United States Trade Representative (USTR) has terminated an investigation initiated under section 302(a) of the Trade Act of 1974 (Trade Act) of Korean practices with respect to the importation of certain U.S. agricultural products, after having reached a satisfactory agreement resolving the issues under investigation, and will monitor Korea's implementation of this agreement in accordance with section 306 of the Trade Act.

**EFFECTIVE DATE:** This investigation was terminated effective July 20, 1995.

**ADDRESSES:** Office of the United States Trade Representative, 600 17th Street, N.W., Washington, D.C. 20508.

**FOR FURTHER INFORMATION CONTACT:** Christina Lund, Deputy Assistant USTR for Asia and the Pacific (202) 395–6813, or Thomas Robertson, Assistant General Counsel (202) 395–6800.

**SUPPLEMENTARY INFORMATION:** On November 18, 1994, the National Pork Producers Council, the American Meat Institute, and the National Cattlemen's Association (petitioners) filed a petition under section 302(a) of the Trade Act (19 U.S.C. 2412(a)), alleging that certain practices of the Government of Korea regarding the importation of U.S. beef and pork products violate U.S.-Korean bilateral trade agreements and are unreasonable and burden or restrict United States commerce. The Petitioners asserted in particular that the Korean government had established a number of specific barriers which denied their products access to the Korean market. The alleged barriers included the following: outdated, scientifically unsupported and discriminatory shelf-life standards; excessively long inspection procedures; contract tender procedures that prevent U.S. producers from meaningfully participating in the bidding process; local processing and repackaging requirements; discriminatory fixed-weight requirements; dual standards for residue testing; and unreasonably short pork temperature reduction requirements.

On November 22, 1994, pursuant to section 302(a) of the Trade Act, the USTR initiated an investigation of the practices referred to in the petition and requested consultations with the Korean government as required by section 303(a) of the Trade Act (19 U.S.C. 2413(a)). See 59 FR 61006 (November 29, 1994). On May 3, 1995, the United States requested consultations under Article XXII of the General Agreement on Tariffs and Trade 1994, Article 11 of the Agreement on the Application of Sanitary and Phytosanitary Measures, Article 14 of the Agreement on Technical Barriers to Trade, Article 19 of the Agreement on Agriculture, and Article 4 of the Understanding on Rules

and Procedures Governing the Settlement of Disputes.

On July 20, 1995, after extensive negotiations, the United States and Korea reached agreement on measures to open the Korean market to U.S. meat and other food products. Specifically, Korea agreed to phase-out its current system of establishing shelf-life standards and to replace it with a system in which manufacturers will set their own ''use-by'' dates. For chilled, vacuum-packed pork and beef and all frozen food (including frozen beef, pork and poultry), Korea's new manufacturer-determined shelf life system will come into effect on July 1, 1996. From October 1, 1995, until July 1, 1996, these products will be subject to specific government-mandated shelf-life dates that will allow trade to take place until the new system takes effect. All dried, packaged, canned or bottled products will be subject to the new system as of October 1, 1995. In addition, Korea has agreed to ensure that any maximum residue level for imported excretory organ meats is consistent with international standards established by the CODEX Alimentarius Commission; to notify the Harmonized Tariff System tariff heading or subheading for each item subject to a government-mandated shelf life on or after October 1, 1995; to extend the maximum chilling period for pork from 24 to 48 hours; and to provide at least seven days advance notice prior to offering a tender for the purchase of pork, and a period of at least 30 days for arrival of a product to fulfill the contract.

On the basis of this agreement the USTR has decided to terminate this investigation. The USTR will monitor Korea's implementation of the agreement pursuant to section 306 of the Trade Act (19 U.S.C. 2416).

**Irving A. Williamson,**

*Chairman, Section 301 Committee.*

[FR Doc. 95–20440 Filed 8–16–95; 8:45 am]

**BILLING CODE 3190–01–M**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–36079; File No. SR–Amex–95–23]**

## Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change Relating to the Discontinuation of the Emerging Company Marketplace

August 9, 1995.

On June 9, 1995, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to discontinue the listing of new companies on the Emerging Company Marketplace (''ECM'').

The proposed rule change was published for comment in Securities Exchange Act Release No. 35863 (June 19, 1995), 60 FR 32719 (June 23, 1995).

In March 1992, the Commission approved a rule change to amend the Amex Company Guide to add a new section establishing listing criteria for an Emerging Company Marketplace (''ECM'').[3] The ECM rules established quantitative listing standards that were below those required for listing on the Amex's main list. In May 1994, the United States General Accounting Office (''GAO'') issued a report (''GAO Report'') that examined the Amex's methodology for deciding whether to approve a company's securities for ECM listing and trading.[4] The Commission concurred with the GAO's recommendations and noted that they were consistent with the Division of Market Regulation's conclusions following its prior inspection of the ECM.[5] In December 1994, the Commission approved amendments to the ECM rules that substantially responded to the Commission and GAO recommendations.[6]

The Amex now has determined to discontinue the listing of new companies on the ECM and proposes to eliminate the ECM guidelines that allow for such new listings. Under the proposal, companies currently trading pursuant to the ECM listing requirements will continue to trade on the Amex as ECM listed companies.[7] The Amex does not have a deadline for removing these companies from the ECM list. Companies presently trading on the ECM will continue to do so until they graduate to the Amex's main list by meeting the appropriate listing standards, or delist, either voluntarily or because they fail to meet the ECM listing standards. During this transition time, ECM companies will continue to be subject to all the rules applicable to ECM issues, including the continued listing guidelines. Quotes and trades in such securities will continue to be reported to vendors with the ''.EC'' designator.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).[8] In particular, the Commission believes the proposal is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, and, in general, to protect investors and the public.

A self-regulatory organization has the discretion to determine the type of companies it desires to list in its marketplace, so long as such listing decisions are consistent with the requirements of the Act and in accordance with the organizations listing rules. Similarly, the Commission believes that it is reasonable for the Amex to determine that it no longer wants to continue to list a certain class of securities, such as new companies on the ECM.

Despite the Amex's determination to discontinue listing new ECM companies, the Amex's proposal ensures that existing listed ECM companies and their shareholders will not be disadvantaged because companies currently listed on the ECM will not be immediately delisted. In addition, because the existing ECM companies will remain subject to the Exchange's continued listing standards, as well as its regular surveillance program, the Commission believes that the Exchange's proposal will ensure the continued protection of investors in ECM listed companies.[9] Once all of the ECM companies have delisted, either voluntarily or because they fail to meet the ECM maintenance standards, the Commission expects that the Amex will file a proposed rule change to remove

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

[3] See Securities Exchange Act Release No. 30445 (March 5, 1994), 57 FR 8693 (March 11, 1992) (approving File No. SR–Amex–91–25).

[4] GAO, American Stock Exchange—More Changes Needed in Screening Emerging Companies for the Marketplace (May 1994).

[5] See letter from Brandon Becker, Director, Division, to Richard L. Fogel, Assistant Comptroller General, GAO, dated February 18, 1994, reprinted in GAO Report, *supra* noted 4.

[6] See Securities Exchange Act Release No. 35104 (December 15, 1994), 59 FR 66381 (December 23, 1994).

[7] The continued listing guidelines for ECM companies will remain in place for these companies.

[8] 15 U.S.C. 78f(b) (1988).

[9] As the Commission noted in the last amendment of the ECM Rules, see supra note 6, it believes that enforcement of maintenance standards is vital to the continued integrity of exchange markets. The Commission expects that the Amex will continue to strictly enforce the maintenance criteria contained in the ECM Rules and maintenance criteria contained in the ECM Rules and will delist companies that fail to meet these standards.

the remaining ECM Rules from its Company Guide.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,[10] that the proposed rule change (SR–Amex–95–23) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95–20398 Filed 8–16–95; 8:45 am]

BILLING CODE 8010–01–M

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**[Release No. 34–36085; File No. SR–CBOE–95–28]**

## Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 to Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Responsibility for Performing Functions of the ITS Clerks

August 10, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 19, 1995, the Chicago board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. the Exchange subsequently filed Amendment No. 1 on July 6, 1995.[1] The Commission is publishing this notice to solicit comments on the proposed rule change and Amendment No. 1 from interest persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

With regard to the exchange trading of stocks, warrants and other non-option securities, the CBOE proposes to amend one of its Intermarket Trading System (''ITS'' or ''System'') rules, CBOE Rule 30.75, such that the Exchange will be required to provide ITS clerks only when the Exchange deems it necessary for the ordinary operation of the system. In addition, Designated Primary Market-Makers (''DPMs'') would be required to provide employees to perform the functions of ITS clerks for transactions in instruments that have been assigned to that DPM. The proposed rule change would only apply to the Exchange's Chapter 30 products. Chapter 30 of the Exchange's rules govern trading in stocks, warrants, and other non-option securities.

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

CBOE Rule 30.75 (''Transmission and Reception of System Messages; Exchange Liability''), governs the transmission and reception of obligations and commitments to trade, pre-opening notifications, and responses thereto over the ITS.[2] Currently, Exchange Rule 30.75 requires the Exchange to provide ITS clerks to send and receive ITS messages. The Exchange proposes to amend Paragraph (a) of the Rule to clarify that the Exchange will not be obligated to provide ITS clerks, except as provided in the interpretations to the Rule.

New interpretation .01 to Exchange Rule 30.75 would require employees of DPMS[3] to send and receive commitments and obligations to trade, pre-opening notifications, and responses thereto over the System. Further, the interpretation makes it clear that the Exchange will not be liable for the acts, errors, or omissions of these DPM employees.[4]

A second interpretation to the Rule makes it clear that the Exchange will provide Exchange employed ITS clerks for products that are traded at posts that have order book officials (''OBOs''), and will not provide ITS clerks for products for which a DPM has been appointed. The Exchange also would be required to provide the services of ITS clerks for products for which DPMs make markets when the circumstances (such as fast markets) warrant. Two Floor Officials would be able to require the Exchange to provide ITS clerks for particular circumstances.

The Exchange believes this rule change is warranted because it is possible that some of its Chapter 30 products, which the Exchange may trade in the future, may be assigned to DPMs. As such, the Exchange believes it would be most efficient for the DPM that is assigned to the product that is subject to the ITS rules to employ its own employees to perform the functions of the ITS clerks. Because a DPM runs his own business, he is in the best position to make the business determination concerning how many employees are needed to perform the various functions assigned to him, including the ITS functions. Requiring the DPM to provide employees to perform these functions, therefore, should limit the resources the Exchange will be required to provide to perform these functions, therefore, should limit the resources the Exchange will be required to provide to perform this function and thus, reduce overall costs to the Exchange and its members. Customers of the Exchange and the DPMs would be protected from interruption of service in the system, however, because the Exchange will have employees available to perform the

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[10] 15 U.S.C. 78s(b)(2) (1988).

[11] 17 CFR 200.30–3(a)(12) (1994).

[1] In Amendment No. 1, the Exchange corrects a typographical error in the defined term ''ITS Clerk'' as it appears in Rule 30.75 and in the two proposed interpretations and policies thereunder, and clarifies the use of that term in proposed Interpretation and Policy .02 under Exchange Rule 30.75. The purpose of this amendment is to make it clear that the defined term ''ITS Clerk'' refers only to Exchange employees acting as such, and not to employees of a Designated Primary Market-Maker who may be performing the functions of ITS Clerks as contemplated by proposed Interpretation and Policy .01 under Exchange Rule 30.75. See Letter from Michael L. Meyer, Esq., Schiff Hardin & Waite, to James T. McHale, Attorney, Office of Market Supervision, Division of Market Regulation, Commission, dated July 6, 1995 (''Amendment No. 1'').

[2] ITS is a subsystem of the National Market System approved by the Commission pursuant to Section 11A of the Act, 15 U.S.C. 78k–1. ITS facilitates intermarket trading in exchange-listed equity securities based on the current quotation information emanating from the linked markets. Participants of ITS include the American Stock Exchange, the Boston Stock Exchange, CBOE, the Chicago Stock Exchange, the Cincinnati Stock Exchange, the New York Stock Exchange, the Pacific Stock Exchange, the Philadelphia Stock Exchange, and the National Association of Securities Dealers.

[3] A DPM is a member or member organization which has been appointed by the Exchange's Modified Trading System (''MTS'') Committee to perform market-making and certain other functions with respect to a designated options class or classes or with respect to a product traded on the Exchange pursuant to Chapter 30. Among other things, a DPM is required to disseminate accurate market quotations, honor market quotations, be regularly present at the trading post, and perform the functions of an Order Book Official, *i.e.*, he must maintain and keep current the customer limit order book.

[4] Rule 30.75 currently does provide for limited liability of the Exchange for losses caused by the errors or omissions of the Exchange's own employees, *i.e.*, ITS clerks.

ITS function when the circumstances warrant.

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act in general, and with Section 6(b)(5) in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation with persons engaged in facilitating and clearing transactions in securities, and to protect investors and the public interest.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes the proposed rule change will impose no inappropriate burden on competition.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

The Exchange has neither solicited nor received written comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR–CBOE–95–28 and should be submitted by September 7, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95–20401 Filed 8–16–95; 8:45 am]

BILLING CODE 8010–01–M

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**[Release No. 34–36086; File No. SR–CBOE–95–35]**

## Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to the Identification of Accounts and the Reporting of Orders for Chapter XXX Securities

August 10, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 12, 1995, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The CBOE proposes to amend Rule 8.9 (''Securities Accounts and Orders of Market-Makers''), to require market-makers to identify accounts and report orders in securities traded pursuant to Chapter XXX of the Exchange's Rules. Currently, Rule 8.9 does not explicitly include securities traded on the Exchange pursuant to Chapter XXX.

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

The purpose of this rule proposal is to amend Rule 8.9, which governs the identification of certain accounts and the reporting of certain types of orders by market-makers, by explicitly incorporating securities traded pursuant to Chapter XXX of the Exchange's rules. Chapter XXX of the Exchange's rules governs the trading of warrants, stock, and other non-option securities. Pursuant to the Introductory paragraph to Chapter XXX and Appendix A of Chapter XXX (which specifies the Exchange rules outside of Chapter XXX which apply to the trading of stock, warrants, and other Chapter XXX securities), Rule 8.9 already applies to these securities. The Exchange believes, however, that it is appropriate to make the application of Rule 8.9 explicit on the face of the Rule.

The proposed amendment to paragraph (a) of Rule 8.9 expressly requires market-makers to identify accounts for securities traded pursuant to Chapter XXX of the Exchange's Rules in which they exercise trading activities or exercise investment discretion. The proposed amendment to paragraph (b) of Rule 8.9 expressly requires market-makers to report orders in Chapter XXX securities and to report closing and opening positions in Chapter XXX securities.

The Exchange believes it is appropriate to make this change in Rule 8.9 to avoid confusion between the plain language of the Rule which does not mention Chapter XXX securities, and the incorporation of the Rule to Chapter XXX securities, which incorporation is made in the Introductory paragraph to Chapter XXX and Appendix A to Chapter XXX. The information required by Rule 8.9 is an important asset to the Exchange's Department of Market Surveillance because it is used to detect manipulation and other trading abuses.

The CBOE believes that the proposed rule change is consistent with Section 6 of the Act, in general, and Section 6(b)(5), in particular, in that making explicit the requirement to provide detailed information concerning Chapter XXX securities is designed to prevent fraudulent and manipulative

[5] 17 CFR 200.30–3(a)(12).

acts and practices, to promote just and equitable principles of trade, and to protect investors and the public interest.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

CBOE does not believe that the proposed rule change will impose any inappropriate burden on competition.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The rule change described herein is designated by the Exchange as constituting a stated policy, practice or interpretation with respect to the meaning, administration or enforcement of an existing rule of the Exchange and therefore, has become effective immediately pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(e) thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of CBOE. All submissions should refer to File No. SR–CBOE–95–35 and should be submitted by September 7, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[1]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95–20402 Filed 8–16–95; 8:45 am]

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**[Release No. 34–36093; File No. SR–DTC–95–13]**

## Self-Regulatory Organizations; the Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fees and Charges

August 11, 1995.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (''Act''), notice is hereby given that on July 26, 1995, The Depository Trust Company (''DTC'') 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 DTC. 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**

DTC is filing the proposed rule change in order to reduce the monthly usage fees charged to its participants for issuing/paying agent (''IPA'') accounts from $565 to $245.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, DTC 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. DTC 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 reduce the monthly usage fees charged to DTC participants for IPA accounts from $565 to $245 per month. DTC's Money Market Instrument (''MMI'') programs require that IPAs have a DTC account reserved solely for MMI issuance and paying agency activity. DTC's current usage charge is $565 per month for each account up to five accounts. For each account over five, the fee is $245 per month.

On August 21, 1995, medium-term notes (''MTNs'') and short-term bank notes (STBNs'') will become part of DTC's MMI programs. This will necessitate the creation of separate IPA accounts by MTN and STBN IPAs that do not already have a separate IPA account for other existing MMIs such as commercial paper and institutional certificates of deposit. These may include IPAs that previously have conducted their MTN and STBN issuance/payment activity through an existing participant account. The charge for these new accounts and all existing IPA accounts now will be $245 per account per month.

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 DTC's participants.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

DTC does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others*

No comments on the proposed rule change were solicited or received.

**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 DTC. At any

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[1] 17 CFR 200.30–3(a)(12) (1994).

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] The Commission has modified the text of the summaries prepared by DTC.

[3] 15 U.S.C. 78s(b)(3)(A)(ii) (1988).

[4] 17 CFR 240.19b–4(e)(2) (1994).

time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SR–DTC–95–13 and should be submitted by September 7, 1995.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

[FR Doc. 95–20397 Filed 8–16–95; 8:45 am]

**BILLING CODE 8010–01–M**

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**[Release No. 34–36088; File No. SR–NASD–95–20]**

## Self-Regulatory Organizations; Order Approving Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to the Failure to Honor Settlement Agreements Obtained in Connection With an Arbitration or Mediation

August 10, 1995.

On June 9, 1995, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] a proposed rule relating to the failure to honor settlement agreements obtained in connection with an arbitration or mediation.[2] The Commission published notice of the proposed rule change in the **Federal Register** on June 20, 1995.[3] The Commission received one comment in response to the notice.[4] The Commission has reviewed the comment received, and for the reasons discussed below, approves the proposed rule change.

### I. Description

The amendments to the Resolution of the Board of Governors—Failure to Act Under Provisions of Code of Arbitration Procedure (''Resolution'') makes clear that the following acts constitute a violation of Article III, Section 1 of the Rules of Fair Practice: (a) a failure to honor a written and executed settlement agreement obtained in connection with an arbitration conducted under the auspices of a Self-Regulatory Organization (''SRO''); and (b) a failure to honor a written and executed settlement agreement obtained in connection with a mediation conducted under the auspices of the NASD. The rule change also amends Article VI, Section 3 of the NASD By-Laws to permit the NASD to suspend or cancel the membership or registration of a member or associated person for failing to honor a written and executed settlement agreement obtained in connection with an arbitration or mediation conducted under the auspices of the NASD.

### II. Discussion

The Commission agrees with the NASD's judgment that the failure by a member or associated person to honor a settlement agreement entered into in connection with an arbitration proceeding or a NASD mediation should have the same consequences as the failure to pay an arbitration award.[5] The Commission is concerned that a failure by a NASD member or associated person to honor a settlement agreement imposes substantial added costs on the prevailing party or parties in the form of delayed recoveries, actions to enforce agreements where parties fail to honor settlement agreements and additional fees connected with short-notice cancellation of hearing. The NASD reports that is Arbitration Department also incurs additional costs in rescheduling hearings, and on occasion has had to appoint new arbitrators to hear a matter. In addition, the credibility of the arbitration process will suffer if NASD members and their associated persons delay the resolution of a dispute by failing to honor a settlement agreement.

This rule change amends the Resolution to clarify that the failure by a member or associated person to honor a written and executed settlement agreement is actionable as a violation of Article III, Section 1 of the Rules of Fair Practice. The amendment is limited to settlement agreements that have been reduced to writing and have been executed. The amendment, therefore, will not encompass unexecuted settlements.

In its comments,[6] the SIA argues against adoption of the rule because: (1) The NASD has not established a problem exists with respect to failing to honor settlement agreements that warrants a rule change; (2) it is not balanced or even-handed in that there are no provisions in the rule that could be used to sanction non-members who fail to honor a written settlement agreement; and (3) it proposes to impose sanctions for failure to honor settlement agreements in connection with arbitrations held at other forums. The Commission finds the SIA's arguments unpersuasive.

With respect to the SIA's first comment, the NASD, in its response to the SIA, points out that while the problem of failure to honor a settlement agreement may not be a pervasive problems, it is nonetheless a problem that needs to be addressed.[7] This rule addresses the problem before it becomes more serious.

The SIA's second comment describes the rule as not balanced because it fails

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[5] 17 CFR 200.30–3(a)(12) (1994).

[1] 15 U.S.C. 78s(b)(1).

[2] The NASD originally submitted the proposed rule change on May 10, 1995. The NASD subsequently submitted two minor technical amendments, and one amendment reporting the final count of votes cast by members in favor of the rule change. The text of these amendments may be examined in the Commission's Public Reference Room. See Letters from Suzanne E. Rothwell, Associate General Counsel, NASD, to Mark P. Barracca, Branch Chief, Division of Market Regulation, SEC (May 16, 1995 and June 9, 1995). This notice reflects those amendments; and Letter from Frank J. Formica, NASD, to Mark P. Barracca, Branch Chief, Division of Market Regulations, SEC (July 13, 1995).

[3] Securities Exchange Act Release No. 35847 (June 14, 1995), 60 FR 32190.

[4] Letter from Paul J. Dubow, Chairman, Arbitration Subcommittee of the Litigation Section, Securities Industry Association (''SIA'') to Secretary, SEC (July 11, 1995).

[5] The Resolution, adopted in 1973, states that ''it may be deemed * * * a violation of Article III, Section 1 of the Rules of Fair Practice for a member or person associated with a member to * * * fail to honor an [arbitration] * * *.'' This Resolution applies to awards rendered in NASD sponsored arbitration, as well as arbitration sponsored by the American Arbitration Association (''AAA'') and other SROs.

[6] See note 4, *supra*.

[7] Letter from Elliott R. Curzon, Assistant General Counsel, NASD, to Mark P. Barracca, Branch Chief, SEC (July 19, 1995) (NASD ''response'').

to provide for sanctions against non-members who fail to honor settlement agreements. This argument fails to take the NASD's jurisdictional limitations into account. The NASD is not in a position to pass rules governing non-members. Additionally, NASD members and associated persons have an obligation to ''observe high standards of commercial honor'' under Article III, Section 1 of the NASD's Rules of Fair Practice, and honoring settlement agreements is a component of commercial honor. Furthermore, NASD members and associated persons are afforded procedural protection under NASD rules during the adjudication of these matters.

With respect to the SIA's final comment, the Commission notes that the rule change does not provide for the use of the NASD's suspension or revocation proceedings where the settlement is not obtained in connection with NASD arbitration. As indicated in the NASD's response, where a party to an arbitration conducted in another forum complains to the NASD that a member or an associated person failed to honor a settlement agreement, the complaint would be investigated in the same manner as any other customer complaint pursuant to the NASD's disciplinary process. The NASD reports that such an investigation would include obtaining copies of the records of the arbitration proceeding from the other forum and determining if there are any facts that would demonstrate that disciplinary action is warranted. If a member or associated person is deemed to have violated a settlement agreement, a formal complaint will be issued and the member or associated person will be entitled to a hearing before a panel of a District Business Conduct Committee and be afforded a right to appeal any adverse decision to the National Business Conduct Committee, the SEC and the courts. See NASD Code of Procedure. In short, the rule will provide for greater investor protection without reducing any procedural rights NASD members and associated persons have under the rules.

The Commission believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act.[8] Requiring members or associated persons of a member to abide by settlement agreements entered into in compromise of a dispute pending in arbitration or mediation will enhance the effectiveness of arbitration and mediation as alternative dispute resolution methods and eliminate the unfair impact and waste of resources experienced by the public, other litigants and the arbitration/mediation forum that result from the failure to honor a settlement agreement.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act, that the proposed rule change SR–NASD–95–20 be, and hereby is, approved. The effective date of this rule change will be announced by the NASD in a Notice to Members to be published no more than 45 days after SEC approval, provided, however, that the effective date will be no more than 60 days following publication of the Notice to Members announcing SEC approval.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95–20403 Filed 8–16–95; 8:45 am]

BILLING CODE 8010–01–M

[8] 15 U.S.C. 78*o*–3.

[9] 17 CFR 200.30–3(a)(12).

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**[Release No. 34–36091; File No. SR–NSCC–95–06]**

## Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving a Proposed Rule Change Establishing the Collateral Management Service

August 10, 1995.

On May 22, 1995, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–NSCC–95–06) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] On June 2, 1995, NSCC filed an amendment to the proposed rule change to clarify which entities may be permitted to participate in the proposed service.[2] Notice of the proposal was published in the **Federal Register** on June 12, 1995.[3] No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

### I. Description of the Proposal

The purpose of the proposed rule change is to establish the Collateral Management Service (''CMS'') which will provide access to information regarding participants' clearing fund, margin, and other similar requirements and deposits, including excess or deficit amounts and comprehensive data on underlying collateral, (''CMS data'') at NSCC and other participating clearing entities. Participating clearing entities will include clearing agencies registered pursuant to Section 17A of the Act[4] and clearing organizations affiliated with or designated by contract markets trading specific futures products under the oversight of the Commodity Futures Trading Commission.

Participating clearing entities will be required to sign and execute NSCC's CMS agreement. The CMS agreement sets forth NSCC's authorization from participating clearing entities to collect and provide information relating to participant's clearing fund and margin requirements, and participants' clearing fund and margin deposits as contained in the Securities Clearing Group's (''SCG'')[5] data base and in the Chicago Board of Trade Clearing Corporation's Pay Collect System (''BOTCC System'')[6] and additional information provided by the participating clearing entities. The CMS agreement also addresses such matters as the confidentiality of CMS Data, additional parties, costs, and limitation of liability.

NSCC will provide CMS data to participating NSCC participants,[7] to participating clearing entities, and if a participating clearing entity requests to participants of such participating clearing entity. Each participant that desires access to the CMS data will be required to complete a CMS participation application form. A participant's access to CMS data will be limited to the participant's own information. Similarly, a participating clearing entity's access to CMS data will be limited to only the CMS data of participants of such entity. A participant may request that NSCC exclude data relating to such participant

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] Letter from Anthony H. Davidson, Associate Counsel, NSCC, to Peter Geraghty, Division of Market Regulation, Commission (May 26, 1995).

[3] Securities Exchange Act Release No. 35567 (June 5, 1995), 60 FR 30912.

[4] 15 U.S.C. 78q–1 (1988).

[5] The SCG was established in 1989 as a result of developments surrounding the October Market Break and subsequent studies on the causes of the Market Break. The stated purpose of the SCG is to increase cooperation and coordination among securities clearing entities and to facilitate the sharing of certain clearance and settlement information regarding surveillance and member risk monitoring. For a further description of the SCG, refer to Securities Exchange Act Release No. 27044 (July 25, 1989), 54 FR 30963 [File Nos. SR–DTC–88–20, SR–MCC–88–10, SR–MSTC–88–07, SR–NSCC–88–09, SR–OCC–89–02, SR–Philadep–89–01, and SR–SCCP–89–01] (order approving the establishment of the SCG).

[6] The Chicago Board of Trade through BOTCC established the Shared Pay Collect System which disseminates the daily pay/collects of all futures clearing firms which are affiliated with participating futures exchanges.

[7] NSCC Rule 49 currently authorizes NSCC to release clearing data relating to participants' clearance and settlement activity at NSCC.

from the CMS by completing a request to exclude data form.

At this time, The Depository Trust Company (''DTC''), the MBS Clearing Corporation, the Stock Clearing Corporation of Philadelphia (''SCCP''), the Philadelphia Depository Trust Company (''Philadep'') and the Participants Trust Company have signed CMS agreements. The Options Clearing Corporation has agreed in principle to participate in the CMS.

## II. Discussion

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency be designed to assure the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible.[8] As discussed below, the Commission believes that the proposed rule change is consistent with NSCC's obligation under the Act because the CMS should help clearing agencies and their participants to better monitor clearing fund, margin, and other similar required deposits that protect a clearing agency against loss should a member default on its obligations to the clearing agency. Consequently, the CMS should assist clearing agencies in assuring the safeguarding of securities and funds in their custody or control.

Many clearing participants currently maintain memberships at multiple clearing entities. The type of clearing entities at which a single firm may maintain memberships can vary a great deal and can include securities clearing corporations and depositories regulated by the Commission and futures clearing entities that are not regulated by the Commission. Whether a securities or futures clearing entity, all such clearing entities require that members post deposit in some form of a participants fund contribution and/or margin requirement to protect the clearing entity from losses should the member default on its obligations to the clearing entity. Consequently, clearing participants generally maintain required deposits at several different clearing entities. The CMS is intended to help clearing participants to more efficiently manage their various clearing fund and/or margin deposits by providing access to such information, including comprehensive data on underlying collateral at such multiple clearing entities, in a consolidated manner through a computer network.

The CMS also will provide participating clearing entities with the ability to view common members' clearing fund and/or margin deposits at other participating clearing entities. This will be especially beneficial to those participating clearing entities that have executed cross-guaranty agreements[9] or have other cross-guarantee arrangements.[10] The Commission supports the use of cross-guaranty agreements and other similar arrangements among clearing agencies as a method of reducing clearing agencies' risk of loss due to a common participant's default.

Participants' access to CMS information will be limited to a participant's own information, and participants will not have the ability to submit data directly to NSCC. All CMS data will be submitted by participating clearing entities. Consequently, the Commission is satisfied that the confidentiality and accuracy of participant data will be maintained.

The Commission also believes that the proposed rule change is consistent with Section 17A(a)(2)(A)(ii) of the Act which directs the Commission to facilitate linked or coordinated facilities for clearance and settlement of transactions in equities, options, and futures.[11] Furthermore, the Commission believes that the proposed rule change is consistent with the Division of Market Regulation's conclusion in its 1987 Market Break Report that information coordination among clearing entities should include commodity futures clearing corporations and other appropriate futures entities to assure complete coordination and dissemination of information on common members.[12] NSCC's CMS will provide access in a consolidated manner to information regarding clearing fund, margin, and other similar requirements and deposits at both securities and futures clearing entities. Coordination of information among clearing entities concerning common members is a critical element in clearing entities' ability to protect and safeguard funds and securities.

## III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of Section 17A(b)(3)(F) of the Act and the rules and regulations thereunder.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–NSCC–95–06) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[13]

**Margaret H. McFarland,**

*Deputy Secretary.*

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[8] 15 U.S.C. 78q–1(b)(3)(F) (1988).

[9] Currently, DTC and NSCC are the only clearing agencies registered with the Commission that have executed a cross-guaranty agreement. The agreement provides that in the event of a default of a common member, any resources remaining after the failed common member's obligations to the guaranteeing clearing agency have been satisfied will be made available to the other clearing agency. The guaranty is not absolute but rather is limited to the extent of the resources relative to the failed member remaining at the guaranteeing clearing agency. The principal resources will be settlement net credit balances and the failed member's deposits to the clearing agencies' clearing funds. For a complete description of DTC's and NSCC's agreement, refer to Securities Exchange Act Release No. 33548 (January 31, 1994), 59 FR 5638 [File Nos. SR–DTC–93–08 and SR–NSCC–93–07] (order approving proposed rule change).

[10] Pursuant to Section 3, Rule 2, Article VI of the Midwest Securities Trust Company's (''MSTC'') Rules, a defaulting participant's obligations at MSTC or the Midwest Clearing Corporation will be discharged by application of that participant's deposits at either clearing agency if that participant is a common member to both clearing agencies. Similarly, pursuant to Section 4, Rule 4 of SCCP's Rules, SCCP will make available any portion of a defaulting participant's contribution to its participants fund to offset a loss suffering by Philadep by reason of that participant's default. Philadep's Rules contain an identical provision.

[11] 15 U.S.C. 78q–1(a)(2)(A)(ii) (1988).

[12] Division of Market Regulation, The October 1987 Market Break 10–21 (February 1988).

[13] 17 CFR 200.30–3(a)(12) (1994).

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**[Release No. 34–36094; File No. SR-NSCC–10]**

## Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Concerning the Processing of Index Receipts

August 11, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on July 27, 1995, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR-NSCC–95–10) 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 comments on the proposed rule change from interested persons.

## I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to modify NSCC's procedures for processing index receipts to reflect that the only service NSCC will provide

[1] 15 U.S.C.78s(b)(1) (1988).

with respect to foreign index receipts is distribution of the composition file. In addition, the proposed rule change establishes a fee of $125.00 for the distribution of the composition file for such nondomestic index receipts.

## 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*

NSCC currently provides services for the processing of domestic index products. These services include the processing of creation and redemption instructions and the settlement of the underlying securities as well as cash amounts related to the creations and redemptions. Additionally, NSCC provides members with a composition file that is used by NSCC in settling the creation and redemption instructions.[3] The New York Stock Exchange (''NYSE'') plans to begin trading depository index receipts based on the Financial Times Actuaries World Indices.[4] The new NYSE products will include receipts based on a domestic index and eight foreign indexes. While the index receipts will trade and settle like other domestic equity products, their underlying foreign components are not eligible to be cleared and settled domestically. Thus, the purpose of this filing is to modify NSCC's rules to indicate that with respect to foreign index products the only service which NSCC will provide will be the distribution of the composition file.

NSCC currently charges members a fee of $125.00 per month per file for the distribution of the domestic composition file. The proposed rule change will establish a fee for the distribution of the composition file for the nondomestic indexes. Consistent with the domestic composition file fee, the fee for distribution of the composition file for the nondomestic indexes also will be $125.00 per month per file.

NSCC believes the proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder because: (i) the rule proposal will facilitate the prompt and accurate clearance and settlement of securities transactions and (ii) the proposed rule change establishes the equitable allocation of dues, fees, and other charges among NSCC's members.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

NSCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

No written comments relating to the proposed rule change have been solicited or received. NSCC will notify the Commission of any written comments received by NSCC.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) and (iii)[5] of the Act and pursuant to Rule 19b–4(e) (2) and (4)[6] promulgated thereunder because the proposal: (i) establishes or changes a due, fee, or other charge imposed by NSCC and (ii) effects a change in an existing service that does not adversely affect the safeguarding of securities or funds in NSCC's custody or control or for which it is responsible and does not significantly affect the respective rights or obligations of NSCC or persons using NSCC's services. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if its appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of NSCC. All submissions should refer to the file number SR–NSCC–95–10 and should be submitted by September 7, 1995.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

**Margaret H. McFarland,**

*Deputy Secretary.*

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[2] The Commission has modified parts of the summaries prepared by NSCC.

[3] NSCC provides to its members the composition file for creations and redemptions of index receipts occurring on the next business day to advise its members of the index receipts' component shares and associated quantities.

[4] See Securities Exchange Act Release No. 36032 (July 28, 1995), 60 FR 40403.

[5] 15 U.S.C. 78s(b)(3)(A) (ii) and (iii) (1988).

[6] 17 CFR 240.19b–4(e) (2) and (4) (1994).

[7] 17 CFR 200.30–3(a)(12) (1994).

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**[Release No. 34–36083; File No. SR–PSE–95–10]**

## Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Pacific Stock Exchange, Inc. Relating to its Procedure for Evaluating Options Trading Crowd Performance

August 10, 1995.

On April 7, 1995, the Pacific Stock Exchange, Inc. (''PSE'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to modify its procedure for evaluating options trading crowd performance by specifying that floor broker questionnaires will be distributed semi-annually rather than quarterly. The Exchange subsequently filed Amendment No. 1 to the proposed rule change on May 25, 1995.[3] Notice of the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, the Exchange proposes to amend Rule 6.82(b)(4)(i) to provide that the Lead

Continued

proposed rule change and Amendment No. 1 was published for comment and appeared in the **Federal Register** on June 14, 1995.[4] No comment letters were received on the proposal. This order approves the PSE proposal.

## I. Description of the Proposal

The Exchange is proposing to amend Options Floor Procedure Advice (''OFPA'') B–13 to provide that trading crowds will be evaluated by questionnaire semi-annually rather than quarterly. OFPA B–13 requires the Options Allocation Committee (''Committee'') of the Exchange to evaluate periodically the options trading crowds [5] to determine whether each has fulfilled performance standards relating to, among other things, quality of markets, competition among market makers, observance of ethical standards, and administrative factors.[6] In conducting its evaluation, the Committee may consider any relevant information, including but not limited to, the results of a trading crowd evaluation questionnaire. Currently, the questionnaires are distributed to and completed by floor brokers on the Options Trading Floor on a ''three-month periodic basis'' pursuant to OFPA B–13. The Exchange is proposing to amend OFPA B–13 to require floor brokers to complete the questionnaires on a ''six-month periodic basis.''

## II. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of Section 6(b)(5) [7] in that it is designed to prevent fraudulent and manipulative acts and practices and to promote just and equitable principles of trade, and to remove impediments to and protect the mechanism of a free and open market and to protect investors and the public interest. Specifically, the Commission believes that, based on the Exchange's representations that quarterly evaluations are overly repetitive, reducing the frequency with which the evaluations are conducted should encourage floor brokers to exercise greater care in preparing their responses, thus resulting in a more precise measurement of trading crowd and Lead Market Maker performance. A more precise measurement of trading crowd and Lead Market Maker performance serves to enhance the Options Trading Crowd Evaluation Program, which is designed to help the Exchange maintain the quality and integrity of its markets by setting minimum standards of market maker performance and providing a means to identify market makers and trading crowds which fail to meet performance standards.[8]

Moreover, the Commission believes that the purposes for distributing the questionnaire, *i.e.*, enabling the PSE to determine whether market makers are making continuous, two-sided markets in all option series for each option class located at a trading station and whether deep and liquid markets are provided as a result of competition among market makers,[9] will not be compromised by distributing the questionnaires semi-annually instead of quarterly. Additionally, the Commission notes that the proposed change should result in a more efficient allocation of Exchange resources. Further, the Commission notes that the Chicago Board Options Exchange (''CBOE'') evaluates its trading crowds and market makers on a semi-annual basis, pursuant to CBOE Rule 8.60(c). Finally, with respect to Amendment No. 1, the Commission believes that it is appropriate for the Exchange to review LMMs semi-annually so as to treat the formal review of trading crowds and LMMs consistently.

*It therefore is ordered*, pursuant to Section 19(b)(2) of the Act,[10] that the proposed rule change (SR–PSE–95–10) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95–20404 Filed 8–16–95; 8:45 am]

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Market Maker (''LMM'') Appointment Committee shall review LMM appointments at least semi-annually. The rule currently provides that the LMM Appointment Committee must review LMM appointments at least quarterly. *See* Letter from Michael D. Pierson, Senior Attorney, Market Regulation, PSE, to James McHale, Attorney, Division of Market Regulation, Commission, dated May 23, 1995 (''Amendment No. 1'').

[4] *See* Securities Exchange Act Release No. 35777 (May 30, 1995), 60 FR 31333.

[5] Pursuant to Rule 6.82, the program is also used to conduct evaluations of LMMs on the Options Trading Floor. The Exchange, through Amendment No. 1, also proposes to amend Rule 6.82(b)(4)(i) to require the LMM Appointment Committee to review LMM appointments on a semi-annual basis. *See* Amendment No. 1, *supra* note 3.

[6] The Commission approved the Exchange's Options Trading Crowd Performance Evaluation Pilot Program on a permanent basis on December 30, 1993. *See* Securities Exchange Act Release No. 33407, 59 FR 1043 (January 7, 1994).

[7] 15 U.S.C. 78f(b)(5).

[8] *See* Securities Exchange Act Release No. 33407 (December 30, 1993), 59 FR 1043 (January 7, 1994).

[9] *Id.*

[10] 15 U.S.C. 78s(b)(2).

[11] 17 CFR 200.30–3(a)(12).

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**[Investment Company Act Release No. 21278; International Series Release No. 838; 812–9666]**

## Deutsche Bank AG; Notice of Application

August 11, 1995.

**AGENCY:** Securities and Exchange Commission (''SEC'').

**ACTION:** Notice of application for exemption under the Investment Company Act of 1940 (the ''Act'').

**APPLICANT:** Deutsche Bank AG (''Deutsche Bank'').

**RELEVANT ACT SECTIONS:** Order under section 6(c) of the Act for an exemption from section 17(f) of the Act.

**SUMMARY OF APPLICATION:** Deutsche Bank requests an order that would permit United States registered investment companies (a ''U.S. Investment Company''), other than investment companies registered under section 7(d), for which Deutsche Bank serves as custodian or subcustodian, to maintain foreign securities and other assets in Malaysia with Deutsche Bank (Malaysia) Berhad (''DBM''), a subsidiary of Deutsche Bank.

**FILING DATE:** The application was filed on July 14, 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 September 5, 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: Post Box D, 60262 Frankfurt-am-Main, Germany; cc: J. Eugene Marans, Esq., Cleary, Gottlieb, Steen & Hamilton, 1752 N Street, N.W., Washington, D.C. 20036.

