

Federal Register

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- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

- WHEN:** September 12 at 9:00 am
WHERE: Office of the Federal Register Conference Room, 800 North Capitol Street NW., Washington, DC (3 blocks north of Union Station Metro)
- RESERVATIONS:** 202-523-4538

ATLANTA, GA

- WHEN:** September 20 at 9:00 am
WHERE: Centers for Disease Control and Prevention
1600 Clifton Rd., NE.
Auditorium A
Atlanta, GA
- RESERVATIONS:** 404-639-3528
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Federal Register

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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 956

[Docket No. FV95-956-1FIR]

Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; 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 that authorized expenses and established an assessment rate that generated funds to pay those expenses under Marketing Order No. 956 for the 1995-96 fiscal period. Authorization of this budget enables the Walla Walla Sweet 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. **EFFECTIVE DATE:** June 1, 1995, through May 31, 1996.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, PO Box 96456, room 2523-S, Washington, DC 20090-6456, telephone 202-720-9918, or Robert J. Curry, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green-Wyatt Federal Building, room 369, 1220 Southwest Third Avenue, Portland, OR 97204, telephone 503-326-2724.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 956 (7 CFR part 956) regulating the handling of Sweet Onions grown in the Walla Walla Valley of Southeast Washington and Northeast

Oregon. 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 is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order now in effect Walla Walla Sweet Onion handlers are subject to assessments. Funds to administer the Walla Walla Sweet Onion order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable onions during the 1995-96 fiscal period, which began June 1, 1995, and ends May 31, 1996. This 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 50 producers of Walla Walla Sweet Onions under this marketing order, and approximately 9 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 Walla Walla Sweet Onion producers and handlers may be classified as small entities.

The budget of expenses for the 1995-96 fiscal period was prepared by the Walla Walla Sweet 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 Walla Walla Sweet 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 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 Committee was derived by dividing anticipated expenses by expected shipments of Walla Walla Sweet Onions. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

The order became effective May 19, 1995, and the Committee met on June 7, 1995, and unanimously recommended an initial budget of \$72,000. Expense items include \$12,000 for a manager or management services, \$15,000 for management support services, \$1,000 for a financial audit, \$1,000 for staff travel, \$2,500 for Committee travel, \$10,000 for research projects, \$12,000 for promotion projects, \$3,000 for compliance, \$6,000 for Perishable Agricultural Commodities Act expenses, and \$9,500 for a miscellaneous fund for contingency and reserve.

The Committee also unanimously recommended an assessment rate of \$0.12 per 50-pound bag or equivalent.

This rate when applied to anticipated onion shipments of 600,000 bags will yield \$72,000 in assessment income, which will be adequate to cover budgeted expenses.

An interim final rule was published in the **Federal Register** on July 5, 1995 (60 FR 34843). That interim final rule added § 956.201 to authorize expenses and establish an assessment rate for the Committee. That rule provided that interested persons could file comments through August 4, 1995. No comments were received.

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 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 material 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.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1995-96 fiscal period began on June 1, 1995. The marketing order requires that the rate of assessment for the fiscal period apply to all assessable onions handled during the fiscal period. In addition, handlers are aware of this rule which was recommended by the Committee at a public meeting and published in the **Federal Register** as an interim final rule.

List of Subjects in 7 CFR Part 956

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 956 is amended as follows:

PART 956—SWEET ONIONS GROWN IN THE WALLA WALLA VALLEY OF SOUTHEAST WASHINGTON AND NORTHEAST OREGON

Accordingly, the interim final rule adding § 956.201 which was published at 60 FR 34843 on July 5, 1995, is adopted as a final rule without change.

Dated: August 25, 1995.

Sharon Bomer Lauritsen,
Deputy Director, Fruit and Vegetable Division.
[FR Doc. 95-21652 Filed 8-30-95; 8:45 am]
BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95-ACE-1]

Establishment of Class E Airspace; Nebraska City, NE

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Nebraska City Municipal Airport, Nebraska City, NE. The development of two new standard instrument approach procedures (SIAPs) at Nebraska City Municipal Airport, Nebraska City, NE, utilizing the Nebraska City NDB has made the proposal necessary. The intended effect of this action is to provide controlled airspace for aircraft executing these SIAPs at Nebraska City, NE. A minor correction is being made in the geographic coordinates of the Nebraska City Municipal Airport.

EFFECTIVE DATE: 0901 UTC, November 9, 1995.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Air Traffic Operations Branch, ACE-530, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426-3408.

SUPPLEMENTARY INFORMATION:

History

On April 21, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E airspace at Nebraska City, NE (60 FR 25871). The proposed action would provide controlled airspace to accommodate NDB SIAPs to Runways 15 & 33 at the Nebraska City Municipal Airport. A minor correction is being made in the geographic coordinates of the airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace areas extending from 700 feet or more above the surface of the earth are published in paragraphs 6005 of FAA Order 7400.9B dated July 18, 1994,

and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at Nebraska City, NE, providing controlled airspace for aircraft executing NDB Runway 15/33 SIAPs to the Nebraska City Municipal Airport. This action also corrects the geographic position coordinates of the airport.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE NE E5 Nebraska City, NE [New]
Nebraska City Municipal Airport, NE.

(lat. 40°36'23" N, long. 95°51'59" W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Nebraska City Municipal Airport.

* * * * *

Issued in Kansas City, MO, on August 15, 1995.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division, Central Region.

[FR Doc. 95-21677 Filed 8-30-95; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 95-AGL-02]

Amendment to Class E Airspace; Cadillac, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies the Class E airspace at Cadillac, MI, to accommodate a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway 25 at the Wexford County Airport. Additional controlled airspace extending upward from 700 to 1,200 feet above ground level (AGL) is needed to contain aircraft executing the approach. The intended effect of this section is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

EFFECTIVE DATE: 0901 UTC, November 9, 1995.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Griffith, Air Traffic Division, System Management Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294-7568.

SUPPLEMENTARY INFORMATION:

History

On June 7, 1995, the FAA proposed to amend part 7 of the Federal Aviation Regulations (14 CFR part 71) to modify Class E airspace at Cadillac, MI (60 FR 30029). The proposal was to add controlled airspace extending from 700 feet to 1,200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace

designations for areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class E airspace at Cadillac MI, to accommodate aircraft executing the GPS Runway 25 SIAP at Wexford County Airport. Controlled airspace extending upward from 700 to 1,200 feet AGL is needed to contain aircraft executing the approach. The area will be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points,

dated July 18, 1994, and effective September 16, 1994, is amended as follows:

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

* * * * *

AGL MI E5 Cadillac, MI [Revised]

Cadillac, Wexford County Airport, MI (lat. 44°16'31" N., long 85°25'08" W.)

That airspace extending upward from 700 feet above the surface within a 7.4 mile radius of the Wexford County Airport and within 3.9 miles either side of the 246 degree bearing from the airport extending from the 7.4 mile radius to 8.3 miles southwest of the airport, and within 1.7 miles either side of the 062 degree bearing from the airport extending from the 7.4 mile radius to 10.3 miles northeast of the airport.

* * * * *

Issued in Des Plaines, Illinois on August 7, 1995.

Maureen Woods,

Acting Manager, Air Traffic Division.

[FR Doc. 95-21678 Filed 8-30-95; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 95-ACE-2]

Establishment of Class E Airspace; Scribner, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Scribner State Airport, Scribner, NE. The development of a new standard instrument approach procedure (SIAP) at Scribner State Airport, Scribner, NE, utilizing the Scribner, NE, Very High Frequency Omnidirectional Range (VOR) as a navigational aid, has made the proposal necessary. The intended effect of this action is to provide controlled airspace for aircraft executing the SIAP at Scribner, NE. A minor correction is being made by enlarging the radius around the Scribner State Airport and excluding that airspace within the Fremont, NE, Class E airspace area.

EFFECTIVE DATE: 0901 UTC, November 9, 1995.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Air Traffic Operations Branch, ACE-530, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426-3408.

SUPPLEMENTARY INFORMATION:

History

On May 24, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E airspace at Scribner, NE (60 FR 27452). The proposed action would provide controlled airspace to accommodate a VOR SIAP to Runway 17/35 at the Scribner State Airport. A minor correction is being made to enlarge the radius around the airport and to exclude that airspace within the Fremont, NE, Class E airspace area.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace areas extending from 700 feet or more above the surface of the earth are published in paragraphs 6005 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at Scribner, NE, providing controlled airspace for aircraft executing the VOR Runway 17/35 SIAP to the Scribner State Airport. This action also corrects the radius around the airport and excludes that airspace within the Fremont, NE, Class E airspace.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE NE E5 Scribner, NE [New]

Scribner State Airport, NE.
(lat. 41°36'46" N, long. 96°37'43" W)

That airspace extending upward from 700 feet above the surface within 7.1-mile radius of the Scribner State Airport; excluding that airspace within the Fremont, NE, Class E airspace area.

* * * * *

Issued in Kansas City, MO, on August 4, 1995.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division Central Region.
[FR Doc. 95–21679 Filed 8–30–95; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 95–ACE–5]

Establishment of Class E Airspace, Scott City, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Scott City Municipal Airport, Scott City, KS. The development of a new standard instrument approach procedure (SIAP) at Scott City Municipal Airport, Scott City, KS, utilizing the Scott City NDB has made the proposal necessary. The intended effect of this action is to provide controlled airspace for aircraft executing the SIAP at Scott City, KS. A minor correction is being made in the geographic coordinates of the Scott City Municipal Airport.

EFFECTIVE DATE: 0901 UTC, November 9, 1995.

FOR FURTHER INFORMATION CONTACT:

Kathy Randolph, Air Traffic Division, Air Traffic Operations Branch, ACE–530, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION:

History

On May 8, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing Class E airspace at Scott City, KS (60 FR 30028). The proposed action would provide controlled airspace to accommodate an NDB SIAP to Runway 35 at the Scott City Municipal Airport. A minor correction is being made in the geographic coordinates of the airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace areas extending from 700 feet or more above the surface of the earth are published in paragraphs 6005 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes Class E airspace at Scott City, KS, providing controlled airspace for aircraft executing the NDB Runway 35 SIAP to the Scott City Municipal Airport. This action also corrects the geographic position coordinates of the airport.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE KS E5 Scott City, KS [New]

Scott City Municipal Airport, KS.
(lat. 38°28'36" N, long. 100°53'07" W)
Scott City NDB
(lat. 38°28'49" N, long. 100°53'18" W)

That airspace extending upward from 700 feet above the surface within 6.5-mile radius of the Scott City Municipal Airport and within 2.5 miles each side of the 169° bearing from the Scott City NDB extending from the 6.5-mile radius to 7 miles south of the airport.

* * * * *

Issued in Kansas City, MO, on August 4, 1995.

Herman J. Lyons, Jr.,

Manager, Air Traffic Division Central Region.