**FOR FURTHER INFORMATION CONTACT:** Marianne H. Khawly, Staff Attorney, at (202) 942–0562, 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 from the SEC's Public Reference Branch.

## Applicant's Representations

1. Deutsche Bank requests an order to permit Deutsche Bank, any U.S. Investment Company, and any custodian for a U.S. Investment Company, to maintain foreign securities, cash, and cash equivalents (collectively, ''Assets'') in Malaysia in the custody of DBM. For the purposes of this application, ''foreign securities'' includes: (a) Securities issued and sold primarily outside the United States by a foreign government, a national of any foreign country, or a corporation or other organization incorporated or organized under the laws of any foreign country; and (b) securities issued or guaranteed by the Government of the United States or by any state or any political subdivision thereof or by any agency thereof or by any entity organized under the laws of the United States or of any state thereof which have been issued and sold primarily outside the United States.

2. Deutsche Bank is a bank organized and existing under the laws of Germany. Deutsche Bank is regulated in Germany by the Federal Bank Supervisory Office (Bundesaufsichtamt für Kreditwesen). Deutsche Bank is the largest banking institution in Germany and currently provides worldwide financial services to foreign governments, central banks, financial institutions, and corporate and retail customers. In the United States, Deutsche Bank has branch banking operations, and as a result, is subject to the Bank Holding Company Act of 1956 and the International Banking Act of 1978.

3. DBM is a subsidiary of Deutsche Bank. DBM is regulated as a banking institution under Malaysian law by Bank Negara Malaysia, the central bank of Malaysia. Prior to October 1, 1994, Deutsche Bank provided custody services for U.S. Investment Companies holding securities in its branch in Malaysia. The Malaysian Banking and Financial Institutions Act of 1989 requires banking institutions operating in Malaysia to be locally incorporated. To comply with this legislation, on October 1, 1994, Deutsche Bank transferred substantially all of the assets, liabilities, and personnel of its Malaysian branch to DBM. Since October 1, 1994, there have been no contractual agreements by U.S. Investment Companies or their custodians relating to the assignment of custodial contracts to DBM.

## Applicant's Legal Analysis

1. Deutsche Bank requires an order under section 6(c) of the Act exempting Deutsche Bank, any U.S. Investment Company, and any custodian for such U.S. Investment Company from section 17(f) of the Act to permit the deposit and custody of Assets in Malaysia with DBM.

2. Section 17(f) of the Act requires every registered management investment company to place and maintain its securities and similar investments in the custody of certain enumerated entities, including a bank having at all times aggregate capital, surplus, and undivided profits of at least $500,000. A ''bank'', as that term is defined in section 2(a)(5) of the Act, includes: (a) A banking institution organized under the laws of the United States; (b) a member bank of the Federal Reserve System; and (c) any other banking institution or trust company, whether incorporated or not, doing business under the laws of any state or of the United States, a substantial portion of which consists of receiving deposits or exercising fiduciary powers similar to those permitted to national banks under the authority of the Comptroller of the Currency, and which is supervised or examined by state or federal authority having supervision over banks, and which is not operated for the purposes of evading the Act.

3. The only entities located outside the United States that section 17(f) authorizes to serve as custodians for registered management investment companies are the overseas branches of qualified U.S. banks. Rule 17f–5 expands the group of entities that are permitted to serve as foreign custodians. Rule 17f–5(c)(2)(i) defines the term ''Eligible Foreign Custodian'' to include a banking institution or trust company, incorporated or organized under the laws of a country other than the United States, that is regulated by that country's government or an agency thereof and that has shareholders' equity in excess of $200,000,000 or its equivalent.

4. Deutsche Bank meets the requirements for an Eligible Foreign Custodian under the rule since it has shareholders' equity well in excess of the equivalent of $200,000,000, is organized and existing under the laws of a country other than the United States, and is regulated as a bank under the laws of Germany.

5. DBM also satisfies the requirements of rule 17f–5 insofar as it is a banking institution incorporated or organized under the laws of a country other than the United States and is regulated as such by that country's government or an agency thereof. DBM, however, does not meet the minimum shareholders' equity requirement of rule 17f–5. Accordingly, DBM is not an Eligible Foreign Custodian and, absent exemptive relief, could not serve as a custodian and, absent exemptive relief, could not serve as a custodian for U.S. Investment Company Assets.

6. Section 6(c) provides, in relevant part, that the SEC may, conditionally or unconditionally, by order, exempt any person or class of persons from any provision of the Act or from any rule thereunder, if such exemption is necessary or appropriate in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the Act. Deutsche Bank submits that its request satisfies this standard.

## Applicant's Conditions

Applicant agrees that any order of the SEC granting the requested relief shall be subject to the following conditions:

1. The foreign custody arrangements proposed with respect to DBM will satisfy the requirements of rule 17f–5 in all respects other than with regard to the shareholders' equity of DBM.

2. Assets held in custody for U.S. Investment Companies or their custodians will be maintained in DBM only in accordance with an agreement (a ''Delegation Agreement'') required to remain in effect at all times during which DBM fails to satisfy all the requirements of rule 17f–5 pursuant to which Deutsche Bank would undertake to provide specified custodial or subcustodial services and delegate to DBM such of Deutsche Bank's duties and obligations as would be necessary to permit DBM to hold in custody in Malaysia Assets of U.S. Investment Companies. The Delegation Agreement among Deutsche Bank, DBM and a U.S. Investment Company or its custodian would further provide that Deutsche Bank's delegation of duties to DBM would not relieve Deutsche Bank of any responsibility to a U.S. Investment Company for which Deutsche Bank services as custodian or to a custodian for which Deutsche Bank serves as a subcustodian for any loss due to such delegation, except such loss as may result from political risk (e.g., exchange control restrictions, confiscation, expropriation, nationalization, insurrection, civil strife, or armed hostilities) or other risks of loss (excluding bankruptcy or insolvency of

DBM) for which neither Deutsche Bank nor DBM would be liable under rule 17f–5 (e.g., despite the exercise of reasonable care, acts of God, and the like).

3. Deutsche Bank currently satisfies and will continue to satisfy the minimum shareholders' equity requirement set forth in rule 17f–5(c)(2)(i).

For the SEC, by the Division of Investment Management, under delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95–20400 Filed 8–16–95; 8:45 am]

BILLING CODE 8010–01–M

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**[Release No. 35–26355]**

## Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

August 11, 1995.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by September 5, 1995, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

### The Southern Company, et al. (70–8505)

The Southern Company (''Southern''), 64 Perimeter Center East, Atlanta, Georgia 30346, a registered holding company, and its nonutility subsidiary companies, Southern Electric International, Inc. (''Southern Electric''), 900 Ashwood Parkway, Suite 500, Atlanta, Georgia 30338, Mobile Energy Services Holdings, Inc. (''Mobile Energy''), 900 Ashwood Parkway, Suite 450, Atlanta, Georgia 30338, and Mobile Energy Services Company, L.L.C., P.O. Box 2747, 200 Bay Bridge Road, Mobile, Alabama 36652, have filed a post-effective amendment under section 12(b) of the Act and rule 45 thereunder to their application-declaration filed under sections 6(a), 7, 9(a), 10, 12(b), 12(c) and 12(d) of the Act and rules 43, 45, 46 and 54 thereunder.

By order dated December 13, 1994 (HCAR No. 26185) (''December 1994 order''), Southern was authorized to organize and acquire all of the common stock of Mobile Energy.[1] The December 1994 Order also authorized Mobile Energy to acquire the energy and recovery complex (''Energy Complex'') at Scott Paper Company's (''Scott's'') Mobile, Alabama paper and pulp mill. In connection with the acquisition of the Energy Complex, Mobile Energy and Scott entered into a Lease Assignment and Assumption Agreement pursuant to which Mobile Energy assumed the obligations of Scott under a lease agreement (''Lease Agreement'') between Scott and The Industrial Development Board of the City of Mobile, Alabama (''Board'') relating to $85 million outstanding principal amount of tax-exempt solid waste revenue refunding bonds, due 2019 (''Tax-Exempt Bonds'') issued by the Board, as well as Scott's obligations under two separate reimbursement agreements (''Reimbursement Agreements'') between Scott and certain commercial banks providing letters of credit (''Letters of Credit'') in support of the Tax-Exempt Bonds. Mobile Energy's obligations to Scott under the Lease Assignment and Assumption Agreement are unconditionally guaranteed by Southern under the terms of a guaranty agreement between Southern and Scott.

By order dated July 13, 1995 (HCAR No. 26330) (''July 1995 Order''), Mobile Energy's rights and obligations under the Lease Assignment an Assumption Agreement were assigned to and assumed by Mobile Energy Services Company, L.L.C.[2] (''Project Company''), a new subsidiary of Mobile Energy.

The Lease Assignment and Assumption Agreement provides that Project Company (as assignee of Mobile Energy) shall, not later than September 15, 1995, cause the Board to redeem or remarket the Tax-Exempt Bonds to fully discharge and release Scott from all liabilities in respect of the Tax-Exempt Bonds and the Lease Agreement and, in connection therewith, to pay certain amounts payable under the terms of the Reimbursement Agreements. Project Company and Mobile Energy currently anticipate that a new series of tax-exempt bonds will be issued by the Board to redeem the outstanding Tax-Exempt Bonds in full. If for any reason closing on the sale of the new series of Tax-Exempt Bonds is delayed beyond September 15, 1995, Southern would be obligated to cash fund $85 million, plus unpaid interest on the Tax-Exempt Bonds, in order to redeem the Tax-Exempt Bonds in full.

In lieu of such a cash funded redemption, Southern and Project Company propose to either (i) enter into agreements with the current Letter of Credit banks whereby Southern would be substituted for Scott as the reimbursement party under the existing Reimbursement Agreements, or (ii) provide to the trustee under the Tax-Exempt Bond Trust Indenture one or more letters of credit in substitution for the outstanding Letters of Credit, again with Southern as reimbursement party under any related reimbursement agreement. It is proposed that the material terms of any substitute letter of credit and of the related reimbursement agreement would be substantially identical to the terms of the existing Letters of Credit and Reimbursement Agreements.

### EUA Cogenex Corporation, et al. (70–8663)

EUA Cogenex Corporation (''Cogenex''), a wholly owned subsidiary of Eastern Utilities Associates, a registered holding company, both at P.O. Box 2333, Boston, Massachusetts 02107, and AYP Capital, Inc. (''AYP''), a wholly owned subsidiary of Allegheny Power System, Inc., a registered holding company, both at Tower Forty-Nine, 12 East 49th Street, New York, New York 10017, (Cogenex and AYP collectively, ''Applicants''), have filed an application-declaration under sections 9(a), 10, 12(b), 12(f) and 13 of the Act and rules 45, 54, 90 and 91 thereunder.

Applicants propose to form a Delaware limited liability company (''JV ESCO'') to provide energy conservation services in the District of Columbia, Pennsylvania, Maryland, Ohio, Virginia and West Virginia (''Territory''). Cogenex and AYP will each own 50% of JV ESCO and share equally in the capital contributions, allocation of profits and losses and distributions of JV ESCO. JV ESCO will be governed overall

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[1] On May 17, 1995, Mobile Energy Services Company, Inc. changed its corporate name to Mobile Energy Services Holdings, Inc.

[2] Mobile Energy Services Company, L.L.C. has been added as a party to the application-declaration by post-effective amendment.

by a board of directors comprised of six directors, three of whom will be appointed by Cogenex and three by AYP. Daily management decisions will be made by a management committee comprised of one representative from each Applicant. Cogenex and AYP will make capital contributions in an amount initially expected to be approximately $1,000 each, which will be used by JV ESCO for working capital purposes. Both Applicants will subcontract personnel to JV ESCO at cost as needed until such time, if any, as JV ESCO employs its own personnel.

Applicants entered into a letter agreement dated May 31, 1995 in which Applicants agreed to perform initial marketing, sales, auditing, bidding, job procurement and performance activities in preparation of forming JV ESCO and to develop a long-term business plan for JV ESCO. The term of the letter agreement is one year (''Interim Period''), unless terminated sooner by the formation of JV ESCO or by mutual agreement of the Applicants. Cogenex will assign all contracts and business opportunities obtained during the Interim Period within the Territory at cost to JV ESCO. AYP will also be reimbursed by JV ESCO for its expenses incurred during the Interim Period.

Applicants also request authority to guarantee third party loans to JV ESCO for up to an aggregate of $15 million each. Applicants state that such guarantees shall be made within five years of the formation of JV ESCO. Applicants state that any amount borrowed by JV ESCO from third party lenders will be through loans exempt from the Act pursuant to rule 52(b).

Cogenex requests that any goods or services furnished by Cogenex or any of its affiliates (other than an affiliate which is a public utility company) to JV ESCO be furnished at prices not to exceed market prices pursuant to an exception from the requirements of section 13(b) and rules 90 and 91 thereunder. JV ESCO will not be providing goods or services to Cogenex or its affiliates. AYP requests that any goods or services furnished by AYP or any of its affiliates (other than an affiliate which is a public utility company) to JV ESCO be furnished at prices not to exceed market prices pursuant to an exception from the requirements of section 13(b) and rules 90 and 91 thereunder, provided that the ultimate consumer of such goods or services is not an affiliate of AYP, in which case such goods or services would be provided at cost. JV ESCO will provide goods or services to AYP or its affiliates only at cost.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 95–20399 Filed 8–16–95; 8:45 am]

BILLING CODE 8010–01–M

## SMALL BUSINESS ADMINISTRATION

**[Declaration of Disaster Loan Area #2793]**

### Virginia; Declaration of Disaster Loan Area (Amendment #2)

The above-numbered Declaration is hereby amended, in accordance with notices from the Federal Emergency Management Agency dated July 31, 1995, to include Roanoke County, Virginia as a disaster area due to damages caused by severe storms and flooding, and to establish the incident period for this disaster as beginning on June 22, 1995 and continuing through July 7, 1995.

All counties contiguous to the above-named primary county have been previously declared.

All other information remains the same, i.e., the termination date for filing applications for physical damage is August 29, 1995, and for loans for economic injury the deadline is April 3, 1996.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 10, 1995.

**Bernard Kulik,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 95–20408 Filed 8–16–95; 8:45 am]

BILLING CODE 8025–01–P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Environmental Impact Statement: Jefferson County, Missouri

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public and interested agencies that an environmental impact statement will be prepared for the proposed reconstruction of Route 21 from the south end of the recent four lane reconstruction near Otto, including passage through or around Hillsboro to south of DeSoto in Jefferson County, Missiouri.

**FOR FURTHER INFORMATION CONTACT:** Donald Neumann, Program Review Engineer, Missouri Division Office, Federal Highway Administration, 209 Adams Street, P.O. Box 1787, Jefferson City, MO 65102. Telephone: 314–636–7104.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Missouri Highway and Transportation Department and East-West Gateway Coordinating Council, will prepare an Environmental Impact Statement (EIS) for reconstruction 26.5 Kilometers (16.5 miles) of Route 21 from near Otto, including passage through or around Hillsboro to South of DeSoto. Studies will be made during the environmental process to determine the preferred alternative to the existing facility where numerous accidents, injuries, and fatalities have occurred while at the same time provide a prudent transportation system for the community.

A letter describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies and to private organizations and citizens who have previously expressed interest in this proposal. Public meetings have been held to solicit comments on how to arrive at a safe solution. A management committee, and non-technical and technical focus groups have been formed to look at the issues and constraints. To provide the public direct access to the EIS preparation team, a hotline has been established (1–800–823–9224). A public hearing will be held during the public review period for the draft EIS. The draft EIS will be available for public and agency review and comment.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA representative and address listed above.

Issued on: July 31, 1995.

**Peggy J. Casey,**

*Environmental Coordinator Engineer.*

[FR Doc. 95–20081 Filed 8–16–95; 8:45 am]

BILLING CODE 4910–22–M

## Federal Aviation Administration

### Intent To Prepare an Environmental Impact Statement for Proposed Development at Lambert-St. Louis International Airport, St. Louis, Missouri

**AGENCY:** Federal Aviation Administration, Central Region, Kansas City, Missouri.

**ACTION:** Notice of intent.

**SUMMARY:** The Federal Aviation Administration (FAA) is issuing this Notice of Intent to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed new parallel runway and associated proposed development at Lambert-St. Louis International Airport, located in St. Louis, Missouri. To facilitate the receipt of information from Federal, state/local agencies and the public, the FAA will hold scoping meetings as follows: A scoping meeting for Federal agencies will be held at 10 am on Wednesday, September 6, 1995, at the Federal Building, Room 261, 601 E. 12th Street, Kansas City, Missouri 64106. A scoping meeting for state and local agencies will be held at 10 am on Thursday, September 7, 1997, at the Harley Hotel of St. Louis, I–70 & Earth City Expressway, St. Louis, Missouri 63045. A scoping meeting for interested citizens will be held between 4 and 8 pm on Thursday, September 7, 1995, at the Harley Hotel of St. Louis, I–70 & Earth City Expressway, St. Louis, Missouri 63045. Written scoping comments may be sent until September 21, 1995 to: Ms. Mo Keane, Federal Aviation Administration, Airports Division, ACE–615B, 601 E. 12th Street, Kansas City, Missouri 64106–2808.

**FOR FURTHER INFORMATION CONTACT:** Ms. Mo. Keane, Federal Aviation Administration, Airports Division, ACE–615B, 601 E. 12th Street, Kansas City, Missouri 64106, Telephone (816) 426–4731.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, as implemented by the Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500–1508), the FAA will prepare an EIS for proposed airport development planned by the City of St. Louis for Lambert-St. Louis International Airport, St. Louis, Missouri. The proposed project is based on the Master Plan Supplement study currently underway and may include, but not be limited to, the following:

1. Acquisition of land and improvements thereon, as necessary.
2. Construction of a new runway complex parallel to and southwest of existing runway 12R–30L. The runway would be laterally separated (centerline to centerline) from Runway 12R–30L by some 2,800 feet. The proposed runway would be 9,000 feet in length and 150 feet in width and would be capable of handling air carrier jet aircraft. The runway complex consists of the runway as described, parallel and connecting taxiways, lighting, navigational aids, air traffic procedures, and associated grading, drainage, and utility relocations.
3. Realignment of Natural Bridge Road.
4. Realignment and tunneling of Lundberg Boulevard (U.S. 67).
5. Relocation of Missouri Air National Guard.
6. Acquisition and relocation of Navy/Marine Corps Reserve Facilities.
7. Realignment of Lambert International Drive.
8. Relocation of airport/airline support facilities.
9. Renovations to existing terminal building.
10. Other potential airport and roadway developments under consideration, and a potential runway extension.

The EIS will address environmental considerations of the proposed actions and of reasonable alternatives to the proposed action. The document will address direct and indirect impacts, both beneficial and detrimental to the natural and human environment. Potential significant environmental consequences generally associated with development of a new runway include aircraft noise exposure, compatible land use, social impacts, wetlands, and floodplains. These and other environmental impacts will be examined throughout the EIS process. During scoping, and upon publication of a draft EIS and a final EIS, the FAA will be contacting Federal, state, and local agencies, as well as the public, to obtain their comments and suggestions regarding the EIS for this proposed project.

The FAA will utilize the scoping process as outlined in the CEQ guidelines. The process will determine potentially significant issues related to the proposed airport development. Concerned individuals and agencies will be asked to express their views either by letter or by providing comments at a scoping meeting. The purposes of the scoping process and scoping meetings are: (1) To provide a description of the proposed action, (2) to provide an early and open process for determining the scope of issues to be addressed and to identify potentially significant issues or impacts related to the proposed action that should be included in the EIS, (3) to identify other coordination and permit requirements associated with the proposed action, and (4) identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review.

To initiate the formal scoping process, interested individuals, governmental agencies, and private organizations are invited to attend scoping meetings or to submit written information and comments on this proposed action for consideration by the FAA for incorporation into the EIS. The FAA will hold scoping meetings as follows: A scoping meeting for federal agencies will be held at 10 am on Wednesday, September 6, 1995, at the Federal Building, Room 261, 601 E. 12th Street, Kansas City, Missouri 64106. A scoping meeting for state and local agencies will be held at 10 am on Thursday, September 7, 1997, at the Harley Hotel of St. Louis, I–70 & Earth City Expressway, St. Louis, Missouri 63045. A scoping meeting for interested citizens will be held between 4 and 8 pm on Thursday, September 7, 1995, at the Harley Hotel of St. Louis, I–70 & Earth City Expressway, St. Louis, Missouri 63045. Also, notices will be published in local area newspapers and other local media to inform interested parties of the place and time of these scoping meetings. Written scoping comments may be sent to the FAA until September 21, 1995. Written information or comments regarding the scope of the environmental analysis should be directed to: Ms. Mo Keane, Federal Aviation Administration, Airports Division, ACE–615B, 601 E. 12th Street, Kansas City, Missouri, 64106–2808.

Issued in Kansas City, Missouri, on August 11, 1995.

**James W. Brunskill,**

*Acting Manager, Airports Division.*

[FR Doc. 95–20427 Filed 8–16–95; 8:45 am]

BILLING CODE 4910–13–M

## Federal Highway Administration

### Environmental Impact Statement: Monroe County, New York

**AGENCY:** Federal Highway Administration (FHWA), New York State Department of Transportation (NYSDOT).

**ACTION:** Revised notice of intent.

**SUMMARY:** The FHWA is issuing this revised notice to advise the public that

the NYSDOT is suspending preparation of an Environmental Impact Statement for the Mitchell Road Bridge (BIN 4443070) over the Erie Barge Canal project in Monroe County, New York.

**FOR FURTHER INFORMATION CONTACT:** Harold J. Brown, Division Administrator, Federal Highway Administration, New York Division, Leo W. O'Brien Federal Building, 9th Floor, Clinton Avenue and North Pearl Street, Albany, New York 12207, Telephone: (518) 431–4127.

or

Lewis M. Gurley, Regional Director, New York State Department of Transportation, Region 4, 1530 Jefferson Road, Rochester, New York 14623–3161, Telephone: (716) 272–3310.

**SUPPLEMENTARY INFORMATION:** On Friday, November 26, 1993, a Notice of Intent was published in the **Federal Register** advising the public that an Environmental Impact Statement (EIS) would be prepared for the above-mentioned bridge project. However, it has been decided, based on the selected alternative, rehabilitation of the existing structure, an EIS will not be necessary for this project. With this action the previously published Notice of Intent for this project is formally withdrawn and the public is informed that efforts to complete an EIS have been suspended.

This decision follows NYSDOT's preparation of an Expanded Project Proposal during the project's Scoping Phase. This phase incorporated a considerable effort on the part of the NYSDOT, the town of Pittsford, and the affected public, in attempting to achieve the best possible project solution. To gather input from the public, two Public Information Meetings were held in the town of Pittsford. These were attended by 400 and 300 residents and local officials, respectively. The selected alternative was chosen for reasons including, but not limited to: historical impacts, traffic delay benefits, cost community support and schedule.

The rehabilitation of the Mitchell Road bridge will be accomplished using NYSDOT Regional Bridge Maintenance forces and funded using State Dedicated Funds. Therefore the environmental classification of a State Environmental Quality Review Act, Type II Action applies, while classification under the National Environmental Policy Act is not applicable.

Comments or questions concerning this project or the suspension of efforts to complete an EIS should be directed to NYSDOT or FHWA at the addresses provided above.

Issued on: August 3, 1995.

**Douglas P. Conlan,**

*District Engineer, Federal Highway Administration, Albany, New York.*

[FR Doc. 95–20248 Filed 8–16–95; 8:45 am]

BILLING CODE 4910–22–M

## DEPARTMENT OF THE TREASURY

### Public Information Collection Requirements Submitted to OMB for Review

August 7, 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.

### Internal Revenue Service (IRS)

*OMB Number:* 1545–0004.

*Form Number:* IRS Form SS–8.

*Type of Review:* Extension.

*Title:* Determination of Employee Work Status for Purposes of Federal Employment Taxes and Income Tax Withholding.

*Description:* This form is used by employers and workers to furnish information to IRS in order to obtain a determination as to whether a worker is an employee for purposes of Federal employment taxes and income tax withholding. IRS uses the information on Form SS–8 to make the determination.

*Respondents:* Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.

*Estimated Number of Respondents/Recordkeepers:* 9,730.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—34 hr., 55 min.

Learning about the law or the form—6 min.

Preparing and sending the form to the IRS—40 min.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* Hours.

*OMB Number:* 1545–0035.

*Form Number:* IRS Forms 943, 943–PR, 943A, and 943A–PR.

*Type of Review:* Extension.

*Title:* Employer's Annual Tax Return for Agricultural Employees.

*Description:* Agricultural employers must prepare and file Form 943 and Form 943–PR (Puerto Rico only) to report and pay FICA taxes and (943 only) income tax voluntarily withheld. Agricultural employers may attach Form 943A and 943A–PR to Forms 943 and 943–PR to show their tax liabilities for semiweekly periods. The information is used to verify that the correct tax has been paid.

*Respondents:* Business or other for-profit, Farms.

*Estimated Number of Respondents/Recordkeepers:* 392,443.

ESTIMATED BURDEN HOURS PER RESPONDENT/RECORDKEEPER

| Form | Recordkeeping | Learning about the law or the form | Preparing the form | Copying, assembling, and sending the form to the IRS |
|---|---|---|---|---|
| 943 | 11 hours, 26 minutes | 00 hours, 00 minutes | 00 hours, 58 minutes | 00 hours, 16 minutes. |
| 943 Mailout | 11 hours,11 minutes | 00 hours, 00 minutes | 00 hours, 57 minutes | 00 hours, 16 minutes. |
| 943 Over-the-Counter | 11 hours, 41 minutes | 00 hours, 00 minutes | 00 hours, 58 minutes | 00 hours, 16 minutes. |
| 943 Voucher | 00 hours, 14 minutes | 00 hours, 00 minutes | 00 hours, 00 minutes | 00 hours, 00 minutes. |
| 943 Voucher OTC | 00 hours, 20 minutes | 00 hours, 00 minutes | 00 hours, 00 minutes. | 00 hours, 00 minutes. |
| 943 A | 9 hours, 29 minutes | 00 hours, 00 minutes | 00 hours, 9 minutes | 00 hours, 00 minutes. |
| 943 A–PR | 9 hours, 29 minutes | 00 hours, 00 minutes | 00 hours, 9 minutes | 00 hours, 00 minutes. |
| 943 PR | 10 hours, 13 minutes | 00 hours, 00 minutes | 00 hours, 56 minutes | 00 hours, 16 minutes. |

*Frequency of Response:* Annually.

*Estimated Total Reporting/ Recordkeeping Burden:* 4,418,844 hours.

*OMB Number:* 1545–0975.

*Form Number:* IRS Form 1120–W.

*Type of Review:* Revision.

*Title:* Estimated Tax for Corporations.

*Description:* Form 1120–W is used by corporations to figure estimated tax liability and the amount of each installment payment. Form 1120–W is a worksheet only. It is not to be filed with the Internal Revenue Service.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/ Recordkeepers:* 900,000.

ESTIMATED BURDEN HOURS PER RESPONDENT/RECORDKEEPER

| Form | Recordkeeping | Learning about the law or the form | Preparing the form |
|---|---|---|---|
| 1120–W | 7 hr., 25 min | 1 hr., 35 min | 1 hr., 47 min. |
| 1120–W, Sch. A (Pt. I) | 11 hr., 14 min | 12 min | 23 min. |
| 1120–W, Sch. A (Pt. II) | 23 hr., 26 min | | 23 min. |
| 1120–W, Sch. A (Pt. III) | 5 hr., 16 min. | | 5 min. |

*Frequency of Response:* On occasion.

*Estimated Total Reporting/ Recordkeeping Burden:* 9,754,188 hours.

*OMB Number:* 1545–1181.

*Form Number:* IRS Form 8752.

*Type of Review:* Extension.

*Title:* Required Payment or Refund Under Section 7519.

*Description:* This form is used to verify that partnerships and S corporations that have made a section 444 election have correctly reported the payment required under section 7519.

*Respondents:* Business or other for-profit, Farms.

*Estimated Number of Respondents/ Recordkeepers: 72,000.*

*Estimated Burden Hours Per Respondent/Recordkeeper:*

Recordkeeping—5 hr., 16 min.

Learning about the law or the form—47 min.

Preparing, copying, assembling, and sending the form to the IRS—55 min.

*Frequency of Response:* Annually.

*Estimated Total Reporting/ Recordkeeping Burden:* 501,840 hours.

*OMB Number:* 1545–1189.

*Form Number:* IRS Form 8819.

*Type of Review:* Extension.

*Title:* Dollar Election Under Section 985.

*Description:* Form 8819 is filed by U.S. and foreign businesses to elect the U.S. dollar as their functional currency or as the functional currency of their entities. The IRS uses Form 8819 to determine if the election is properly made.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/ Recordkeepers:* 1,500.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

Recordkeeping—2 hr., 52 min.

Learning about the law or the form—1 hr., 17 min.

Preparing and sending the form to the IRS—1 hr., 23 min.

*Frequency of Response:* On occasion.

*Estimated Total Reporting/ Recordkeeping Burden:* 8,325 hours.

*OMB Number:* 1545–1359.

*Regulation ID Number:* INTL–978–86 NPRM.

*Type of Review:* Extension.

*Title:* Information Reporting by Passport and Permanent Residence Applicants.

*Description:* The proposed regulations require applicants for passports and permanent resident status to report certain tax information on the applications. The proposed regulations are intended to give the Service notice of non-filers and of persons with foreign source income not subject to normal withholding, and to notify such persons of their duty to file U.S. tax returns.

*Respondents:* Individuals or households.

*Estimated Number of Respondents:* 1.

*Estimated Burden Hours Per Respondent:* 1 hour.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 1 hour.

*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.

**Lois K. Holland,**

*Departmental Reports Management Officer.*

[FR Doc. 95–20382 Filed 8–16–95; 8:45 am]

BILLING CODE 4830–01–P

## Public Information Collection Requirements Submitted to OMB for Review

August 8, 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.

### Internal Revenue Service (IRS)

*OMB Number:* 1545–0070.

*Form Number:* IRS Form 2350.

*Type of Review:* Extension.

*Title:* Application for Extension of Time to File U.S. Income Tax Return.

*Description:* Form 2350 is used to request an extension of time to file in order to meet the bona fide residence or physical presence tests required to gain the benefits permitted under section 911. The information furnished is used to determine if the extension should be granted.

*Respondents:* Individuals or households.

*Estimated Number of Respondents/ Recordkeepers:* 22,594.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—13 min.

Learning about the law or the form—8 min.

Preparing the form—20 min.

Copying, assembling, and sending the form to the IRS—14 min.

*Frequency of Response:* On occasion.

*Estimated Total Reporting/ Recordkeeping Burden:* 20,786 hours.

*OMB Number:* 1545–0110.

*Form Number:* IRS Form 1099–DIV.

*Type of Review:* Extension.

*Title:* Dividends and Distributions.

*Description:* The form is used by the Service to insure that dividends are properly reported as required by Code section 6042 and that liquidation

distributions are correctly reported as required by Code section 6043, and to determine whether payees are correctly reporting their income.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents:* 149,300.

*Estimated Burden Hours Per Respondent:* 14 minutes.

*Frequency of Response:* Annually.

*Estimated Total Reporting Burden:* 19,883,500 hours.

*OMB Number:* 1545–0127.

*Form Number:* IRS Form 1120–H.

*Type of Review:* Extension.

*Title:* United States Income Tax Return for Homeowners Associations.

*Description:* Homeowners associations file Form 1120–H to report income, deductions, and credits. The form is also used to report the income tax liability of the homeowners association. The IRS uses Form 1120–H to determine if the income, deductions, and credits have been correctly computed. The form is also used for statistical purposes.

*Respondents:* Individuals or households, Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 60,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—11 hr., 14 min.

Learning about the law or the form—5 hr., 38 min.

Preparing the form—13 hr., 31 min.

Copying, assembling, and sending the form to the IRS—2 hr., 9 min.

*Frequency of Response:* Annually.

*Estimated Total Reporting/Recordkeeping Burden:* 1,951,800 hours.

*OMB Number:* 1545–1304.

*Regulation ID Number:* INTL–941–86, INTL–656–87 and INTL–704–87 (NPRM and Temporary).

*Type of Review:* Extension.

*Title:* Treatment of Shareholders of Certain Passive Foreign Investment Companies.

*Description:* The reporting requirements affect U.S. persons that are direct and indirect shareholders of passive foreign investment companies (PFICs). The IRS uses Form 8621 to identify PFICs, U.S. persons that are shareholders, and transactions subject to PFIC taxation and verify income inclusions, excess distributions and deferred tax amounts.

*Respondents:* Individuals or households, Business or other for-profit, Not-for-profit institutions.

*Estimated Number of Respondents:* 6,250.

*Estimated Burden Hours Per Respondent:* 1 hour.

*Frequency of Response:* Annually.

*Estimated Total Reporting Burden:* 6,250 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.

**Lois K. Holland,**

*Departmental Reports Management Officer.*

[FR Doc. 95–20383 Filed 8–16–95; 8:45 am]

BILLING CODE 4830–01–P

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## Public Information Collection Requirements Submitted to OMB for Review

August 11, 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.

### Internal Revenue Service (IRS)

*OMB Number:* 1545–1081.

*Form Number:* IRS Form 8809.

*Type of Review:* Extension.

*Title:* Request for Extension of Time to File Information Returns.

*Description:* Form 8809 is used to request an extension of time to file certain information returns. It will be used by IRS to process requests expeditiously and to track from year to year those who repeatedly ask for an extension.

*Respondents:* Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.

*Estimated Number of Respondents/Recordkeepers:* 50,000.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

Recordkeeping—2 hr., 4 min.

Preparing and sending the form to the IRS—26 min.

*Frequency of Response:* On occasion.

*Estimated Total Reporting/Recordkeeping Burden:* 125,000 hours.

*OMB Number:* 1545–1150.

*Form Number:* IRS Form 990–EZ.

*Type of Review:* Revision.

*Title:* Short Form Return of Organization Exempt From Income Tax Under section 501(c) of the Internal Revenue Code (except black lung benefit trust or private foundation) or section 4947(a)(1) nonexempt charitable trust.

*Description:* Form 990–EZ is needed to determine Internal Revenue Code (IRC) section 501(a) tax-exempt organizations fulfill the operating conditions of their tax exemption. IRS uses the information from this form to determine if the filers are operating within the rules of their exemption.

*Respondents:* Not-for-profit institutions.

*Estimated Number of Respondents/Recordkeepers:* 100,000.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

Recordkeeping—27 hr., 1 min.

Learning about the law or the form—7 hr., 13 min.

Preparing the form—8 hr., 55 min.

Copying, assembling, and sending the form to the IRS—16 min.

*Frequency of Response:* Annually.

*Estimated Total Reporting Burden:* 4,342,000 hours.

*OMB Number:* 1545–1358.

*Regulation ID Number:* PS–73–88 NPRM.

*Type of Review:* Extension.

*Title:* Generation-Skipping Transfer Tax.

*Description:* The information required by the regulation will require individuals and/or fiduciaries to report information on Forms 706NA, 706, 706GS(D–1), 706GS(T), and 709 in connection with the generation-skipping transfer tax. The information will facilitate the assessment of the tax and taxpayer examinations.

*Respondents:* Business or other for-profit, Individuals or households.

*Estimated Number of Respondents:* 1.

*Estimated Burden Hours Per Respondent:* 1 hour.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 1 hour.

*OMB Number:* 1545–1423.

*Regulation ID Number:* PS–106–91 Final.

*Type of Review:* Extension.

*Title:* State Housing Credit Ceiling and Other Rules Relating to the Low-Income Housing Credit.

*Description:* The regulations provide the order in which credits are allocated from each State's credit ceiling under section 42(h)(3)(C) and the determination of which states qualify for credits from a National Pool of credits under section 42(h)(3)(D).

Allocating agencies need this information to correctly allocate credits and determine National Pool eligibility.

*Respondents:* Business or other for-profit, Individuals or households, Not-for-profit institutions, State, Local or Tribal Government.

*Estimated Number of Respondents:* 110.

*Estimated Burden Hours Per Respondent:* 1 hour.

*Frequency of Response:* Other.

*Estimated Total Reporting Burden:* 275 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.

**Lois K. Holland,**

*Departmental Reports Management Officer.*

[FR Doc. 95–20384 Filed 8–16–95; 8:45 am]

BILLING CODE 4830–01–P

## Public Information Collection Requirements Submitted to OMB for Review

August 8, 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.

### Internal Revenue Service (IRS).

*OMB Number:* 1545–0145.

*Form Number:* IRS Form 2439.

*Type of Review:* Extension.

*Title:* Notice to Shareholder of Undistributed Long-Term Capital Gains.

*Description:* Form 2439 is sent by regulated investment companies to their shareholders to report undistributed capital gains and the amount of tax paid on these gains designated under Internal Revenue Code (IRC) section 852(b)(3)(D). Both the company and shareholder file copies of Form 2439 with IRS. IRS uses the information to check shareholder compliance.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 100.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

Recordkeeping—1 hr., 55 min.

Learning about the law or the form—6 min.

Preparing and sending the form to the IRS—8 min.

*Frequency of Response:* Annually.

*Estimated Total Reporting/Recordkeeping Burden:* 21,500 hours.

*OMB Number:* 1545–0301.

*Form Number:* IRS Form 1117(c).

*Type of Review:* Extension.

*Title:* Confirmation Letter.

*Description:* It is necessary to directly communicate with taxpayers and/or other knowledgeable parties to obtain verification of information such as the correct amount of tax due, returns filed, etc.. Response information is used to determine the accuracy of tax and general ledger accounts, etc.. Affected public: Taxpayers.

*Respondents:* Individuals or households, Business or other for-profit, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.

*Estimated Number of Respondents:* 4,200.

*Estimated Burden Hours Per Respondent:* 15 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 1,050 hours.

*OMB Number:* 1545–0796.

*Form Number:* IRS Form 6524.

*Type of Review:* Extension.

*Title:* Office of Chief Counsel Application.

*Description:* The Chief Counsel Application form provides data we deem critical for evaluating attorney applicant's qualifications such as LSAT score, bar admission status, type of work preference, law school, class standing. OF–306 does not provide this information.

*Respondents:* Individuals or households.

*Estimated Number of Respondents:* 3,000.

*Estimated Burden Hours Per Respondent:* 18 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 900 hours.

*OMB Number:* 1545–1155.

*Regulation ID Number:* PS–74–89 Final (T.D. 8282).

*Type of Review:* Extension.

*Title:* Election of Reduced Research Credit.

*Description:* These regulations prescribe the procedure for making the election described in section 280C(c)(3) of the Internal Revenue Code. Taxpayers making this election must reduce their section 41(a) research credit, but are not required to reduce their deductions for qualified research expenses, as required in paragraphs (1) and (2) of section 280C(c).

*Respondents:* Business or other for-profit, Individuals or households.

*Estimated Number of Respondents:* 200.

*Estimated Burden Hours Per Respondent:* 15 minutes.

*Frequency of Response:* Annually.

*Estimated Total Reporting Burden:* 50 hours.

*OMB Number:* 1545–1356.

*Regulation ID Number:* IA–003–89 Final.

*Type of Review:* Extension.

*Title:* Recovery of Reasonable Administrative Costs.

*Description:* These regulations provide guidance with respect to the recovery of administrative costs incurred in connection with an administrative proceedings before the Internal Revenue Service. ''Reasonable administrative costs'' are defined as is the period within which such costs must be incurred. Procedures that must be followed to recover such costs are also set forth.

*Respondents:* Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms.

*Estimated Number of Respondents:* 8,000.

*Estimated Burden Hours Per Respondent:* 2 hours.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 16,000 hours.

*OMB Number:* 1545–1357.

*Regulation ID Number:* PS–50–92 Final.

*Type of Review:* Extension.

*Title:* Rules to Carry Out the Purposes of Section 42 and for Correcting Administrative Errors and Omissions.

*Description:* These regulations concern the Secretary's authority to provide guidance under section 42, and provide for the correction of administrative errors and omissions related to the allocation of low-income housing credit dollar amounts and recordkeeping.

*Respondents:* Business or other for-profit, Individuals or households, Not-for-profit institutions, State, Local or Tribal Government.

*Estimated Number of Respondents:* 85.

*Estimated Burden Hours Per Respondent:* 1 hour, 30 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 128 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.

**Lois K. Holland,**

*Departmental Reports Management Officer.*

[FR Doc. 95–20385 Filed 8–16–95; 8:45 am]

BILLING CODE 4830–01–P

## UNITED STATES INFORMATION AGENCY

### Office of Citizens Exchange; NIS Secondary School Initiative; Secondary School Linkage Program

**ACTION:** Notice; Request for proposals.

**SUMMARY:** The Office of Citizen Exchanges, Division of the NIS Secondary School Initiative, of the United States Information Agency's Bureau of Educational and Cultural Affairs announces an open competition for an assistance award to conduct exchanges through the multiple secondary school linkage program with Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan. Public or private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) (3)–1 apply either to enhance/expand existing linkages or to develop new school linkage programs. All submissions must contain a Student exchange component AND an Educator (teacher and/or administrator) exchange component. For previous school link grant recipients, a minimum of twenty-five percent of the proposed linkages must not have been previously supported by USIA. USIA grant funds may not be used for student or teacher exchanges located in the cities of Moscow or St. Petersburg, Russia. The maximum grant award will be $800,000.