[FR Doc. 95–21680 Filed 8–30–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 28316; Amdt. No. 1683]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures

(SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

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

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

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

For Examination—

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

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

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

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

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

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

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

FOR FURTHER INFORMATION CONTACT:

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

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

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 25, 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 92 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
07/27/95	AR	Magnolia	Magnolia Muni	5/3672	NDB OR GPS RWY 35, ORIG...
08/10/95	MI	Hancock	Houghton County Memorial	5/4112	ILS RWY 31 AMDT 12A...
08/11/95	CA	Fullerton	Fullerton Muni	5/4141	VOR OR GPS-A, AMDT 6A...
08/11/95	CA	Fullerton	Fullerton Muni	5/4143	LOC RWY 24 AMDT 3A...
08/11/95	TX	Houston	Houston Intercontinental	5/4154	NDB OR GPS RWY 26 AMDT 1...
08/17/95	FL	Pensacola	Pensacola Regional	5/4301	VOR OR GPS RWY 8 AMDT 3...
08/17/95	MD	Baltimore	Baltimore-Washington Intl	5/4289	ILS RWY 15R AMDT 13...
08/17/95	MD	Baltimore	Baltimore-Washington Intl	5/4290	VOR OR GPS RWY 28 AMDT 21C...
08/18/95	CA	Carlsbad	McClellan-Palomar	5/4328	ILS RWY 24 AMDT 7...
08/18/95	CT	Windsor Locks	Bradley Intl	5/4327	NDB OR GPS RWY 6, AMDT 26...
08/18/95	NH	Manchester	Manchester	5/4326	VOR/DME RNAV RWY 6, AMDT 3...
08/18/95	WV	Morgantown	Morgantown Muni-Walter L. Bill Hart Field.	5/4322	VOR OR GPS-A AMDT 11...
08/19/95	OK	Tulsa	Tulsa Intl	5/4348	ILS RWY 18L, AMDT 13...
08/22/95	IA	Dubuque	Dubuque Regional	5/4386	VOR OR GPS RWY 13, AMDT 8...
08/23/95	IA	Muscatine	Muscatine Muni	5/4428	RNAV RWY 23, ORIG...
08/23/95	IA	Muscatine	Muscatine Muni	5/4430	VOR RWY 23, AMDT 6...
08/23/95	IA	Muscatine	Muscatine Muni	5/4432	NDB OR GPS RWY 5, AMDT 2...
08/23/95	IN	Evansville	Evansville Regional	5/4439	ILS RWY 22 AMDT 20...
08/23/95	IN	Indianapolis	Indianapolis Intl	5/4437	ILS RWY 32 AMDT 17...
08/23/95	IN	Indianapolis	Mount Comfort	5/4438	ILS RWY 25 AMDT 2...
08/23/95	IN	Terre Haute	Hulman Regional	5/4424	ILS RWY 5 AMDT 22...
08/23/95	MO	Sikeston	Sikeston Memorial Muni	5/4418	VOR OR GPS RWY 20, AMDT 3...

[FR Doc. 95-21676 Filed 8-30-95; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for
Housing-Federal Housing
Commissioner

24 CFR Part 291

[Docket No. FR-3814-I-01]

RIN 2502-AG42

Sale of HUD-Held Single Family Mortgages

AGENCY: Office of the Assistant
Secretary for Housing-Federal Housing
Commissioner, HUD.

ACTION: Interim rule.

SUMMARY: This interim rule sets forth HUD's policies and procedures for the sale of HUD-held single family mortgages. HUD intends to sell a large portion of its single family mortgages, including both performing and nonperforming mortgages, without recourse and without FHA insurance. HUD intends to sell these mortgages to reduce losses to the FHA fund, decrease its inventory of single family mortgages, and improve the servicing of these mortgages.

DATES: *Effective Date:* October 2, 1995.

Sunset Provision: Sections 291.300 through 291.307 shall expire and shall not be in effect after September 30, 1996, unless prior to September 30, 1996, HUD 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 30, 1995.

ADDRESSES: Interested persons are invited to submit comments regarding this interim rule to the Office of the General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying during regular business hours (7:30 a.m.-5:30 p.m. eastern time) at the above address. HUD will not accept comments sent by facsimile (FAX).

FOR FURTHER INFORMATION CONTACT: Joseph Bates, Director, Single Family Servicing, Office of Housing, Room 9178, Department of Housing and Urban Development, 451 Seventh Street SW.,

Washington, D.C. 20410, telephone (202) 708-1672. Hearing- or speech-impaired individuals may call the TDD number (202) 708-4594. (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

Background

The Department of Housing and Urban Development's (HUD's) inventory of single family mortgages is large and growing. Since October 1986, HUD's portfolio of single family mortgages has increased from approximately 49,000 to its current level of approximately 90,000. This portfolio consists of: (1) mortgages assigned pursuant to section 230 of the National Housing Act, (2) mortgages assigned pursuant to section 221(g)(4) of the National Housing Act (automatically assigned mortgages), and (3) purchase money mortgages issued when HUD sold single family properties from its own inventory or issued a mortgage in connection with the settlement of *Ferrell v. Pierce*. In the future, HUD anticipates that it will acquire between 17,000 and 20,000 new single family mortgages each year.

Although most of the single family mortgages in HUD's inventory have outstanding delinquencies under the mortgage, about 60 percent of these mortgages are current under forbearance agreements. Almost 40 percent of these mortgages are in default on their mortgage obligations under forbearance and repayment agreements. Another 20 percent have little hope of ever paying off arrearages and so remain in danger of foreclosure over time. The Office of Management and Budget has acknowledged the problems associated with HUD-held single family mortgages by designating single family loan servicing a High Risk Area. Internal audits by HUD's Inspector General (IG) have also found significant deficiencies with HUD's management of its portfolio of single family mortgages, and the IG has recommended that HUD implement a single family mortgage sale program.

In June 1994, HUD held a preliminary sale of nonperforming loans, which benefitted HUD (and therefore the public treasury) in two ways. First, the sale brought a price that was higher than the recovery rate on foreclosures of these loans. Second, if HUD had kept these loans in the Secretary-held portfolio, foreclosures would have occurred over a period of years; therefore the sale eliminated continued debt accruals. Furthermore, HUD's experience selling performing loans (section 221(g)(4)) leads it to believe that their value will be higher in the private sector, where greater flexibilities in loan

servicing will increase collection rates and reduce the potential for default and foreclosure over time. HUD also benefits from the sale of all loans because HUD's staff is then freed to focus on more mission-critical elements of insurance operations. Therefore, to reduce future losses to the FHA fund and decrease HUD's inventory of assigned mortgages, HUD intends to conduct a program of regular sales of all HUD-owned single family mortgages. During the first 12 months following the effective date of this sales program, HUD intends to sell approximately 40,000 performing and nonperforming mortgages totaling approximately \$2.0 billion.

Section 230 Assignment Program

HUD's portfolio includes defaulted mortgages assigned to HUD pursuant to section 230 of the National Housing Act. These mortgages were originated by a private lender and insured by HUD under title II of the National Housing Act. Most of these loans are market rate, unsubsidized loans. However, a very small percentage of the loans in HUD's portfolio are subsidized under section 235 of the National Housing Act.

Before a mortgage can be assigned to HUD, the following conditions must be met: (1) The mortgagor must receive a notice of the mortgagee's intention to foreclose; (2) At least three full monthly mortgage payments remain unpaid; (3) The property is the mortgagor's principal place of residence; (4) The mortgagor does not own other property subject to a mortgage insured or held by HUD; (5) Circumstances beyond the mortgagor's control caused the default and rendered the mortgagor unable to correct the delinquency within a reasonable time or make full mortgage payments; and (6) There is a reasonable prospect that the mortgagor will be able to resume full mortgage payments after a period of reduced or suspended payments (not to exceed 36 months), and will be able to pay the mortgage in full either by its maturity date or, if necessary, within 10 years following the maturity date.

Under this Section 230 assignment program, HUD assumes the mortgage lenders' rights and obligations under the mortgages (in return for payment of the lenders' mortgage insurance claims) and works out forbearance agreements to allow the homeowners to pay delinquencies over the periods of the mortgages. In addition to forbearance relief, homeowners whose mortgages are accepted for the section 230 mortgage assignment program may be entitled to make reduced or suspended payments for up to 36 months. After this initial 36 months, mortgagors must pay at least

the full monthly amount due under the mortgage, plus an additional amount to pay off the accrued default amount (as the mortgagor's income permits). The mortgage term may be extended up to 120 months if necessary to pay off the entire mortgage debt, including the accrued default.

Section 235 Mortgages

With regard to the Section 235 mortgages, 24 CFR 235.375(a)(1) states that the assistance payments contract shall terminate when the insurance contract terminates (except for an assignment to the Secretary). Therefore, HUD will not be making any assistance payments to the purchasing mortgagees on behalf of the mortgagors for these mortgages. However, to minimize the effect on mortgagors of the sale of these mortgages and the termination of assistance payments, HUD will cause a reduction in the interest rates on the mortgages to a rate that is the higher of the floor rate that was in effect when the loan was made or the effective rate that the mortgagor is paying at the time of the reduction in the rate. The floor rate for each mortgage is contained on form HUD9300.

Mortgages Acquired as Automatic Assignments

HUD's portfolio also includes automatically assigned mortgages insured pursuant to section 221 of the National Housing Act, with special privileges under section 221(g)(4) of that Act. Section 221(g)(4) of the National Housing Act provides a "put" to the holders of certain pre-November 1983 mortgages. These lenders were granted the right to assign FHA-insured mortgages back to FHA at par in the 21st year of the mortgage, provided that each mortgage was not in default at the expiration of 20 years from the date the mortgage was endorsed for insurance, and all documentation was in order. Since automatically assigned mortgages were current when assigned to HUD, these mortgagors have not had occasion to request and obtain foreclosure avoidance relief in a manner provided under the Section 230 assignment program.

Purchase Money Mortgages

HUD's portfolio also includes certain purchase money mortgages that were given in the early 1980s to facilitate sales of HUD properties acquired as a result of foreclosure claims. These mortgages have a variety of terms and conditions, but the mortgagors do not have rights under Section 230 or the *Ferrell* court settlements.

The remaining purchase money mortgages in HUD's portfolio resulted from settlement of various *Ferrell* litigation actions. Mortgagors who should have been accepted for mortgage assignment were provided with mortgages similar to their foreclosed mortgage, and the replacement purchase money mortgages were created on properties that had been in HUD's inventory of acquired properties. These mortgagors have continuing rights under Section 230 and the *Ferrell* stipulation. In some cases there are also second mortgages recorded.

Sales Policy

HUD intends to sell any or all of these single family mortgages, regardless of the ways in which HUD acquired them, including both performing and nonperforming mortgages. The mortgages will be sold without FHA insurance and without recourse to HUD. However, limited representations and warranties may be provided as will be described in the Mortgage Loan Sales Agreements.