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries * * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations * * * and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.''

The funding authority for the program cited above was originally provided through the FREEDOM Support Act of 1992. Grants awarded by the solicitation are subject to the availability of funding for the Fiscal Year 1996 program. Programs and projects must conform with Agency requirements and guidelines outlined in the Solicitation Package.

**ANNOUNCEMENT TITLE AND NUMBER:** All communications with USIA concerning this announcement should refer to the above title and reference number E/P–96–14.

**DEADLINE FOR PROPOSALS:** All copies must be received at the U.S. Information Agency by 5 p.m. Washington, D.C. time on Friday, November 17, 1995. Faxed documents will not be accepted, nor will documents postmarked November 17 but received at a later date. It is the responsibility of each applicant to ensure that proposals are received by the above deadline. Subject to the availability of funding grants will be awarded February 1, 1996 for programs to begin after June 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** NIS Secondary School Division, E/PY, Room 320, U.S. Information Agency, 301 4th Street, SW., Washington, D.C. 20547, telephone: (202) 619–6299; Fax: (202) 619–5311; e-mail nfeigenb@usia.gov to request a Solicitation Package, which includes more detailed award criteria, all application forms, and guidelines for preparing proposals, including specific questions or concerns regarding the solicitation, contact USIA Program Officer Naomi Feigenbaum. Interested applicants should read the complete Federal Register announcement before addressing inquiries to the USIA or submitting their proposals. Once the RFP deadline has passed, representatives of USIA and the Division of NIS Secondary School Initiative may not discuss this competition in any way with applicants until after the Bureau proposal review process has been completed.

**SUBMISSIONS:** Applicants must follow all instructions given in the Solicitation Package. The original and 10 copies of the complete application should be sent to: U.S. Information Agency Ref.: E/P–96–14 Office of Grants Management, E/XE, Room 326, 301 4th Street, S.W., Washington, D.C. 20547.

Applicants must also submit the ''Executive Summary'' and ''Proposal Narrative'' sections of the proposal on a 3.5″ diskette, formatted for DOS. This material must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. USIA will transmit these files electronically to USIA posts overseas for their review, with the goal of reducing the time it takes to get posts' comments for the Agency's grants review process.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including but not limited to race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle.

**Overview: (Background, Objectives)**

The short-term goal of the school linkage program is to provide partial funding for linkages between U.S. and NIS schools featuring student and educator exchanges for the purpose of collaborative substantive projects. Grant funded exchanges must have a thematic focus and have tangible outcomes (e.g. educational materials). The long term goals are to:

(1) to advance mutual understanding between the U.S. and the NIS;

(2) develop lasting institutional ties between U.S. and NIS schools and communities;

(3) promote U.S. government/private sector cooperation by supporting linkages which hold promise for sustainability beyond the grant term and serve the needs and interests of the schools.

The linkages between networks of secondary schools in the U.S. with networks of schools in the NIS must establish ties between the schools in the network through two sets of exchange programs (1) the exchange of secondary school educators between the U.S. and NIS countries; (2) the exchange of secondary school students, from 14 to 18 years of age, between the U.S. and participating NIS countries.

*Guidelines*

USIA funding may not be used to supplant existing private sector funding. Applicants must indicate how activities have been funded in the past and how the activities will be expanded with assistance from USIA. The U.S. recipient of the grant is responsible for recruiting/selecting/organizing a minimum of three U.S. secondary schools to form the U.S. network, strengthening an existing working

relationship with an organization or agency of government in the NIS responsible for a network of schools there, and linking the two networks through substantive exchange activities.

Partnerships should have an existence beyond the scope of this initiative; that is, there should be an inherent reason for their linkage apart from the availability of grant funds. Competitive proposals will demonstrate the linkage and the types of activities (follow-on) to continue after the grant has expired. An ideal project builds upon previous contacts and interaction between the proposed networks to help ensure a solid foundation for the linkage. The U.S. school should collaborate with the NIS school in planning and preparation.

Proposals should support a working relationship that will produce something tangible, necessary and of lasting value to both sides, beyond the confines of the exchange. The proposal should specify up front what the measurable results of the program will be. Proposal must include a statement of goals and objectives prepared by school representatives for each separate school linkage.

When planning the project, U.S. and NIS schools are strongly encouraged to consult with the Cultural Affairs Officer (CAO) or Public Affairs Officer (PAO) at the appropriate U.S. Information Service (USIS) office at the U.S. Embassy or U.S. Consulate in the appropriate country.

The U.S. recipient of the grant will: design the overall plan that integrates the two components of the linkage, ensure quality control for all program elements, manage all travel arrangements, logistics, passports, visas, etc., provide competent and informed escorts for student groups, and disburse and account for grant funds.

Recipients of the assistance award are responsible for ensuring the selection of exchange participants who are most suited for the program. Participants (both Educators and Students) from the U.S. and NIS countries should represent a diversity of backgrounds to give greater understanding to the culture and society as a whole. Selection of individual participants from the U.S. and NIS in the exchange components of the program must be merit-based; the proposal should describe the mechanisms used for participant selection.

Applicants should be familiar with the ''General Provisions'' of J–1 visa regulations. The Agency will process the IAP–66 forms for travel to the U.S. Basic health and accident insurance coverage of exchange participants while they are on exchange will be covered by USIA. Those organizations wishing to use other types of insurance coverage must provide a satisfactory justification as to why their coverage is more effective. Please refer to the Program Objectives, Goals, and Implementation section of the Solicitation Package for greater detail regarding the design of the component parts as well as other program information.

*Proposed Budget*

Awards may not exceed $800,000. Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as a break-down reflecting both the administrative budget and the program budget. All program costs should clearly indicate whether they cover U.S. and NIS participants. The cost per NIS student, NIS educator, U.S. student, U.S. educator should be listed separately. Cost-sharing is strongly encouraged and will be viewed favorably in weighing the merits of the proposal.

Grants awarded to eligible organizations with fewer than four years of experience in conducting international exchange programs will be limited to $60,000.

Please refer to the POGI and Proposal Submission Instructions sections of the Solicitation Package for complete budget guidelines and format instructions.

**Review Process**

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals also will be reviewed by the Agency contracts office, as well as the pertinent USIA area office and the USIA post overseas, where appropriate. Proposals may be reviewed by the Office of the General Counsel or by other Agency elements. Funding decisions are at the discretion of the USIA Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with the USIA grants officer.

**Review Criteria**

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. Quality of the program idea: Proposals should exhibit originality, substance (particularly in academic/educational aspects), precision, and relevance to the stated goals of the program.

2. Program planning: Detailed agenda and relevant work plan should demonstrate substantive undertakings and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.

3. Ability to achieve program objectives: Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

4. Multiplier effect/impact: Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term individual and institutional linkages.

5. Support of Diversity: Proposals should demonstrate the recipient's commitment to promoting the awareness and understanding of diversity.

6. Institutional Capacity: Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.

7. Institution's Record/Ability: Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts. The Agency will consider the past performance of prior recipients and the demonstrated potential of new applicants. Track record will be evaluated by achievement of stated goals and impact on schools in the U.S. and NIS.

8. Follow-on Activities: Proposals should provide a plan for continued follow-on activity (without USIA support) that ensures that USIA-supported programs are not isolated events. Proposal should demonstrate how activity will contribute to institution-building in the NIS.

9. Project Evaluation: Proposals should include a plan to evaluate the program, both as the activities unfold and at the end. THEY SHOULD INCLUDE GOALS FOR EACH SCHOOL LINKAGE AND HOW THEIR ATTAINMENT WILL BE MEASURED. USIA recommends that the proposal include a draft survey questionnaire or other technique plus description of a methodology for use in linking outcomes to original project objectives for each school linkage. Award-receiving organizations/institutions will be expected to submit reports on each separate linkage.

10. Cost-effectiveness: The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

11. Cost-sharing: Proposals should maximize cost-sharing through participant contributions, other private sector support as well as institutional direct funding contributions.

12. Value to U.S.-Partner Country Relations: Proposed projects will be reviewed by USIA's geographic area desk officer and overseas officers to assess the relevance to program need, potential impact, and significance in the partner country(ies).

13. Selection Process: Proposals should provide a specific plan to ensure a selection based on merit and should include detailed criteria for selection of U.S. and NIS teacher and administrator as well as U.S. and NIS student participants.

**Notice**

The terms and conditions published in this RFP are binding and may not be modified by any USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Agency reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program. Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal USIA procedures.

**Notification**

All applicants will be notified of the results of the review process on or about April 1, 1996. Awards made will be subject to periodic reporting and evaluation requirements.

Dated: August 14, 1995.

**Dell Pendergrast,**

*Deputy Associate Director, Bureau of Educational and Cultural Affairs.*

[FR Doc. 95–20421 Filed 8–16–95; 8:45 am]

BILLING CODE 8230–01–M

federal register

Thursday
August 17, 1995

## Part II

# Department of Health and Human Services

## Food and Drug Administration

## International Conference on Harmonisation; Draft Guideline on Good Clinical Practice; Availability; Notice

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket NO. 95D–0219]**

### International Conference on Harmonisation; Draft Guideline on Good Clinical Practice; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is publishing a draft guideline entitled ''Good Clinical Practice.'' This guideline was prepared under the auspices of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). The draft guideline is intended to define ''Good Clinical Practice'' and to provide a unified standard for designing, conducting, recording, and reporting trials that involve the participation of human subjects.

**DATES:** Written comments by October 2, 1995.

**ADDRESSES:** Submit written comments on the draft guideline to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857. Copies of the draft guideline are available from the CDER Executive Secretariat Staff (HFD–8), Center for Drug Evaluation and Research, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855.

**FOR FURTHER INFORMATION CONTACT:**
Regarding the guideline: Bette L. Barton, Center for Drug Evaluation and Research (HFD–344), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1032.
Regarding the ICH: Janet J. Showalter, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–0864.

**SUPPLEMENTARY INFORMATION:** In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization, and FDA is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies.

ICH was organized to provide an opportunity for tripartite harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission, the European Federation of Pharmaceutical Industry Associations, the Japanese Ministry of Health and Welfare, the Japanese Pharmaceutical Manufacturers Association, the Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA, and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA).

The ICH Steering Committee includes representatives from each of the ICH sponsors and the IFPMA, as well as observers from the World Health Organization, the Canadian Health Protection Branch, and the European Free Trade Area.

On May 9, 1995, the ICH Steering Committee agreed that a draft guideline entitled ''Good Clinical Practice'' should be made available for public comment. The draft guideline is the product of the Efficacy Expert Working Group of the ICH. Comments about this draft will be considered by FDA and the Expert Working Group. Ultimately, FDA intends to adopt the ICH Steering Committee's final guideline.

The draft guideline is intended to define ''Good Clinical Practice'' and to provide a unified standard for designing, conducting, recording, and reporting trials that involve the participation of human subjects. Compliance with this standard provides public assurance that the rights, well-being, and confidentiality of trial subjects are protected and that trial data are credible. The objective of this ICH GCP Guideline is to provide a unified standard for the European Union, Japan, and the United States that is consonant with the standards of Australia, Canada, the Nordic countries, and the World Health Organization.

This guideline should be followed when generating clinical data that are intended to be submitted to regulatory authorities. The principles established in this guideline should also be applied to other investigations that involve therapeutic intervention in, or observation of, human subjects.

In the past, guidelines have generally been issued under § 10.90(b) (21 CFR 10.90(b)), which provides for the use of guidelines to state procedures or standards of general applicability that are not legal requirements but are acceptable to FDA. The agency is now in the process of revising § 10.90(b). Therefore, this guideline is not being issued under the authority of § 10.90(b), and it does not create or confer any rights, privileges, or benefits for or on any person, nor does it operate to bind FDA in any way.

Interested persons may, on or before October 2, 1995, submit to the Dockets Management Branch (address above) written comments on the draft guideline. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guideline and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

The text of the draft guideline follows:

**Guideline for Good Clinical Practice**

*Introduction*

Good clinical practice (GCP) is an international ethical and scientific quality standard for designing, conducting, recording, and reporting trials that involve the participation of human subjects. This standard has its origin in the Declaration of Helsinki. Compliance with this standard provides public assurance that the rights, well-being, and confidentiality of trial subjects are protected and that the clinical trial data are credible.

The objective of this ICH GCP Guideline is to provide a unified standard for the European Union (EU), Japan, and the United States to facilitate the mutual acceptance of clinical data by the regulatory authorities in these jurisdictions.

The guideline was developed with consideration of the current good clinical practices of the European Union, Japan, and the United States, as well as those of Australia, Canada, the Nordic countries, and the World Health Organization (WHO).

This guideline should be followed when generating clinical data that are intended to be submitted to regulatory authorities.

The principles established in this guideline should also be applied to other investigations that involve therapeutic intervention in, or observation of, human subjects.

1. Glossary

1.1 *Adverse Drug Reaction (ADR)*

All noxious and unintended responses to a medicinal product (i.e., where the relationship between an adverse event and product cannot be ruled out) related to any dose.

1.2 *Adverse Event (AE)*

Any untoward medical occurrence in a patient or clinical investigation subject administered a pharmaceutical product and which does not necessarily have to have a causal relationship with this treatment. An adverse event (AE) can therefore be any unfavorable and unintended sign (including an abnormal laboratory finding), symptom, or disease temporally associated with the use of a medicinal (investigational) product, whether or not related to the medicinal (investigational) product.

1.3 *Amendment (to the protocol)*

See *Protocol Amendment*.

1.4 *Applicable Regulatory Requirement(s)*

Any law(s) and regulation(s) addressing the conduct of clinical trials.

1.5 *Audit*

A systematic and independent examination to determine whether trial-related activities were conducted and analyzed according to the protocol, sponsor's standard operating procedures (SOP's), good clinical practice (GCP), the applicable regulatory requirement(s), and whether the trial reports accurately reflect the procedures carried out, and the data collected.

1.6 *Audit Certificate*

A written statement by the sponsor's auditor documenting/confirming that an audit of clinical trial-related activities has been conducted.

1.7 *Audit Report*

A written evaluation by the sponsor's auditor of the accuracy of the audited trial data, and the adherence of the trial to the protocol, the sponsor's SOP's, to GCP, and to applicable regulatory requirement(s).

1.8 *Audit Trail*

Traceable documents or proof for audit of GCP and/or applicable regulatory requirement(s), which include the essential documents, and allow reconstruction of the course of events.

1.9 *Case Report Form (CRF)*

A printed, optical, or electronic document designed to record all of the protocol required information that is to be reported to the sponsor on each trial subject.

1.10 *Clinical Trial*

Any systematic study in human subjects intended to discover or verify the clinical, pharmacological and/or other pharmacodynamic effects of investigational products, and/or to identify any adverse reactions to investigational products, and/or to study absorption, distribution, metabolism, and excretion of these products with the object of ascertaining their safety and/or efficacy.

1.11 *Clinical Trial/Study Report*

A written description of a trial/study of any therapeutic, prophylactic, or diagnostic agent conducted in human subjects, in which the clinical and statistical description, presentations, and analysis are fully integrated into a single report.

1.12 *Comparator (Product)*

An investigational or marketed product, or placebo, used as a reference in a clinical trial.

1.13 *Compliance (in relation to trials)*

Adherence to all trial-related requirements, GCP requirements, and applicable regulatory requirements.

1.14 *Confidentiality*

Maintenance of secrecy of the sponsor's proprietary information and the subject's source data.

1.15 *Contract*

A written, dated, and signed agreement between two or more involved parties that sets out any arrangements on delegation and distribution of tasks and obligations and, if appropriate, on financial matters. The protocol may act as the basis of a contract.

1.16 *Coordinating Investigator*

An investigator assigned the responsibility for the coordination of investigators at different centers participating in a multicenter trial.

1.17 *Contract Research Organization (CRO)*

A person or an organization (commercial, academic, or other) contracted by the sponsor to perform one or more of a sponsor's trial-related responsibilities.

1.18 *Direct Access*

Direct access refers to permission for domestic and foreign regulatory authorities, and the sponsor's auditors and monitors, to see, review, analyze, verify, and reproduce any records and reports that are important to evaluation of the clinical trial. When accessing trial-related documents, the regulatory authorities, and the sponsor's monitors and auditors, will take all reasonable precautions within the constraints of the applicable regulatory requirement(s) to maintain the confidentiality of subjects' identities.

1.19 *Documentation*

All records, in any form (including, but not limited to, written, electronic, magnetic, and optical records, and scans, x-rays, and EKG's) that describe or record the methods, conduct, and/or results of a trial, the factors affecting a trial, and the actions taken.

1.20 *Essential Documents*

Documents which individually and collectively permit evaluation of the conduct of a study and the quality of the data produced.

1.21 *Good Clinical Practice (GCP)*

A standard for the design, conduct, performance, monitoring, auditing, recording, analyses, and reporting of clinical trials that provides assurance that the data and reported results are credible and accurate, and that the rights, integrity, and confidentiality of trial subjects are protected.

1.22 *Identification Code*

A unique identifier assigned by the investigator to each trial subject to protect the subject's identity and used in lieu of subjects' names when the investigator reports on adverse events and other trial data.

1.23 *Impartial Witness*

A person, who is independent of the trial, who cannot be unfairly influenced by people involved with the trial, who participates in the informed consent process, and who documents (by signing and dating the written informed consent form) that the subject freely gave informed consent to participate in the trial.

1.24 *Independent Ethics Committee (IEC)*

An independent body (a review board or a committee, institutional, regional, national, or supranational), constituted of medical/scientific professionals and nonmedical/nonscientific members, whose responsibility it is to ensure the protection of the rights and well-being of human subjects involved in a trial and to provide public assurance of that protection, by, among other things, reviewing and approving/providing favorable opinion, the trial protocols and amendment(s), and the methods and material to be used in obtaining and documenting informed consent of the trial subjects.

1.25 *Informed Consent*

A subject's voluntary confirmation of willingness to participate in a particular trial, after having been informed of all aspects of the trial that are relevant to the subject's decision to participate. Informed consent is documented by means of a written informed consent form that contains relevant information about the trial and that is signed and dated by the subject or the subject's legally acceptable representative.

1.26 *Inspection*

The act by regulatory authorities of conducting an official review of documents, facilities, records, and any other resources deemed by them to be related to the clinical trial that may be located at the site of the trial, at the sponsor's facilities, at CRO's, or at other establishments deemed appropriate by such authorities.

1.27 *Institution (medical)*

Any public or private entity or agency or medical or dental facility where clinical trials are conducted.

1.28 *Institutional Review Board (IRB)*

See *Independent Ethics Committee (IEC).*

1.29 *Interim Clinical Trial/Study Report*

A report of intermediate results and their evaluation based on analyses performed during the course of a trial.

1.30 *Investigational Product*

A pharmaceutical form of an active ingredient or placebo being tested or used as a reference in a clinical trial, including a product with a marketing authorization when used or assembled other than as authorized, i.e., in a way different from the approved form, or when used in a clinical setting other than the one approved, or when used to gain further information about the approved use.

1.31 *Investigator*

A person responsible for the conduct of the clinical trial at a trial site. In the event that a trial is conducted by a team of individuals at a trial site, the investigator is the responsible leader of the team and may be

called the principal investigator. See also Subinvestigator.

1.32 *Investigator/Institution*

Expression meaning ''the investigator or institution, if required by the applicable laws and regulations.''

1.33 *Investigator's Brochure*

A compilation of the clinical and nonclinical data on the investigational product that are relevant to its study in human subjects.

1.34 *Legally Acceptable Representative*

An individual or juridical or other body authorized under applicable law to consent, on behalf of a prospective subject, to the subject's participation in the clinical trial.

1.35 *Monitoring*

The act of overseeing the progress of a clinical trial, and of ensuring that it is conducted, recorded, and reported in accordance with the protocol, GCP, and the applicable regulatory requirement(s). A person, designated by the sponsor, who is responsible for the monitoring is a monitor.

1.36 *Monitoring Report*

A written report from the monitor to the sponsor after each site visit and after all trial-related communications (audit trail concept). Reports should include findings and any actions taken.

1.37 *Multicenter Trial*

A clinical trial conducted according to one single protocol but at different centers (institutions), and therefore, carried out by more than one investigator.

1.38 *Nonclinical Study*

Biomedical studies not performed on human subjects.

1.39 *Opinion (in relation to Independent Ethics Committee)*

A professional judgment and/or advice provided by an Independent Ethics Committee (IEC).

1.40 *Original Medical Record*

See *Source Documents*.

1.41 *Protocol*

A document that provides the background, rationale, and objective(s) of the trial and describes its design, methodology, and organization, including statistical considerations.

1.42 *Protocol Amendment*

A written description of the change(s) to a protocol.

1.43 *Quality Assurance (QA)*

All those planned and systematic actions that are established to ensure that the trial is performed and the data are generated, documented (recorded), and reported in compliance with GCP and the applicable regulatory requirement(s).

1.44 *Quality Control (QC)*

The operational techniques and activities undertaken within the quality assurance system to verify that the requirements for quality of the trial have been fulfilled. Quality control activities are undertaken by all members of the investigational team, including the staff of the sponsor or contract research organization (CRO), involved with planning, conducting, monitoring, data processing/management, documenting (recording), analyzing, evaluating, and reporting a trial with the objective of performing the trial in compliance with the protocol, GCP, and applicable regulatory requirement(s) and drawing conclusions from reliable data.

1.45 *Randomization*

The process of assigning trial subjects to treatment or control groups using a procedure by which only chance (unbiased) determines the assignments (random allocation).

1.46 *Serious Adverse Event (SAE)*

Any untoward medical occurrence that at any dose:

—Results in death,
—Is life-threatening,
—Requires inpatient hospitalization or prolongation of existing hospitalization,
—Results in persistent or significant disability/incapacity, or
—Results in a congenital anomaly/birth defect.

1.47 *Source Data*

All information in original records, and certified copies of original records of clinical findings, observations, or other activities in a clinical trial necessary for the reconstruction and evaluation of the trial.

Source data are contained in source documents (original records or certified copies).

1.48 *Source Documents*

Original documents and records (e.g., laboratory notes, memoranda, subjects' diaries or evaluation checklists, pharmacy dispensing records, recorded data from automated instruments, copies or transcriptions certified after verification as being accurate copies, microfiches, photographic negatives, microfilm or magnetic media, x-rays, and subject files) kept at the pharmacy, the laboratories, and at medico-technical departments involved in the clinical trial.

1.49 *Sponsor*

An individual, a company, an institution, or an organization which takes responsibility for the initiation, management, and/or financing of a clinical trial.

1.50 *Sponsor-Investigator*

An individual who both initiates and conducts, alone or with others, a clinical trial, and under whose immediate direction the investigational product is administered to, dispensed to, or used by a subject. The term does not include any person other than an individual (e.g., it does not include a corporation or an agency). The obligations of a sponsor-investigator include both those of a sponsor and those of an investigator.

1.51 *Standard Operating Procedures (SOP's)*

Detailed, written instructions to achieve uniformity of the performance of a specific function.

1.52 *Subinvestigator*

Any individual member of the clinical trial team designated and supervised by the investigator at a trial site.

See also *Investigator*.

1.53 *Subject*

An individual who participates in a clinical trial, either as a recipient of the investigational product(s) or as a control.

1.54 *Trial Site*

The location(s) where trial-related activities are actually conducted.

1.55 *Unexpected Adverse Drug Reaction*

An adverse reaction, the nature or severity of which is not consistent with the applicable product information (e.g., Investigator's Brochure for an unapproved investigational product or package insert for an approved product).

1.56 *Vulnerable Subjects*

Individuals whose willingness to volunteer in a clinical trial may be unduly influenced by the expectation, whether justified or not, of benefits associated with participation, or of a retaliatory response from senior members of the hierarchy or institution in case of refusal to participate. Examples are members of a group with a hierarchical structure, such as medical, pharmacy, dental, and nursing students, subordinate hospital and laboratory personnel, employees of the pharmaceutical industry, members of the armed forces, and persons kept in detention. Other vulnerable subjects include patients with incurable diseases, persons in nursing homes, unemployed or impoverished persons, patients in emergency rooms, ethnic minority groups, homeless persons, nomads, refugees, children, and those incapable of giving consent.

1.57 *Well-being (of the trial subjects)*

The physical and mental integrity of the subjects participating in a clinical trial.

2. The Principles of ICH GCP

2.1 Clinical trials should be conducted in accordance with the ethical principles that have their origin in the Declaration of Helsinki, and that are consistent with GCP and the applicable regulatory requirement(s).

2.2 Before a trial is initiated, foreseeable risks and inconveniences should be weighed against the anticipated benefit for the individual trial subject and society. A trial should be initiated and continued only if the anticipated benefits justify the risks.

2.3 The rights, safety, and well-being of the trial subjects are the most important considerations and should prevail over interests of science and society.

2.4 The available nonclinical and clinical information on an investigational product should be adequate to support the proposed clinical trial.

2.5 Clinical trials should be scientifically sound, and described in a clear, detailed protocol.

2.6 A trial should be conducted in compliance with the protocol and amendment(s) that have received prior institutional review board (IRB)/independent ethics committee (IEC) approval/favorable opinion.

2.7 The medical care given to, and medical decisions made for, subjects should always be the responsibility of a qualified physician or, when appropriate, of a qualified dentist.

2.8 Each individual involved in conducting a trial should be qualified by education, training, and experience to perform his or her respective task(s).

2.9 Freely given informed consent should be obtained from every subject prior to clinical trial participation.

2.10 All clinical trial information should be recorded, handled, and stored in a way that allows its accurate reporting, interpretation, and verification.

2.11 The confidentiality of records that could identify subjects should be protected, respecting the privacy and confidentiality rules in accordance with the applicable regulatory requirement(s).

2.12 Investigational products should be manufactured, handled, and stored in accordance with applicable good manufacturing practice (GMP). They should be used in accordance with the approved protocol and amendment(s).

2.13 Systems with procedures that assure the quality of every aspect of the trial should be implemented.

3. Institutional Review Board/Independent Ethics Committee (IRB/IEC)

3.1 *Responsibilities*

3.1.1 An IRB/IEC should safeguard the rights, safety, and well-being of all trial subjects. Special attention should be paid to trials that may include vulnerable subjects.

3.1.2 To fulfill its responsibilities, the following documents should be submitted to the IRB/IEC: Trial protocols, protocol amendment(s), written informed consent forms, consent form updates, subject recruitment procedures (e.g., advertisements), written information to be provided to subjects, Investigator's Brochure (IB), safety reports, documents related to payments and compensation available to subjects, and any other documents that the IRB/IEC may require.

The IRB/IEC should review a proposed clinical trial within a reasonable time limit and document their views in writing, clearly identifying the trial, the documents reviewed, and the dates for the following:

Approval/favorable opinion;

Modifications required prior to approval/favorable opinion;

Disapproval/negative opinion; and

Suspension of any prior approval/favorable opinion.

3.1.3 The IRB/IEC should consider the qualifications of the investigator for the proposed trial as documented by a current curriculum vitae.

3.1.4 The IRB/IEC should conduct continuing review of each ongoing trial at intervals appropriate to the degree of risk to human subjects, but at least once per year.

3.1.5 The IRB/IEC should require that more information than is outlined in paragraph 4.8.10 for written informed consent forms, and for written information to be provided to subjects, be given to subjects when, in the judgment of the IRB/IEC, the additional information is necessary to protect the rights and/or well-being of the subjects.

3.1.6 The IRB/IEC should review both the amount and method of payment to subjects to assure that neither present problems of coercion or undue influence on the trial subjects.

3.1.7 The IRB/IEC should ensure that all information regarding payment, including amounts and schedule of payment to trial subjects, is set forth in the written informed consent form. Such payments should not be wholly contingent upon the trial subject's completion of the trial. Prorated payment should be specified in the written informed consent form.

3.1.8 Except where national law does not permit, the IRB/IEC should evaluate whether remuneration is coercive by reviewing the extent to which investigators/institutions may be rewarded/compensated for participation (see 4.4.2, 5.9).

3.2 *Functions and Operations*

3.2.1 The IRB/IEC should consist of a reasonable number of members, who collectively have the qualifications and experience to review properly the science and ethics of the proposed trial. It is recommended that the IRB/IEC should include:

(a) At least five members.

(b) At least one member whose primary concern is in a nonscientific area.

(c) All members independent of the investigator and the sponsor.

(d) At least one member who is independent of the trial site.

A list of IRB/IEC members and their qualifications should be maintained.

3.2.2 The IRB/IEC should perform its functions according to written operating procedures, should maintain written records of its activities and minutes of its meetings, and should comply with GCP and with the applicable regulatory requirement(s).

3.2.3 An IRB/IEC should make its decisions at announced meetings where at least a quorum, as stipulated in its written operating procedures, is present.

3.2.4 Only members who participate in the IRB/IEC review and discussion should vote/provide their opinion and advice.

3.2.5 The investigator may provide information on any aspect of the trial, but at the time the IRB/IEC makes a decision, the investigator should not participate in the vote/opinion.

3.2.6 An IRB/IEC may invite nonmembers who have expertise in special areas for assistance.

3.3 *Procedures*

The IRB/IEC should establish, document in writing, and follow its procedures that include:

3.3.1 Determining its composition (names and qualifications of the members and the authority under which the committee is established).

3.3.2 Scheduling, notifying its members of, and conducting its meetings.

3.3.3 Conducting initial and continuing review of trials.

3.3.4 Determining the frequency of continuing review.

3.3.5 Providing expedited review and approval/favorable opinion of trials involving no more than minimal risk or of change(s) not increasing the risk for a trial for which approval/favorable opinion was provided by the IRB/IEC.

3.3.6 Prohibiting admission of subjects to a trial before the IRB/IEC issues its written approval/favorable opinion of the trial.

3.3.7 Prohibiting initiation of changes in the protocol without prior IRB/IEC approval/favorable opinion of an appropriate amendment, except when necessary to eliminate immediate hazards to the human subjects or when the change involves logistical or administrative aspects of the trial (e.g., change in monitor, phone number).

3.3.8 Providing that the investigator promptly reports to the IRB/IEC:

(a) Changes in a trial implemented to eliminate immediate hazards to the trial subjects.

(b) Changes affecting significantly the conduct of the trial, and/or increasing the risk to subjects.

(c) All serious and unexpected adverse drug reactions (ADR's).

(d) New information that may affect adversely the safety of the subjects or the conduct of the trial.

3.3.9 Ensuring that the IRB/IEC promptly notify in writing the investigator/institution concerning:

(a) Its trial-related decisions.

(b) The reasons for its decisions.

(c) Procedures for appeal of its decisions.

3.4 *Records*

Where required by applicable regulation, the IRB/IEC should retain all relevant records (e.g., written procedures, membership lists, submitted documents, minutes of meetings, and correspondence) for a period of at least 3 years after completion of the trial and make them available upon request from the regulatory authority(ies).

Written procedures and membership lists should be made available upon request from the investigator(s), and/or the sponsor(s), except where national law does not permit.

4. INVESTIGATOR

4.1 *Investigator's Qualifications and Agreements*

4.1.1 The investigator(s) should be qualified by education, training, and experience to assume responsibility for the proper conduct of the trial, should meet all the qualifications required by the applicable regulatory requirements, and should provide evidence of such qualifications through up-to-date curriculum vitae and other credentials.

4.1.2 The investigator should be thoroughly familiar with the appropriate use of the investigational product(s), as described in the protocol/amendment(s), in the current Investigator's Brochure, in other information sources provided by the sponsor, and in the available literature.

4.1.3 The investigator should be aware of, and should comply with, GCP and the applicable regulations.

4.1.4 The investigator/institution should permit monitoring and auditing by the sponsor, and inspecting by the appropriate regulatory authorities.

4.1.5 The investigator should maintain a written record of appropriately qualified persons, delegated to assume specified investigator trial responsibilities.

4.2 *Adequate Resources*

4.2.1 The investigator should be able to demonstrate (e.g., based on retrospective data) a potential for recruiting the required number of suitable subjects within the agreed recruitment period.

4.2.2 The investigator should have sufficient time to properly conduct and complete the trial within the agreed trial period.

4.2.3 To conduct the trial properly and safely, the investigator should have available an adequate number of qualified staff and adequate facilities for the foreseen duration of the trial.

4.2.4 The investigator should ensure that all persons assisting with the trial are adequately informed about the protocol/amendment(s), the investigational product(s), and their trial-related responsibilities.

4.3 *Medical Care of Trial Subjects*

4.3.1 A qualified physician (or dentist, when appropriate), who is an investigator or a subinvestigator for the trial, should be responsible for all trial-related medical (or dental) decisions.

4.3.2 For the duration of a subject's participation in a trial, the investigator should ensure that adequate medical care (or dental care, when appropriate) is made available to the subject for trial-related illness(es)/adverse event(s). The investigator should inform the subject when medical care is needed for intercurrent illness(es) of which the investigator becomes aware. Following a subject's participation in a trial, the investigator should ensure that adequate medical care is provided for any adverse events, including clinically significant laboratory values, related to the trial.

4.3.3 It is recommended that the investigator inform the subject's primary physician, when there is one, with the subject's consent, about the participation in the trial.

4.3.4 Although a subject is not obliged to give his/her reason(s) for withdrawing prematurely from a trial, the investigator should make a reasonable effort to ascertain the reason(s), while fully respecting the subject's rights.

4.4 *Communication With IRB/IEC*

4.4.1 Before initiating a trial, the investigator should have written and dated approval/favorable opinion from the IRB/IEC for the trial protocol/amendment(s), written informed consent form, consent form updates, subject recruitment procedures (e.g., advertisements), and written information to be provided to subjects.

4.4.2 Except where national law does not permit, the investigator also should obtain approval/favorable opinion from the IRB/IEC for the trial-related costs and payments (see 3.1.8, 5.9, 5.11).

4.4.3 As part of the investigator's written application to the IRB/IEC, the investigator should provide the IRB/IEC with a current copy of the Investigator's Brochure. If the updated Investigator's Brochure contains important updates on safety information and clinical trial analyses, the investigator should supply a copy to the IRB/IEC.

4.4.4 During the trial the investigator should provide to the IRB/IEC all documents subject to review (see 3.1.2, 3.1.5, 3.1.7, 3.3.8, 4.10, 4.11).

4.5 *Compliance with Protocol/Amendment(s)*

4.5.1 The investigator/institution should conduct the trial in compliance with the protocol/amendment(s) agreed to by the sponsor, and the IRB/IEC and, if required, by the appropriate authority(ies). The investigator/institution and the sponsor should sign the protocol/amendment(s), or an alternative contract, to confirm agreement.

4.5.2 The investigator should not implement any changes in a trial without agreement by the sponsor and prior review or expedited review by the IRB/IEC, and without documented approval/favorable opinion of an appropriate amendment, except when the change involves logistical or administrative aspects of the trial.

4.5.3 The investigator, or person designated by the investigator, should document and explain any deviation from the approved protocol/amendment(s).

4.5.4 The investigator may implement a deviation, where necessary, to eliminate an immediate hazard(s) to trial subjects without prior IRB/IEC approval/favorable opinion. As soon as possible, the implemented deviation, the reasons, and, if appropriate, the proposed protocol amendment(s) should be submitted: (1) to the IRB/IEC for review and approval/favorable opinion, (2) to the sponsor for agreement, and, if required, (3) to the appropriate authority(ies).

4.6 *Investigational Product(s)*

4.6.1 Responsibility for investigational product(s) accountability at the trial site(s) rests with the investigator.

4.6.2 Where allowed/required, the investigator may/should assign some/all of the investigator's duties for investigational product(s) accountability at the trial site(s) to an appropriate pharmacist.

4.6.3 The investigator should ensure that the investigational product(s) are used only in accordance with the approved protocol/amendment(s).

4.6.4 The investigator, or a person designated by the investigator, should clearly explain the correct use of the investigational product(s) to each subject and should check, at each subject visit, that the subject is using the product(s) properly.

4.6.5 The investigator and/or pharmacist should maintain records of the product's delivery to the trial site, the inventory at the site, the use by each subject, and the return to the sponsor or alternative disposition of unused product(s). These records should include dates, quantities, batch/serial numbers, expiration dates (if applicable), and the unique code numbers assigned to the investigational product(s) and trial subjects. Investigators should maintain records that document adequately that the subjects were provided the doses specified by the protocol/amendment(s) and reconcile all investigational product(s) received from the sponsor.

4.6.6 The investigational product(s) should be properly and safely stored in accordance with applicable regulatory requirement(s).

4.7 *Randomization Procedures*

The investigator should follow the trial's randomization procedures, if any, and should ensure that the code is broken only in accordance with the protocol. If the trial is blinded, the investigator should document and explain any unblinding of the investigational product(s) promptly to the sponsor.

4.8 *Informed Consent of Trial Subjects*

4.8.1 In obtaining and documenting informed consent, the investigator should comply with the applicable regulatory requirement(s), and should adhere to GCP and to the ethical principles that have their origin in the Declaration of Helsinki. Prior to the beginning of the trial, the investigator should have the IRB/IEC's written approval/favorable opinion of the written informed consent form and written information to be provided to subjects.

4.8.2 The written informed consent form and written information to be provided to subjects should be revised whenever new information becomes available that may be relevant to the subject. Any revised written informed consent form, and written trial information should receive the IRB/IEC's approval/favorable opinion in advance of use.

4.8.3 Neither the investigator, nor the trial staff, should coerce or unduly influence a subject to participate or to continue to participate in a trial.

4.8.4 None of the oral and written information concerning the trial, including the written informed consent form, should contain any language that causes the subject or the subject's legally acceptable representative to waive or to appear to waive any legal rights, or that releases or appears to release the investigator, the institution, the sponsor, or their agents from liability for negligence.

4.8.5 The investigator, or a person designated by the investigator, should fully inform the subject or, if the subject is unable to provide informed consent, the subject's legally acceptable representative, of all pertinent aspects of the trial including the written information as approved/received favorable opinion from the IRB/IEC.

4.8.6 The language used in the oral and written information about the trial, including the written informed consent form, should be nontechnical and should be understandable to the subject or the subject's legally acceptable representative.

4.8.7 Before informed consent is given, the investigator, or a person designated by the investigator, should provide the subject or the subject's legally acceptable representative ample time to decide and opportunity to inquire about details of the trial. All questions about the trial should be answered to the satisfaction of the subject or the subject's legally acceptable representative.

4.8.8 Prior to participation in the trial, the written informed consent form should be signed and personally dated by the subject, or the subject's legally acceptable representative, and by the person who conducted the informed consent discussion.

4.8.9 If the subject or the subject's legally acceptable representative is unable to read,

an impartial witness should be present during the entire informed consent discussion. After the written informed consent form is read to the subject and orally consented to, and signed and personally dated by the subject, if capable of doing so, or the subject's legally acceptable representative, the witness should also sign and personally date the consent form, attesting that informed consent was freely given by the subject or the subject's legally acceptable representative.

4.8.10 Both the informed consent discussion and the written informed consent form should include clear explanations of the following:

(a) The trial involves research.

(b) The purpose of the trial.

(c) The trial treatment(s).

(d) The trial procedures to be followed, including all invasive procedures.

(e) The subject's responsibilities.

(f) Those trial features that are experimental.

(g) The reasonably foreseeable risks or inconveniences to the subject.

(h) The reasonably expected benefits. When there is no intended clinical benefit to the subject, the subject should be made aware of this.

(i) The alternative procedure(s) or course(s) of treatment that may be available to the subject, and their potential benefits and risks.

(j) The compensation and/or treatment available to the subject in the event of trial-related injury.

(k) The anticipated prorated payment, if any, to the subject for participating in the trial.

(l) The anticipated expenses, if any, to the subject for participating in the trial.

(m) That the subject's participation in the trial is voluntary and the subject may refuse to participate or withdraw from the trial, at any time, without penalty or loss of benefits to which the subject is otherwise entitled.

(n) That the monitor(s), the auditor(s), the IRB/IEC, and the regulatory authority(ies) will be granted direct access to the subject's original medical records for verification of clinical trial procedures and/or data without violating the confidentiality of the subject to the extent permitted by the applicable laws and regulations and that, by signing a written informed consent form, the subject or the subject's legally acceptable representative is authorizing such access.

(o) That confidentiality of records that identify the subject will be maintained and will not be made publicly available to the extent permitted by the applicable laws and/or regulations.

(p) That the subject or the subject's legally acceptable representative will be informed in a timely manner if information becomes available that may be relevant to the subject's participation in the trial.

(q) The person(s) to contact for further information regarding the trial and the rights of trial subjects, and whom to contact in the event of trial-related injury.

(r) The circumstances under which the subject's participation in the trial may be terminated without the subject's consent.

(s) The expected duration of the subject's participation in the trial.

(t) The approximate number of subjects involved in the trial.