For ease of marketing, and to maximize its return, HUD will package the mortgages with the assistance of a financial advisor. These pools of mortgages could contain any combination of performing and nonperforming mortgages, automatically assigned mortgages, mortgages assigned to HUD pursuant to section 230 of the National Housing Act, or purchase money mortgages. Furthermore, nothing in this interim rule shall be construed to prevent HUD from packaging single family mortgages with other types of HUD assets for sale.

While HUD may pool the different categories of HUD-held mortgages for purposes of selling the mortgage, each category of mortgages will carry its own servicing requirements. For example, mortgagors under section 221(g)(4) may have a future right of assignment-like relief. Therefore, the servicer of such a mortgage would have to offer the same or similar forbearance relief as is available in the Section 230 assignment program before being able to foreclose upon the mortgage.

Any investor determined eligible by the Secretary may bid to purchase a pool of single family HUD-held mortgages. However, HUD will require that the purchaser place the mortgages with a HUD-approved mortgagee for servicing for the remaining life of the mortgages. In addition, parties whose names currently appear on HUD's most recent "Consolidated List of Debarred, Suspended or Ineligible Contractors and Grantees," or who are on probation, under a limited denial of participation,

subject to a withdrawal of approval, or otherwise sanctioned, are ineligible to bid, either as an individual or participant, for any of the loan pools.

Sales Procedure

Under this interim rule, HUD will make available a sample of the mortgage loan files to prospective bidders for due diligence work for a period of time before the bidding deadline. The interim rule does not, however, contain details as to the sales procedure and terms of the sale. For each sale, HUD intends to publish the procedures for the sale and the terms of the sale in the Bid Package.

Justification for Interim Rule

HUD generally publishes a rule for public comment before issuing a rule for effect, in accordance with its own regulations on rulemaking at 24 CFR part 10. However, part 10 provides that prior public procedure will be omitted if HUD determines that it is "impracticable, unnecessary, or contrary to the public interest" (24 CFR 10.1). As noted above in the "Background" section of this preamble, both the Office of Management and Budget and HUD's Inspector General have noted the deficiencies in HUD's management of its single family mortgage portfolio. Unless a program of regular mortgage sales is implemented immediately, HUD's mortgage servicing problems will grow increasingly worse, with continued losses to the FHA fund. Therefore, HUD finds that prior public procedure would be contrary to the public interest. However, HUD is allowing for a full 60-day public comment period, after which it will consider the relevant issues raised by the commenters in its development of a final rule.

In establishing this single family mortgage sales program, HUD is acting consistently with the National Housing Goals established in section 2 of the Housing Act of 1949 (42 U.S.C. 1441). HUD has determined that, due to its scarce staff resources, transferring servicing functions to the private sector will greatly improve the servicing of these mortgages. In addition, HUD has carefully considered the protection of mortgagors' rights to foreclosure avoidance relief, both in the provisions of this interim rule (§ 291.307) and in the terms of the sales agreements. Therefore, HUD is furthering the national goal of providing a "decent home and a suitable living environment for every American family."

HUD has adopted a policy of setting an expiration date for an interim rule, so that the regulatory provisions will expire unless a final rule is published before that date. This "sunset"

provision appears in § 291.300 of this interim rule, and provides that the interim rule will expire on the date 13 months from publication.

Regulatory Reform

Consistent with Executive Order 12866 and President Clinton's memorandum of March 4, 1995 to all Federal departments and agencies on the subject of Regulatory Reinvention, HUD is reviewing all its regulations to determine whether they can be eliminated, streamlined, or consolidated with other regulations. As part of this review, this interim rule, at the final rule stage, may undergo revisions in accordance with the President's regulatory reform initiatives. In addition to comments on the substance of these regulations, HUD welcomes comments on how this interim rule may be made more understandable and less burdensome.

Other Matters

Executive Order 12866

The Office of Management and Budget (OMB) reviewed this interim rule under Executive Order 12866, *Regulatory Planning and Review*. Any changes made to the interim rule as a result of that review are clearly identified in the docket file, which is available for public inspection in the office of HUD's Rules Docket Clerk, Room 10276, 451 Seventh Street, S.W., Washington, DC 20410.

Environmental Impact

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.20(k) of the HUD regulations, the policies and procedures contained in this interim rule relate only to HUD administrative procedures, and therefore are categorically excluded from the requirements of the National Environmental Policy Act.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this interim rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government.

Specifically, the requirements of this interim rule relate to the sale of certain HUD assets, and do not impinge upon the relationship between the Federal government and State and local governments. As a result, the interim

rule is not subject to review under the Order.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this interim rule does not have potential for significant impact on family formation, maintenance, and general well-being. This interim rule will protect mortgagors' rights relative to forbearance, assistance, or reinstatement. Since this interim rule will not significantly change the rights of mortgagors or their families, no further review under the Order is necessary.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) has reviewed and approved this interim rule, and in doing so certifies that this interim rule will not have a significant economic impact on a substantial number of small entities. This interim rule will not affect the ability of small entities, relative to larger entities, to bid for and acquire HUD-held mortgages.

Regulatory Agenda

This interim rule was listed as item number 1433 in HUD's Semiannual Agenda of Regulations published on May 8, 1995 (60 FR 23368, 23370) in accordance with Executive Order 12866 and the Regulatory Flexibility Act.

List of Subjects in 24 CFR Part 291

Community facilities, Conflict of interests, Homeless, Lead poisoning, Low and moderate income housing, Mortgages, Reporting and recordkeeping requirements, Surplus government property.