4.8.11 The subject or the subject's legally acceptable representative should receive a copy of the signed and dated written informed consent form and signed and dated consent form updates, and a copy of the written trial information to be provided to subjects and its amendment(s).

4.8.12 To the extent that a minor child is capable of understanding and granting informed consent, the minor should give consent and, in addition to the minor's legally acceptable representative, the minor should sign and personally date the written informed consent form if the minor is capable of doing so.

4.8.13 In a nontherapeutic trial (i.e., when there is no anticipated direct clinical benefit to the subject), consent should always be given by the subject and the written consent form should be signed and personally dated by the subject.

4.8.14 Where prior consent of the trial subject is not possible, the protocol submitted to the IRB/IEC may provide that such consent need not be obtained and that only the consent of the subject's legally acceptable representative, if present, should be solicited. Absence of the subject's legally acceptable representative should require other measures that are described in the protocol to ensure compliance with applicable regulatory requirements. The trial subject or the subject's legally acceptable representative should be informed as soon as possible and consent should be requested.

4.9 *Records and Reports*

4.9.1 The source documents should support the data reported on the CRF, should identify the trial, and should document the dates of the subject's participation.

4.9.2 The investigator should ensure the accuracy, completeness, legibility, and timeliness of the data reported to the sponsor in the CRF's and in all required reports.

4.9.3 Any correction to a CRF should not obscure the original entry; this applies to both written and electronic corrections (see 5.18.5(n)). Sponsors should provide guidance to investigators or the investigators' designated representatives on making such corrections. Sponsors should have written procedures to assure that changes made by sponsor's designated representatives in CRF's are necessary, documented by an audit trail, and endorsed by the investigator.

4.9.4 The investigator/institution should maintain the trial documents as specified in the ICH Guideline for ''Essential Documents for the Conduct of a Clinical Trial,'' and as required by the applicable regulatory requirements. The investigator/institution should take measures to prevent accidental or premature destruction of records, including the subject's original medical records and accountability records for the investigational product(s).

4.9.5 Where there are no applicable regulatory requirements that require the retention of the essential documents for at least 2 years after the last marketing application approval or 2 years after formal discontinuation of the clinical development of the investigational product, the investigator/institution should prevent accidental or premature destruction of records for the period specified in the agreement with the sponsor, which should be at least as long as indicated above.

4.9.6 Upon request of the monitor, auditor, IRB/IEC, or regulatory authority, the investigator/institution should make available for direct access all requested trial-related records.

4.10 *Progress Reports*

4.10.1 The investigator should routinely submit written summaries of the status of the trial to the IRB/IEC. These reports should be submitted annually or more frequently if required by the IRB/IEC.

4.10.2 The investigator should promptly provide written reports to the sponsor and the IRB/IEC (see 3.3.8) on any problems, changes, or occurrences affecting the conduct of the trial, and/or increasing the risk to subjects.

4.11 *Safety Reporting*

4.11.1 All serious adverse events (SAE's) should be reported immediately to the sponsor unless the protocol or other document (e.g., Investigator's Brochure) identifies certain expected SAE's as not needing immediate reporting. This immediate reporting should be followed promptly by detailed, written reports, which should identify subjects by unique code numbers assigned to the trial subjects instead of by the subjects' names, personal identification numbers, and/or addresses. The investigator should also comply with local regulatory requirements related to the reporting of unexpected serious adverse drug reactions to the regulatory authority(ies) and/or the IRB/IEC.

4.11.2 In addition, those adverse events and/or laboratory abnormalities, which are identified in the protocol/amendment(s) as critical to safety evaluations, should be reported to the sponsor according to the reporting requirements and within the time periods that are specified by the sponsor in the protocol/amendments.

4.11.3 For all reported deaths, the investigator should supply the sponsor and, where required, the IRB/IEC with relevant information including autopsy reports and terminal medical reports.

4.12 *Trial Termination or Suspension*

4.12.1 If the trial is terminated or suspended by the investigator without prior agreement of the sponsor, the investigator should inform the institution where applicable and the investigator/institution should provide promptly to the sponsor and the IRB/IEC a detailed explanation of the termination/suspension.

4.12.2 If the trial is terminated/suspended by the sponsor, the investigator should provide promptly to the IRB/IEC and the institution, where required, a detailed explanation of the termination/suspension.

4.12.3 If the IRB/IEC terminates or suspends a trial, the investigator should immediately notify the sponsor and provide the sponsor with a detailed written explanation of the termination/suspension.

5. SPONSOR

5.1 *Quality Assurance and Quality Control*

5.1.1 The sponsor is responsible for implementing and maintaining quality assurance and quality control systems with written SOP's to ensure that trials are conducted and data are generated, documented (recorded), and reported in compliance with the protocol(s), GCP, and the applicable regulatory requirements.

5.1.2 The sponsor is responsible for securing agreement from all involved parties to ensure the availability of all trial-related sites and source data/documents, and reports for the purpose of monitoring and auditing by the sponsor, and inspecting by domestic and foreign regulatory authorities.

5.1.3 Quality control should be applied to each stage of data handling to ensure that all data are reliable and have been processed correctly.

5.1.4 Agreements, made by the sponsor with the investigator/institution and any other parties involved with the clinical trial, should be in writing, as part of the protocol or a written contract, to assure the quality of the trial-related activities.

5.2 *Contract Research Organization (CRO)*

5.2.1 A sponsor may transfer any or all of the sponsor's trial-related responsibilities to a CRO. However, the ultimate responsibility for the quality and integrity of the trial data should always reside with the sponsor. The sponsor should ensure that the CRO has and implements quality assurance and quality control.

5.2.2 Each trial-related responsibility that is transferred to and assumed by a CRO should be specified in a written contract.

5.2.3 All trial-related responsibilities not specifically transferred to and assumed by a CRO should be considered to be retained by the sponsor.

5.2.4 All references to a sponsor in this guideline also apply to a CRO to the extent that a CRO has assumed the trial-related responsibilities of a sponsor.

5.3 *Medical Expertise*

The sponsor should designate appropriately qualified medical personnel, who are readily available to advise on trial-related questions or problems. If necessary, outside consultant(s) may be appointed for this purpose.

5.4 *Trial Design*

5.4.1 The sponsor should utilize qualified experts (e.g., biostatisticians, clinical pharmacologists, and physicians) as appropriate, throughout all stages of the trial process, from designing the protocol and CRF's and planning the analysis to analyzing and preparing interim and final clinical trial reports.

5.4.2 See Chapter 6 ''Clinical Trial Protocol and Protocol Amendment(s),'' and the ICH Guideline for ''Structure and Content of Clinical Study Reports,'' and other appropriate ICH guidance on trial design and protocols.

5.5 *Trial Management, Data Handling, and Recordkeeping*

5.5.1 The sponsor should utilize appropriately qualified individuals to supervise the overall conduct of the trial, to handle the data, to verify the data, to conduct the statistical analyses, and to prepare the trial reports.

5.5.2 When using electronic trial data handling and/or remote electronic trial data systems, the sponsor should:

(a) Ensure that only validated data processing systems are used.

(b) Maintain SOP's for using these systems.

(c) Ensure that the systems are designed to allow data changes without any deletion of entered data (i.e., maintain an audit trail).

(d) Maintain a security system that prevents unauthorized access to the data.

(e) Maintain a list of the individuals who are authorized to make data changes.

(f) Maintain adequate backup of the data.

(g) Safeguard the blinding, if any.

5.5.3 The sponsor should ensure the greatest possible accuracy when processing data. If data are transformed during processing, it should always be possible to compare the original data and observations with the processed data.

5.5.4 The sponsor should use an unambiguous subject code that enables identification of all the data reported for each subject.

5.5.5 The sponsor, or other owners of the data, should retain all of the sponsor-specific essential documents pertaining to the trial. (See ICH Guideline for ''Essential Documents for the Conduct of a Clinical Trial.'')

5.5.6 The sponsor should retain all sponsor-specific essential documents in conformance with the applicable regulatory requirement(s) of the country(ies) where the product is approved, and/or where the sponsor intends to apply for approval(s).

5.5.7 If the sponsor discontinues the clinical development of an investigational product for any or all indications, routes of administration, or dosage forms, the sponsor should maintain all sponsor-specific essential documents for at least 2 years after formal discontinuation or in conformance with the applicable regulatory requirement(s).

5.5.8 If the sponsor discontinues the clinical development of an investigational product, the sponsor should notify all the trial investigators and all the appropriate regulatory authorities.

5.5.9 Any transfer of ownership of the data should be reported to the appropriate authority(ies), as required by the applicable regulatory requirement(s).

5.5.10 Where there are no applicable regulatory requirement(s) that require the investigator/institution to retain the trial-related essential documents for at least 2 years after the last marketing application approval or 2 years after formal discontinuation of the clinical development of the investigational product for any or all indications, routes of administration, or dosage forms, it is recommended that the sponsor agree with the investigator/institution to prevent accidental or premature destruction of the essential documents, for a period, which should be at least as long as indicated above.

5.6 *Investigator Selection*

5.6.1 The sponsor is responsible for selecting the investigator(s)/institution(s). The sponsor should select the investigator(s) who is/are qualified by training and experience to conduct the trial(s) and have adequate resources (see 4.1, 4.2). If coordinating committees and/or selection of coordinating investigator(s) are appropriate in multicenter trials, the organization and/or selection is the sponsor's responsibility.

5.6.2 Before entering an agreement with an investigator/institution to conduct a trial, the sponsor should provide the investigator(s)/institution(s) with the protocol and an up-to-date Investigator's Brochure, and should provide sufficient time for the investigator/institution to review the protocol and the information provided.

5.6.3 The sponsor should obtain the investigator's/institution's agreement to conduct the trial in compliance with the agreed to and/or approved protocol/amendment(s), and with GCP and the applicable regulatory requirement(s), and to accept procedures for data recording/reporting, monitoring, auditing, and inspecting. The sponsor and the investigator/institution should sign the protocol/amendment(s), or an alternative document, to confirm this agreement.

5.7 *Allocation of Responsibilities*

Prior to initiating a trial, the sponsor should define, establish, and allocate all trial-related responsibilities to either the sponsor, investigator(s), and/or other parties.

5.8 *Compensation to Subjects and Investigators*

5.8.1 If required by the applicable regulatory requirement(s), the sponsor should provide insurance or should indemnify (legal and financial coverage) the investigator/institution against claims arising from the trial, except for claims that arise from malpractice and/or negligence.

5.8.2 The sponsor's policies and procedures should address the costs of treatment of trial subjects in the event of trial-related injuries in accordance with the applicable regulatory requirement(s).

5.8.3 When trial subjects receive compensation, the method and manner should comply with applicable regulatory requirement(s).

5.9 *Financing*

Except where national law does not permit, the financial aspects of the trial should be documented as an agreement between the sponsor and the investigator/institution, and should be reviewed by the IRB/IEC and by the appropriate authority(ies) to evaluate if remuneration is not coercive (see 3.1.8, 4.4.2).

5.10 *Notification/Submission to Regulatory Authority(ies)*

Before initiating the clinical trial(s), the sponsor (or the sponsor and the investigator), if required by the applicable regulatory requirement(s) should submit any required application(s) to the appropriate authority(ies) for review, acceptance, and/or permission (as required by the applicable regulatory requirement(s)) to begin the trial(s). Any notification/submission should be dated and contain sufficient information to identify the protocol/amendment(s).

5.11 *Confirmation of Review by IRB/IEC*

5.11.1 The sponsor should obtain from each investigator:

(a) The name and address of the investigator's IRB/IEC.

(b) Statement from the IRB/IEC that it complies with GCP and the applicable laws and regulations.

(c) Documented IRB/IEC approval/favorable opinion and, where required, a current copy of protocol/amendment(s), written informed consent forms, and written information to be provided to subjects, subject recruiting procedures, documents related to payments and compensation available to the subjects, and any other documents that the IRB/IEC may require.

5.11.2 If the IRB/IEC conditions its approval/favorable opinion of the protocol and/or amendment(s), written informed consent form, written information to be provided to subjects and other procedures upon modifications, the sponsor should obtain from the investigator:

(a) A copy of the modification(s) as approved/received favorable opinion by the IRB/IEC.

(b) Documentation that the modification(s) was/were approved/received favorable opinion by the IRB/IEC and the date of the IRB/IEC's approval/favorable opinion.

5.11.3 The sponsor should obtain documentation and dates of any reapprovals/re-evaluations with favorable opinion, and of any withdrawals or suspensions of approval/favorable opinion.

5.12 *Information on Investigational Product(s)*

5.12.1 When planning trials, the sponsor should ensure the availability of sufficient safety and efficacy data for the product(s), including the available data from investigations and/or marketing worldwide. Sufficient safety and efficacy data from nonclinical studies and/or clinical trials should be available to justify human exposure by the route, at the dosages, and for the duration proposed to be studied during the trial and should be appropriate to the phase, type, and target population of the proposed trial.

5.12.2 The sponsor should update the Investigator's Brochure as significant new information becomes available. (See ICH Guideline for ''Investigator's Brochure.'')

5.13 *Manufacturing, Packaging, Labeling, and Coding Investigational Product(s)*

5.13.1 The sponsor should ensure that the investigational product(s) (including active comparators and placebo, if applicable) is characterized as appropriate to the stage of development of the product(s), manufactured in accordance with any applicable GMP, and coded and labeled in a manner that protects the blinding, if applicable. In addition, the labeling should comply with applicable regulatory requirement(s).

5.13.2 The sponsor should determine, for the investigational product(s), acceptable storage temperatures, storage times, reconstitution fluids and procedures, and devices for product infusion, if any. The sponsor should inform all involved parties (e.g., monitors, investigators, pharmacists, storage managers) of these determinations.

5.13.3 The investigational product(s) should be packaged to prevent contamination and unacceptable deterioration during transport and storage.

5.13.4 In blinded trials, the coding system for the investigational product(s) should include a mechanism that permits rapid identification of the product(s) in case of a medical emergency, but does not permit undetectable breaks of the blinding.

5.13.5 If significant formulation changes are made in the investigational or comparator product during the course of the clinical development/trial, the results of additional studies (e.g., stability, comparative dissolution rate, comparative bioavailability) demonstrating that these changes would not be expected to alter the pharmacokinetic profile or other clinical characteristics of the product should be available prior to the use of the new formulation in the clinical trial.

5.14 *Supplying and Handling Investigational Product(s)*

5.14.1 The sponsor is responsible for supplying the investigator(s) with the investigational product(s).

5.14.2 The sponsor should not supply an investigator with the investigational product(s) until the sponsor obtains documentation of all required approvals (e.g., IRB/IEC and authorities).

5.14.3 The sponsor should ensure that written procedures include the requirements that the investigator/institution follow for the handling and storage of investigational product(s) for the trial and documentation thereof. The procedures should address adequate and safe receipt, handling, storage, dispensing, retrieval of unused product from subjects, and return of unused investigational product(s) to the sponsor (or alternative disposition if authorized by the sponsor and in compliance with the applicable regulatory requirement(s)).

5.14.4 The sponsor should:

(a) Ensure timely delivery of investigational product(s) to the investigator(s).

(b) Maintain records that document shipment, delivery, receipt, disposition, return, and destruction of the investigational product(s). (See ICH Guideline for ''Essential Documents for the Conduct of a Clinical Trial.'')

(c) Maintain a system for retrieving investigational products and documenting this retrieval (e.g., for deficient product recall, reclaim after trial completion, expired product reclaim).

(d) Maintain a system for the disposition of unused investigational product(s) and documenting this disposition.

5.14.5 Where GMP does not apply to investigational product(s), the sponsor should:

(a) Take steps to ensure that the investigational product(s) are stable over the period of use.

(b) Maintain sufficient quantities of batch samples of the investigational product(s) in order to reconfirm specifications, if it appears necessary, and maintain records of batch sample analyses and characteristics. To the extent stability permits, batch samples should be retained either until the statistical analyses are complete or as required by the applicable regulatory requirement(s), whichever represents the longer retention period.

5.15 *Record Access*

5.15.1 The sponsor should ensure that it is specified in the protocol that the investigator(s)/institution(s) provide direct access to source data/documents for trial-related monitoring, audits, IRB/IEC review, and regulatory inspection.

5.15.2 The sponsor should verify that each subject has consented, in writing, to direct access to his/her original medical records for trial-related monitoring, audit, IRB/IEC review, and regulatory inspection.

5.16 *Safety Information*

5.16.1 The sponsor is responsible for the ongoing safety evaluation of the investigational product(s).

5.16.2 The sponsor should promptly notify all concerned investigator(s)/institution(s) and the regulatory authority(ies) of findings that could affect adversely the safety of subjects, impact the conduct of the trial, or alter the IRB/IEC's approval/favorable opinion to continue the trial.

5.17 *Adverse Drug Reaction Reporting*

5.17.1 The sponsor should expedite the reporting to all concerned investigator(s)/institutions(s), to the IRB(s)/IEC(s), where required, and to the regulatory authority(ies) of all adverse drug reactions (ADR's) that are both serious and unexpected.

5.17.2 Such expedited reports should comply with the applicable regulatory requirement(s) and with the ICH Guideline for ''Clinical Safety Data Management: Definitions and Standards for Expedited Reporting.''

5.17.3 The sponsor should submit to the regulatory authority(ies) all safety updates and periodic reports, as required by applicable regulatory requirement(s).

5.18 *Monitoring*

5.18.1 Purpose

The purposes of trial monitoring are to verify that:

(a) The rights and well-being of human subjects are protected.

(b) The reported trial data are accurate, complete, and verifiable from source documents.

(c) The conduct of the trial is in compliance with the currently approved protocol/amendment(s), with GCP, and with the applicable regulatory requirement(s).

5.18.2 Selection and Qualifications of Monitors.

(a) Monitors should be appointed by the sponsor.

(b) Monitors should be appropriately trained, and should have the scientific and/or clinical knowledge needed to monitor the trial adequately.

(c) Monitors should be thoroughly familiar with the investigational product(s), the protocol/amendment(s), written informed consent form, written information to be provided to subjects, GCP, and the applicable regulatory requirement(s).

5.18.3 Number of Monitors

The sponsor should ensure that the trials are appropriately monitored at the trial sites.

The number of monitors needed to ensure adequate monitoring of a trial depends primarily on the complexity of the trial, the number and locations of trial sites, and the number of trial subjects.

5.18.4 Monitoring Schedule

The monitor(s) should visit the trial site(s) before, during, and after the trial. The on-site visits should be frequent enough to monitor the trial adequately.

5.18.5 Monitor's Responsibilities

The monitor(s) should ensure that the trial is conducted and documented properly by:

(a) Acting as the main line of communication between the sponsor and the investigator.

(b) Verifying that the investigator has adequate qualifications and resources (see 4.1, 4.2, 5.6) and remain adequate throughout the trial period, that facilities, including laboratories, equipment, and staff, are adequate to safely and properly conduct the trial and remain adequate throughout the trial period.

(c) Verifying, for the investigational product(s):

(i) That storage times and conditions are acceptable, and that supplies are sufficient throughout the trial.

(*ii*) That the investigational product(s) are supplied only to subjects who are eligible to receive it and at the protocol specified dose(s).

(*iii*) That subjects are provided with necessary instruction on properly using, handling, storing, and returning the investigational product(s).

(*iv*) That the receipt, use, and return of the investigational product(s) at the trial sites are controlled and documented adequately.

(*v*) That the disposition of unused investigational product(s) at the trial sites complies with applicable regulatory requirement(s) and is in accordance with the sponsor.

(d) Verifying that the investigator follows the approved protocol and all approved amendment(s), if any.

(e) Verifying that written, informed consent was obtained before each subject's participation in the trial.

(f) Ensuring that the investigator receives the current Investigator's Brochure, all documents, and all trial supplies needed to conduct the trial properly and to comply with the applicable regulatory requirement(s).

(g) Ensuring that the investigator and the investigator's trial staff are adequately informed about the trial.

(h) Verifying that the investigator and the investigator's trial staff are performing the specified trial functions, as per written agreement between the sponsor and the investigator/institution, and have not delegated these functions to unauthorized or unapproved individuals.

(i) Verifying that the investigator is enrolling only eligible subjects.

(j) Reporting the subject recruitment rate.

(k) Verifying that accurate, complete, and current source documents and trial records are maintained.

(l) Verifying that the investigator provides all the required reports, notifications, applications, and submissions, and that these documents are accurate, complete, timely, legible, dated, and identify the trial.

(m) Checking the accuracy and completeness of the CRF entries against the subjects' source documents and other trial-related records. The monitor specifically should verify that:

(*i*) The data required by the protocol are reported accurately on the CRF's and are consistent with the source documents.

(*ii*) Any dose and/or therapy modifications are well documented for each of the trial subjects.

(*iii*) Concomitant medications and intercurrent illnesses are reported in accordance with the protocol on the CRF's.

(*iv*) Visits that the subjects fail to make, tests that are not conducted, and examinations that are not performed are clearly reported as such on the CRF's.

(*v*) All withdrawals and dropouts are reported and explained on the CRF's.

(n) Informing the investigator of any CRF entry error, omission, or illegibility. The monitor should ensure that appropriate corrections, additions, or deletions are made, dated, explained (if necessary), and initialed by the investigator or by a member of the investigator's trial staff who is authorized to initial CRF changes for the investigator. This authorization should be documented.

(o) Determining whether all adverse events (AE's) are appropriately reported within the time periods required by GCP, the protocol, the IRB/IEC, the sponsor, and the applicable regulatory requirement(s).

(p) Determining whether the investigator is maintaining the essential documents. (See Guideline for ''Essential Documents for the Conduct of a Clinical Trial.'')

(q) Communicating significant deviations to the investigator and taking appropriate action to prevent recurrence of the detected deviations.

5.18.6 Monitoring Procedures

The monitor should follow established written Standard Operating Procedures.

5.18.7 Monitoring Report

(a) The monitor should submit a written report to the sponsor after each trial-site visit or trial-related communication.

(b) Reports should include the time, date, site, name of the monitor, and name of the investigator or other individual(s) contacted.

(c) Reports should include the monitor's statements concerning the significant findings/facts, deviations and deficiencies, conclusions, actions taken or to be taken and/or actions recommended to secure compliance.

(d) The review and followup of the monitoring report with the sponsor should be documented.

5.19 *Audit*

If or when, as part of implementing quality assurance, the sponsors performing audits should consider:

5.19.1 Purpose

The purpose of a sponsor's audit, which is independent of and separate from routine monitoring or quality control functions, should be to evaluate trial conduct, protocol compliance, and GCP compliance.

5.19.2 Selection and Qualification of Auditors

(a) The sponsor should appoint individuals who are independent of the trial to conduct audits.

(b) The sponsor should ensure that the auditors are qualified by training and experience to conduct audits properly.

5.19.3 Auditing Procedures

(a) The sponsor should ensure that the auditing of clinical trials/systems is conducted in accordance with the sponsor's written procedures on what to audit, how to audit, the frequency of audits, and the form and content of audit reports.

(b) The sponsor's audit plan and procedures should be guided by the importance of the trial to submissions to regulatory authorities, the number of subjects in the trial, the type and complexity of the trial, the level of risks to the trial subjects, and any identified problem(s).

(c) The observations and findings of the auditor(s) should be documented in an audit report.

(d) The audit reports should not routinely be made available for inspection, but should be made available for inspection upon request by the regulatory authority(ies).

(e) When required by applicable law or regulation, the sponsor should provide an audit certificate.

5.20 *Noncompliance*

5.20.1 Noncompliance with the protocol, GCP, and/or applicable regulatory requirement(s) by an investigator/institution, or by member(s) of the sponsor's staff should lead to prompt action by the sponsor to secure compliance.

5.20.2 If monitoring and/or auditing identified serious and/or persistent noncompliance of an investigator, the sponsor should terminate the investigator's participation in the trial. When an investigator's participation is terminated because of noncompliance, the sponsor should notify promptly the responsible IRB(s)/IEC(s) and the appropriate authority(ies).

5.21 *Premature Termination of a Trial*

If a trial is prematurely terminated, the sponsor should promptly inform the investigators/institutions, the IRB(s)/IEC(s), and the appropriate regulatory authority(ies) of the termination and the reason(s) for the termination.

5.22 *Clinical Trial Reports*

Whether the trial is completed or prematurely terminated, the sponsor should ensure that the clinical trial reports are prepared and provided to the regulatory agency(ies) as required by the applicable regulatory requirement(s). The sponsor should also ensure that the clinical trial reports meet the standards of the ICH guideline entitled, ''Structure and Content of Clinical Study Reports.''

5.23 *Multicenter Trials*

For multicenter trials, the sponsor should ensure that:

5.23.1 All investigators conduct the trial in strict compliance with the same protocol, or with well-documented amended protocols that are agreed to by the sponsor and approved/provided a favorable opinion by

the IRB/IEC and authorities, when required, for specific sites.

5.23.2 The CRF's are designed to capture the required data at all multicenter trial sites, with exceptions for those investigators who are collecting additional data.

5.23.3 The responsibilities of a coordinating investigator and the other participating investigators are documented prior to the start of the trial.

5.23.4 All investigators are given sufficient instructions on how to follow the protocol and to comply with a uniform set of standards for assessment of the clinical and laboratory findings and for completing the CRF's.

5.23.5 Communication between investigators is possible.

6. *CLINICAL TRIAL PROTOCOL AND PROTOCOL AMENDMENT(S)*

The contents of a trial protocol should generally include the following topics:

6.1 *General Information*

6.1.1 Protocol title, protocol identifying number, and date. Any amendment(s) should also bear the amendment number(s) and date(s).

6.1.2 Name and address of the sponsor and monitor (if other than the sponsor).

6.1.3 Name and title of the person(s) authorized to sign the protocol and the protocol amendment(s) for the sponsor.

6.1.4 Name, title, address, and telephone number(s) of the sponsor's medical expert (or dentist when appropriate) for the trial.

6.1.5 Name and title of the investigator(s) who is (are) responsible for conducting the trial, and the address and phone number(s) of the trial site(s).

6.1.6 Name, title, address, and telephone number(s) of the qualified physician (or dentist, if applicable) who is responsible for all trial-site related medical (or dental) decisions (if other than investigator).

6.1.7 Name and address of the clinical laboratory and other medical and/or technical department(s) involved in the trial.

6.1.8 Site specific information may be provided on separate protocol page(s), if not addressed in a separate agreement.

6.2 *Background Information*

6.2.1 Name and description of the investigational product(s).

6.2.2 A summary of clinically significant findings from nonclinical studies and clinical trials that are relevant to the trial.

6.2.3 Summary of the known and potential risks and benefits, if any, to human subjects.

6.2.4 Description of and justification for the route of administration, dosage, dosage regimen, and treatment period(s).

6.2.5 A statement that the trial will be conducted in compliance with GCP and the applicable regulatory requirement(s).

6.2.6 Description of the population to be studied.

6.2.7 References to literature and data that are relevant to the trial, and that provide background for the trial.

6.3 *Trial Objectives and Purpose*

A detailed description of the objectives and the purpose of the trial.

6.4 *Trial Design*

(**NOTE:** The scientific integrity of the trial and the credibility of the data from the trial depend substantially on the trial design). A description of the trial design, including:

6.4.1 A specific statement of the primary endpoints and the secondary endpoints, if any, to be measured during the trial.

6.4.2 A description of the type/design of trial to be conducted (e.g., double-blind, placebo-controlled, parallel design) and a schematic diagram of trial design, procedures, and stages.

6.4.3 A description of the measures taken to minimize/avoid bias, including:

(a) Randomization.

(b) Blinding.

6.4.4 A description of the dosage and dosage regimen of the trial treatment(s).

6.4.5 The expected duration of subject participation, and a description of the sequence and duration of all trial periods, including followup, if any.

6.4.6 A description of the ''stopping rules'' or ''discontinuation criteria'' for individual subjects, parts of trial, and entire trial. Criteria for removing subjects from the trial should be outlined.

6.4.7 Investigational product accountability procedures.

6.4.8 Maintenance of trial treatment randomization codes and procedures for breaking codes.

6.5 *Selection and Withdrawal of Subjects*

6.5.1 Subject inclusion criteria.

6.5.2 Exclusion criteria.

6.5.3 Withdrawal criteria and procedures specifying:

(a) When and how to withdraw subjects from the trial.

(b) The type and timing of the data to be collected for withdrawn subjects.

6.6 *Treatment of Subjects*

6.6.1 The treatment(s) to be administered, including the name of the product(s), the dose(s), the dosing schedule(s), the route/mode of administration, and the treatment period(s) for the product(s).

6.6.2 Medication(s) permitted (including rescue medication) and not permitted before and/or during the trial.

6.6.3 Procedures for monitoring subject compliance.

6.7 *Assessment of Efficacy*

6.7.1 Specification of the efficacy parameters.

6.7.2 Methods and timing for assessing, recording, and analyzing of efficacy parameters.

6.8 *Assessment of Safety*

6.8.1 Specification of safety parameters.

6.8.2 Procedures for eliciting reports of and recording and reporting adverse events.

6.8.3 The duration of the followup period(s) after adverse events.

6.9 *Statistics*

6.9.1 A description of the statistical methods to be employed, including timing of any planned interim analysis(ses).

6.9.2 The number of subjects planned to be included. In multicenter trials, the numbers of subjects projected for each trial site should be specified. Reason for choice of sample size, including reflections on (or calculations of) the power of the trial and clinical justification.

6.9.3 The level of significance to be used.

6.9.4 Criteria for the termination of the trial.

6.9.5 Procedure for accounting for missing, unused, and spurious data.

6.9.6 Procedures for reporting any deviation(s) from the original statistical plan.

(Any deviation(s) from the original statistical plan should be described and justified in protocol amendment(s) and/or in the final report, as appropriate.)

6.10 *Quality Control and Quality Assurance Procedures*

Monitoring and audit procedures, if not addressed in a separate agreement.

6.11 *Ethics*

Description of ethical considerations relating to the trial.

6.12 *Data Handling and Recordkeeping*

6.13 *Financing and Insurance*

Financing and insurance, if not addressed in a separate agreement.

6.14 *Publication Policy*

Publication policy, if not addressed in a separate agreement.

6.15 *Supplements*

(**Note:** Since the protocol and the clinical trial/study report are closely related, further relevant information can be found in the ICH Guideline for ''Structure and Content of Clinical Study Reports.'')

Dated: August 11, 1995.

**William K. Hubbard,**

*Acting Deputy Commissioner for Policy.*

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# Part III

# Department of the Interior

## Fish and Wildlife Service

## 50 CFR Part 20

## Migratory Bird Hunting; Federal Indian Reservations and Ceded Lands; Proposed Rule

**DEPARTMENT OF THE INTERIOR**

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**RIN 1018-AC79**

## Migratory Bird Hunting; Proposed Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1995-96 Season

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** This rule proposes special migratory bird hunting regulations that would be established for certain tribes on Federal Indian reservations, off-reservation trust lands and ceded lands for the 1995-96 migratory bird hunting season.

**DATES:** The comment period for these proposed regulations will end August 28, 1995.

**ADDRESSES:** Comments should be sent to: Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, 634 ARLSQ, 1849 C St., NW., Washington, DC 20240. Comments received, if any, on these proposed special hunting regulations and tribal proposals will be available for public inspection during normal business hours in Room 634-Arlington Square Building, 4401 N. Fairfax Drive, Arlington, VA.

**FOR FURTHER INFORMATION CONTACT:** Ron W. Kokel or Dr. Keith A. Morehouse, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, (703/358-1714).

**SUPPLEMENTARY INFORMATION:** In the March 24, 1995, **Federal Register** (60 FR 15642), the Service requested proposals from Indian tribes that wished to establish special migratory bird hunting regulations for the 1995-96 hunting season, under the guidelines described in the June 4, 1985, **Federal Register** (50 FR 23467). The guidelines were developed in response to tribal requests for Service recognition of their reserved hunting rights, and for some tribes, recognition of their authority to regulate hunting by both tribal and non-tribal members on their reservations. The guidelines include possibilities for: (1) on-reservation hunting by both tribal and nontribal members, with hunting by nontribal members on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s); (2) on-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and (3) off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits. In all cases, the regulations established under the guidelines would have to be consistent with the March 10 to September 1 closed season mandated by the 1916 Migratory Bird Treaty with Canada. The guidelines are capable of application to those tribes that have recognized reserved hunting rights on Federal Indian reservations (including off-reservation trust lands) and on ceded lands. They also apply to establishing migratory bird hunting regulations for nontribal members on all lands within the exterior boundaries of reservations where tribes have full wildlife management authority over such hunting or where the tribes and affected States otherwise have reached agreement over hunting by nontribal members on lands owned by non-Indians within the reservation.

Tribes usually have the authority to regulate migratory bird hunting by nonmembers on Indian-owned reservation lands, subject to Service approval. The question of jurisdiction is more complex on reservations that include lands owned by non-Indians, especially when the surrounding States have established or intend to establish regulations governing hunting by non-Indians on these lands. In such cases, the Service encourages the tribes and States to reach agreement on regulations that would apply throughout the reservations. When appropriate, the Service will consult with a tribe and State with the aim of facilitating an accord. The Service also will consult jointly with tribal and State officials in the affected States where tribes may wish to establish special hunting regulations for tribal members on ceded lands.

Because of past questions regarding interpretation of what events trigger the consultation process, as well as who initiates it, there is a need to provide clarification here. The Service routinely provides **Federal Register** copies of published proposed and final rulemakings and other documents to all State Directors, tribes and others interested parties. It is the responsibility of the States, tribes and others to bring any concern for any feature(s) of any regulations to the attention of the Service. Consultation will be initiated at the point in time at which the Service is made aware of a concern. The Service cannot presume to know beforehand what, if any, concerns will be voiced regarding rulemakings.

The guidelines provide for the continuation of harvest of waterfowl and other migratory game birds by tribal members on reservations where it has been a customary practice. The Service does not oppose this harvest, provided it does not take place during the closed season defined by the 1916 Migratory Bird Convention with Canada, and it is not so large as to adversely affect the status of the migratory bird resource.

Before developing the guidelines, the Service reviewed available information on the current status of migratory bird populations and the current status of migratory bird hunting on Federal Indian reservations and evaluated the impact that adoption of the guidelines likely would have on migratory birds. The Service has concluded that the size of the migratory bird harvest by tribal members hunting on their reservations is normally too small to have significant impacts on the migratory bird resource.

One area of interest in Indian migratory bird hunting regulations relates to hunting seasons for nontribal members on dates that are within Federal frameworks, but that are different from those established by the State(s) in which a Federal Indian reservation is located. A large influx of nontribal hunters onto a reservation at a time when the season is closed in the surrounding State(s) could result in adverse population impacts on one or more migratory bird species. The guidelines make such an event unlikely, however, because tribal proposals must include: (a) details on the harvest anticipated under the requested regulations; (b) methods that will be employed to measure or monitor harvest (bag checks, mail questionnaires, etc.); (c) steps that will be taken to limit level of harvest, where it could be shown that failure to limit such harvest would impact on the migratory bird resource; and (d) tribal capabilities to establish and enforce migratory bird hunting regulations. Based on a review of tribal proposals, the Service may require modifications, and regulations may be established experimentally, pending evaluation and confirmation of harvest information obtained by the tribes.

The Service believes that the guidelines provide appropriate opportunity to accommodate the reserved hunting rights and management authority of Indian tribes while ensuring that the migratory bird resource receives necessary protection. The conservation of this important international resource is paramount. The guidelines should not be viewed as inflexible. In this regard, the Service notes that they have been employed successfully since 1985 to establish

special hunting regulations for Indian tribes. Therefore, the Service believes they have been tested adequately and they were made final beginning with the 1988-89 hunting season. It should be stressed here, however, that use of the guidelines is not mandatory and no action is required if a tribe wishes to observe the hunting regulations established by the State(s) in which the reservation is located.

In summary, the purpose of this document is to propose 1995-96 season migratory bird hunting regulations for participating tribes.

**Hunting Season Proposals from Indian Tribes and Organizations**

For the 1995-96 hunting season, the Service received requests from seventeen tribes and Indian organizations that followed the 1985 proposal guidelines and were appropriate for publication in the **Federal Register** without further and/or alternative actions. The Seminole Tribe of Florida, the Grand Traverse Band of Ottawa and Chippewa Indians (Michigan), and the Squaxin Island Tribe (Washington) are included in the regulations this year for the first time.

The Service actively solicits regulatory proposals from other tribal groups that have an interest in working cooperatively for the benefit of waterfowl and other migratory game birds. Also, tribes are encouraged to work with the Service in developing agreements for management of migratory bird resources on tribal lands.

It should be noted that this proposed rule includes generalized regulations for both early- and late-season hunting. There will be a final rule published later in an August 1995 **Federal Register** that will include tribal regulations for the early-hunting season. The early season begins on September 1 each year and most commonly includes such species as mourning doves and white-winged doves. There will also be a final rule published in a September 1995 **Federal Register** that will include regulations for late-season hunting. The late season begins on or around October 1 and most commonly includes waterfowl species. In this current rulemaking, because of the compressed timeframe for establishing regulations for Indian tribes and because final frameworks dates and other specific information are not available, the regulations for many tribal hunting seasons are described in relation to the season dates, season length and limits that will be permitted when final Federal frameworks are announced for early- and late-season regulations. For example, the daily bag and possession limits for ducks on some areas are shown as ''Same as permitted Pacific Flyway States under final Federal frameworks,'' and limits for geese will be shown as the same that will be permitted the State(s) in which the tribal hunting area is located. The proposed frameworks for early-season regulations were published in the **Federal Register** on July 21, 1995 (60 FR 37754); early-season final frameworks will be published in mid-August. Proposed late-season frameworks for waterfowl and coots will be published in mid-August, and the final frameworks for the late seasons will be published in mid-September. The Service will notify affected tribes of season dates, bag limits, etc., as soon as final frameworks are established.

As discussed earlier in this document, no action is required by tribes that wish to observe the migratory bird hunting regulations established by the State in which a reservation is located.

The proposed regulations for the seventeen tribes with proposals that meet the established criteria are shown below.

*1. Colorado River Indian Tribes, Colorado River Indian Reservation, Parker, Arizona*

The Colorado River Indian Reservation is located in Arizona and California. The tribes own almost all lands on the reservation, and have full wildlife management authority.

In their 1995-96 proposal, dated June 26, 1995, the Colorado River Indian Tribes are requesting split dove seasons. The early season is proposed to begin on September 1 and end on September 10, 1995, with the daily bag limits being 10 mourning or 10 white-winged doves either singly or in the aggregate. The late season for doves is proposed to open on November 25, 1995, and close on January 14, 1996, with a daily bag limit of 10 mourning doves. The possession limit would be twice the daily bag limit. Shooting hours would be from one-half hour before sunrise to sunset, and other special tribally set regulations would apply.

The Colorado River Indian Tribes are also proposing split duck hunting seasons. The first season would run from October 15, 1995, through November 12, 1995, and the second from December 9, 1995, through January 7, 1996. The Tribes are proposing the same season dates for coots and common moorhens. The daily bag limit for ducks, including mergansers, would be 4 birds, which would include no more than 2 redheads, 2 pintails, 1 canvasback, or 1 Mexican duck. The possession limit would be twice the daily bag limit, after the first day. The daily bag limit for coots and common moorhens would be 25, singly or in the aggregate. The possession limit for coots and common moorhens would be twice the daily bag limit.

For geese, the Colorado River Indian Tribes have proposed a season of October 21, 1995, through January 21, 1996. The daily bag and possession limits for geese would be 5, which would include no more than 3 white geese (snow and/or Ross and blue geese) and not more than 2 dark geese (Canada geese).

Under the proposed regulations described here, based upon past seasons, the anticipated harvest is estimated to be less than 400 ducks and 100 geese.

Hunters are required to have a valid Colorado River Indian Reservation hunting permit in their possession while hunting. As in the past, the regulations would apply both to tribal and non-tribal hunters, and non-toxic shot would be required for waterfowl hunting. The Service is proposing to approve the Colorado River Indian Tribes regulations.

*2. Confederated Salish and Kootenai Tribes, Flathead Indian Reservation, Pablo, Montana*

For the past several years, the Confederated Salish and Kootenai Tribes and the State of Montana have entered into cooperative agreements for the regulation of hunting on the Flathead Indian Reservation. The State and the Tribes are currently operating under a cooperative agreement signed in 1990 that addresses fishing and hunting management and regulation issues of mutual concern. This agreement enables all hunters to utilize waterfowl hunting opportunities on the reservation. Reservation proposed special regulations for waterfowl hunting were submitted to the Service in a May 30, 1995, proposal.

As in the past, tribal regulations for nontribal duck hunters would be at least as restrictive as those established for the Pacific Flyway portion of Montana. Goose season dates would also be at least as restrictive as those established for the Pacific Flyway portion of Montana. However, the Tribes propose a possible increase in the daily bag limit of dark geese from 3 to 4 geese, given the results of 1995 Canada goose production data and discussions with the State of Montana and the Pacific Flyway Council. The Tribes' requested dark goose daily bag increase is prompted by increasing reports of goose depredation.

Shooting hours for waterfowl hunting on the Flathead Reservation are sunrise

to sunset over the dates to be specified in the final regulations and steel shot is the only legal shotgun load on the reservation for waterfowl.