Accordingly, for the reasons stated in the preamble, a new subpart D is added to 24 CFR part 291 to read as follows:

PART 291—DISPOSITION OF HUD-ACQUIRED SINGLE FAMILY PROPERTY

1. The authority citation for part 291 continues to read as follows:

Authority: 12 U.S.C. 1709 and 1715b; 42 U.S.C. 1441, 1441a, 1551a, and 3535(d).

2. A new subpart D, consisting of §§ 291.300 through 291.307, is added to read as follows:

Subpart D—Sale of Hud-Held Single Family Mortgages

Sec.

- 291.300 Effective date.
- 291.301 Definitions.
- 291.302 Purpose and general policy.

- 291.303 Eligible bidders.
- 291.304 Bidding process.
- 291.305 Evaluation and selection of bids.
- 291.306 Closing requirements.
- 291.307 Servicing requirements.

Subpart D—Sale of Hud-Held Single Family Mortgages

§ 291.300 Effective date.

Sections 291.300 through 291.307 shall expire and shall not be in effect after September 30, 1996, unless prior to September 30, 1996, HUD 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 §§ 291.300 through 291.307.

§ 291.301 Definitions.

For purposes of this part, the following definitions apply:

Single family mortgage means a mortgage on a single family property assigned to HUD pursuant to Section 230 of the National Housing Act, a mortgage on a single family property insured by HUD pursuant to Section 221 of the National Housing Act, a mortgage on a single family property issued in connection with the settlement of *Ferrell v. Pierce*, a non-*Ferrell* purchase money mortgage issued by HUD on a single family property sold from HUD's inventory, or any other single family mortgage owned by HUD and representing an asset to HUD's title II mortgage insurance funds.

Single family property means a residence containing a dwelling for one to four families.

§ 291.302 Purpose and general policy.

This part sets forth HUD's policy and procedures for the sale of HUD-held single family mortgages. In general, HUD will sell both performing and nonperforming HUD-held single family mortgages. HUD will sell all mortgages without recourse and without FHA insurance. HUD will package pools of single family mortgages for sale to the general public on a competitive basis; however, HUD may sell mortgages to government-sponsored enterprises (GSEs) on a negotiated basis. Nothing in this part shall be construed to prevent HUD from packaging single family mortgages with other types of HUD assets for sale. The Secretary retains full discretion to offer any qualifying pool of mortgages for sale and to withhold or withdraw any offered pool of mortgages from sale. However, when HUD offers a qualifying mortgage for sale, the procedures set out in this part and in the Bid Package will govern the sale of HUD-held single family mortgages.

§ 291.303 Eligible bidders.

HUD will provide information on the eligibility of bidders in the Bid Package, a Notice in the **Federal Register**, or other means, at the Secretary's full discretion. However, an individual, partnership, corporation, or other legal entity will not be eligible to bid for any loan pool, either as an individual or a participant, if at the time of the sale that individual or entity is:

- (a) On HUD's most recent "Consolidated List of Debarred, Suspended or Ineligible Contractors and Grantees";
- (b) On probation or under a limited denial of participation; or
- (c) Subject to a withdrawal of approval or other sanctions.

§ 291.304 Bidding process.

(a) *Submission of bids.* All bids must be submitted to HUD in accordance with instructions in the Bid Package for a particular sale.

(b) *Effect of bid.* By submitting a bid, the bidder is making an offer to purchase single family mortgage loans as presented in the Bid Package. Submission of a bid shall constitute acceptance of the terms and conditions set forth in the Bid Package and the Mortgage Loan Sale Agreement.

(c) *Termination of bid.* HUD reserves the right to terminate an offering in whole or in part at any time.

(d) *Rejection of bids.* (1) HUD may, in its sole discretion, reject any bid under the following circumstances:

- (i) If the bidder changes the documents prescribed in the Bid Package;
- (ii) If, in HUD's sole discretion, it determines that such action would be in the best interests of the U.S. Government.

(2) HUD can also issue a conditional rejection that will become an acceptance upon fulfillment of HUD's requests.

(e) *Withdrawal of bids.* A bidder may withdraw a previously submitted bid in accordance with the instructions in the Bid Package for a particular sale.

(f) *Bids by brokers or agents.* Any bid by a broker or agent for a principal must be in the name of the principal and signed by the broker/agent as the attorney-in-fact for the principal. All such bid documents must be executed so as to bind the principal by the broker/agent as the attorney-in-fact. A power of attorney satisfactory to HUD as to form and content must be submitted with such bids on any pool.

§ 291.305 Evaluation and selection of bids.

HUD will evaluate bids, approve successful bids, and notify the successful bidder in a manner set forth in the Bid Package.

§ 291.306 Closing requirements.

(a) *Earnest money deposit.* An earnest money deposit will be required in an amount to be determined by HUD and must be submitted to HUD by Fed Wire within 24 hours (counting only business days) of notification of approval of the winning bid. The earnest money deposit is nonrefundable to the winning bidder and will be credited toward the purchase price.

(b) *Execution of Mortgage Loan Sale Agreement.* At closing, the successful bidder and HUD will execute a Mortgage Loan Sale Agreement.

(c) *Withdrawal of Loans.* HUD reserves the right, in its sole discretion and for any reason whatsoever, to withdraw loan assets from a pool prior to the closing date. Any earnest money deposits relating to withdrawn loan assets will be retained by HUD and credited toward the total purchase price of the remaining loan assets in the pool, in accordance with the Mortgage Loan Sale Agreement.