The requested season dates and bag limits are generally similar to the regulations of the past five years, with the exception of geese, and it is anticipated that there will be no significant changes in harvest levels. Standardized check station data from the 1993-94 and 1994-95 hunting seasons indicated no significant changes in harvest levels and that the large majority of the harvest is by non-tribal hunters.

Pending approval of the increased daily bag limit of geese by the State of Montana and the Pacific Flyway Council, the Service proposes to approve the Tribes' request for special migratory bird regulations for the 1995-96 hunting season.

*3. Crow Creek Sioux Tribe, Crow Creek Indian Reservation, Fort Thompson, South Dakota*

The Crow Creek Indian Reservation has a checkerboard pattern of land ownership, with much of the land owned by non-Indians. Since the 1993-94 season, the tribe has selected special waterfowl hunting regulations independent of the State of South Dakota. All basic migratory bird hunting regulations contained in 50 CFR part 20 would be observed by the tribe.

For the 1995-96 hunting season, the tribe, in a proposal dated June 1, 1995, requested duck season dates of October 28 to December 23, 1995, with the same daily bag and possession limits permitted by the final Federal frameworks, to be announced. The season and bag limits would be essentially the same as last year, given the final Federal frameworks, and harvest is again expected to be low because of the small number of hunters. Last year, estimated duck harvest was 48 birds down from 67 in 1994-95.

For geese, the tribe requested a goose hunting season of October 7, 1995, through January 7, 1996, with the daily bag and possession limits the same as those permitted by final Federal frameworks, to be announced. The tribe estimates harvest for last season to be about 90 geese which represented less than half of the estimated harvest for the previous hunting season. Harvest for this coming season should be approximately the same as last season.

The Service proposes to approve the tribal requests for duck and goose hunting regulations. As with all other groups, the Service asks that the tribe continue to survey and report the harvest.

*4. Grand Traverse Band of Ottawa and Chippewa Indians, Suttons Bay, Michigan*

For the first time, in the 1995-96 migratory bird seasons, the Grand Traverse Band of Ottawa and Chippewa Indians and the Service are cooperating to establish special regulations for waterfowl. The Grand Traverse Band is a self-governing, federally recognized tribe located on the west arm of Grand Traverse Bay in Leelanau County, Michigan. The Grand Traverse Band is a signatory tribe of the Treaty of 1836 which ceded to the United States roughly one-third of the land base of the present State of Michigan, 80 percent of Lake Michigan off the Michigan shoreline to the center, northern Lake Huron, and the eastern end of Lake Superior. The Service has approved special regulations for tribal members of the 1836 treaty's signatory tribes on ceded lands in Michigan since the 1986-87 hunting season.

For the 1995-96 season, the Grand Traverse Band of Ottawa and Chippewa is proposing a tribal member duck season that would run from October 1 through November 30, 1995. A daily bag limit of 5 would include no more than 1 pintail, 1 canvasback, 1 black duck, 2 wood ducks, and 1 hen mallard.

For Canada geese, the tribe proposes a September 1 through November 30, 1995, and a January 1 through February 7, 1996, season. For white-fronted geese, brant, and snow geese, the tribe proposes a October 1 through November 30, 1995 season. The daily bag limit for all geese (including brant) would be 5 birds. Based on Service information, it is unlikely that any Canada geese from the Southern James Bay Population would be harvested by the tribes. All other Federal regulations contained in 50 CFR part 20 would apply.

The tribe proposes to closely monitor harvest through game bag checks, patrols, and mail surveys. In particular, the tribe proposes to monitor the harvest of Southern James Bay Canada geese to assess any impacts of tribal hunting on the population.

The Service proposes to approve the Grand Traverse Band of Ottawa and Chippewa's requested 1995-96 special migratory bird hunting regulations.

*5. Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin*

Since 1985, various bands of the Lake Superior Tribe of Chippewa Indians have exercised judicially recognized off-reservation hunting rights for migratory birds in Wisconsin. The specific regulations were established by the Service in consultation with the Wisconsin Department of Natural Resources and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC, which represents the various bands). Beginning in 1986, a tribal season on ceded lands in the western portion of the State's Upper Peninsula was developed in coordination with the Michigan Department of Natural Resources, and the Service has approved special regulations for tribal members in both Michigan and Wisconsin since the 1986-87, hunting season. In 1987, the GLIFWC requested and the Service approved special regulations to permit tribal members to hunt on ceded lands in Minnesota, as well as in Michigan and Wisconsin. The States of Michigan and Wisconsin concurred with the regulations, although Wisconsin has raised some concerns each year. Minnesota did not concur with the regulations, stressing that the State would not recognize Chippewa Indian hunting rights in Minnesota's treaty area until a court with jurisdiction over the State acknowledges and defines the extent of these rights. The Service acknowledged the State's concern, but pointed out that the United States Government has recognized the Indian hunting rights decided in the Voigt case, and that acceptable hunting regulations have been negotiated successfully in both Michigan and Wisconsin even though the Voigt decision did not specifically address ceded land outside Wisconsin. The Service believes this is appropriate because the treaties in question cover ceded lands in Michigan (and Minnesota), as well as in Wisconsin. Consequently, in view of the above, the Service has approved special regulations since the 1987-88 hunting season on ceded lands in all three States. In fact, this recognition of the principle of reserved treaty rights for band members to hunt and fish was pivotal in a decision by the Service to approve a special season for the 1836 ceded area in Michigan for the 1991-92 migratory bird hunting seasons.

Recently, certain GLIFWC member bands have brought suit to resolve the issue of hunting, fishing and gathering rights in the Minnesota ceded areas covered under the 1837 and 1854 treaties. The Federal Government has intervened in support of the bands.

In a May 18, 1995, letter, the GLIFWC proposed off-reservation special migratory bird hunting regulations for the 1995-96 seasons. Details of the proposed regulations are shown below. In general, the proposal is essentially identical to the regulations approved for the 1994-95 season for ducks (including mergansers) and geese for all of the

Minnesota and Wisconsin ceded areas. Bag limits for ducks and geese in these areas would be 20 and 10, respectively, although certain sex and species restrictions would apply. Regulations proposed for the 1836 and 1842 Treaty areas located in Michigan will be the same as those permitted for the State of Michigan, except for the daily bag limit of geese. In the past, the GLIFWC's request for increased goose bag limits was objected to by the Service in the belief that the Southern James Bay Population of Canada Geese, a population that has declined dramatically in the past several years, could potentially be further hurt by this action. We now know that this goose population is not a major contributor to the GLIFWC member band harvest; probably less than 25 geese from this population are taken annually by the Bay Mills Community hunters.

Results of the 1994-95 hunter survey show that 1901 ducks and 719 geese were actually harvested. Under the proposed regulations, harvest is expected to be similar to last year and most likely would not exceed 3000 ducks and 900 geese. The Service believes that regulations advanced by the GLIFWC for the 1995-96 hunting season are biologically acceptable. The Service is proposing to approve the GLIFWC regulations. If the regulations are finalized as proposed, the Service would request that the GLIFWC closely monitor the member band duck harvest and take any actions necessary to reduce harvest if locally nesting populations are being significantly impacted.

The Commission and the Service are parties to a Memorandum of Agreement (MOA) designed to facilitate the ongoing enforcement of Service-approved tribal migratory bird regulations. The MOA is intended to have long-term cooperative application.

Also, as in recent seasons, the proposal contains references to Chapter 10 of the Migratory Bird Harvesting Regulations of the Model Off-Reservation Conservation Code. Chapter 10 regulations parallel State and Federal regulations and, in effect, are not changed by this change in reference.

The GLIFWC's proposed 1995-96 waterfowl hunting season regulations are as follows:

**Ducks**

*A. Wisconsin and Minnesota 1837, 1842 and 1854 Zones:*

*Season Dates:* Begin September 15 and end November 7, 1995.

*Daily Bag Limit:* 20 ducks, including no more than 10 mallards (only 5 of which may be hens), 4 black ducks, 4 redheads, 4 pintails, and 2 canvasbacks.

*B. Michigan, 1842 Treaty Zone:* Same dates, season lengths, and daily bag limits permitted the State of Michigan for this area under final Federal frameworks.

*C. Michigan, 1836 Treaty Zone:* Same dates, season lengths, and daily bag limits permitted the State of Michigan for this area under final Federal frameworks.

**Mergansers**

*A. Wisconsin and Minnesota 1837, 1842 and 1854 Zones:*

*Season Dates:* Begin September 15 and end November 7, 1995.

*Daily Bag Limit:* The daily bag limit would be 5.

*B. Michigan, 1842 Treaty Zone:* Same dates and season length permitted the State of Michigan for this area under final Federal frameworks. The daily bag limit would be 5, including no more than 1 hooded merganser.

*C. Michigan, 1836 Treaty Zone:* Same dates and season length permitted the State of Michigan for this area under Federal frameworks. The daily bag limit would be 5, including no more than 1 hooded merganser.

**Geese: Canada Geese**

*A. Wisconsin and Minnesota 1837, 1842 and 1854 Zones:*

*Season Dates:* Begin September 15 and end December 1, 1995.

*Daily Bag Limit:* The daily bag limit would be 10, minus the number of blue, snow or white-fronted geese taken.

*B. Michigan, 1842 Treaty Zone:* Same dates and season length permitted the State of Michigan for this area under final Federal frameworks. The daily bag limit would be 5.

*C. Michigan, 1836 Treaty Zone:* Same dates, season length and daily bag limit permitted the State of Michigan for this area under final Federal frameworks.

**Geese: Blue, Snow and White-fronted Geese**

*A. Wisconsin and Minnesota 1837, 1842 and 1854 Zones:*

*Season Dates:* Begin September 15 and end December 1, 1995.

*Daily Bag Limit:* The daily bag limit would be 10, minus the number of Canada geese taken.

*B. Michigan, 1842 Treaty Zone:* Same dates and season length permitted the State of Michigan for this area under final Federal frameworks. The daily bag limit would be 7, minus the number of Canada geese taken and including no more than 2 white-fronted geese.

*C. Michigan, 1836 Treaty Zone:* Same dates and season length permitted the State of Michigan for this area under final Federal frameworks. The daily bag limit would be 7, minus the number of Canada geese taken and including no more than 2 white-fronted geese.

**Other Migratory Birds: Coots and Common Moorhens (Common Gallinules)**

*A. Wisconsin and Minnesota 1837, 1842 and 1854 Zones:*

*Season Dates:* Begin September 15 and end November 7, 1995.

*Daily Bag Limit:* The bag limit would be 20, singly or in the aggregate.

*B. Michigan, 1842 Treaty Zone:* Same dates and season length permitted the State of Michigan for this area under final Federal frameworks. The daily bag limit would be 20, singly or in the aggregate.

*C. Michigan, 1836 Treaty Zone:* Same dates and season length permitted the State of Michigan for this area under final Federal frameworks. The daily bag limit would be 20, singly or in the aggregate.

**Sora and Virginia Rails**

*A. Wisconsin and Minnesota 1837, 1842 and 1854 Zones:*

*Season Dates:* Begin September 15 and end November 7, 1995.

*Daily Bag Limit:* The daily bag and possession limit is 25 singly, or in the aggregate.

*B. Michigan, 1842 Treaty Zone:* Same dates and season length permitted the State of Michigan for this area under final Federal frameworks. The daily bag and possession limit would be 25 singly, or in the aggregate.

*C. Michigan, 1836 Treaty Zone:* Same dates and season length permitted the State of Michigan for this area under final Federal frameworks. The daily bag and possession limit would be 25, singly or in the aggregate.

**Common Snipe**

*A. Wisconsin and Minnesota 1837, 1842 and 1854 Zones:*

*Season Dates:* Begin September 15 and end November 7, 1995.

*Daily Bag Limit:* The daily bag limit would be 8.

*B. Michigan, 1842 Treaty Zone:* Same dates and season length permitted for the State of Michigan for this area under final Federal frameworks. The daily bag limit would be 8.

*C. Michigan, 1836 Treaty Zone:* Same dates and season length permitted for the State of Michigan for this area under final Federal frameworks. The daily bag limit would be 8.

**Woodcock**

*A. Wisconsin and Minnesota 1837, 1842 and 1854 Zones:*

*Season Dates:* Begin September 5 and end November 30, 1995.

*Daily Bag Limit:* The daily bag limit would be 5.

*B. Michigan, 1842 Treaty Zone:* Same dates and season length permitted the State of Michigan for this area under final Federal frameworks. The daily bag limit would be 5.

*C. Michigan, 1836 Treaty Zone:* Same dates and season length permitted the State of Michigan for this area under final Federal frameworks. The daily bag limit would be 5.

*D. General Conditions*

1. While hunting waterfowl, a tribal member must carry on his/her person a valid tribal waterfowl hunting permit.

2. Except as otherwise noted, tribal members will be required to comply with tribal codes that will be no less restrictive than the provisions of Chapter 10 of the Model Off-Reservation Code. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel Federal requirements, 50 CFR Part 20 and shooting hour regulations in 50 CFR Part 20, Subpart K, as to hunting methods, transportation, sale, exportation and other conditions generally applicable to migratory bird hunting.

3. Tribal members in each zone will comply with State regulations providing for closed and restricted waterfowl hunting areas.

4. Possession limits for each species are double the daily bag limit, except on the opening day of the season, when the possession limit equals the daily bag limit, unless otherwise noted above. Possession limits are applicable only to transportation and do not include birds which are cleaned, dressed, and at a member's primary residence. For purposes of enforcing bag and possession limits, all migratory birds in the possession or custody of tribal members on ceded lands will be considered to have been taken on those lands unless tagged by a tribal or State conservation warden as having been taken on-reservation. In Wisconsin, such tagging will comply with applicable State laws. All migratory birds which fall on reservation lands will not count as part of any off-reservation bag or possession limit.

5. Minnesota and Michigan--Duck Blinds and Decoys. Tribal members hunting in Michigan and Minnesota will comply with tribal codes that contain provisions that parallel applicable State laws concerning duck blinds and/or decoys.

*6. Jicarilla Apache Tribe, Jicarilla Indian Reservation, Dulce, New Mexico*

The Jicarilla Apache Tribe has had special migratory bird hunting regulations for tribal members and nonmembers since the 1986-87 hunting season. The tribe owns all lands on the reservation and has recognized full wildlife management authority. In general, the proposed seasons would be more conservative than allowed by the Federal frameworks of last season and by States in the Pacific Flyway.

In a May 4, 1995, proposal, the tribe proposed a 1995-96 waterfowl season opening date of October 14 and a closing date of November 30, 1995. Daily bag and possession limits would be similar to Pacific Flyway States. The tribe proposes, however, an additional duck in the daily bag limit and a closed season on canvasbacks and geese. Other regulations specific to the Pacific Flyway guidelines for New Mexico would be in effect.

The Jicarilla Game and Fish Department gives an annual estimate of waterfowl harvest, which continues to be relatively small--comparatively speaking. In the 1994-95 season, estimated duck harvest was 1,212, down from 1,323 in 1993-94. The species composition included mallards (27 percent), gadwall (32 percent), teal (20 percent), and wigeon (10 percent). Northern pintail comprised only 2 percent of the total harvest.

The proposed regulations are essentially the same as were established last year and the tribe anticipates the maximum 1995-96 waterfowl harvest would be around 2,100 ducks. However, the tribe's requested shorter season, compared to past years, and the unlikelihood that every hunter would harvest the maximum daily bag limit, probably inflate the tribe's estimated harvest.

In large part, the Service agrees with the tribe's requested 1995-96 hunting seasons. The Service is concerned, however, with the tribe's request to increase the daily bag limit of ducks for nontribal members over that allowed by Federal frameworks for States in the Pacific Flyway. Generally, greater harvest accommodations provided to tribal members stem from treaty rights, which are not held by nontribal members. While the Service commends the tribe for its generally conservative regulation- setting policy, a discrepancy of this nature would not be in the best long-term interest of the well-established cooperative tribal regulation-development process conducted between the Jicarilla Apache Tribe and the Service since 1986. Therefore, the Service proposes to approve the tribe's request for the 1995-96 hunting season if the tribe agrees to adopt the same nontribal daily bag limit for ducks as that allowed Pacific Flyway States by the Federal frameworks.

*7. Kalispel Tribe, Kalispel Reservation, Usk, Washington*

The Kalispel Reservation was established by Executive Order in 1914, and currently comprises approximately 4600 acres. All Reservation land is owned by the tribe and it has full management authority. Currently, the tribe has no recognized rights to hunt, fish or gather off-reservation. The Kalispel Tribe has a fully developed wildlife program with hunting and fishing codes. The tribe enjoys excellent wildlife management relations with the State of Washington, with which it has an operational Memorandum of Understanding with emphasis on fisheries but also for wildlife. The seasons described below pertain to non-tribal hunters that would be allowed to harvest waterfowl on a 176 acre waterfowl management unit. The tribe is utilizing this opportunity to rehabilitate an area that needs protection because of past land use practices, as well as to provide additional waterfowl hunting in the area.

For the 1995-96 migratory bird hunting seasons, the Kalispel Tribe proposed, in a June 27, 1995, letter, duck and goose seasons that begin 2 weeks earlier and end 2 weeks later than those for the State of Washington in the same area. The outside frameworks, however, for ducks and geese would run from October 1, 1995, through January 31, 1996. In that period, non-tribal hunters would be allowed to hunt on weekends, holidays and continuously in the month of December for a total of 66 days. Hunters should obtain further information on days from the Kalispel Tribe. Daily bag and possession limits would be the same as those for the State of Washington, and anticipated harvest is expected to be less than 200 geese and 250 ducks.

All other State and Federal regulations contained in 50 CFR Part 20, such as use of steel shot and possession of a signed migratory bird hunting stamp, will be observed.

The Service proposes to agree to the regulations requested by the Kalispel Tribe.

*8. Klamath Tribe, Chiloquin, Oregon*

The Klamath Tribe currently has no reservation, per se. However, the Klamath Tribe has reserved hunting, fishing and gathering rights within the former reservation boundary. This area of former reservation, granted to the Klamaths by the Treaty of 1864, is over 1 million acres. Tribal natural resource management authority is derived from the Treaty of 1864, and carried out

cooperatively under the judicially enforced Consent Decree of 1981. The parties to this Consent Decree are the Federal Government, the State of Oregon and the Klamaths. The Klamath Indian Game Commission conducts the setting of seasons. Tribal harvest is monitored by both the tribal biological staff and tribal Regulatory Enforcement Officers through frequent bag checks and hunter interviews.

In a June 2, 1995, letter, the Klamath Tribe proposed season dates that run from October 1, 1995, through January 28, 1996. Daily bag limits would be 9 for ducks and 6 for geese; the possession limits would be twice the daily bag limit. The daily bag and possession limit for coots would be 25. Shooting hours would be one-half hour before sunrise to one-half hour after sunset. Based on the number of birds produced in the Klamath Basin, the tribe expects that this year's duck harvest will be similar to last year's while goose harvest will most likely be above 1994 levels.

The Service proposes to approve the regulations of the Klamath Tribe, provided an agreement can be reached on waterfowl sex and species restrictions.

*9. Lower Brule Sioux Tribe, Lower Brule Reservation, Lower Brule, South Dakota*

The Lower Brule Sioux Tribe first established tribal migratory bird hunting regulations for the Lower Brule Reservation in 1994. The Lower Brule Reservation is about 214,000 acres in size and is located on and adjacent to the Missouri River, south of Pierre. Land ownership on the reservation is mixed, however, the Lower Brule Tribe currently has full management authority. On-reservation management authority over fish and wildlife was established for the Lower Brule Sioux Tribe via a MOA with the State of South Dakota, dated October 24, 1986. Although the tribe is in litigation with the State of South Dakota regarding jurisdiction, this MOA will continue to be in effect until settled by the Federal District Court. The MOA provides the tribe jurisdiction over fish and wildlife on reservation lands, including deeded and Corps of Engineers taken lands. Recent meetings between the Lower Brule Sioux Tribe, the South Dakota Department of Game, Fish and Parks and the Service have yielded consensus on the implementation of this Agreement for the 1995-96 season. This will allow the public a clear understanding of the Lower Brule Sioux Wildlife Department license requirements and hunting season regulations. The Lower Brule Reservation waterfowl season is open to tribal and non-tribal hunters.

For the 1995-96 migratory bird hunting season, the Lower Brule Sioux Tribe is proposing a duck season length of 51 days or the maximum number of days in the High Plains Zone if greater. The tribe's proposed season would run from October 7 through November 26, 1995 with any additional days added after November 26. The daily bag limit would be 4 ducks, which could no more than 1 hen mallard, 1 redhead, 1 canvasback, 1 pintail, 1 hooded merganser, or 2 wood ducks, or the maximum daily bag limit in South Dakota.

The tribe's proposed goose season would run from October 7 through December 31, 1995, with a daily bag limit of 2 dark geese, which may not include more than 1 white-fronted geese. The daily bag limit for light geese would be 10. Possession limits would be twice the daily bag limits.

In the 1994-95 season, 234 hunters harvested an estimated 511 geese (0.9 geese per hunter-day) and 396 ducks (0.7 ducks per hunter-day). Duck species composition was primarily mallard (57 percent), gadwall (10 percent), and green-winged teal (10 percent), while goose harvest was 98 percent Canada geese. In addition, harvest at two tribal goose camps totalled 3,105 geese of which over 97 percent were Canada geese.

With the tribe's proposed regulations for 1995-96, duck harvest is anticipated to be approximately 500 birds (an increase of 25 percent), while goose harvest is expected to be similar to last year. All basic Federal regulations contained in 50 CFR Part 20, including the use of steel shot, Migratory Waterfowl Hunting and Conservation Stamp, etc., would be observed by the tribe's proposed regulations. In addition, the Lower Brule Sioux Tribe has an official Conservation Code that was established by Tribal Council Resolution on June 1982 and updated in 1994.

The Service proposes to approve the tribe's proposed regulations set out here for the Lower Brule Reservation.

*10. Navajo Nation, Navajo Indian Reservation, Window Rock, Arizona*

Since 1985, the Service has established uniform migratory bird hunting regulations for tribal members and nonmembers on the Navajo Indian Reservation (in parts of Arizona, New Mexico, and Utah). The tribe owns almost all lands on the reservation and has full wildlife management authority.

In a June 30, 1995, communication, the tribe proposed special migratory bird hunting regulations on the reservation for both tribal and nontribal members for the 1995-96 hunting season for ducks (including mergansers), Canada geese, coots, band-tailed pigeons, and mourning doves. For waterfowl, the Navajo Nation requests the earliest opening dates and longest seasons, and the same daily bag and possession limits, permitted Pacific Flyway States under final Federal frameworks, to be announced. For both mourning dove and band-tailed pigeons, the Navajo Nation proposes seasons of September 1 through 30. The Navajo Nation also proposes daily bag limits of 10 and 5 for mourning dove and band-tailed pigeon, respectively. Possession limits would be twice the daily bag limits.

In addition, the tribe proposes to require tribal members and nonmembers to comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20 regarding shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the face. Special regulations established by the Navajo Nation also apply on the reservation. The Service proposes to approve the Navajo Nation request for these special regulations for the 1995-96 migratory bird hunting seasons.

*11. Oneida Tribe of Indians of Wisconsin, Oneida, Wisconsin*

Since 1991-92, the Oneida Tribe of Indians of Wisconsin and the Service have cooperated to establish uniform regulations for migratory bird hunting by tribal and non-tribal hunters within the original Oneida Reservation boundaries. Since 1985, the Oneida Tribe's Conservation Department has enforced their own hunting regulations within those original reservation limits. The Oneida Tribe also has a good working relationship with the State of Wisconsin and the majority of the seasons and limits are the same for the tribe and Wisconsin.

In a June 1, 1995, letter to the Service, the tribe proposed special migratory bird hunting regulations. For ducks, geese, mourning dove and woodcock, the Tribe described the ''outside dates'' (seasons) as being September 1 through November 30, 1995, inclusive.

The Oneida Conservation Department is recommending a season quota of 150 Canada geese. Canada goose bag limits would be 2 tribally tagged geese per day and the tribe will reissue 2 tags as each 2 birds are registered. The possession limit for Canada geese is 4. If the quota is attained before the season concludes,

the Department recommends closing the season early.

For ducks, the tribe proposes a daily bag limit of 5 birds, which could include no more than 3 mallards, 1 hen mallard, 4 wood ducks, 1 canvasback, 1 redhead, 2 pintails, and 1 hooded merganser. The daily bag and possession limits for mourning dove and woodcock would be 10/20 and 6/12, respectively.

Shooting hours are proposed to be one-half hour before sunrise to sunset. Indians and non-Indians hunting on the Oneida Indian Reservation or on lands under the jurisdiction of the Oneida Nation will observe all basic Federal migratory bird hunting regulations found in 50 CFR, except that the tribe proposes to exempt Indian hunters from the purchase of the Migratory Waterfowl Hunting and Conservation Stamp (''Duck Stamp'') and the plugging of shotguns to limit capacity to 3 shells.

The Service proposes to approve the request for special migratory bird hunting regulations for the Oneida Tribe of Indians of Wisconsin.

*12. Seminole Tribe of Florida, Big Cypress Seminole Reservation, Clewiston, Florida*

For the first time, in the 1995-96 migratory bird seasons, the Seminole Tribe of Florida and the Service are cooperating to establish regulations for the 70,000 acre Big Cypress Seminole Reservation. Located northwest of Miami, the Big Cypress Seminole Reservation is totally tribally owned and the tribe enjoys full wildlife management authority.

For the 1995-96 season, the Seminole Tribe is proposing to establish a mourning dove season that would run from September 20, 1995, through January 15, 1996. Hunting would be by both tribal and non-tribal members, however, hunting would be on Sundays only from 1:00 p.m. to sunset. Daily bag limits would be the same as those allowed within the Federal frameworks for the State of Florida. All other Federal regulations contained in 50 CFR part 20 would apply.

The tribe expects the harvest for the Reservation to be 6,000 doves, and will cease hunting after the anticipated harvest has been reached. All entry to the hunt area is controlled by the tribe and all bag limits are checked by the Seminole Department of Law Enforcement.

The Service proposes to approve the Seminole Tribe's requested 1995-96 special migratory bird hunting regulations.

*13. Shoshone-Bannock Tribes, Fort Hall Indian Reservation, Fort Hall, Idaho*

Almost all of the Fort Hall Indian Reservation is tribally-owned. The tribes claim full wildlife management authority throughout the reservation, but the Idaho Fish and Game Department has disputed tribal jurisdiction, especially for hunting by non-tribal members on reservation lands owned by non-Indians. As a compromise, since 1985, the Service has established the same waterfowl hunting regulations on the reservation and in a surrounding off-reservation State zone. The regulations were requested by the tribes and provided for different season dates than in the remainder of the State. The Service agreed to the season dates because it seemed likely that they would provide additional protection to mallards and pintails; the State of Idaho concurred with the zoning arrangement. The Service has no objection to the State's use of this zone again in the 1995-96 hunting season, provided the duck and goose hunting season dates are the same as on the reservation.

In a June 7, 1995, proposal, for the 1995-96 hunting season, the Shoshone-Bannock Tribes have requested a continuous duck (including mergansers) season with the maximum number of days and the same daily bag and possession limits permitted Pacific Flyway States, under final Federal frameworks to be announced. If 59 days are permitted, as in last year, this could conceivably begin the season on October 20 and conclude it on December 20, 1995. Coot and snipe season dates would be the same as for ducks, with the same daily bag and possession limits permitted Pacific Flyway States. The tribes anticipate harvest to be between 2,000 and 5,000 ducks.

The tribes also requested a continuous goose season with the maximum number of days and the same daily bag and possession limits permitted Idaho under Federal frameworks. The tribes propose that, if the same number of hunting days (93) are permitted as in previous years, the season would have an opening date of October 8, 1995, and a closing date of January 8, 1996. The tribes anticipate harvest to be between 4,000 and 6,000 geese.

Non-tribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20, regarding shooting hours, use of steel shot, and manner of taking. Special regulations established by the Shoshone-Bannock Tribes also apply on the reservation.

The Service notes that the requested regulations are nearly identical to those of last year and proposes to approve them.

*14. Squaxin Island Tribe, Squaxin Island Reservation, Shelton, Washington*

For the first time, in the 1995-96 migratory bird seasons, the Squaxin Island Tribe of Washington and the Service are cooperating to establish special tribal migratory bird hunting regulations for the Squaxin Island Tribe. These special regulations would apply to tribal members on the Squaxin Island Reservation, located in western Washington near Olympia, and all lands within the traditional hunting grounds of the Squaxin Island Tribe.

For the 1995-96 season, the Squaxin Island Tribe is proposing to establish duck, coot, and snipe seasons that would run from September 15, 1995, through January 15, 1996. The daily bag limit for ducks would be 5 per day and could include only 1 canvasback. The season on harlequin ducks would be closed. For coots and snipe, the daily bag limit would be 25 and 8, respectively.

For geese, the tribe proposes to establish a season that would run from September 15, 1995, through January 15, 1996. The daily bag limit for geese would be 4 per day and could include only 2 snow geese and 1 dusky Canada goose. The season on Aleutian and Cackling Canada geese would be closed.

For brant, the tribe proposes to establish a September 15 to December 31, 1995, season with a daily bag limits of 2 birds per day. The tribe also proposes a September 15 to December 1, 1995, season for band-tailed pigeons with a daily bag limit of 2 per day.

In all cases, the possession limit would be twice the daily bag limit. Shooting hours would be from one-half hour before sunrise to one-half hour after sunset and steel shot would be required for migratory bird hunting. Further, the tribe requires all harvest to be reported to the tribe's Natural Resources Office within 72 hours.

Under the proposed regulations, the tribe estimates the harvest for the Reservation to be as follows: 400 ducks; 2,500 coots; 800 snipe; 400 geese; and 200 brant. Tribal regulations are enforced by the tribe's Law Enforcement Department.

The Service proposes to approve the Squaxin Island Tribe's requested 1995-96 special migratory bird hunting regulations.

*15. The Tulalip Tribes of Washington, Tulalip Indian Reservation, Marysville, Washington*

The Tulalip Tribes are the successors in interest to the Snohomish, Snoqualmie and Skykomish tribes and other tribes and bands signatory to the Treaty of Point Elliott of January 22, 1855. The Tulalip Tribes' government is located on the Tulalip Indian Reservation at Marysville, Washington.

The tribes or individual tribal members own all of the land on the reservation, and they have full wildlife management authority. All lands within the boundaries of the Tulalip Tribes Reservation are closed to non-member hunting unless opened by Tulalip Tribal regulations.

In a letter dated June 2, 1995, the Tulalip Tribes proposed tribal and non-tribal hunting regulations for the 1995-96 seasons as follows:

For ducks and coot, the proposed season for tribal members would be from September 15, 1995, through February 1, 1996. In the case of non-tribal hunters hunting on the reservation, the season would be the latest closing date and the longest period of time allowed for the State of Washington under final Pacific Flyway Federal frameworks, to be announced. Daily bag and possession limits for Tulalip Tribal members would be 6 and 12 ducks, respectively, except that for blue-winged teal, canvasback, harlequin, pintail, and wood duck, the bag and possession limits would be the same as those established for the State of Washington in accordance with final Federal frameworks. For non-tribal hunters, bag and possession limits would be the same as those permitted the State of Washington under final Federal frameworks, to be announced. It would be necessary for non-tribal hunters to check with the Tulalip tribal authorities for additional conservation measures which may apply for specific species managed within the ''region.''

For geese, tribal members are proposed to be allowed to hunt from September 15, 1995, through February 1, 1996. Non-tribal hunters would be allowed the longest season and the latest closing date permitted for the State of Washington under final Federal frameworks, to be announced. For tribal hunters, the goose daily bag and possession limits would be 6 and 12, respectively, except that the bag limits for brant, cackling Canada geese and dusky Canada geese would be those established for the Pacific Flyway in accordance with final Federal frameworks, to be announced. For non-tribal hunters hunting on reservation lands, the daily bag and possession limits would be those established in accordance with final Federal frameworks for the State of Washington, to be announced. The Tulalip Tribes also set a maximum annual bag limit on ducks and geese for those tribal members who engage in subsistence hunting.

For snipe, the proposed open seasons follow those regulations for ducks and coot detailed above. For both tribal and non-tribal hunters, snipe daily bag and possession limits are proposed to be 6 and 12, respectively.

All hunters on Tulalip Tribal lands are required to adhere to shooting hour regulations set at one-half hour before sunrise to sunset, special tribal permit requirements, and a number of other regulations enforced by the tribe. Non-tribal hunters sixteen years of age and older, hunting pursuant to Tulalip Tribes' Ordinance No. 67, must possess a valid Federal Migratory Bird Hunting and Conservation Stamp and a valid State of Washington Migratory Waterfowl Stamp. Both stamps must be validated through signature across the face in ink.

Although the season length requested by the Tulalip Tribes appears to be quite liberal, a rough estimate of past harvests indicates a total take by tribal and non-tribal hunters under 1,000 ducks and 500 geese, annually. The Service intends to concur with the Tulalip Tribes request for the above seasons and requests that the harvest be monitored closely and regulations be reevaluated for future years if harvest becomes too great in relation to population numbers.

*16. White Mountain Apache Tribe, Fort Apache Indian Reservation, Whiteriver, Arizona*

The White Mountain Apache Tribe owns all reservation lands, and the tribe has recognized full wildlife management authority. The White Mountain Apache Tribe has requested regulations that are essentially unchanged from those agreed to for the 1994-95 hunting year.

The hunting zone for waterfowl continues to be restricted and is described as: the entire length of the Black and Salt Rivers forming the southern boundary of the reservation; the White River, extending from the Canyon Day Stockman Station to the Salt River; and all stock ponds located within Wildlife Management Units 4, 6 and 7. All other waters of the reservation would be closed to waterfowl hunting for the 1995-96 season.

The tribe is proposing a continuous duck, coot, merganser, gallinule and moorhen hunting season, with an opening date of November 11, 1995, and a closing date of January 7, 1996. The tribe proposes a daily duck bag limit of 3, which can have no more than: 1 redhead, 2 canvasbacks, 1 pintail, and 1 hen mallard. The daily bag limit for mergansers is 3. The daily bag limit for coots, gallinules and moorhens would be 25 singly, or in the aggregate.

For geese, the season is proposed to extend from November 11, 1995, through January 7, 1996. Hunting would be limited to Canada geese, and the daily bag limit is 2.

Season dates for band-tailed pigeons and mourning doves would run concurrently from September 1 through September 10, 1995, in Wildlife Management Units 7 and 10, only. Proposed daily bag limits for band-tailed pigeons and mourning doves would be 3 and 8, respectively.

Possession limits for the above referenced species are twice the daily bag limits. Shooting hours would be from one-half hour before sunrise to sunset. There would be no open season for sandhill cranes, rails and snipe on the White Mountain Apache lands under this proposal. A number of special regulations apply to tribal and non-tribal hunters, which may be obtained from the White Mountain Apache Tribe Game and Fish Department.

The regulations requested by the tribe for the 1995-96 seasons are as conservative as those established last year, and the Service proposes to approve them.

*17. Yankton Sioux Tribe, Marty, South Dakota*

On June 1, 1995, the Yankton Sioux Tribe submitted a waterfowl hunting proposal for the 1995-96 season. The Yankton Sioux tribal waterfowl hunting season would be open to both tribal members and nonmembers. The waterfowl hunting regulations to be established by this proposal would apply to tribal and trust lands within the external boundaries of the reservation.

For duck (including mergansers) and coots, the Yankton Sioux Tribe proposes season dates of November 4 to December 13, 1995. Daily bag and possession limits would be the same as those adopted by the State of South Dakota.

For geese, the tribe has requested a dark geese (Canada geese, brant, white-fronts) and snow geese hunting season of October 14, 1995, to January 7, 1996. Daily bag and possession limits would be the same as those adopted by the State of South Dakota.

All hunters would have to be in possession of a valid tribal license while hunting on Yankton Sioux trust lands. Tribal and nontribal hunters would have to comply with all basic Federal migratory bird hunting regulations in 50 CFR Part 20, regarding shooting hours and the manner of taking. Special regulations established by the Yankton Sioux Tribe also apply on the reservation.

During the 1994-95 hunting season, the tribe reports that slightly more than 100 geese were harvested by both tribal

and non-tribal members. The tribe further anticipates that the 1995-96 waterfowl harvest should be less than 150 geese and 50 ducks.

The Service proposes to concur with the Yankton Sioux proposal for the 1995-96 hunting season, and requests that the tribe continue to monitor and report the harvest of Canada, snow and white-fronted geese.

**Public Comment**

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. Therefore, she desires to obtain the comments and suggestions on these proposals from the public, other concerned governmental agencies, tribal and other Indian organizations, and private interests, and she will take into consideration any reasonable comments received. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals.

No public comment has been provided to the Service for the Notice of Intent published on March 24, 1995, to promulgate a rulemaking with regard to regulations for migratory bird hunting by American Indian tribal members.

**Comment Procedure**

Special circumstances in the establishment of these regulations limit the amount of time that the Service can allow for public comment. Two considerations compress the time in which this rulemaking process must operate: the need, on the one hand, for tribes and the Service to establish final regulations before September 1, 1995, and on the other hand, the unavailability until late July of specific reliable data for each year's status of waterfowl. Therefore, the Service believes that to allow a comment period past September 1, 1995 is impracticable in terms of publishing timely rulemakings and contrary to the public interest.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate by submitting written comments to the Director, (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, 634 ARLSQ, 1849 C St., NW, Washington, D.C. 20240. Comments received will be available for public inspection during normal business hours at the Service's Office of Migratory Bird Management in Room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, VA 22203. All relevant comments on the proposals received no later than September 1, 1995 will be considered.

**NEPA Consideration**

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)), the ''Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES-75-74)'' was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975, (40 FR 25241). A supplement to the final environmental statement, the ''Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (SEIS 88-14)'' was filed on June 9, 1988, and notice of availability was published in the **Federal Register** on June 16, 1988 (53 FR 22582), and June 17, 1988 (53 FR 22727). In addition, an August 1985 environmental assessment titled ''Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands'' is available from the Service.

**Endangered Species Act Considerations**

Section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531-1543; 87 Stat. 884), provides that, ''The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act'' (and) shall ''insure that any action authorized, funded or carried out ... is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat...'' Consequently, the Service has initiated Section 7 consultation under the Endangered Species Act for the proposed migratory bird hunting seasons including those which occur on Federally recognized Indian reservations and ceded lands. When completed, the Service's biological opinion resulting from its consultation under Section 7 of the Endangered Species Act may be inspected by the public in, and/or are available to the public from, the Division of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Copies of these documents are available from the Service at the address indicated under the caption **ADDRESSES.**

**Regulatory Flexibility Act, Executive Order 12866, and the Paperwork Reduction Act**

In the March 24 **Federal Register**, the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) and Executive Order 12866. These included preparing an Analysis of Regulatory Effects, preparing a Small Entity Flexibility Analysis under the Regulatory Flexibility Act, and publishing a summary of the latter. This information is included in the present document by reference. This action was not subject to review by the Office of Management and Budget under Executive Order 12866. This rule does not contain any information collection requiring approval by the Office of Management and Budget under 44 U.S.C. 3504.

**Authorship**

The primary authors of this proposed rulemaking are Ron W. Kokel and Dr. Keith A. Morehouse, Office of Migratory Bird Management.

**List of Subjects in 50 CFR Part 20**

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Based on the results of soon to be completed migratory game bird studies, and having due consideration for any data or views submitted by interested parties, this proposed rulemaking may result in the adoption of special hunting regulations for migratory birds beginning as early as September 1, 1995, on certain Federal Indian reservations, off-reservation trust lands, and ceded lands. Taking into account both reserved hunting rights and the degree to which tribes have full wildlife management authority, the regulations only for tribal or for both tribal and nontribal members may differ from those established by States in which the reservations, off-reservation trust lands, and ceded lands are located. The regulations will specify open seasons, shooting hours, and bag and possession limits for rails, coot, gallinules (including moorhen), woodcock, common snipe, band-tailed pigeons, mourning doves, white-winged doves, ducks (including mergansers) and geese.

The rules that eventually will be promulgated for the 1995-96 hunting season are authorized under the Migratory Bird Treaty Act (MBTA) of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703

et seq.), as amended. The MBTA authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported or transported.

Dated: August 10, 1995.

**Robert P. Davison,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 95–20447 Filed 8–16–95; 8:45 am]

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federal register

Thursday
August 17, 1995

# Part IV

# Department of Housing and Urban Development

## Office of the Assistant Secretary for Community Planning and Development

## 24 CFR Part 586

## Base Closure Community Redevelopment and Homeless Assistance; Interim Rule

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Office of the Assistant Secretary for Community Planning and Development**

**24 CFR Part 586**

**[Docket No. FR–3820–I–01]**

**RIN 2506–AB72**

## Base Closure Community Redevelopment and Homeless Assistance

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, (HUD).

**ACTION:** Interim rule.

**SUMMARY:** This interim rule promulgates policy and procedures for implementing the Base Closure Community Redevelopment and Homeless Assistance Act of 1994.