§ 291.307 Servicing requirements.

(a) *Use of HUD-approved Mortgagees.* All mortgages must be serviced by HUD-approved mortgagees for the remaining life of the mortgage. A purchaser that is not a HUD/FHA approved mortgagee must retain a HUD/FHA approved mortgagee to service the mortgage.

(b) *Continuation of Mortgagor Rights.* The purchaser may take all lawful steps to collect the amounts due under the mortgages, including foreclosure of the mortgages. However, the purchaser and its servicer, and any subsequent transferee of the mortgage loan, shall be fully bound by the terms of the Mortgage Loan Sale Agreement, including those terms that provide the mortgagor with any rights regarding forbearance, assistance, or reinstatement of the mortgage. The Mortgage Loan Sale Agreement will contain provisions for substantially equivalent relief to the relief provided by section 230 of the National Housing Act, if such relief is applicable to the mortgage.

(c) *Purchasers' Protection of Mortgagor's Rights.* (1) *Assigned mortgages during forbearance period.* This paragraph (c)(1) explains how a purchaser (or a servicer of a purchased mortgage) must service a mortgage that was assigned to HUD under section 230 of the National Housing Act, for which less than 36 months has expired since the mortgage was assigned to the Secretary. Such a purchaser is entitled to collect from the mortgagor a full, reduced, or suspended payment, depending upon mortgagor income available for application to the mortgage, under a forbearance

agreement. If a mortgagor defaults under the forbearance agreement, the purchaser may allow reinstatement if the mortgagor pays all or a substantial part of the arrearages accrued under the forbearance agreement, including late charges.

(2) *Assigned mortgages after forbearance period.* This paragraph (c)(2) explains how a purchaser (or a servicer of a purchased mortgage) must service a mortgage that was assigned to HUD under section 230 of the National Housing Act, for which more than 36 months have expired since the mortgage was assigned to the Secretary. Such a purchaser may require a minimum payment of the full monthly payment due under the mortgage. A purchaser may take any lawful action to ensure that arrearages do not continue to increase. A purchaser may require a mortgagor to pay increased monthly mortgage payments under a new forbearance agreement to reduce the amount in arrears if the mortgagor has available income to support the increased payments. A purchaser shall allow a mortgagor who defaults in making required payments to reinstate. Reinstatement is accomplished by acceptance of a payment that represents the additional arrearage the mortgagor has incurred from the time the mortgagor failed to make a required monthly payment under any outstanding forbearance agreement, or under the terms of the mortgage if the forbearance agreement has expired. If a mortgagor repeatedly defaults in making required mortgage payments, a purchaser may decline to allow mortgagors to reinstate the mortgages.

(3) *Section 221 Mortgages.* This paragraph (c)(3) explains how a purchaser (or a servicer of a purchased mortgage) must service a mortgage assigned to HUD under section 221(g)(4) of the National Housing Act. Such a purchaser must provide a mortgagor who defaults under the terms of the mortgage foreclosure avoidance relief that is substantially equivalent to that which the mortgagor could have otherwise sought under section 230 of the National Housing Act if the mortgage was still insured by HUD.

(4) *Non-Ferrell Purchase Money Mortgages.* A purchaser of purchase money mortgages that did not result from the settlements of the various *Ferrell* litigation actions does not have to provide relief under section 230 of the National Housing Act, as such relief is described in paragraphs (c)(1) and (c)(2) of this section.

(d) *Section 235 Mortgages.* Since the assistance payments contract will terminate upon the sale of the

mortgages, in accordance with 24 CFR 235.375(a)(1), the purchasing mortgagees will not receive any assistance payments from the Secretary on behalf of the mortgagors. However, the Secretary will cause a reduction in the interest rates on the mortgages to a rate that is the higher of the floor rate that is shown on the form HUD9300 for the particular mortgage, or the effective rate of interest that the mortgagor is paying at the time that the reduction in interest is made.

Dated: June 20, 1995.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner.

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BILLING CODE 4210-27-P

ASSASSINATION RECORDS REVIEW BOARD

36 CFR Part 1405

Rules Implementing the Government in the Sunshine Act

AGENCY: Assassination Records Review Board.

ACTION: Final rulemaking.

SUMMARY: The Assassination Records Review Board (Review Board) was established by the President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Act). This final rulemaking will constitute the Review Board's second rulemaking. All of the Review Board's regulations will eventually be codified at 36 CFR part 1400 *et seq.* This rulemaking is undertaken in response to the Government in the Sunshine Act (Sunshine Act). The Sunshine Act relates to meetings of agencies of the United States government that are headed by collegial bodies composed of two or more members, a majority of whom are appointed by the President with the advice and consent of the Senate. The Act provides that meetings, as defined in the Sunshine Act, shall be held in public except where stated exemptions apply.

EFFECTIVE DATE: These regulations are effective October 2, 1995.

FOR FURTHER INFORMATION CONTACT:

T. Jeremy Gunn, Acting General Counsel, Assassination Records Review Board, 600 E Street, N.W., 2nd Floor, Washington, D.C. 20530, (202) 724-0088.

SUPPLEMENTARY INFORMATION:

Background

To discharge its responsibilities, the Review Board gathers as a collegial body at its Washington, D.C., office and at other locations as appropriate. Since the Review Board, including its staff, is a small agency, Review Board Members work both personally and collectively in the discharge of the Review Board's responsibilities. Review Board activities include such matters as: reviewing classified and restricted government records relating to the assassination of President Kennedy; determining whether such classified and restricted records should be opened and made available to the public; identifying additional assassination records in the possession of governments and individuals; holding public hearings related to assassination records; and ensuring government office compliance with the JFK Act.