**DATES:** Effective Date: September 18, 1995.

Sunset Provision: Sections 586.1, 586.5, 586.10, 586.15, 586.20, 586.25, 586.30, 586.35, 586.40 and 586.45 shall expire and shall not be in effect after September 17, 1996, unless prior to September 17, 1996, the Department publishes a final rule adopting the interim rule with or without changes, or publishes a notice in the **Federal Register** to extend the effective date of the interim rule.

Comments due date: October 16, 1995.

**ADDRESSES:** Interested persons are invited to submit comments regarding this interim rule to the Office of General Counsel, Rules Docket Clerk, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410. Facsimile (FAX) comments are *not* acceptable. A copy of each communication submitted will be available for public inspection and copying on weekdays between 7:30 a.m. and 5:30 p.m. at the above address. This interim rule was written jointly by the Department of Defense and the Department of Housing and Urban Development. All public comments will be reviewed by both departments and subsequent amendments will be drafted together.

**FOR FURTHER INFORMATION CONTACT:** Rob Hertzfeld, Office of Assistant Secretary of Defense (Economic Security), Department of Defense, 3300 Defense Pentagon, room No. 1D–760, Washington, DC 20301–3300, (703) 695–1470; *or* Thelma Moore, Deputy Assistant Secretary for Planning/Community Viability, Office of Community Planning and Development, Room 7204, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, (202) 708–2484 or, TDD number for hearing and speech-impaired, (202) 708–0738 (these telephone numbers are not toll-free).

**SUPPLEMENTARY INFORMATION:**

### I. Information Collection

The information collection requirements contained in this interim rule have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 (44 U.S.C 3501–3520). No person may be subjected to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register**.

Public reporting burden for the collection of information requirements contained in this interim rule is estimated to include the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Information on the estimated public reporting burden is provided under the Preamble heading, *Other Matters*. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Housing and Urban Development, Rules Docket Clerk, 451 Seventh Street, SW, Room 10276, Washington, DC 20410–0500; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for HUD, Washington, DC 20503.

### II. Background

*A. Legislative Summary*

This interim rule promulgates policy and procedures for implementing the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (''Redevelopment Act'') (Pub. L. 103–421). The Redevelopment Act amends the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Pub. L. 100–526) and the National Defense Authorization Act of Fiscal Year 1991 (Pub. L. 101–510) (both at 10 U.S.C. 2687, note), both as amended by the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103–160).

*B. Circumstances That Led to This New Law*

Title V of the Stewart B. McKinney Homeless Assistance Act of 1987, as amended, 42 U.S.C. 11411 (''Title V''), granted first priority on use of all surplus federally owned real and personal property, including former military installations, to the homeless. The Title V provisions have worked reasonably well for small parcels, however, in the base closure and realignment environment the processes for reuse planning and homeless use were independent and the timing incompatible. On October 25, 1994, the President signed the Redevelopment Act, which exempts base closure and realignment property from Title V and substitutes a new community-based process wherein representatives of the homeless will work directly with Local Redevelopment Authorities (LRAs) on the reuse of former military installations.

The Redevelopment Act provides a process which aims to balance the needs of the homeless with other development interests in the community in the vicinity of the installation. Congress recognized that in order to achieve this balance, all interests must be ''put on the table'' at the same time. Accordingly, the Redevelopment Act requires the LRA to accept notices of interest simultaneously from state and local governments and other interests that include development and public purpose uses, including public benefit uses pursuant to the federal surplus property disposal authorities.

*C. Applicability*

The Redevelopment Act applies to all bases that are approved for closure/realignment under Pub. L. 101–510 after October 25, 1994 as well as those installations approved for closure/realignment prior to October 25, 1994 under either Pub. L. 100–526 or Pub. L. 101–510 that have elected to come under the new process prior to December 24, 1994. All other installations approved for closure/realignment prior to October 25, 1994 that have not elected to come under the new process are covered by the Title V process as amended by Pub. L. 103–160. The Title V process continues to apply to all other unutilized, underutilized, excess, or surplus property owned by the federal government, including military properties that are not part of a base closure or realignment.

LRAs which have elected to come under the Redevelopment Act should pay particular attention to § 586.20(c)(1) which extends the permissible time

period within which an LRA can set its date for receipt of notices of interest. For LRAs which have adequately complied with the statutory time limitation prior to publication of this interim rule, HUD will not expect them to reopen their notice period; however, those which have not yet so complied will be expected to follow this requirement. For all installations selected for closure or realignment prior to 1995 that have elected this process, the LRA must complete the period for receiving notices of interest no later than 90 days from the publication of this interim rule.

The Redevelopment Act recognizes that installations approved for closure or realignment before enactment of this law are well into the planning process and should therefore be treated differently than installations approved for closure/realignment subsequent to enactment. As a result, § 586.20(c) allows for greater flexibility concerning the commencement and requirements of the outreach efforts to representatives of the homeless, state and local governments, and other interested parties in those communities.

The Redevelopment Act includes special considerations for providers who had applications pending on closure or realignment and disposal properties under Title V at the time of enactment of the Redevelopment Act. LRAs must consider and specifically address any applications that were pending as of the date of enactment. In the case of providers whose applications have been approved (but the property applied for has not been transferred or leased), the LRA must accommodate the provider with substantially equivalent property on or off the installation, sufficient funding to acquire such equivalent property, services and activities that meet the needs identified in the application, or a combination of such property, funding, services, and activities.

*D. Roles of DoD and HUD*

DoD is responsible, through the Military Departments, for closing and disposing of the installations approved for closure or realignment. On July 20, 1995, DoD published a final rule implementing other activities associated with the closure, realignment and disposal of military installations including the process whereby properties at an installation are screened for reuse by the Federal government. The actions undertaken by the Military Departments under that regulation precede the actions to be taken under this regulation. Interested parties should obtain copies of both.

DoD, through the Office of Economic Adjustment, is responsible for recognizing the LRA. The LRA must, in accordance with § 586.30, submit to both HUD and DoD an application, which includes the redevelopment plan and the homeless assistance submission. HUD will review the application and notify DoD and the LRA of its findings. HUD's standards of review are described at § 586.35(b). Throughout its review, HUD will be in contact with the LRA for any clarifications or additional information it needs to complete the review.

Pursuant to § 586.25, representatives of HUD will be available to provide assistance to LRAs throughout the planning process. LRAs are encouraged to contact their HUD field office for technical assistance including lists of homeless providers operating in the vicinity of the installation. Representatives of HUD will be available to attend workshops held under § 586.20(c)(3)(ii) and other meetings as requested by the LRA. The planning process created by The Redevelopment Act is community-based. HUD neither anticipates nor desires to mandate results, but will seek to expedite and assist all parties in arriving at an equitable balance between economic redevelopment and homeless needs. DoD and HUD anticipate that the reuse plans will be general land use plans for which HUD will be reviewing the balance made between homeless assistance and economic development needs rather than the suitability of a specific site for use by the homeless.

Although certain sites may be identified for use for the homeless, DoD and HUD recognize that the environmental review process may show that certain properties are not suitable for the designated use. If such a finding is made, the LRA and the representative of the homeless should negotiate for alternate arrangements that would enable the same balance of interests that was made originally. If, because of the environmental condition, less property is available for reuse, it is possible that less property would be made available for homeless use. The frequency of this problem should be limited because of the extensive environmental review throughout the process, and with dialogue between the LRA and the Military Department and the Base Realignment and Closure Environmental Coordinator.

*E. HUD's Approach*

1. Need: Continuum of Care

In its review, HUD will consider whether the redevelopment plan promotes projects and activities that address the expressed needs within the current homeless service system. The homeless assistance submission should assess the current homeless service system in the vicinity of the installation and the extent to which the redevelopment plan may support those notices of interest that propose to address the critical gaps in the system.

A comprehensive homeless service system is called a continuum of care. The continuum of care model is predicated on the understanding that homelessness is not caused merely by a lack of shelter, but involves a variety of underlying, unmet needs—physical, economic, and social. Dealing effectively with the problems of homelessness requires a comprehensive system of housing and necessary services for each stage—from emergency shelter to housing with no established limitation on the amount of time of residence, as well as a strong prevention strategy.

A continuum of care system includes:

(a) A system of outreach and assessment for determining the needs and condition of an individual or family who is homeless, or whether assistance is necessary to prevent an individual or family from becoming homeless;

(b) Emergency shelters with appropriate supportive services to help ensure that homeless individuals and families receive adequate emergency shelter and referral to necessary service providers or housing finders;

(c) Transitional housing with appropriate supportive services to help those homeless individuals and families that are not prepared to make the transition to independent living;

(d) Housing with or without supportive services that has no established limitation on the amount of time of residence to help meet long-term needs of homeless individuals and families; and

(e) Any other activity which clearly meets an identified need of the homeless and fills a gap in the continuum of care.

Supportive services are critical to all components of the continuum of care. These services include, but are not limited to case management, housing counseling, job training and placement, primary health care, mental health services, substance abuse treatment, child care, transportation, emergency food and clothing, family violence services, education services, moving services, assistance in obtaining entitlements and referral to veterans services and legal services. These services enable homeless persons and

families to move through the continuum of care toward independent living.

2. Impact: Consolidated Plan and Other Local Plans

HUD will consider whether the homeless assistance submission is consistent with the Consolidated Plan or with any other existing economic, community and housing plans adopted by the jurisdictions in the vicinity of the installation and whether it furthers the overall goals and objectives of these plans.

The Consolidated Plan encompasses the planning, application, and reporting requirements of four formula grant programs administered by HUD's Office of Community Planning and Development: Community Development Block Grant, HOME Investment Partnerships, Housing Opportunities for Persons with AIDS, and Emergency Shelter Grants. The requirements of the Consolidated Plan can be found in the final rule published in the **Federal Register** on January 5, 1995 at 60 FR 1878 and codified at 24 CFR part 91. Some communities in the vicinity of an installation are eligible for some or all of these programs, and if eligible, are required to submit to HUD a Consolidated Plan. LRAs that encompass non-entitlement areas, or those without a Consolidated Plan, should refer to other long-range plans or alternative resources that exist and have been developed within the jurisdiction(s) they represent. LRAs should use the information in these plans in evaluating the notices of interest received from representatives of the homeless.

3. Balance in the Community Between the Need for Homeless Housing and Services, Economic Redevelopment and Other Development

HUD will consider how the LRA balances the community's homeless needs with the need for economic and other development. LRAs are encouraged to propose activities that advance economic and other development objectives which also address the needs of homeless persons and families.

For example, an LRA may propose that a large warehouse facility be targeted for use as a light manufacturing facility. The LRA estimates that this facility will employ many semi-skilled employees. In its redevelopment plan, the LRA proposes that prospective users of this property will be asked to notify the homeless job search agency, an organization being supported with property in the LRA's homeless assistance submission, of any available positions at the facility. The prospective users of the facility will be asked by the LRA to interview applicants referred by the agency and use its best efforts to hire qualified persons. Under this scenario, addressing the economic development needs of a community also addresses some of the needs of persons that are homeless. Solutions to diverse community problems need not be mutually exclusive.

4. Outreach to Representatives of the Homeless

HUD will examine efforts made by the LRA to both advertise the availability of property to representatives of the homeless and to help representatives of the homeless find a match between their needs and local resources, including the facilities at the installation. HUD will consider whether the advertisement requirements of § 586.20(c) were met, but more importantly, HUD will focus on the quality of the contact. LRAs should design their outreach efforts to encourage providers to submit notices of interest and to be creative in their submissions. While LRAs can emphasize particular needs, outreach efforts should not limit the possible range of expressions of interest.

5. Properties: Uniqueness of Each Installation

The application requirements described at § 586.30 apply to installations of any size, type or configuration. Although the regulation makes no distinction between small and large installations, HUD will work closely with the LRA for each installation to help it develop an application that makes sense for that particular installation. All LRAs must submit a complete application. HUD will then judge the application on its individual merits.

HUD recognizes that redevelopment plans and homeless assistance submissions developed by LRAs for major installations, which may encompass thousands of acres, will be more lengthy and complicated than those of 3 and 4 acre reserve facilities that contain few buildings. Moreover, an installation located in a small rural community with a small homeless population will not be held to the same level of detail as will a large metropolitan area with a large homeless population.

*F. Eligible Activities*

The intent of this law is to focus on a community-based process to address local homeless needs within the context of the base reuse and other community and economic needs. LRAs and representatives of the homeless are encouraged to be creative. Eligible activities may include:

1. Outreach services and assessment services;
2. Emergency shelter;
3. Transitional housing, social services tied to transitional housing or services located apart from housing units;
4. Housing that has no established limitation on the amount of time of residence; and
5. Any other activity that clearly meets an identified need of the homeless and fills a gap in the continuum of care.

LRAs and representatives of the homeless are cautioned, however, that under the Redevelopment Act, no-cost transfers of former military properties are limited to transfers to representatives of the homeless. Redevelopment plans proposing transfers of property from the Military Department to homeless individuals or families for free will not be accepted.

## III. Other Matters

*A. Justification for Interim Rulemaking*

Although rulemaking procedures generally require the publication of a proposed rule before regulations are made final and effective, there exists good cause to publish this interim rule for effect without first soliciting public comment. Forty-five military installations from the 1988, 1991 or 1993 base closure/realignment rounds have elected to be included under this new process. HUD anticipates the receipt of applications in the very near future from the LRAs representing these closure/realignment sites. Moreover, a fourth round of military base closures and realignments was initiated with the Secretary of Defense submitting a list of proposed closures/realignments to the Defense Base Closure and Realignment Commission on February 28, 1995. The Commission submitted its recommendations to the President on June 30, 1995. Upon approval of the list by the President and Congress, this interim rule will apply immediately to the installations on this 1995 closure/realignment list.

To delay the implementation of this law until publication of a final rule would mean that base reuse would be delayed until a final rule is published. LRAs are awaiting the guidance contained in this rule, necessitating implementation through this interim rule.

DoD and HUD invite public comment on this interim rule within the 60-day comment period. All comments will be

considered during the development of the final rule.

*B. Impact on the Environment*

HUD has made a Finding of No Significant Impact with respect to the environment in accordance with HUD regulations in 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, DC 20410.

*C. Regulatory Flexibility Act*

The Secretary of HUD, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this interim rule before publication and by approving it certifies that this interim rule would not have a significant economic impact on a substantial number of small entities. This interim rule only states the Department's criteria and procedures for reviewing applications submitted by the LRA.

*D. Federalism Impact*

The General Counsel of HUD, as the Designated Official under Executive Order 12612, Federalism, has determined that the policies contained in this interim rule would not have any impact under the Order. The interim rule states HUD's review criteria and procedures for reviewing applications submitted by the LRA for balancing homeless, community and economic redevelopment and other development needs of the communities in the vicinity of the installation.

*E. Impact on the Family*

The General Counsel of HUD, as the Designated Official under Executive Order 12606, The Family, has determined that this interim rule would have only an indirect, though beneficial, impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order.

*F. Public Reporting Burden*

The information collection requirements contained in this interim rule have been submitted by HUD to the Office of Management and Budget for review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520). HUD has determined that the following provisions contain information collection requirements:

| Section | Number of respondents | Freq. of responses | Est. avg. response time (in hours) | Estimated annual burden (in hours) |
|---|---|---|---|---|
| 586.20(c)(2) | 225 | 1 | 16 | 3,600 |
| 586.20(c)(5) | 45 | 1 | 360 | 16,200 |
| 586.35(d)(1) | 1 | 1 | 60 | 60 |

**Executive Order 12866**

The Office of Management and Budget reviewed this interim rule under Executive Order 12866, Regulatory Planning and Review. Any changes made to the rule as a result of that review are clearly identified in the docket file, which is available for public inspection at the Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0500.

**Semiannual Agenda**

This interim rule was listed as item 1482 in HUD's Semiannual Agenda of Regulations published on May 8, 1995 (60 FR 23372, 23394) under Executive Order 12866 and the Regulatory Flexibility Act.

Accordingly, a new part 586 is added to title 24 of the Code of Federal Regulations as follows:

## PART 586—BASE CLOSURE COMMUNITY REDEVELOPMENT AND HOMELESS ASSISTANCE

Sec.
586.1 Purpose.
586.5 Definitions.
586.10 Applicability.
586.15 Waivers and extensions of deadlines.
586.20 Overview of the process.
586.25 HUD's negotiations and consultations with the LRA.
586.30 LRA application.
586.35 HUD's review of the application.
586.40 Adverse determinations.
586.45 Disposal of buildings and property.
586.50 Effective date.

**Authority:** Base Closure Community Redevelopment and Homeless Assistance Act of 1994 Pub. L. 103–421; 42 U.S.C. 3535(d).

### § 586.1 Purpose.

This part implements the Base Closure Community Redevelopment and Homeless Assistance Act (Pub. L. 103–421, approved October 25, 1994). It describes the roles and responsibilities of the Department of Defense (DoD), the Department of Housing and Urban Development (HUD), Local Redevelopment Authorities (LRAs), and representatives of the homeless in planning and implementing the reuse of domestic military installations that are approved for closure or realignment. Specifically, this part describes the guidance DoD and HUD provide to the LRA, the planning documents the LRA develops and submits to DoD and HUD in planning the reuse of these installations, and the standards of review that HUD observes when reviewing the documents submitted by the LRA. Pub L. 103–421 authorizes HUD to determine whether the plan for the reuse of the installation proposed by LRA balances the community development, economic redevelopment and other development needs of the communities in the vicinity of the installation with the needs of the homeless in those communities.

### § 586.5 Definitions.

As used in this part:

*CERCLA* means the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 *et seq*).

*Communities in the vicinity of the installation* means the communities that constitute the political jurisdictions (other than the State in which the installation is located) that comprise the LRA for the installation.

*Continuum of care system* means:

(1) A comprehensive homeless assistance system that includes:

(i) A system of outreach and assessment for determining the needs and condition of an individual or family who is homeless, or whether assistance is necessary to prevent an individual or family from becoming homeless;

(ii) Emergency shelters with appropriate supportive services to help ensure that homeless individuals and families receive adequate emergency shelter and referral to necessary service providers or housing finders;

(iii) Transitional housing with appropriate supportive services to help those homeless individuals and families that are not prepared to make the transition to independent living;

(iv) Housing with or without supportive services that has no established limitation on the amount of time of residence to help meet long-term needs of homeless individuals and families; and

(v) Any other activity which clearly meets an identified need of the homeless and fills a gap in the continuum of care.

(2) Supportive services enable homeless persons and families to move through the continuum of care toward independent living. These services include, but are not limited to case management, housing counseling, job training and placement, primary health care, mental health services, substance abuse treatment, child care, transportation, emergency food and clothing, family violence services, education services, moving services, assistance in obtaining entitlements, and referral to veterans services and legal services.

*Consolidated Plan* is the plan prepared in accordance with the requirements of 24 CFR part 91.

*Day* means one calendar day including weekends and holidays.

*DoD* means the Department of Defense.

*HHS* means the Department of Health and Human Services.

*Homeless person* means:

(1) An individual or family who lacks a fixed, regular, and adequate nighttime residence; and

(2) An individual or family who has a primary nighttime residence that is:

(i) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing for the mentally ill);

(ii) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(iii) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(3) This term does not include any individual imprisoned or otherwise detained under an Act of the Congress or a State law.

*HUD* means the Department of Housing and Urban Development.

*Installation* means a base, camp, post, station, yard, center, homeport facility for any ship or other activity under the jurisdiction of DoD which is approved for closure or realignment under the Base Closure and Realignment Act of 1988 (Pub. L. 100–526) and the National Defense Authorization Act of Fiscal Year 1991 (Pub. L. 101–510) (both at 10 U.S.C. 2687, note), both as amended by the National Defense Act for Fiscal Year 1994, (Pub. L. 103–160).

*Local redevelopment authority, or LRA,* any authority or instrumentality established by state or local government and recognized by the Secretary of Defense, through the Office of Economic Adjustment, as the entity responsible for developing the redevelopment plan with respect to the installation or for directing implementation of the plan.

*NEPA* means the National Environmental Policy Act of 1969 (42 U.S.C. 4320).

*OEA* means the Office of Economic Adjustment, U.S. Department of Defense.

*Private nonprofit organization* means an organization no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual; that has a voluntary board; that has an accounting system or has designated an entity that will maintain a functioning accounting system for the organization in accordance with generally accepted accounting procedures; and that practices nondiscrimination in the provision of assistance.

*Redevelopment plan* means a conceptual land use plan prepared by the recognized LRA to guide local reuse of the former military installation.

*Representative(s) of the homeless* means a State or local government agency or private nonprofit organization, including a homeless assistance planning board, that provides or proposes to provide services to the homeless.

*Substantially equivalent* means property that is functionally suitable for the approved Title V application. For example, if the representative of the homeless had an approved Title V application for a building that would accommodate 100 homeless persons in an emergency shelter, the replacement facility would also have to accommodate 100 at a comparable cost for renovation.

*Substantially equivalent funding* means sufficient funding to acquire a substantially equivalent facility.

*Surplus property* means any property not required for the needs and the discharge of the responsibilities of any Federal land holding agency as determined by the Secretary of Defense.

*Title V* means Title V of the Stewart B. McKinney Homeless Assistance Act of 1987 (42 U.S.C 11411) as amended by the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. 103–160).

*Urban county* means a county within a metropolitan area as defined at 24 CFR 570.3.

**§ 586.10 Applicability.**

(a) *General.* This part applies to all installations that are approved for closure/realignment by the President and Congress under Pub. L. 101–510 after October 25, 1994.

(b) *Request for inclusion under this process.* This part also applies to installations that were approved for closure/realignment under either Pub. L. 100–526 or Pub. L. 101–510 prior to October 25, 1994 and for which an LRA submitted a request for inclusion under this part to DoD by December 24, 1994. A list of such requests was published in the **Federal Register** on May 30, 1995 (60 FR 28089).

(1) *Installations with pending but not approved Title V applications as of October 25, 1994.* The LRA shall consider and specifically address any application for use of buildings and property to assist the homeless that were received by HHS prior to October 25, 1994 and were pending with the Secretary of HHS on that date. These pending requests shall be addressed in the LRA's homeless assistance submission.

(2) *Installations with approved Title V applications.* Where property has an approved Title V application, yet has not been assigned or otherwise disposed of by the Military Department, the LRA must insure that its homeless assistance submission provides the Title V applicant with:

(i) The property requested;

(ii) With properties, on or off the installation, that are substantially equivalent to those requested;

(iii) Sufficient funding to acquire such substantially equivalent properties;

(iv) Services and activities that meet the needs identified in the application; or

(v) A combination of the properties, funding and services and activities described above.

(c) *Revised Title V process.* All other installations approved for closure or realignment under either Pub. L. 100–526 or Pub. L. 101–510 prior to October 25, 1994 for which there has been no request for consideration under this part, are covered by the process stipulated under Title V. Buildings or property that were transferred or leased for homeless use under Title V prior to October 25, 1994 may not be reconsidered under this part.

**§ 586.15 Waivers and extensions of deadlines.**

(a) After consultation with the LRA and HUD, DoD, through the Assistant Secretary of Defense (Economic Security), upon a finding that it is in the interest of the communities affected by

the closure/realignment of the installation, may extend or postpone any deadline contained in this part.

(b) Upon completion of a determination and finding of good cause, and except for deadlines and actions required on the part of DoD, HUD may waive any provision of § 586.20 through § 586.45 in any particular case, subject only to statutory limitations.

**§ 586.20 Overview of the process.**

(a) *Responsibilities of the Military Department.* The Military Department shall make installation properties available to other DoD components and Federal agencies pursuant to 32 CFR part 91. The Military Department will keep the LRA informed of other Federal interest in the property during this process. Upon completion of this process the Military Department will notify HUD and will notify either the LRA, or the Chief Executive Officer of the state, as appropriate, and publish a list of surplus property on the installation that will be available for reuse in the **Federal Register** and a newspaper of general circulation in the communities in the vicinity of the installation.

(b) *Recognition of the LRA.* As soon as practicable after the list of installations recommended for closure or realignment is approved, DoD, through OEA, will recognize an LRA for the installation. Upon recognition, DoD shall publish the name, address, and point of contact for the LRA in the **Federal Register** and in a newspaper of general circulation in the communities in the vicinity of the installation.

(c) *Responsibilities of the LRA.* The LRA should begin to conduct outreach efforts with respect to the installation as soon as is practicable after the date of approval of closure/realignment of the installation. Although the process may begin at any time after this date of approval, the local reuse planning process must begin no later than the completion of Federal screening procedures which is deemed to be the date of the DoD **Federal Register** publication of available property described at § 586.20(a). For those installations that have begun the process described below prior to publication of this part, HUD will, on a case by case basis, determine whether the statutory requirements have been fulfilled and whether any additional requirements listed below should be required. Upon the **Federal Register** publication under § 586.20(a), the LRA shall:

(1) Publish, within 30 days, in a newspaper of general circulation in the communities in the vicinity of the installation, the time period during which the LRA will receive notices of interest from state and local governments, representatives of the homeless, and other interested parties. This publication shall include the name, address, telephone numbers and the point of contact for the LRA and information on the prescribed form and contents of the notice of interest. The LRA shall notify DoD of the deadline specified for receipt of notices of interest.

(i) For all installations selected for closure or realignment prior to 1995 that have elected to proceed under Pub. L. 103–421 and which have begun receiving notices of interest prior to publication of this part, the LRA shall have accepted notices of interest for not less than 30 days and not more than 180 days from the date the LRA submitted a request for inclusion under this process as described at § 586.10(b). For installations selected for closure or realignment prior to 1995 for which the LRA has not begun or has not completed the acceptance of notices of interest prior to publication of this part, the LRA shall accept notices of interest for not less than 30 days and not more than 90 days from the date of publication of this part.

(ii) For installations selected for closure or realignment in 1995 or thereafter, notices of interest shall be accepted for a minimum of 90 days and not more than 180 days.

(2) *Prescribe the form and contents of notices of interest.* (i) The LRA may not release to the public any information submitted under this subsection without the consent of the representative of the homeless concerned unless such release is authorized under Federal law and under the law of the state and communities in which the installation concerned is located.

(ii) The notices of interest from representatives of the homeless must include:

(A) A description of the homeless assistance program proposed, including the purposes to which the property or facility will be put, which may include uses such as supportive services, job and skills training, employment programs, shelters, transitional housing or housing with no established limitation on the amount of time of residence, food and clothing banks, treatment facilities, or any other activity which clearly meets an identified need of the homeless and fills a gap in the continuum of care;

(B) A description of the need for the program;

(C) A description of the extent to which the program is or will be coordinated with other homeless assistance programs in the communities in the vicinity of the installation;

(D) Information about the physical requirements necessary to carry out the program including a description of the buildings and property at the installation that are necessary to carry out the program;

(E) A description of the representative of the homeless which is submitting the notice, its capacity to carry out the program and its financial plan for implementing the program; and

(F) An assessment of the time required in order to commence carrying out the program.

(iii) The notices of interest from entities other than representatives of the homeless should specify the name of the entity and specific interest in property or facilities, along with a description of the planned use.

(3) Undertake outreach efforts to representatives of the homeless by contacting local government officials and other persons or entities that may be interested in assisting the homeless within the vicinity of the installation.

(i) The LRA may invite persons and organizations identified on the HUD list of representatives of the homeless and any other representatives of the homeless with which the LRA is familiar, operating in the vicinity of the installation, to the workshop described below at § 586.20(c)(3)(ii).

(ii) The LRA in coordination with the Military Department and HUD shall conduct at least one workshop where representatives of the homeless have an opportunity to:

(A) Learn about the closure/realignment and disposal process;

(B) Tour the buildings and properties available either on or off the installation;

(C) Learn about the LRA's process and schedule for receiving notices of interest as guided by § 586.20(c)(2); and

(D) Learn about any known land use constraints affecting the available property and buildings.

(iii) The LRA should meet with representatives of the homeless that express interest in discussing possible uses for these properties to alleviate gaps in the continuum of care.

(4) Consider various properties in response to the notices of interest. The LRA may consider property that is located off the installation.

(5) Develop an application, which includes the redevelopment plan and the homeless assistance submission. This application shall consider the notices of interest received from state and local governments, representatives of the homeless, and other interested

parties. This shall include, but not be limited to, entities eligible for public benefit transfers under the Federal Property and Administrative Services Act of 1949; representatives of the homeless; commercial, industrial, and residential development interests; and, other interests. From the deadline date for receipt of notices of interest described at § 586.20(c)(1), the LRA shall have 270 days to complete and submit the LRA application to DoD and HUD. The application requirements are described at § 586.30.

(6) Make the draft application available to the public for review and comment throughout the process of developing the application. The LRA must conduct at least one public hearing on the application prior to its submittal to HUD and DoD, and a summary of these public comments shall be included in the application when it is submitted.

(d) *State, local, and public benefit screening.* The LRA should, while conducting its outreach efforts, work with the federal agencies that sponsor public benefit transfers under the Federal Property and Administrative Services Act of 1949. Those agencies can provide a list of parties in the vicinity of the installation that might be interested in and eligible for public benefit transfers. The LRA should make a reasonable effort to inform such parties of the availability of the property and incorporate their interests within the planning process. These requests are not required to be met, but must be considered.

**§ 586.25 HUD's negotiations and consultations with the LRA.**

HUD may negotiate and consult with the LRA before or during the course of preparation of the LRA application and during HUD's review thereof with a view toward avoiding any preliminary determination that the application does not meet any requirement of this part. HUD will provide the LRA with a list of persons and organizations that are representatives of the homeless operating in the vicinity of the installation.

**§ 586.30 LRA application.**

(a) *Redevelopment plan.* A copy of the redevelopment plan shall be part of the application.

(b) *Homeless assistance submission.* This component of the application shall include the following:

(1) *Information about homelessness in the communities in the vicinity of the installation.* (i) A list of all the jurisdictions which comprise the LRA.

(ii) A description of the unmet need in the continuum of care system within each jurisdiction, which should include information about any gaps that exist in the continuum of care for particular homeless subpopulations. The source for this information shall depend upon the size and nature of the jurisdictions(s) that comprise the LRA. LRAs representing:

(A) Jurisdictions that are required to submit a Consolidated Plan shall include a copy of their Homeless and Special Needs Population Table (Table 1), Priority Homeless Needs Assessment Table (Table 2), and narrative description thereof from that Consolidated Plan including the inventory of facilities and services that assist the homeless in the jurisdiction.

(B) Jurisdictions that are part of an urban county that is required to submit a Consolidated Plan shall include a copy of their Homeless and Special Needs Population Table (Table 1), Priority Homeless Needs Assessment Table (Table 2), and narrative description thereof from that Consolidated Plan including the inventory of facilities and services that assist the homeless in the jurisdiction. In addition, the LRA shall explain what portion of the homeless population and subpopulations described in the Consolidated Plan are attributable to the jurisdiction it represents.

(C) Jurisdictions not described by § 586.30(b)(1)(ii)(A) or (B) shall submit a narrative description of what it perceives to be the homeless population within the jurisdiction(s) it represents and a brief inventory of the facilities and services that assist homeless persons and families within each jurisdiction. LRAs that represent these jurisdictions are not required to conduct surveys of the homeless population.

(2) *Proposed assistance to homeless persons and families.* (i) A description of the proposed activities to be carried out on or off the installation and a discussion of how these activities meet the needs of the homeless by addressing the gaps in the continuum of care. The activities need not be limited to expressions of interest in property, but may also include discussions of how economic redevelopment may benefit the homeless;

(ii) A copy of each notice of interest from representatives of the homeless for use of building and property and a description of the manner in which the LRA application addresses the need expressed in each notice of interest. If the LRA determines that a particular notice of interest should not be awarded property, an explanation of why the LRA determined not to support that notice of interest, the reasons for which may include the impact of the program contained in the notice of interest on the community as described in paragraph (b)(2)(iii) of this section; and

(iii) A description of the impact that the implemented redevelopment plan will have on the community. This shall include information on how the LRA's redevelopment plan might impact the character of existing neighborhoods adjacent to the properties proposed to be used to assist the homeless and should discuss alternative plans. Impact on schools, social services, transportation, infrastructure, concentration of minorities and/or low income persons also shall be discussed.

(3) *Buildings and properties.* (i) A copy of the legally binding agreements that the LRA proposes to enter into with the representative(s) of the homeless selected by the LRA to implement homeless programs that fill gaps in the existing continuum of care. The legally binding agreements shall provide for a process for negotiating alternative arrangements that would enable the same balance of interests made originally in the event that an environmental review conducted under § 586.45(a) subsequent to HUD approval indicates that any property identified for transfer in the agreement is not suitable for the intended purpose. Legally binding agreements must also provide for the reversion or transfer, either to the LRA or to another entity or entities of the buildings and property in the event they cease to be used for the homeless;

(ii) A description of how buildings and properties either on or off the installation will be used to fill some of the gaps in the current continuum of care system and an explanation of the suitability of the buildings and property for that use;

(iii) Information on the availability of general services such as transportation, police, fire, and a discussion of infrastructure such as water, sewer, and electricity in the vicinity of the proposed homeless activities.

(4) *Balance with economic and other development needs.* (i) An assessment of the manner in which the application balances the expressed needs of the homeless and the needs of the communities comprising the LRA for economic redevelopment and other development; and

(ii) An explanation of how the LRA application is consistent with the appropriate Consolidated Plan(s) or any other existing housing, social service, community, economic, or other development plans adopted by the

jurisdictions in the vicinity of the installation.

(5) *Outreach.* The LRA shall explain how the outreach requirements described at § 586.20(c)(3) have been fulfilled. This explanation shall include a list of the representatives of the homeless with which the LRA consulted in preparing the application.

(c) *Public comments.* The LRA application shall include the materials described at § 586.20(c)(6). These materials shall be prefaced with an overview of the citizen participation process observed in preparing the application.

**§ 586.35 HUD's review of the application.**

(a) *Timing.* HUD shall complete a review of each application no later than 60 days after its receipt by HUD.

(b) *Standards of review.* The purpose of the review is to determine whether the application is complete and, with respect to the expressed interest and requests of representatives of the homeless, whether the redevelopment plan:

(1) *Need.* Takes into consideration the size and nature of the homeless population in the communities in the vicinity of the installation, the availability of existing services in such communities to meet the needs of the homeless in such communities, and the suitability of the buildings and property covered by the application for use and needs of the homeless in such communities.

(2) *Impact.* Takes into consideration any economic impact of the homeless assistance under the plan on the communities in the vicinity of the installation, including:

(i) Whether the plan is feasible in light of demands that would be placed on available social services, police and fire protection, and infrastructure in the community; and

(ii) Whether the application is consistent with the Consolidated Plan(s) or any other existing housing, social service, community, economic, or other development plans adopted by the jurisdictions in the vicinity of the installation.

(3) *Balance.* Balances in an appropriate manner the needs of the communities in the vicinity of the installation for economic redevelopment and other development with the needs of the homeless in such communities.

(4) *Outreach.* Was developed in consultation with representatives of the homeless and the homeless assistance planning boards, if any, in the communities in the vicinity of the installation.

(i) HUD will examine whether the outreach requirements described at § 586.20(c)(3) have been fulfilled by the LRA. HUD will carefully review the outreach process to insure that the LRA advertised the availability of installation properties to representatives of the homeless.

(ii) HUD will compare the list of homeless representatives contacted by the LRA against contacts maintained by the local HUD Field Office.

(5) *Properties.* Specifies the manner in which buildings and property, resources, and assistance on or off the installation will be made available for homeless assistance purposes. HUD will be mindful of the uniqueness of each installation. HUD will review this process so that it is confident that the LRA will make these buildings and properties available to representatives of the homeless in a timely fashion.

(c) *Notice of determination.* (1) HUD shall, no later than the 60th day after its receipt of the application, unless such deadline is extended pursuant to § 586.15(a), send written notification both to DoD and the LRA of its preliminary determination that the application meets or fails to meet the requirements of § 586.35(b). If the application fails to meet the requirements, HUD will send the LRA:

(i) A summary of the deficiencies in the application;

(ii) An explanation of the determination; and

(iii) A statement of how the LRA must address the determinations.

(2) In the event that no application is submitted and no extension is requested as of the deadline specified in § 586.20(c)(5), and the State turns down a DoD written request to become recognized as the LRA, the absence of such application will trigger an adverse determination by HUD effective on the date of the lapsed deadline. Under these conditions, HUD will follow the process described at § 586.40.

(d) *Opportunity to cure.* (1) The LRA shall have 90 days from its receipt of the notice of preliminary determination under § 586.35(c)(1) within which to submit to HUD a revised application which addresses the determinations listed in the notice. Failure to submit a revised application shall result in a final determination that the redevelopment plan fails to meet the requirements of § 586.35(b).

(2) HUD shall, within 30 days of its receipt of the LRA's resubmission, send written notification of its final determination to both DOD and the LRA.

**§ 586.40 Adverse determinations.**

(a) *Solicitation of proposals.* If HUD determines that the LRA's resubmission fails to meet the requirements of § 586.35(b) or if no resubmission is received, HUD:

(1) Shall review the original application including the notices of interest submitted by representatives of the homeless;

(2) Shall consult with the representatives of the homeless, if any, for purposes of evaluating the continuing interest of such representatives in the use of buildings or property at the installation to assist the homeless; and

(3) May request that each homeless representative submit a proposal for use of buildings or property at the installation to assist the homeless, including:

(i) A description of the program of such representative to assist the homeless;

(ii) A description of the manner in which the buildings and property that the representative proposes to use for such purpose will assist the homeless;

(iii) Such information as HUD requires in order to determine the financial capacity of the representative to carry out the program and to ensure that the program will be carried out in compliance with Federal environmental law and Federal law against discrimination; and

(iv) A certification from the local community that police services, fire protection services, and water and sewer services available in the communities in the vicinity of the installation concerned are adequate for the program.

(b) *Review of proposals.* HUD shall review the proposal in accordance with the following criteria:

(1) The degree to which the proposal submitted by the representatives meets each of the four criteria listed in § 586.40(a)(3).

(2) The extent to which the proposal fills a gap in the community's continuum of care system.

(3) The extent to which the proposal balances in an appropriate manner the needs for the communities in the vicinity of the installation for economic development and other development with the needs of the homeless.

(4) How the proposal specifies the manner in which buildings and property and resources and assistance on and off the installation will be made available for the homeless.

(c) *Environmental review.* HUD, in cooperation with DoD, shall complete an environmental review under NEPA and other applicable environmental

laws and authorities listed in 24 CFR 50.4 before accepting a proposal under this section.

(d) *Notice of decision*. HUD shall notify DOD and the LRA, within 90 days of its receipt of the revised application, of its acceptance of a proposal and shall identify the buildings and property to be disposed of and the entities to which they should be transferred.

**§ 586.45 Disposal of buildings and property.**

(a) *Public benefit transfer screening*. After the local redevelopment plan is accepted for planning purposes by the Military Department and accepted by HUD, the Military Department will conduct an official public benefit transfer screening in accordance with the Federal Property Management Regulations (41 CFR 101–47.303–2) based upon the uses identified in the redevelopment plan. Federal sponsoring agencies shall notify eligible applicants that any request for property must be consistent with the uses identified in the redevelopment plan. At the request of the LRA, the Military Department may conduct the official state and local public benefit screening before the completion of the redevelopment plan.

(b) *Environmental Review*. The Military Department shall complete an environmental review of the installation in compliance with NEPA and CERCLA prior to disposal of the property. The Military Department may adopt an environmental review completed under § 586.40(c).

(c) *Disposal*. Upon receipt of a notice of approval of an application from HUD under § 586.35(c) and § 586.40(d) thereof, DOD shall, without consideration, dispose of the subject buildings and property in compliance with the approved application, either to the LRA or directly to the representative(s) of the homeless.

(d) *LRA's responsibility*. The LRA shall be responsible for the implementation of and compliance with legally binding agreements under the application.

(e) *Reversions to the LRA*. If a building or property reverts to the LRA under a legally binding agreement under the application, the LRA shall take appropriate actions to secure, to the maximum extent practicable the utilization of the building or property by other homeless representatives to assist the homeless. An LRA may not be required to utilize the building or property to assist the homeless.

**§ 586.50 Effective date.**

Sections 586.1, 586.5, 586.10, 586.15, 586.20, 586.25, 586.30, 586.35, 586.40 and 586.45 shall expire and shall not be in effect after September 17, 1996, unless prior to September 17, 1996, the Department publishes a final rule adopting §§ 586.1, 586.5, 586.10, 586.15, 586.20, 586.25, 586.30, 586.35, 586.40 and 586.45, or publishes a notice in the **Federal Register** to extend the effective date of the interim rule.

Dated: July 13, 1995.

**Mark C. Gordon,**

*General Deputy Assistant Secretary for Community Planning and Development.*

[FR Doc. 95–20372 Filed 8–16–95; 8:45 am]

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Thursday
August 17, 1995

## Part V

# Environmental Protection Agency

**Thirty-Sixth Report of the TSCA Interagency Testing Committee to the Administrator; Receipt of Report, Request for Comments, Solicitation of Use and Exposure Data; Notice**

## ENVIRONMENTAL PROTECTION AGENCY

**[OPPTS–41043; FRL–4965–6]**

## Thirty-Sixth Report of the TSCA Interagency Testing Committee to the Administrator; Receipt of Report, Request for Comments, Solicitation of Use and Exposure Data

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

**SUMMARY:** The TSCA Interagency Testing Committee (ITC), established under section 4(e) of the Toxic Substances Control Act (TSCA), transmitted its Thirty-Sixth Report to the Administrator of EPA on May 23, 1995. This Report, included with this notice, adds no chemicals to the Priority Testing List for consideration by the EPA Administrator for promulgation of test rules under section 4(a) of the Act. In this Report the ITC recommended 12 High Production Volume Chemicals (HPVCs) for an information solicitation. The ITC removed cyclohexanone, a previously-designated chemical, and 34 previously-recommended chemicals from the List: butyraldehyde, 9 chloroalkyl phosphates, sulfonyl bis(4-chlorobenzene), *m*-dinitrobenzene, 4 cyanoacrylates, 2 methyl ethylene glycol ethers and esters, 11 propylene glycol ethers and esters, and 5 HPVCs. The ITC's reasons for removing these chemicals from the List are listed in the Thirty-Sixth Report. EPA invites interested persons to submit written comments on the Report.

**DATES:** Written comments on the Thirty-Sixth ITC Report should be submitted by September 18, 1995.

**ADDRESS:** Send six copies of written submissions to: TSCA Public Docket Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. G–99 ET, 401 M St., SW., Washington, DC 20460. Submissions should bear the document control number OPPTS–41043.

The public record supporting this action, including comments, is available for public inspection in Rm. B–607 NEM at the address noted above from 12 noon to 4 p.m., Monday through Friday, except legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number OPPT–41043. No CBI should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit III of this document.

**FOR FURTHER INFORMATION CONTACT:** Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M Street, SW., Rm. E–543B, Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551, Internet: TSCA-Hotline@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** EPA has received the TSCA Interagency Testing Committee's Thirty-Sixth Report to the Administrator.

### I. Background

TSCA (Pub. L. 94-469, 90 Stat. 2003 et seq; 15 U.S.C. 260l et seq.) authorizes the Administrator of EPA to promulgate regulations under section 4(a) requiring testing of chemicals and chemical groups in order to develop data relevant to determining the risks that such chemicals and chemical groups may present to health or the environment. Section 4(e) of TSCA established the Interagency Testing Committee to recommend chemicals and chemical groups to the Administrator of EPA for priority testing consideration. Section 4(e) directs the ITC to revise the TSCA section 4(e) Priority Testing List at least every 6 months. The most recent revisions to this List are included in the ITC's Thirty-Sixth Report. The Report was received by the Administrator on May 23, 1995, and is included in this Notice. The Report solicits use and exposure data for 12 HPVCs, and removes cyclohexanone, a previously-designated chemical, and 34 previously-recommended chemicals from the List.

### II. Status of List

The ITC's Thirty-Sixth Report requests certain use and exposure data for 12 HPVCs, and removes one previously-designated chemical, and 34 previously-recommended chemicals from the List. The current TSCA section 4(e) Priority Testing List contains 5 chemicals and 8 chemical groups, with 3 chemical groups and 3 chemicals designated for testing.

### III. Electronic and Written Comments

EPA invites interested persons to submit detailed comments on the ITC's Report. A record has been established for this notice under docket number ''OPPTS–41043'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information (CBI), is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:
ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for the Thirty-Sixth Report, as well as the public version as described above, will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

**Authority:** 15 U.S.C. 2603.

Dated: August 11, 1995.

**Paul J. Campanella,**

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

## Thirty-Sixth Report of the TSCA Interagency Testing Committee to the Administrator

*Summary*

This is the 36th Report of the TSCA Interagency Testing Committee (ITC) to the Administrator of the U.S. Environmental Protection Agency (EPA). In this Report, the ITC is revising its TSCA section 4(e) Priority Testing List by soliciting use and exposure data for 12 High Production Volume Chemicals (HPVCs), removing a previously-designated chemical, cyclohexanone, and removing 34 previously-recommended chemicals: butyraldehyde, 9 chloroalkyl phosphates, sulfonyl bis(4-chlorobenzene), *m*-dinitrobenzene, 4 cyanoacrylates, 2 methyl ethylene glycol ethers and esters, 11 propylene glycol ethers and esters, and 5 HPVCs.

The revised TSCA section 4(e) Priority Testing List follows as Table 1.

TABLE 1.—THE TSCA SECTION 4(e) PRIORITY TESTING LIST (MAY 1995)

| Report | Date | Chemical/Group | Action |
|---|---|---|---|
| 26 | May 1990 | 15 Isocyanates | Recommended with intent-to-designate |
| 27 | November 1990 | 62 Aldehydes | Recommended with intent-to-designate |
| 28 | May 1991 | Acetone | Designated |
| 28 | May 1991 | Thiophenol | Designated |
| 29 | November 1991 | 10 Alkyl-, bromo-, chloro-, hydroxymethyl diaryl ethers | Recommended |
| 30 | May 1992 | 56 Siloxanes | Recommended |
| 31 | January 1993 | 24 Chemicals with no dermal toxicity data | Designated |
| 32 | May 1993 | 32 Chemicals with insufficient dermal absorption data | Designated |
| 34 | May 1994 | White phosphorus | Designated |
| 34 | May 1994 | Ethyl tert-butyl ether | Recommended |
| 34 | May 1994 | Tert-amyl methyl ether | Recommended |
| 35 | November 1994 | 24 Chemicals with insufficient dermal absorption data | Designated |
| 36 | May 1995 | 12 High Production Volume Chemicals: Solicitation for Use and Exposure Data | Recommended |

## I. Background

The TSCA Interagency Testing Committee (ITC) was established by section 4(e) of the Toxic Substances Control Act (TSCA) ''to make recommendations to the Administrator respecting the chemical substances and mixtures to which the Administrator should give priority consideration for the promulgation of a rule for testing under section 4(a).... At least every 6 months..., the Committee shall make such revisions in the List as it determines to be necessary and to transmit them to the Administrator together with the Committee's reasons for the revisions'' (Public Law 94–469, 90 Stat. 2003 et seq., 15 U.S.C. 2601 et seq.). Since its creation in 1976, the ITC has submitted 35 semi-annual Reports to the EPA Administrator transmitting the Priority Testing List and its revisions. These Reports have been published in the **Federal Register** and are available from the ITC. The ITC meets monthly and produces its revisions of the List with the help of staff and technical contract support provided by EPA. ITC membership and support personnel are listed at the end of this Report.

Following receipt of the ITC's Report and the addition of chemicals to the Priority Testing List, EPA's Office of Pollution Prevention and Toxics generally adds new chemicals from the List to TSCA section 8(a) and 8(d) rules that require manufacturers and importers of these chemicals to submit TSCA section 8(a) production and exposure data and manufacturers, importers and processors of the listed chemicals to submit TSCA section 8(d) health and safety studies within 60 days of the rule's effective date. The submissions are indexed and maintained by EPA. The ITC reviews the TSCA section 8(a) and 8(d) information and other available data on chemicals and chemical groups (e.g., TSCA section 8(e) ''substantial risk'' studies, ''For Your Information'' (FYI) submissions to EPA, and published papers) to determine if revisions to the List are necessary. Revisions can include changing a recommendation to a designation for testing action by the EPA Administrator within 12 months, modifying the recommended testing, or removing the chemical or chemical group from the List.

## II. Revisions to the TSCA Section 4(e) Priority Testing List

Revisions to the TSCA section 4(e) Priority Testing List are summarized in the following Table 2:

TABLE 2.—REVISIONS TO THE TSCA SECTION 4(e) PRIORITY TESTING LIST (NOVEMBER 1994 TO APRIL 1995)

| CAS No. | Chemical/Group | Action | Date |
|---|---|---|---|
| | **High Production Volume Chemicals** | Solicit use and exposure data | 5/95 |
| 80–51–3 | *p,p'*-Oxybis(benzenesulfonyl hydrazide) | | |
| 81–84–5 | Naphthalene dicarboxylic anhydride | | |
| 99–54–7 | 3,4-Dichloronitrobenzene | | |
| 100–29–8 | 4-Ethoxynitrobenzene | | |
| 111–96–6 | Diethylene glycol dimethyl ether | | |
| 112–15–2 | Diethylene glycol monoethyl ether acetate | | |
| 119–33–5 | 4-Methyl-2-nitrophenol | | |
| 121–60–8 | 4-(Acetylamino)benzenesulfonyl chloride | | |
| 594–42–3 | Trichloromethane sulfenyl chloride | | |

TABLE 2.—REVISIONS TO THE TSCA SECTION 4(e) PRIORITY TESTING LIST (NOVEMBER 1994 TO APRIL 1995)—Continued

| CAS No. | Chemical/Group | Action | Date |
|---|---|---|---|
| 626–17–5 | 1,3-Dicyanobenzene | | |
| 929–06–6 | 2-(2-Aminoethoxy)ethanol | | |
| 3089–11–0 | Hexa(methoxymethyl) melamine | | |
| | **High Production Volume Chemicals** | Remove previously recommended chemicals | 5/95 |
| 90–15–3 | 1-Naphthol | | |
| 94–28–0 | Triethylene glycol bis(2-ethylhexanoate) | | |
| 97–88–1 | *n*-Butyl methacrylate | | |
| 106–63–8 | Isobutyl acrylate | | |
| 142–16–5 | Bis(2-ethylhexyl)-2-butenedioate | | |
| | **Chloroalkyl phosphates** | Remove previously recommended chemicals | 5/95 |
| 115–96–8 | Tris(2-chloroethyl) phosphate | | |
| 6145 –73–9 | Tris(2-chloro-1-propyl) phosphate | | |
| 13674–84–5 | Tris(2-chloroisopropyl) phosphate | | |
| 13674–87–8 | Tris(1,3-dichloro-2-propyl) phosphate | | |
| 33125–86–9 | Tetrakis(2-chloroethyl) ethylene diphosphate | | |
| 34621–99–3 | 1,2-Ethanediyl tetrakis(2-chloro-1-methylethyl) phosphate | | |
| 38051–10–4 | 2,2-Bis(chloromethyl) 1,3-propanediyl tetrakis(2-chloroethyl) phosphate | | |
| 53461–82–8 | Oxydi-2,1-ethanediyl tetrakis(2-chloroethyl) phosphate | | |
| 76649–15–5 | 2-Chloro-1-methylethyl bis-(2-chloropropyl) phosphate | | |
| | **Cyanoacrylates** | Remove previously recommended chemicals | 5/95 |
| 137–05–3 | 2-Propenoic acid, 2-cyano-, methyl ester | | |
| 6197–30–4 | 2-propenoic acid, 2-cyano-3,3-diphenyl-,2-ethylhexyl ester | | |
| 7085–85–0 | 2-propenoic acid, 2-cyano-, ethyl ester | | |
| 64992–16–1 | Ethanaminium, 2-[[2-cyano-3-[4-(diethylamino)phenyl]-1-oxo-2-propenyl]oxy]-*N,N,N*-trimethyl-, chloride | | |
| | **Propylene glycol ethers and esters** | Remove previously recommended chemicals | 5/95 |
| 108–65–6 | Propylene glycol monomethyl ether acetate | | |
| 110–98–5 | Dipropylene glycol | | |
| 770–35–4 | 1-Phenoxy-2-propanol | | |
| 20324–32–7 | Dipropylene glycol methyl ether | | |
| 20324–33–8 | Tripropylene glycol methyl ether | | |
| 28677–93–2 | Methoxy-1-propanol | | |
| 29387–86–8 | Propylene glycol monobutyl ether | | |
| 29911–28–2 | Dipropylene glycol butyl ether | | |
| 42978–66–5 | Tripropylene glycol diacrylate | | |
| 57018–52–7 | Propylene glycol mono-tert-butyl ether | | |
| 88917–22–0 | Dipropylene glycol monomethyl ether acetate | | |
| | **Methyl ethylene glycol ethers and esters** | Remove previously recommended chemicals | 5/95 |
| 3121–67–7 | Ethylene glycol methyl ether acrylate | | |
| 23783–42–8 | Tetraethylene glycol methyl ether | | |
| | **Other Chemicals** | | |
| 80–07–9 | Sulfonyl bis(4-chlorobenzene) | Remove previously recommended chemical | 5/95 |
| 99–65–0 | *m*-Dinitrobenzene | Remove previously recommended chemical | 5/95 |
| 108–94–1 | Cyclohexanone | Remove previously recommended chemical | 5/95 |
| 123–72–8 | Butyraldehyde | Remove previously recommended chemical | 5/95 |

## III. Rationale for the revisions

*A. ITC's Activities During this Reporting Period*

During the 6 months covered by this Report, November 1994 through April 1995, the ITC reviewed TSCA section 8(a) and 8(d) data, use data that were solicited from manufacturers, and toxicology data obtained from published papers, for 17 HPVCs that were previously recommended as chemicals in need of subchronic (90–day) toxicity data in the ITC's 27th Report (56 FR 9534, March 6, 1991). The ITC also reviewed available data for butyraldehyde and 5 chloroalkyl phosphates that were recommended in the 23rd Report (53 FR 46262, November 16, 1988); for sulfonyl bis(4-chlorobenzene) that was recommended, as a member of the sulfone group, in the 27th Report; for *m*-dinitrobenzene and 4 cyanoacrylates that were recommended in the 28th Report (56 FR 41212, August 19, 1991); for 4 chloroalkyl phosphates that were recommended in the 30th Report (57 FR 30608, July 9, 1992); for 2 methyl ethylene glycol ethers and esters and 11 propylene glycol ethers and esters that were recommended in the 31st Report (58 FR 26898, May 5, 1993); and for cyclohexanone that was designated in the 35th Report (59 FR 67596, December 29, 1994).

*B. Specific Rationales*

1. Recommended chemicals—a. *HPVCs.* A group of 35 HPVCs that did not have 90–day subchronic toxicity test data were recommended by the ITC in its 27th Report (56 FR 9534, March 6, 1991). For these HPVCs, i.e., chemicals with domestic production or importation volumes greater than 1 million pounds, the ITC reviewed an extensive amount of production, importation, use, exposure and health and safety data, as noted in the 35th Report. After reviewing these data and considering the data needs of U.S. Government organizations represented on the ITC, the ITC removed 18 of these chemicals from the Priority Testing List in its 35th Report. To facilitate development of the ITC's testing decisions regarding designations for the 12 HPVCs listed in Table 2 of this Report, the ITC needs to know specific uses of the chemical, including use as an intermediate in industrial processes (with descriptions of those processes) and use as an end product (including use as an industrial or consumer end product). For each use, the ITC needs to know the estimated number of workers or consumers that may be exposed to the chemical and the estimated worker, consumer, and environmental exposure levels. The ITC also needs an estimate of the quantities of diethylene glycol dimethyl ether (CAS No. 111–96–6) used as a solvent in semiconductor clean rooms.

The use and exposure data needed by the ITC should be submitted to the ITC Executive Director at the address provided at the end of this Report. The ITC will review all data that are received within 60 days of the date this 36th ITC Report is published in the **Federal Register**, and will use these data to determine if any of these HPVC should be designated for testing or removed from the Priority Testing List.

2. *Removal of chemicals from the Priority Testing List— a. HPVCs.* The ITC is removing 5 HPVCs from the Priority Testing List (Table 2).

1-Naphthol (CAS No. 90–15–3) is being removed because there are sufficient data to reasonably determine or predict effects and no additional U.S. Government data needs were identified.

Two acrylate derivatives, *n*-butyl methacrylate (CAS No. 97–88–1) and isobutyl acrylate (CAS No. 106–63–8) are being removed because some ecological effects, chemical fate and health effects screening data have been developed, other testing is ongoing or scheduled and there are no current U.S. government data needs.

Two ethylhexyl derivatives, triethylene glycol bis(2-ethylhexanoate) (CAS No. 94–28–0) and bis(2-ethylhexyl)2-butenedioate (CAS No. 142–16–5) are being removed because testing to elucidate the relationship between peroxisomal proliferation caused by chemicals containing ethylhexyl substructures and cancer is ongoing and because there are no current U.S. Government data needs.

b. *Butyraldehyde.* Butyraldehyde (CAS No. 123–72–8) was recommended for testing in the 23rd Report (53 FR 46262, November 16, 1988). The ITC recommended that environmental monitoring be conducted in the vicinity of major manufacturing and use sites, and that in-depth health and ecological effects studies be conducted, if warranted by monitoring data.

The ITC was particularly concerned about potential reproductive and developmental effects, and, in its 23rd Report, included a discussion of studies conducted by Moutschen-Dahmen et al. (1975, 1976). The 1975 study demonstrated that a single intraperitoneal injection of 1 mg butyraldehyde per animal produced chromosomal damage and meiotic anomalies, including degenerative nuclei, multispindle cells and polyploid cells at all stages of spermatogenesis in male mice 1 month following the treatment. The 1976 study examined one group of male mice that received a single intraperitoneal dose of 30 mg butyraldehyde per kg, and a second group that received 0.2 mg/L in their drinking water for 50 days. Administration of butyraldehyde by either route damaged the spermatogenic cells of the seminiferous tubules. In addition to gross degeneration, polyploidy was observed at all stages of spermatogenesis and abnormal pairing of sex chromosomes occurred at metaphase I; there was also an increased incidence, in the vas deferens, of spermatozoa without acrosomes.

Three events, related to butyraldehyde, occurred after the 23rd Report was published. First, the ITC received comments from the Butyraldehyde Task Group of the Chemical Manufacturers Association (CMA). Second, butyraldehyde was selected for review as part of the Organisation for Economic Cooperation and Development (OECD) Screening Information Data Set (SIDS) program and an OECD SIDS dossier was developed by the CMA's Oxo Process Panel. Third, the ITC learned that the National Toxicology Program (NTP) had sponsored a reproductive screening test of butyraldehyde.

The ITC received comments from the CMA's Butyraldehyde Task Group in 1989, 1993 and 1995 (CMA, 1989, 1993, 1995a,b). In 1989, the CMA commented that butyraldehyde environmental releases were below the levels reported by the ITC that were based on the 1987 Toxic Release Inventory (TRI) and that numbers of exposed workers were less than estimates based on the National Occupational Exposure Survey (NOES) data (CMA, 1989). The Task Group stated that the NOES projection of 5,392 workers overestimated the number of workers potentially exposed to butyraldehyde. The Task Group estimated that no more than 500 to 600 workers are potentially exposed to butyraldehyde at manufacturing and processing facilities. In addition, the CMA reported that concentrations of butyraldehyde to which workers and the general population were exposed were less than 1 part per million and 1 part per billion, respectively (CMA, 1989). In 1993, the CMA reported that, based on 1988 and 1991 TRI reporting, environmental releases of butyraldehyde were decreasing (CMA, 1993). In 1995, the CMA reported that, based on 1992 TRI reporting, environmental releases of butyraldehyde were about 25% of 1987 TRI releases, and that butyraldehyde's offensive odor and low odor threshold should mitigate the potential for

significant worker exposures (CMA, 1995a).

The February 1993 OECD SIDS butyraldehyde dossier noted in the section on reproductive and developmental toxicity that no data were submitted. However, in the section on genetic toxicity, the dossier referenced the 1975 and 1976 Moutschen-Dahmen et al. studies that were discussed in the 23rd Report. The dossier was discussed at a September 1993 OECD SIDS meeting and the participants agreed that no additional testing should be required for butyraldehyde and that dossiers should be prepared for propionaldehyde and isobutyraldehyde. At that meeting, it was noted that reproductive and developmental toxicity data were not available for butyraldehyde, but that data from analogs could be used to predict toxicity. Dossiers for propionaldehyde and isobutyraldehyde were discussed at the February 1995 OECD SIDS Initial Assessment Meeting (SIAM). At this SIAM, propionaldehyde was assigned a low priority for further testing and isobutyraldehyde was selected for developmental toxicity testing. The butyraldehyde dossier will be discussed at an OECD SIAM in late 1995 or early 1996. In the interim, the CMA's Oxo Process Panel is sponsoring two studies on butyl acetate that may provide some indirect data on butyraldehyde, because it is a butyl acetate metabolic intermediate. The Panel will begin a butyl acetate in vivo (rats) hydrolysis study in mid-1995 and complete a 90–day subchronic neurotoxicity study (including an evaluation of the effects of butyl acetate on testicular toxicity and numbers of elongated spermatids) in late 1995 (CMA, 1995b).

The NTP sponsored a 90–day butyraldehyde subchronic toxicity study in mice and rats (EHRT, 1986). This study included sperm morphology and motility and vaginal cytology evaluations. Butyraldehyde administered by gavage to mice at a dose range of 150 – 600 mg/kg, and to rats at a dose range of 75–300 mg/kg, had no significant effects on sperm morphology or motility, caudal, epididymal or testicular weights, or on the estrous cycle.

The ITC discussed studies related to reproductive and developmental toxicity of butyraldehyde, the CMA's exposure data, the OECD SIDS dossier, the results of the OECD SIAM and the CMA's plans to conduct future studies. The ITC is removing butyraldehyde from the Priority Testing List because of the ongoing international activities (Table 2).

c. *Chloroalkyl phosphates.* Five chloroalkyl phosphates were recommended in the 23rd Report (53 FR 46262, November 15, 1988). Another 4 were recommended in the 30th Report (57 FR 30608, July 9, 1992). The published and unpublished data received for these nine chloroalkyl phosphates listed in Table 2 were reviewed by the ITC. About 95% of the data received were for the five chloroalkyl phosphates recommended in the 23rd Report; most of these data were for tris(2-chloroethyl) phosphate and tris(1,3-dichloro-2-propyl) phosphate. Both of these chloroalkyl phosphates caused cancer in rodents. Chemical fate and monitoring data for these two chloroalkyl phosphates suggest that they would persist in the environment. Aquatic toxicity data suggest that both these chloroalkyl phosphates would cause acute effects at milligram per liter concentrations.

The ITC is removing the chloroalkyl phosphates from the List because the data or structure activity relationships considered by the ITC do not indicate a need to designate the chloroalkyl phosphates for further testing at this time. The structure activity relationships considered by the ITC for the chloroalkyl phosphates were based on an analysis of beta-chloroalkyl phosphate substructures identified by the Substructure-based Computerized Chemical Selection Expert System (SuCCSES) developed by Walker (1991, 1995). The rationales for removing the individual chloroalkyl phosphates follow:

Tris(2-chloroethyl) phosphate (CAS No. 115–96–8) and Tris(1,3-dichloro-2-propyl) phosphate (CAS No. 13674–87–8). The ITC is removing these chemicals from the List because they are well-tested and cause cancer in rodents.

Tris(2-chloroisopropyl) phosphate (CAS No. 13674–84–5). The ITC is removing tris(2-chloroisopropyl) phosphate from the List, because sufficient screening test data are likely to be developed under the OECD SIDS program and because it contains beta-chloroalkyl phosphate substructures similar to those contained in tris(2-chloroethyl) phosphate and tris(1,3-dichloro-2-propyl) phosphate and this substructural relationship to these known rodent carcinogens may be sufficient to predict its ability to cause cancer in rodents.

Tris(2-chloro-1-propyl) phosphate (CAS No. 6145–73–9), tetrakis(2-chloroethyl) ethylene diphosphate (CAS No. 33125–86–9) and 2,2-bis(chloromethyl) 1,3-propanediyl tetrakis(2-chloroethyl) phosphate (CAS No. 38051–10–4). The ITC is removing these chemicals from the List because there are no current U.S. Government data needs and because they all contain beta-chloroalkyl phosphate substructures similar to those contained in tris(2-chloroethyl) phosphate and tris(1,3-dichloro-2-propyl) phosphate and this substructural relationship to these known rodent carcinogens may be sufficient to predict their ability to cause cancer in rodents.

1,2-Ethanediyl tetrakis(2-chloro-1-methylethyl) phosphate (CAS No. 34621–99–3), oxydi-2,1-ethanediyl tetrakis(2-chloroethyl) phosphate (CAS No. 53461–82–8) and 2-chloro-1-methylethyl bis-(2-chloropropyl) phosphate (CAS No. 76649–15–5). The ITC is removing these chemicals from the List, because their 1989 production volumes were each less than 1 million pounds and because they all contain beta-chloroalkyl phosphate substructures similar to those contained in tris(2-chloroethyl) phosphate and tris(1,3-dichloro-2-propyl) phosphate and this substructural relationship to these known rodent carcinogens may be sufficient to predict their ability to cause cancer in rodents.

d. *Sulfonyl bis(4-chlorobenzene).* In its 35th Report, the ITC removed 25 sulfones from the Priority Testing List (59 FR 67596, December 29, 1994). For the remaining sulfone, sulfonyl bis(4-chlorobenzene) (CAS No. 80–07–9), the ITC determined that most of the screening test data that would be required under the OECD SIDS Program had been developed.

Sulfonyl bis(4-chlorobenzene) shares structural and functional relationships with other sulfonylbenzenes. The NTP has performed a number of short-term toxicity and metabolism studies and has developed a physiologically-based pharmacokinetic model for sulfonyl bis(4-chlorobenzene). The NTP is planning to perform a two-species rodent carcinogenicity assay to further evaluate structure-activity relationships and to determine the effectiveness of shorter-term tests, including a 13–week subchronic toxicity test in rats and mice, to predict and model the carcinogenic response. The ITC is removing sulfonyl bis(4-chlorobenzene) from the Priority Testing List because most of the screening test data have been developed and because the NTP will be conducting health effects testing (Table 2).

e. *m*-Dinitrobenzene. *m*-Dinitrobenzene (CAS No. 99–65–0) was recommended for testing in the 28th Report (56 FR 41212, August 19, 1991). It is being removed as a discrete entry from the Priority Testing List because it is scheduled for future review within

the framework of the OECD SIDS program (Table 2). However, *m*-dinitrobenzene will remain on the List as a member of a category of chemical substances designated by the ITC in its 32nd Report for dermal absorption testing to develop data needed by the Occupational Safety and Health Administration (58 FR 38490, July 16, 1993).

f. *Cyanoacrylates.* In its 35th Report, the ITC removed seven cyanoacrylates from the Priority Testing List (59 FR 67596, December 29, 1994). The ITC is removing three cyanoacrylates from the List because 1989 production volumes were less than 1 million pounds per year and there are currently no U.S. Government data needs. These three cyanoacrylates, listed in Table 2, are 2-propenoic acid, 2-cyano-, methyl ester (CAS No. 137–05–3), 2-propenoic acid, 2-cyano-3,3-diphenyl-, 2-ethylhexyl ester (CAS No. 6197–30–4) and ethanaminium, 2-[[2-cyano-3-[4-(diethylamino)phenyl] -1-oxo-2-propenyl]oxy]-*N,N,N*-trimethyl-, chloride (CAS No. 64992–16–1).

For the remaining cyanoacrylate, listed in Table 2, 2-propenoic acid, 2-cyano-, ethyl ester (CAS No. 7085–85–0), the ITC considered the available screening data, the information from a TSCA section 8(e) submission and the ongoing attempts by the NTP to test this chemical. The ITC determined that few of the screening data that would be required under the OECD SIDS program had been developed. The common name for this chemical is ethyl cyanoacrylate.

The TSCA section 8(e) submission that the ITC considered was for an adhesive product that contained 95% ethyl cyanoacrylate (EPA, 1989). The submitter stated that ''a customer which uses [a] cyanoacrylate adhesive among other chemicals reported that three pregnant women [had] experienced premature childbirths,'' and ''two [of the] premature babies died and one continues on life support.'' The submission noted the similarity between the affected women's exposure/working relationships.

The NTP has attempted to test ethyl cyanoacrylate in laboratory animals. Injection of ethyl cyanoacrylate into animals yields a polymer. In the NTP-conducted tests, where polymerization was not considered, ethyl cyanoacrylate was not mutagenic in the Ames test or in rodent bone marrow micronucleus tests. The NTP subchronic and chronic studies have not been initiated because of the high reactivity of the chemical and the resulting difficulties in implementing the delivery of an effective concentration of the unpolymerized chemical to the test animals. Ethyl cyanoacrylate is being removed from the Priority Testing List because the TSCA section 8(e) submission suggests that there may be a need to examine exposure controls and because the practical problems which may prevent effective health effects testing are being evaluated by the NTP.

g. *Propylene glycol ethers and esters.* Propylene glycol ethers and esters were recommended for developmental toxicity and reproductive effects testing in the 28th Report (56 FR 41212, August 19, 1991). Based on the recommendations of the Consumer Product Safety Commission (CPSC), the Food and Drug Administration, and the National Institute for Occupational Safety and Health, the ITC revised the TSCA section 4(e) Priority Testing List by removing 29 of the 38 propylene glycol ethers and esters originally recommended and adding two new propylene glycol ethers in its 31st Report (58 FR 26898, May 5, 1993). The ITC recommended these 11 propylene glycol ethers and esters for an information solicitation to obtain consumer use data. After publication of the 31st Report, the EPA promulgated TSCA section 8(a) and 8(d) rules for the chemicals in that Report (58 FR 68311, December 27, 1993). After receiving comments from the CMA's Propylene Glycol Ethers Panel, the EPA stayed these TSCA section 8(a) and 8(d) rules for propylene glycol ethers and esters. After the stay was published (59 FR 14115, March 25, 1994), the ITC initiated a dialogue with the CMA's Propylene Glycol Ethers Panel and obtained recent production volume and consumer use data for nine of the recommended propylene glycol ethers, and esters and three others that were not recommended in the 31st Report.

As a result, eight of the propylene glycol ethers and esters listed in Table 2 are being removed from the Priority Testing List because the U.S. Government consumer use data needs stated in the 31st Report were satisfied.

Tripropylene glycol diacrylate (CAS No. 42978–66–5) is being removed from the propylene glycol ethers and esters listed in Table 2 because another CMA panel supplied commercial use information that suggests consumer exposure to this compound is likely to be limited.

Dipropylene glycol (CAS No. 110–98–5) is being removed from the propylene glycol ethers and esters listed in Table 2 because a dipropylene glycol mixture (CAS No. 25265–71–8) is being tested by the NTP.

Dipropylene glycol methyl ether (CAS No. 20324–32–7) is being removed from the propylene glycol ethers and esters listed in Table 2 because the CMA provided consumer use data. However, this chemical will remain on the Priority Testing List as a member of a category of chemical substances designated by the ITC in its 35th Report for dermal absorption testing to develop data needed by the Occupational Safety and Health Administration (59 FR 67596, December 29, 1994).

The CPSC will review data submitted by the CMA in response to the ITC's recommendation, as part of a project on glycol ethers in consumer products. The ITC is including a summary of use data received from the CMA for the propylene glycol ethers and esters in the public docket for this 36th Report and forwarding a copy to the Chemical Control Division in EPA's Office of Pollution Prevention and Toxics.

h. *Methyl ethylene glycol ethers and esters.* In its 31st Report (58 FR 26898, May 5, 1993), the ITC revised the TSCA section 4(e) Priority Testing List by removing 8 of 10 methyl ethylene glycol ethers and esters recommended in the 28th Report (56 FR 41212, August 19, 1991). Ethylene glycol methyl ether acrylate (CAS No. 3121–67–7) and tetraethylene glycol methyl ether (CAS No. 23783–42–8) were retained on the List in order to obtain consumer use as well as TSCA section 8(a) and 8(d) data. In addition, ethylene glycol methyl ether acrylate was retained on the List because of its developmental effects (30% mortality and 100% intrauterine deaths at term in all 14 litters of mice exposed to 650 mg/kg by gavage during gestation days 7–14) as reported by Hardin et al. (1987).

The reported 1989 production volume for both compounds, obtained from the 1990 TSCA Inventory Update Rule, was less than 1 million pounds each. Information submitted by the CMA suggests that consumer exposures to the two chemicals are expected to be limited. The ITC is removing ethylene glycol methyl ether acrylate and tetraethylene glycol methyl ether from the methyl ethylene glycol ethers and esters listed in Table 2 because production volumes were less than 1 million pounds and consumer exposures are expected to be limited.

i. *Cyclohexanone.* The Occupational Safety and Health Administration requested that the ITC designate cyclohexanone in its 35th Report to obtain adequate dermal absorption data (59 FR 67596, December 29, 1994). The ITC is removing cyclohexanone (CAS No. 108–94–1) from the Priority Testing List because adequate dermal absorption data to estimate a dermal absorption rate were identified in a study published in 1994 after the 35th Report was transmitted to the EPA Administrator (Mraz et al., 1994).

## References

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(2) CMA. Letter from Gordon D. Strickland, Vice President-Technical Director, Chemical Manufacturers Association, Washington, DC, to John D. Walker, Executive Director, ITC (August 24, 1993).

(3) CMA. Letter from Barbara O. Francis, Associate Director, CHEMSTAR Panels, Chemical Manufacturers Association, Washington, DC, to John D. Walker, Executive Director, ITC (February 22, 1995a).

(4) CMA. Letter from Barbara O. Francis, Associate Director, CHEMSTAR Panels, Chemical Manufacturers Association, Washington, DC, to John D. Walker, Executive Director, ITC (May 9, 1995b).

(5) EHRT. ''Butyraldehyde: Sperm morphology vaginal cytology evaluations in rodents.'' Contract No. NO1–ES–3–5026, Study No. SMVCE–86–055. Submitted by Environmental Health Research and Testing for National Toxicology Program. Cincinnati, OH (1986).

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(7) Hardin, B.D., Schuler, R.L., Burg, J.R., Booth, G.M., Hazelden, K.P., MacKenzie, K.M., Piccirillo, V.J. and Smith, K.N. ''Evaluation of 60 Chemicals in a Preliminary Developmental Toxicity Test.'' *Teratogenesis, Carcinogenesis, and Mutagenesis*. 7:29–48 (1987).

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(12) Walker, J.D. ''Estimation Methods Used by the TSCA Interagency Testing Committee to Prioritize Chemicals for Testing: Exposure and Biological Effects Scoring and Structure Activity Relationships''. *Toxicology Modeling*. Vol. 1, pp.123-141 (1995).

## TSCA Interagency Testing Committee

### Statutory Organizations and Their Representatives

*Council on Environmental Quality*
Brad Campbell, Member

*Department of Commerce*
Edward White, Member
Willie E. May, Alternate

*Environmental Protection Agency*
David R. Williams, Member
Lois Dicker, Alternate

*National Cancer Institute*
Victor Fung, Member
Harry Seifried, Alternate

*National Institute of Environmental Health Sciences*
Errol Zeiger, Member
H.B. Matthews, Alternate

*National Institute for Occupational Safety and Health*
Henryka Nagy, Member
David A. Dankovic, Alternate

*National Science Foundation*
Linda Duguay, Member

*Occupational Safety and Health Administration*
Christine Whittaker, Member

### Liaison Organizations and Their Representatives

*Agency for Toxic Substances and Disease Registry*
William Cibulas, Member

*Consumer Product Safety Commission*
Val Schaeffer, Member
Lakshmi C. Mishra, Alternate

*Department of Agriculture*
Clifford Rice, Member

*Department of Defense*
David A. Macys, Member
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*Department of the Interior*
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*Food and Drug Administration*
Edwin J. Matthews, Member
Raju Kammula, Alternate

*National Library of Medicine*
Vera Hudson, Member

*National Toxicology Program*
NIEHS, Members

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# Part VI

# Department of Agriculture

## Cooperative State Research, Education, and Extension Service

## 7 CFR Part 3403

## Small Business Innovation Research Grants Program; Administrative Provisions; Proposed Rule

## DEPARTMENT OF AGRICULTURE

## Cooperative State Research, Education, and Extension Service

## 7 CFR Part 3403

## Small Business Innovation Research Grants Program; Administrative Provisions

**AGENCY:** Cooperative State Research, Education, and Extension Service, USDA.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Cooperative State Research, Education, and Extension Service (CSREES) proposes to amend its regulations relating to the administration of the Small Business Innovation Research (SBIR) Grants Program, which prescribe the procedures to be followed annually in the solicitation of research grant proposals, the evaluation of such proposals, and the award of competitive research grants under this program. This rule amends those regulations by encouraging the individuals who are principally responsible for the scientific or technical direction of the proposed work to be designated as the principal investigator, making it a condition that Federal funds remain for an extension of a Phase I grant and that an extension will not normally exceed 12 months, requiring that when purchasing equipment or products with agreement funds that only American-made items are purchased to the extent possible, and making a few additional changes. CSREES proposes to publish these regulations in their entirety in order to enhance their use by the public and to ensure expeditious submission and processing of grant proposals.

(The CSREES was established by Pub. L. 103–354, the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994, and the functions of the Cooperative State Research Service (CSRS) were transferred to the CSREES by the Secretary of Agriculture in the Secretary's Memorandum 1010–1, October 20, 1994.)

**DATES:** Written comments are invited from interested individuals and organizations. To be considered in the formulation of a final rule, all relevant material must be received on or before September 18, 1995.

**ADDRESSES:** Written comments should be sent to Louise Ebaugh, Director, Awards Management Division, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, AG Box 2245, Washington, D.C. 20250–2245.

**FOR FURTHER INFORMATION CONTACT:** Louise Ebaugh at (202) 401–5024.

**SUPPLEMENTARY INFORMATION:**

### Paperwork Reduction

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the collection of information requirements contained in this final rule have been approved under OMB Document Nos. 0524–0022, 0524–0025, and 0524–0026.

### Classification

This rule has been reviewed under Executive Order 12866, and it has been determined that it is not a ''significant regulatory action'' rule because it will not have an annual effect on the economy of $100 million or more or adversely and materially affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. This rule will not create any serious inconsistencies or otherwise interfere with any actions taken or planned by another agency. It will not materially altar the budgetary impact of entitlements, grants, user fees or loan programs and does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order No. 12866. In addition, it will not have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act, Pub. L. 96–534 (5 U.S.C. 601 et seq.). This rule has been reviewed in accordance with Executive Order No. 12778, Civil Justice Reform, and the required certification has been made to OMB. All State and local laws and regulations that are in conflict with this rule are preempted. No retroactive effect is to be given to this rule. This rule does not require administrative proceedings before parties may file suit in court.

### Regulatory Analysis

Not required for this rulemaking.

### Environmental Impact Statement

This regulation does not significantly affect the environment. Therefore, an environmental impact statement is not required under the National Environmental Policy Act of 1969, as amended.

### Catalog of Federal Domestic Assistance

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.212, Small Business Innovation Research (SBIR Program). For the reasons set forth in the Final Rule-related Notice to 7 CFR Part 3015, Subpart V, 48 FR 29115, June 24, 1983, and pursuant to the Notice found at 52 FR 22831, June 16, 1987, this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

### Background and Purpose

On June 10, 1988, the Department published a Final Rule in the **Federal Register** (53 FR 21966–21972), which established Part 3403 of Title 7, Subtitle B, Chapter XXXIV of the code of Federal Regulations, for the purpose of administering the U.S. Department of Agriculture's Small Business Innovation Research (SBIR) Grants Program conducted under the authority of the Small Business Innovation Development Act of 1982, as amended (15 U.S.C. 638) and section 630 of the Act making appropriations for Agriculture, Rural Development, and Related Agencies' programs for fiscal year ending September 30, 1987, and for other purposes, as made applicable by section 101(a) of Pub. L. No. 99–591, 100 Stat. 3341. This rule established and codified the procedures to be followed in the solicitation of competitive small business innovation research proposals, the evaluation of such proposals, and the award of grants under this program. On September 20, 1991, the Department published a Final Rule in the **Federal Register** (56 FR 47882–47889), which amended the Cooperative State Research Service (CSRS) regulations relating to the Small Business Innovation Research Grants Program. On December 30, 1994, the Department published a Final Rule in the **Federal Register** (59 FR 68072) which amended 7 CFR Chapter XXXIV to reflect the abolishment of CSRS and the establishment of CSREES. These regulations are proposed to be changed as follows:

*Section 3403.1(a)*

CSREES proposes to change ''minority and disadvantaged participation'' to ''participation of socially and economically disadvantaged small business concerns and women-owned small business concerns''. This change conforms with the provisions of Pub. L. Number 102–564, 15 U.S.C. 638(j)(2)(F), as implemented by the January 1993 SBIR Policy Directive.

*Section 3403.2*

Definitions—Alphabetized due to the following changes.

*Section 3403.2(d)*

CSREES proposes to add the definition for ''commercialization,'' adopted in the January 1993 SBIR Policy Directive and to include in the

definition the production and delivery of products and services in order to encompass the objectives of all topic areas (i.e., Rural and Community Development). This definition is pertinent to the three-phase program since it is the underlying goal of the program.

*Section 3403.2(q)*

CSREES proposes to change ''Minority and disadvantaged small business'' to ''Socially and economically disadvantaged small business concern'' and to change the definition in accordance with the language of Pub. L. Number 102–564 and the January 1993 SBIR Policy Directive. This includes adding a separate definition of a ''Socially and Economically Disadvantaged Individual''.

*Section 3403.2(i)*

*See* proposed change for Section 3403.3(b).

*Section 3403.2(s)*

CSREES proposes to delete ''the Commonwealth of the Northern Mariana Islands'' since they now are a part of the Trust Territory of the Pacific Islands.

*Section 3403.3(b)*

CSREES proposes to add language to encourage the individuals who are principally responsible for the scientific or technical direction of the proposed work to be designated as the principal investigator.

*Section 3403.4(a)*

CSREES proposes to add language describing the procedure of how to obtain a grant period longer than 6 months at the time of a phase I award. In addition, the maximum award amount for a Phase I award is changed from $50,000 to the current limit of $55,000.

*Section 3403.4(c)*

CSREES proposes to add the following language to the beginning of the first sentence, ''Phase III is to stimulate technological innovation and the national return on investment from research through the pursuit of commercial objectives * * *.'' to better describe the purpose of phase III.

*Section 3403.6(b)*

CSREES proposes to add language to adequately explain that proposals must cover only scientific/technological research activities and not activities for product development where no research is involved. This will allow a better understanding by applicants of what constitutes an acceptable proposal.

*Section 3403.6(d)*

CSREES proposes to change the page restrictions in order to conform with those listed in the January 1993 issue of the SBIR Policy Directive.

*Section 3403.7(f)*

CSREES proposes to reference § 3403.11(d) or § 3403.12(5), as appropriate since these sections relate to the information provided in § 3407(f).

*Section 3403.7(i)(1)*

CSREES proposes to request information on how the applicant established the level of compensation to assist CSREES in determining if the compensation is reasonable for the level of work to be performed.

*Section 3403.7(i)(2)*

CSREES proposes to add language regarding American-made equipment as expressed by Congress in the Small Business Research and Development Enhancement Act of 1992.

*Section 3403.7(i)(6)*

CSREES proposes to add language explaining that indirect costs may not exceed the lesser of the negotiated rate or the rate restricted by statute.

*Section 3403.7(j)(1)*

CSREES proposes to add a statement regarding the submission of an assurance Statement (Form CSRS–662) and that this form will not count as part of the 25-page limit for Phase I applicants or the 50-page limit for Phase II applicants since the page limit is to restrict the amount of the text. This action will clarify the requirements for applicants whose research involves recombinant DNA, living vertebrate animals and/or human subjects.

*Section 3403.7(k)(1)*

CSREES proposes to revise the language regarding proprietary data to conform with language currently used by CSREES.

*Section 3403.7(k)(3)*

CSREES proposes to delete reference to technical reports and to include as § 3403.7(1), Rights in Data Developed Under SBIR Funding Agreement.

*Section 3404.7(l)*

CSREES proposes to add language concerning retention of rights to data developed under SBIR projects by contractors or grantees as mandated by the Small Business Innovation Development Act of 1992.

*Section 3403.7(m)*

CSREES proposes to include personnel information as a part of organizational management information and that new forms should be submitted if a small business has undergone significant changes in organization, personnel, finance, or policies including those relating to civil rights. This will allow CSREES to obtain the necessary information if a significant change occurs and not limit CSREES to the one-time basis only statement.

*Section 3403.8(f)*

CSREES proposes to add examples of an updated statement of financial condition to give the applicants a better understanding of what information is necessary.

*Section 3403.8(h)*

CSREES proposes to include the requirement of documentation of multiple Phase II awards as specified by Pub. L. No. 102–624 and outlined in the January 1993 SBIR Policy Directive.

*Section 3403.16(c)*

CSREES proposes to add language to this part which requires that some Federal funds remain unexpended in order to obtain a no-cost extension of time for a Phase I grant, that the extension will not normally exceed 12 months because any additional time would make the Phase I awardee ineligible to apply for a Phase II award, and to clarify the purpose of a no-cost extension.

*Section 3403.17*

CSREES proposes to add 7 CFR Part 1c—USDA implementation of the Federal Policy for the Protection of Human Subjects and 7 CFR Part 3407—CSREES implementation of the National Environmental Policy Act as regulations that apply to proposals considered or grants awarded under this program.

We propose to publish Title 7, Subtitle B, Chapter XXXIV, Part 3403, in its entirety by combining **Federal Register** 56 FR 47882–47889, dated September 20, 1991, together with changes made by **Federal Register** 56 FR 68072, December 30, 1994, with the proposed aforementioned changes. This action will preclude making a separate amendment to these regulations and allow the regulations to appear in one document for easy access and reference by the public and CSREES.

**List of Subjects in 7 CFR Part 3403**

Grant programs—Agriculture, Grant administration.

For the reasons set out in the preamble, Title 7, Subtitle B, Chapter XXXIV, Part 3403 of the Code of Federal Regulations is revised to read as follows:

## PART 3403—SMALL BUSINESS INNOVATION RESEARCH GRANTS PROGRAM

**Subpart A—General Information**

Sec.
3403.1 Applicability of regulations.
3403.2 Definitions.
3403.3 Eligibility requirements.

**Subpart B—Program Description**

3403.4 Three-phase program.

**Subpart C—Preparation and Submission of Proposals**

3403.5 Requests for proposals.
3403.6 General content of proposals.
3403.7 Proposal format for phase I applications.
3403.8 Proposal format for phase II applications.
3403.9 Submission of proposals.

**Subpart D—Proposal Review and Evaluation**

3403.10 Proposal review.
3403.11 Phase I evaluation criteria.
3403.12 Phase II evaluation criteria.
3403.13 Availability of information.

**Subpart E—Supplementary Information**

3403.14 Terms and conditions of grant awards.
3403.15 Notice of grant awards.
3403.16 Use of funds; changes.
3403.17 Other Federal statutes and regulations that apply.
3403.18 Other Conditions.

**Authority:** 5 U.S.C. 301; 15 U.S.C. 638.

## Subpart A—General Information

### § 3403.1 Applicability of regulations.

(a) The regulations of this part apply to small business innovation research grants awarded under the general authority of section 630 of the Act making appropriations for Agriculture, Rural Development, and Related Agencies' programs for fiscal year ending September 30, 1987, and for other purposes, as made applicable by section 101(a) of Pub. L. Number 99–591, 100 Stat. 3341, and the provisions of the Small Business Innovation Development Act of 1982, as amended (15 U.S.C. 638). The Small Business Innovation Development Act of 1982, as amended, mandates that each Federal agency with an annual extramural budget for research or research and development in excess of $100 million participate in a Small Business Innovation Research (SBIR) program by reserving a statutory percentage of its annual extramural budget for award to small business concerns for research or research and development in order to stimulate technological innovation, use small business to meet Federal research and development needs, increase private sector commercialization of innovations derived from Federal research and development, and foster and encourage the participation of socially and economically disadvantaged small business concerns and women-owned small business concerns in technological innovation. The U.S. Department of Agriculture (USDA) will participate in this program through the issuance of competitive research grants which will be administered by the Office of Competitive Research Grants and Awards Management, Cooperative State Research, Education, and Extension Service (CSREES).

(b) The regulations of this part do not apply to research grants awarded by the Department of Agriculture under any other authority.

### § 3403.2 Definitions.

As used in this part:

(a) *Ad hoc reviewers* means experts or consultants, qualified by training and experience in particular scientific or technical fields to render expert advice on the scientific or technical merit of grant applications in those fields, who review on an individual basis one or several of the eligible proposals submitted to this program in their area of expertise and who submit to the Department written evaluations of such proposals.

(b) *Awarding official* means any officer or employee of the Department who has the authority to issue or modify research project grant instruments in behalf of the Department.

(c) *Budget period* means the interval of time into which the project period is divided for budgetary and reporting purposes.

(d) *Commercialization* means the process of developing markets and producing and delivering products or services for sale (whether by the originating party or by others); as used here, commercialization includes both government and commercial markets.

(e) *Department* means the Department of Agriculture.

(f) *Funding agreement* is any contract, grant, or cooperative agreement entered into between any Federal agency and any small business for the performance of experimental, developmental, or research work funded in whole or in part by the Federal Government.

(g) *Grantee* means the small business concern designated in the grant award document as the responsible legal entity to whom a grant is awarded under this part.

(h) *Peer review group* means experts or consultants, qualified by training and experience in particular scientific or technical fields to give expert advice on the scientific and technical merit of grant applications in those fields, who assemble as a group to discuss and evaluate all of the eligible proposals submitted to this program in their area of expertise.

(i) *Principal investigator* means a single individual designated by the grantee in the grant application and approved by the Department who is responsible for the scientific or technical direction of the project. Therefore, the individual should have a scientific and technical background.

(j) *Program solicitation* is a formal request for proposals whereby an agency notifies the small business community of its research or research and development needs and interests in selected areas and invites proposals from small business concerns in response to those needs.

(k) *Project* means the particular activity within the scope of one of the research topic areas identified in the annual solicitation of applications, which is supported by a grant award under this part.

(l) *Project period* means the total length of time that is approved by the Department for conducting the research project as outlined in an approved grant application.

(m) *Research or research and development (R&D)* means any activity which is:

(1) A systematic, intensive study directed toward greater knowledge or understanding of the subject studied;

(2) A systematic study directed specifically toward applying new knowledge to meet a recognized need; or

(3) A systematic application of knowledge toward the production of useful materials, devices, and systems or methods, including design, development, and improvement of prototypes and new processes to meet specific requirements.

(n) *Research project grant* means the award by the Department of funds to a grantee to assist in meeting the costs of conducting for the benefit of the public an identified project which is intended and designed to establish, discover, elucidate, or confirm information or the underlying mechanisms relating to a research topic area identified in the annual solicitation of applications.

(o) *Small business concern* means a concern which at the time of award of phase I and phase II funding agreements meets the following criteria:

(1) Is organized for profit, independently owned or operated, is not dominant in the field in which it is proposing, has its principal place of business located in the United States,

has a number of employees not exceeding 500 (full-time, part-time, temporary, or other ) in all affiliated concerns owned or controlled by a single parent concern, and meets the other regulatory requirements outlined in 13 CFR Part 121. Business concerns, other than licensed investment companies, or State development companies qualifying under the Small Business Investment Act of 1958, 15 U.S.C. 661, et seq., are affiliates of one another when directly or indirectly one concern controls or has the power to control the other or third parties (or party) control or have the power to control both. Control can be exercised through common ownership, common management, and contractual relationships. The term ''affiliates'' is defined in greater detail in 13 CFR 121.401(a)–(m). The term ''number of employees'' is defined in 13 CFR 121.407. Business concerns include, but are not limited to, any individual, partnership, corporation, joint venture, association, or cooperative.

(2) Is at least 51 percent owned, or in the case of a publicly owned business at least 51 percent of its voting stock is owned, by United States citizens or lawfully admitted permanent resident aliens.

(p) *Socially and economically disadvantaged small business concern* is one that is:

(1) At least 51 percent owned by (i) an Indian tribe or a native Hawaiian organization, or (ii) one or more socially and economically disadvantaged individuals; and

(2) Whose management and daily business operations are controlled by one or more socially and economically disadvantaged individuals.

(q) *Socially and economically disadvantaged individual* is a member of any of the following groups: Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, or Subcontinent Asian Americans, other groups designated from time to time by the Small Business Administration (SBA) to be socially disadvantaged, or any other individual found to be socially and economically disadvantaged by the SBA pursuant to section 8(a) of the Small Business Act, 15 U.S.C. 637(a).

(r) *Subcontract* is any agreement, other than one involving an employer-employee relationship, entered into by a Federal Government funding agreement awardee calling for supplies or services required solely for the performance of the original funding agreement.

(s) *United States* means the several States, the territories and possessions of the United States, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the District of Columbia.

(t) *Women-owned small business concern* means a small business concern that is at least 51 percent owned by a woman or women who also control and operate it. ''Control'' as used in this context means exercising the power to make policy decisions. ''Operate'' as used in this context means being actively involved in the day-to-day management of the concern.

### § 3403.3 Eligibility requirements.

(a) *Eligibility of firm*. (1) Each organization submitting a proposal must qualify as a small business for research purposes, as defined in § 3403.2(O). Joint ventures and limited partnerships are eligible to apply for and to receive research grants under this program, provided that the entity created qualifies as a small business in accordance with section 2(3) of the Small Business Act (15 U.S.C. 632) and as defined in § 3403.2(o) of this part. For both phase I and phase II the research must be performed in the United States.

(2) A minimum of two-thirds of the research or analytical work, as determined by budget expenditures, must be performed by the proposing organization under phase I grants. For phase II awards, a minimum of one-half of the research or analytical effort must be conducted by the proposing firm. The space used by the SBIR awardee to conduct the research must be space over which it has exclusive control for the period of the grant.

(b) *Eligibility of principal investigator*. (1) It is strongly suggested that the individual responsible for the scientific or technical direction of the project be designated as the principal investigator. In addition, the primary employment of the principal investigator must be with the proposing firm at the time of award and during the conduct of the proposed research. Primary employment means that more than one-half of the principal investigator's time is spent in the employ of the small business. Primary employment with the small business applicant precludes full-time employment with another organization.

(2) If the proposed principal investigator is employed by another organization (e.g., university or another company) at the time of submission of the application, documentation must be submitted with the proposal from the principal investigator's current employer verifying that, it the event of an SBIR award, he/she will become a less-than half-time employee of such organization and will remain so for the duration of the SBIR project.

## Subpart B—Program Description

### § 3403.4 Three-phase program.

The Small Business Innovation Research Grants Program will be carried out in three separate phases described below. The first two phases are designed to assist USDA in meeting its research and development objectives and will be supported with Federal funds. The purpose of the third phase is to pursue the commercial applications or objectives of the research carried out in phases I and II through the use of private, non-SBIR funds.

(a) Phase I is the initial stage in which the scientific and technical merit and feasibility of an idea related to one of the research areas described in the program solicitation is evaluated, normally for a period not to exceed 6 months. In special cases, however, where a proposed research project requires more than 6 months to complete, a longer grant period may be considered. A proposer of a phase I project with an anticipated duration beyond 6 months should specify the length and duration in the proposal at the time of its submission to USDA in order for it to be considered at the time of award. (See § 3403.16(c) for changes in project period subsequent to award). In any case, a phase I award will be limited to $55,000.

(b) Phase II is the principal research or research and development effort in which the results from Phase I are expanded upon and further pursued, normally for a period not to exceed 24 months. Only those small businesses previously receiving phase I awards are eligible to submit phase II proposals. For each phase I project funded the awardee may apply for a phase II award only once. Phase I awardees who for valid reasons cannot apply for phase II support in the next fiscal year funding cycle may apply for support not later than the second fiscal year funding cycle.

(c) Phase III is to stimulate technological innovation and the national return on investment from research through the pursuit of commercial objectives resulting from the Federally supported work carried out in phases I and II. This portion of the project is performed by the small business firm and privately funded by a non-SBIR source through the use of a follow-on funding commitment. A follow-on funding commitment is an agreement between the small business firm and a provider of follow-on capital for a specified amount of funds to be made available to the small business for further development of their effort upon

achieving certain mutually agreed upon technical objectives during phase II.

## Subpart C—Preparation and Submission of Proposals

### § 3403.5 Requests for proposals.

(a) *Phase I.* A program solicitation requesting phase I proposals will be prepared each fiscal year in which funds are made available for this purpose. The solicitation will contain information sufficient to enable eligible applicants to prepare grant proposals and will include descriptions of specific research topic areas which the Department will support during the fiscal year involved, forms to be completed and submitted with proposals, and special requirements. A notice will be published in the **Federal Register** informing the public of the availability of the program solicitation.

(b) *Phase II.* For each fiscal year in which funds are made available for this purpose, the Department will send a letter requesting phase II proposals from the phase I grantees eligible to apply for phase II funding in that fiscal year. The letter will be accompanied by the solicitation which contains information sufficient to enable eligible applicants to prepare grant proposals and includes forms to be submitted with proposals as well as special requirements.

### § 3403.6 General content of proposals.

(a) The proposed research must be responsive to one of the USDA program interests stated in the research topic descriptions of the program solicitation.

(b) Proposals must cover only scientific/technological research activities. A firm must not propose product development, technical assistance, demonstration projects, classified research, or patent applications. Many of the research projects supported by the SBIR program lead to the development of new products based upon the research results obtained during the project. However, projects that seek funding solely for product development where no research is involved, i.e. the funds are needed to permit the development of a project based on previously completed research, will not be accepted. Literature surveys should be conducted prior to preparing proposals for submission and must not be proposed as a part of the SBIR phase I or phase II effort. Proposals principally for the development of proven concepts toward commercialization or for market research should not be submitted since such efforts are considered the responsibility of the private sector and therefore are not supported by USDA.

(c) A proposal must be limited to only one topic. The same proposal may not be submitted under more than one topic. However, an organization may submit separate proposals on the same topic. Where similar research is discussed under more than one topic, the proposer should choose that topic whose description appears most relevant to the proposer's research concept. Duplicate proposals will be returned to the applicant without review.

(d) Phase I applicants should submit a research proposal of no more than 25 pages, including cover page, budget, and all proposal-related enclosures or attachments. The text must be prepared on only one side of the page using standard size (8½″×11″; 21.6 cm×27.9 cm) white paper, 2.5 cm margins and type no smaller than 11 point font size regardless of whether it is single or double spaced. In the interest of equity to all proposers, no additional attachments, appendixes, or references beyond the 25-page limitation will be considered in the proposal evaluation process, and proposals in excess of the 25-page limitation will not be considered for review or award. In addition, supplementary materials, revisions, and/or substitutions will not be accepted after the due date for proposals. Phase II applicants should submit a research proposal of no more than 50 pages, including cover page, budget, and all proposal-related enclosures or attachments.

### § 3403.7 Proposal format for phase I applications.

(a) *Cover sheet.* Photocopy and complete Form CSRS–667 in the program solicitation. The original of the cover sheet must at a minimum contain the pen-and-ink signatures of the proposed principal investigator(s) and the authorized organizational official. A proposal which does not contain the signature of the authorized organizational official will not be considered a legal document and will be returned to the proposing small business firm without review. All other copies of the proposal must also contain a cover sheet, but facsimile or photocopied signatures will be accepted. The title should be brief (80-character maximum), clear, specific designation of the research proposed. It will be used to provide information to Congress and also will be used in issuing press releases. Therefore, it should not contain highly technical words. In addition, phrases such as ''investigation of'' or ''research on'' should not be used.

(b) *Project summary.* Photocopy and complete Form CSRS–668 in the program solicitation. The technical abstract should include a brief description of the problem or opportunity, project objectives, and a description of the effort. Anticipated results and potential commercial applications of the proposed research also should be summarized in the space provided. Keywords, to be provided in the last block on the page, should characterize the most important aspects of the project. The project summary of successful proposals may be published by USDA and, therefore, should not contain proprietary information.

(c) *Technical content.* The main body of the proposal should include:

(1) *Identification and significance of the problem or opportunity.* Clearly state the specific technical problem or opportunity addressed and its importance.

(2) *Background and rationale.* Indicate the overall background and technical approach to the problem or opportunity and the part that the proposed research plays in providing needed results.

(3) *Relationship with future research or research and development.* Discuss the significance of the phase I effort in providing a foundation for the phase II R&D effort. State the anticipated results of the approach if the project is successful (phases I and II). This should address:

(i) The technical, economic, social, and other benefits to the Nation and to users of the result such as the commercial sector, the Federal Government, or other researchers;

(ii) The estimated total cost of the approach relative to benefits; and, if appropriate,

(iii) Any specific policy issues or decisions which might be affected by the results.

(4) *Phase I technical objectives.* State the specific objectives of the phase I research or research and development effort, including the technical questions it will try to answer to determine the feasibility of the proposed approach.

(5) *Phase I work plan.* This work must provide an explicit, detailed description of the phase I research or research and development approach. The plan should indicate the tasks to be performed as well as how and where the work will be carried out. The phase I effort should attempt to determine the technical feasibility of the proposed concept. The work plan should be linked with the technical objectives of the research and the questions the effort is designed to answer. Therefore, it should flow logically from § 3403.7(c)(4) of this part.

This section should constitute a substantial portion of the total proposal.

(6) *Related research or research and development.* Describe the significant research or research and development activities from relevant literature that are directly related to the proposed effort, including any conducted by the principal investigator or by the proposing firm, how it relates to the proposed effort, and any planned coordination with outside sources. The proposer must persuade reviewers that he or she is aware of related research in the selected subject.

(d) *Key personnel and bibliography.* Identify key personnel involved in the effort, including information on their directly related education and experience. For each key person, provide a chronological list of the most recent representative publications in the topic area during the preceding 5 years, including those in press. List the authors (in the same order as they appear on the paper), the full title, and the complete reference as these usually appear in journals. Where vitae are extensive, summaries that focus on most relevant experience or publications may be necessary to meet the proposal size limitation in phase I and phase II.

(e) *Facilities and equipment.* Describe the types, location, and availability of instrumentation and physical facilities necessary to carry out the work proposed. Items of equipment to be purchased must be fully justified under this section.

(f) *Consultants.* Involvement of university or other consultants in the planning and research stages of the project is permitted and may be particularly helpful to small firms which have not previously received Federal research awards. If such involvement is intended, it should be described in detail. Proposals must include letters from proposed consultants indicating willingness to serve in order for such participation to be evaluated during the proposal review process. (See § 3403.11(d) or § 3403.12(5), as appropriate).

(g) *Potential post application.* Briefly describe:

(1) Whether and by what means the proposed research appears to have potential commercial application; and

(2) Whether and by what means the proposed research appears to have potential use by the Federal Government.

Firms with prior USDA SBIR grant support should summarize their progress in commercializing the results of that research. Past performance in the commercialization process may be consideration in award decisions.

(h) *Current and pending support.* If a proposal, substantially the same as the one being submitted, has been previously funded or is currently funded, pending, or about to be submitted to another Federal agency or to USDA in a separate action, the proposer must provide the following information.

(1) Name and address of the agency(s) to which a proposal was submitted, or will be submitted, or from which an award is expected or has been received.

(2) Date of actual or anticipated proposal submission or date of award, as appropriate.

(3) Title of proposal or award, identifying number assigned by the agency involved, and the date of program solicitation under which the proposal was submitted or the award was received.

(4) Applicable research topic area for each proposal submitted or award received.

(5) Title of research project.

(6) Name and title of principal investigator for each proposal submitted or award received. USDA will not make awards that duplicate research funded (or to be funded) by other Federal agencies.

(i) *Cost breakdown on proposal budget.* Photocopy and complete Form CSRS–55 in the program solicitation only for the phase under which you are currently applying. (An applicant for phase I funding should not submit both phase I and II budgets.) Please note the following in completing the budget:

(1) *Salaries and wages.* Indicate the number and kind of personnel for whom salary support is sought. For key personnel, also indicate the number of work months of involvement to be supported with USDA funds (see blocks labeled ''CSRS Funded Work Months''), and explain how the level of compensation was established, e.g., the hourly rate of pay, the monthly rate of pay, or the yearly rate of pay.

(2) *Equipment.* Performing organizations are expected to have appropriate facilities, suitably furnished and equipped. Items of equipment may be requested provided that they are specifically identified and adequately justified, but such requests should normally not exceed 10% of the budget for phase I. When purchasing equipment or a product under the SBIR funding agreement, the awardee should purchase only American-made items whenever possible. Equipment is defined as an article of nonexpendable, tangible personal property having a useful life of more that 2 years and an acquisition cost of $500 or more per unit. Vesting of title to equipment purchased with funds provided under an SBIR funding agreement will be determined by USDA based upon whether such transfer would be more cost effective than recovery of the property by the government. Awardees should plan to lease expensive equipment.

(3) *Travel.* The inclusion of travel will be carefully reviewed with respect to need and appropriateness for the research proposed. Foreign travel may not be included in the phase I budget.

(4) *Subcontracting limits.* Subcontracting may not exceed one-third of the research or analytical effort during phase I. In addition, subcontractors must perform their portion of the work in the United States. If subcontracting costs are anticipated, they should be indicated in block I, ''All Other Direct Costs,'' on the budget sheet. A breakdown of subcontractual costs is required. For proposals involving subcontractual arrangements, the applicant must submit an agreement or letter of consent signed by the subcontractor in order for such participation to be evaluated during the proposal review process.

(5) *Fee.* A reasonable fee not to exceed 7% is permitted under this program. All fees are subject to negotiation with USDA. If a fee is requested, the amount should be indicated in block M on the budget sheet.

(6) *Indirect costs.* If available, the current rate negotiated with the cognizant Federal negotiating agency should be used, unless restricted by statute. Indirect costs may not exceed the lesser of the negotiated rate or the rate restricted by statute. If no rate has been negotiated, a reasonable dollar amount in lieu of indirect costs may be requested, which will be subject to approval by USDA. A proposer may elect not to charge indirect costs and, instead, use all grant funds for direct costs. If a negotiated rate is used, the percentage and base should be indicated in the space allotted under item K on the budget sheet. If indirect costs are not charged, the phrase ''None requested'' should be written in this space.

(7) *Cost-sharing.* Cost-sharing is permitted for proposals under this program; however, cost-sharing is not required nor will it be an evaluation factor in considering the competitive merit of proposals submitted.

(j) *Research involving special considerations.* (1) If the proposed research will involve recombinant DNA molecules, human subjects at risk, or laboratory animal care, the proposal must so indicate and include an assurance statement (Form CSRS–662) as the last page of the proposal. The

original of the assurance statement must at a minimum contain the pen-and-ink signature of the authorized organizational official. This form will not be considered a part of the 25-page limitation for Phase I proposals and the 50-page limitation for Phase II proposals. In order to complete the assurance statement, the proposer may be required to have the research plan reviewed and approved by an appropriate ''Institutional Review Board'' prior to commencing actual substantive work. It is suggested that proposers contact local universities, colleges, or nonprofit research organizations which have established such reviewing mechanisms to have this service performed.

(2) Guidelines to be applied and observed when conducting such research are:

(i) *Recombinant DNA Molecules.* ''Guidelines for Research Involving Recombinant DNA Molecules'' issued by the National Institutes of Health, as revised.

(ii) *Human Subjects at Risk.* Regulations issued by the Department of Health and Human Services. (See 7 CFR Part 1c.)

(iii) *Laboratory Animal Care.* Regulations issued by the Department of Agriculture. (See 9 CFR Parts 1, 2, 3, and 4.)

(k) *Proprietary information.* (1) If a proposal contains proprietary information that constitutes a trade secret, proprietary commercial or financial information, confidential personal information, or data affecting the national security, it will be treated in confidence to the extent permitted by law, provided the information is clearly marked by the proposer with the term ''confidential proprietary information'' is confined to a separate page or pages, and provided the following legend also appears in the designated area at the bottom of the proposal's cover sheet (Form CSRS–667):

*The following pages (specify) contain proprietary information which (name of proposing organization) requests not be released to persons outside the Government, except for purposes of evaluation.*

(2) USDA by law is required to make the final decision as to whether the information is required to be kept in confidence. Information contained in unsuccessful proposals will remain the property of the proposer. However, USDA will retain for one year one file copy of all proposals received; extra copies will be destroyed. Public release of information for any proposal submitted will be subject to existing statutory and regulatory requirements. Any proposal which is funded will be considered an integral part of the award and normally will be made available to the public upon request except for designated proprietary information that is determined by USDA to be proprietary information.

(3) The inclusion of proprietary information is discouraged unless it is necessary for the proper evaluation of the proposal. ''If proprietary information is to be included, it should be limited, set apart from other text on a separate page, and keyed to the text by numbers.'' It should be confined to a few critical technical items which, if disclosed, could jeopardize the obtaining of foreign or domestic patents. Trade secrets, salaries, or other information which could jeopardize commercial competitiveness should be similarly keyed and presented on a separate page. ''Proposals or reports which attempt to restrict dissemination of large amounts of information may be found unacceptable by USDA. Any other legend than that listed in paragraph (k)(1) of this section may be unacceptable to USDA and may constitute grounds for return of the proposal without further consideration.'' Without assuming any liability for inadvertent disclosure, USDA will limit dissemination of such information to its employees and, where necessary for the evaluation of the proposal, to outside reviewers on a confidential basis.

(l) *Rights in Data Developed Under SBIR Funding Agreement.* The SBIR legislation provides for ''retention of rights in data generated in the performance of the contract by the small business concern.''

(1) The legislative history clarifies that the intent of the statute is to provide authority for the participating agency to protect technical data generated under the funding agreement, and to refrain from disclosing such data to competitors of the small business concern or from using the information to produce future technical procurement specifications that could harm the small business concern that discovered and developed the innovation until the small business concern has a reasonable chance to seek patent protection, if appropriate.

(2) Therefore, except for program evaluation, participating agencies shall protect such technical data for a period of not less than *4 years* from the completion of the project from which the data were generated unless the agencies obtain permission to disclose such data from the contractor or grantee. The government shall retain a royalty-free license for government use of any technical data delivered under an SBIR funding agreement whether patented or not.

(m) *Organizational management information.* Before the award of an SBIR funding agreement, USDA requires the submission of certain organizational management, personnel and financial information to assure the responsibility of the proposer. Form CSRS–666 (''Organizational Information'') and Form CSRS–665 (''Assurance of Compliance with the Department of Agriculture Regulations Under Title VI of the Civil Rights Act of 1964, as amended'') are used for this purpose. This information is not required unless a project is recommended for funding, and then it is submitted on a one-time basis only. However, new forms should be submitted if a small business has undergone significant changes in organization, personnel, finance, or policies including those relating to civil rights.

**§ 3403.8 Proposal format for phase II applications.**

(a) *Cover sheet.* Follow instructions found in § 3403.7(a) of this part.

(b) *Project summary.* Follow instructions found in § 3403.7(b) of this part.

(c) *Phase I results.* The proposal should contain an extensive section that lists the phase I objectives and makes detailed presentation of the phase I results. This section should establish the degree to which phase I objectives were met and feasibility of the proposed research project was established.

(d) *Proposal.* Since phase II is the principal research and development effort, proposals should be more comprehensive than those submitted under phase I. However, the outline contained in § 3403.7(c) of this part should be followed, tailoring the information requested to the phase II project.

(e) *Cost breakdown on proposal budget.* (1) For phase II, a detailed budget is required for each year of requested support. In addition, a summary budget is required detailing the requested support for the overall project period. Form CSRS–55, ''Proposal Budget,'' is to be used for this purpose and may be photocopied as necessary.

(2) *Travel.* Foreign travel may be included as necessary in the phase II budget. Such a request will be reviewed with respect to need and appropriateness for the research proposed and therefore should be adequately justified in the proposal.

(3) *Subcontracting limits.* The instructions found in § 3403.7(i)(4) of

this part apply to phase II proposals except that the subcontracting limit is changed from one-third to one-half of the research or analytical effort.

(f) *Organizational management information*. Each phase II awardee will be asked to submit an updated statement of financial condition (such as the latest audit report, financial statements or balance sheet).

(g) *Follow-on funding commitment*. If the proposer has obtained a contingent commitment for phase III follow-on funding, it should be forwarded with the phase II application. It will not count as part of the 50-page limit for a phase II application.

(h) *Documentation of multiple phase II awards*. (1) An applicant that submits a proposal for a funding agreement for phase I and that has received more than 15 phase II awards during the preceding 5 fiscal years must document the extent to which it was able to secure phase III funding to develop concepts resulting from previous phase II award. This documentation should include the name of the awarding agency, date of award, funding agreement number, topic or subtopic title, amount and date of phase II funding and commercialization status for each phase II award.

(2) USDA shall collect and retain the information submitted under paragraph (h)(1) of this section at least until the General Accounting Office submits the report required under section 106 of the Small Business Research and Development Enhancement Act of 1992.

### § 3403.9 Submission of proposals.

The program solicitation for phase I proposals and the letter requesting phase II proposals will provide the deadline date for submitting proposals, the number of copies to be submitted, and the address where proposals should be mailed or delivered.

## Subpart D—Proposal Review and Evaluation

### § 3403.10 Proposal review.

(a) All research grant applications will be acknowledged.

(b) Phase I and phase II proposals will be judged competitively in a two-stage process, based primarily upon scientific or technical merit. First, each proposal will be screened by USDA scientists to ensure that it is responsive to stated requirements contained in the program solicitation. Proposals found to be responsive will be technically evaluated by peer scientists knowledgeable in the appropriate scientific field using the criteria listed in § 3403.11 or § 3403.12 of this part, as appropriate. Proposals found to be nonresponsive will be returned to the proposing firm without review.

(c) Both internal and external peer reviewers may be used during the technical evaluation stage of this process. Selections will be made from among recognized specialists who are uniquely qualified by training and experience in their respective fields to render expert advice on the merit of proposals received. It is anticipated that such experts will include those located in universities, Government, and non-profit research organizations. If possible, USDA intends that peer review groups shall be balanced with minority and female representation and with an equitable age distribution.

(d) Technical reviewers will base their conclusions and recommendations on information contained in the phase I or phase II proposal. It cannot be assumed that reviewers are acquainted with any experiments referred to within a proposal, with key individuals, or with the firm itself. Therefore, the proposal should be self-contained and written with the care and thoroughness accorded papers for publication.

(e) Final decisions will be made by USDA based upon the ratings assigned by reviewers and consideration of other factors, including the potential commercial application, possible duplication of other research, any critical USDA requirements, and budget limitation. In addition, the follow-on funding commitment will be a consideration for phase II proposals.

### § 3403.11 Phase I evaluation criteria.

USDA plans to select for award those proposals offering the best value to the Nation, with approximately equal consideration given to each of the following criteria except for paragraph (a) of this section which will receive twice the value of any of the other items:

(a) The scientific/technical quality of the phase I research plan and its relevance to the stated objectives, with special emphasis on innovativeness and originality.

(b) Importance of the problem or opportunity and anticipated benefits of the proposed research, if successful.

(c) Adequacy of the phase I objectives to show incremental progress toward proving the feasibility of approach.

(d) Qualifications of the principal investigator(s), other key staff and consultants, and the probable adequacy of available or obtainable instrumentation and facilities.

### § 3403.12 Phase II evaluation criteria.

(a) A phase II proposal may be submitted only by a phase I awardee. The phase II proposal will be reviewed for overall merit based on the following criteria with each item receiving approximately equal weight except for paragraphs (a) (1) and (2) of this section, which will receive twice the value of any of the other items:

(1) The scientific/technical quality of the proposed research, with special emphasis on innovativeness and originality.

(2) Degree to which phase I objectives were met and feasibility was established.

(3) The technical, economic, and/or social importance of the problem or opportunity and anticipated benefits if Phase II research is successful.

(4) The adequacy of the phase II objectives to meet the problem or opportunity.

(5) The qualifications of the principal investigator(s) and other key personnel to carry out the proposed work.

(6) Reasonableness of the budget requested for the work proposed.

(b) In the event that two or more phase II proposals are of approximately equal technical merit, the follow-on funding commitment for continued development in phase III will be an important consideration. The value of the commitment will depend upon the degree of commitment made by non-Federal investors, with the maximum value resulting from a signed agreement with reasonable terms for an amount at least equal to the funding requested from USDA in phase II.

### § 3403.13 Availability of information.

Information regarding the peer review process will be made available to the extent permitted under the Freedom of Information Act (5 U.S.C. 552), the Privacy Act (5 U.S.C. 552a), the SBIR Policy Directive, and implementing Departmental and other Federal regulations. Implementing Departmental regulations are found at 7 CFR Part 1.

## Subpart E—Supplementary Information

### § 3403.14 Terms and conditions of grant awards.

Within the limit of funds available for such purpose, the awarding official shall make research project grants to those responsible, eligible applicants whose proposals are judged most meritorious in the announced program areas under the evaluation criteria and procedures set forth in this part. The beginning of the project period shall be no later than September 30 of the Federal fiscal year in which the project is approved for support. All funds granted under this part shall be

expended solely for the purpose for which the funds are granted in accordance with the approved application and budget, the regulations of this part, the terms and conditions of the award, the Federal Acquisition Regulation (48 CFR Part 31), and the Department's Uniform Federal Assistance Regulations (7 CFR Part 3015).

**§ 3403.15 Notice of grant awards.**

(a) The grant award document shall include, at a minimum, the following:

(1) Legal name and address of performing organization.

(2) Title of project.

(3) Name(s) and address(es) of Principal Investigator(s).

(4) Identifying grant number assigned by the Department.

(5) Project period, which specifies how long the Department intends to support the effort.

(6) Total amount of Federal financial assistance approved during the project period.

(7) Legal authorities under which the grant is awarded.

(8) Approved budget plan for categorizing allocable project funds to accomplish the stated purpose of the grant award.

(9) Other information or provisions deemed necessary by the Department to carry out its granting activities or to accomplish the purpose of a particular research project grant.

(b) The notice of grant award, in the form of a letter, will provide pertinent instructions and information to the grantee which are not included in the grant award document described above.

**§ 3403.16 Use of funds; changes.**

(a) *Delegation of fiscal responsibility.* The grantee may not in whole or in part delegate or transfer to another person, institution, or organization the responsibility for use or expenditure of grant funds.

(b) *Change in project plans.* (1) The permissible changes by the grantee, principal investigator(s), or other key project grant shall be limited to changes in methodology, techniques, or other aspects of the project to expedite achievement of the project's approved goals. If the grantee and/or the principal investigator(s) are uncertain as to whether a change complies with this provision, the question must be referred to the Department for a final determination.

(2) Changes in approved goals, or objectives, shall be requested by the grantee and approved in writing by the Department prior to effecting such changes. In no event shall requests for such changes be approved which are outside the scope of the original approved project.

(3) Changes in approved project leadership or the replacement or reassignment of other key project personnel shall be requested by the grantee and approved in writing by the Department prior to effecting such changes.

(4) Transfers of actual performance of the substantive programmatic work in whole or in part and provisions for payment of funds, whether or not Federal funds are involved, shall be requested by the grantee and approved in writing by the Department prior to effecting such transfers.

(c) *Changes in project period.* The project period may be extended by the Department to complete or fulfill the purposes of an approved project provided Federal funds remain. The extension shall be conditioned upon prior request by the grantee and approval in writing by the Department. In such cases the extension will not normally exceed 12 months, the phase I award will still be limited to $55,000, and the submission of a Phase II proposal will be delayed by one year. The extension allows the grantee to continue expending the remaining Federal funds for the intended purpose over the extension period. In instances where no Federal funds remain, it is unnecessary to approve an extension since the purpose of the extension is to continue using Federal funds. The grantee may opt to continue the Phase I project after the grant's termination and closeout, however, the grantee would have to do so without additional Federal funds. In the latter case, no communication with USDA is necessary. However, the maximum delay for submission of a Phase II proposal remains as specified in § 3403.4(b).

(d) *Changes in approved budget.* Changes in an approved budget shall be requested by the grantee and approved in writing by the Department prior to instituting such changes if the revision will:

(1) Involve transfers of amounts budgeted for indirect costs to absorb increase in direct costs;

(2) Involve transfers of amounts budgeted for direct costs to accommodate changes in indirect cost rates negotiated during a budget period and not approved when a grant was awarded;

(3) Result in a need or claim for the award of additional funds; or

(4) Involve transfers or expenditures of amounts requiring prior approval as set forth in the Departmental regulations or in the grant award.

**§ 3403.17 Other Federal statutes and regulations that apply.**

Several other Federal statutes and/or regulations apply to grant proposals considered for review or to research project grants awarded under this part. These include but are not limited to:

7 CFR Part 1.1—USDA implementation of Freedom of Information Act.

7 CFR Part 1c—USDA implementation of the Federal Policy for the Protection of Human Subjects;

7 CFR Part 3—USDA implementation of OMB Circular A–129, Managing Federal Credit Programs.

7 CFR Part 15, Subpart A—USDA implementation of Title VI of the Civil Rights Act of 1964, as amended.

7 CFR Part 3015—USDA Uniform Federal Assistance Regulations, implementing OMB directives (i.e., Circular Nos. A–102, A–110, A–87, A–21, and A–122) and incorporating provisions of 31 U.S.C. 6301–6308 (formerly the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95–224), as well as general policy requirements applicable to recipients of Departmental financial assistance.

7 CFR Part 3017, as amended—USDA implementation of Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants), as amended.

7 CFR Part 3018—USDA implementation of New Restrictions on Lobbying. Imposes new prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans.

7 CFR Part 3407—CSREES procedures to implement the National Environmental Policy Act;

48 CFR Part 31—Contract Cost Principles and Procedures of the Federal Acquisition Regulation.

29 U.S.C. 794, section 504—Rehabilitation Act of 1973, and CFR Part 15B (USDA implementation of statute), prohibiting discrimination based upon physical or mental handicap in Federally assisted programs.

35 U.S.C. 200 et seq.—Bayh-Dole Act, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally assisted programs (implementing regulations are contained in 37 CFR Part 401).

**§ 3403.18 Other conditions.**

The Department may, with respect to any research project grant, impose additional conditions prior to or at the time of any award when, in the Department's judgment, such conditions are necessary to assure or protect advancement of the approved project, the interests of the public, or the conservation of grant funds.

Done at Washington, DC, this 10th day of August 1995.

**William D. Carlson,**

*Acting Administrator, Cooperative State Research, Education, and Extension Service.*

[FR Doc. 95–20348 Filed 8–16–95; 8:45 am]

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