The Sunshine Act defines meetings and sets certain requirements for advance public notice of such meetings (5 U.S.C. 552b(e)) and permits agencies to close meetings to public attendance and to withhold information regarding meetings where an agency finds that any of ten exemptions enumerated in the Sunshine Act applies, 5 U.S.C. 552b(c). The Act further sets forth the procedures that must be followed by agencies in invoking one of these exemptions, 5 U.S.C. 552b(d), (f). The Review Board is required to adopt, after opportunity for public comment, regulations to implement the Sunshine Act, 5 U.S.C. 552b(g).

Consistent with the requirement of 5 U.S.C. 552b(g), the proposed regulations implement the provisions of 5 U.S.C. 552b(b)-(f). This rule has been made following a review of the Sunshine Act, regulations promulgated and implemented by other collegial bodies under the Sunshine Act, and the opinion of the Supreme Court of the United States in *FCC v. ITT World Communications, Inc.*, 466 U.S. 463 (1984). The regulations are intended to follow the exemptions set forth in the Sunshine Act and to implement fully the Sunshine Act's procedural requirements regarding public notice of meetings, availability of transcripts or other records of meetings, and closure of meetings.

Notice and Comment Process

The proposed Sunshine Act regulations were issued for comment in the Federal Register on June 26, 1995 with a closing date of July 26, 1995. In addition to being published in the **Federal Register**, the proposed

regulations were sent to six federal agencies with an interest in the Review Board's work (the Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the National Archives, the Office of Management and Budget, and the Administrative Conference of the United States (ACUS)). The staff also sent copies of the regulations directly to fifteen individuals who have shown a particular interest in the work of the Review Board. Several of the individuals are closely connected with public interest groups that also had the opportunity to distribute copies more widely to their membership.

Response to Comments

The Review Board received only four sets of comments, including one from the ACUS and the other three from the public (one of which was complimentary and offered no substantive changes).

ACUS proposed four possible amendments to the regulations, each of which was effectively incorporated in the final regulations. The first suggestion pertains to Section 1405.2, which permits the staff to brief Review Board members outside of formal meetings. ACUS stated that although the proposed regulation complied with the Sunshine Act, it would be advisable to ensure that briefings do not devolve into deliberations regarding Review Board business. The ACUS suggestion was incorporated by amending the section to include the following provision: "The General Counsel will inform the Review Board if developing discussions at a briefing or gathering should be deferred until a notice of an open meeting can be published in the Federal Register."

ACUS also proposed that the Review Board amend the regulations to require a vote for all changes to its agenda, including deletions. Although other agencies have permitted agenda deletions to be made without a recorded vote, the Review Board decided that it would be advisable to adopt the proposal of ACUS and delete Section 1405.7(c).

ACUS found some ambiguity with respect to the standard that would be applied towards the eventual release of the Review Board's own records in Section 1405.8, particularly those of the closed meetings. It is the Review Board's position that the eventual release of Review Board records should be made under the terms of the JFK Act (rather than FOIA). In order to clarify the standard under which Review Board records will themselves be reviewed for declassification, clarifying language was added.

Finally, ACUS made some practical proposals with respect to recording or taking notes at Board meetings as described in Section 1405.5(f). Because the Review Board has decided to record its closed meetings, it had previously addressed these remaining issues.

As a member of the public, the Committee on Political Assassinations asserted that the Review Board (COPA) should bear in mind that the public interest should be taken into account when the Review Board considers whether to close a meeting under Section 1405.4. The Review Board approved the comment by COPA and adopted new language to reflect COPA's suggestion.

One member of the public "protested" restrictions (e), (g), and (h) of Section 1405.4 (pertaining to reasons for which the Review Board may properly close meetings). These restrictions are authorized by the Sunshine Act. If the commentator's suggestions were to be adopted, the Review Board would lose its discretion to close a meeting with respect to these three exceptions. Accordingly, the Review Board did not adopt the proposal, although it recognized that it may open a meeting in its sound discretion when these subjects are being discussed.

This member of the public also requested that Section 1405.5(b) be abolished. This section provides that a member of the public who may be directly affected by matters that the Review Board would discuss at an open meeting may request that the meeting be closed. This suggestion also was not adopted in order to continue the Review Board's discretion within the parameters of the law. Finally, the member of the public requested that notice of meetings be published in the **Federal Register** two weeks (rather than one week) in advance. Although the comment raises a legitimate concern (sufficient notice), it can be addressed in a different manner. Because Review Board agenda items frequently change, additional notice of the particular items to be addressed cannot always be known two weeks before meetings. But in order to address the concern, the Review Board will attempt to provide as much advance notice as it can of the dates of Review Board meetings and distribute the information through its mailing lists. This will provide the public with notice of Board meetings months in advance of the time they will be held, but gives the Board somewhat more flexibility to change the particular agenda items as circumstances develop.

Paperwork Reduction Act Statement

The proposed rule is not subject to the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) because it does not contain any information collection requirements with the meaning of 44 U.S.C. 3502(4).

Regulatory Flexibility Act Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 601-12, the Review Board certifies that this rule will not have a significant economic impact upon a substantial number of small entities and that a regulatory flexibility analysis need not be prepared. 5 U.S.C. 605(b). The rule does not impose any obligations, including any obligations on "small entities," as set forth in 5 U.S.C. 601(3) of the Regulatory Flexibility Act, or within the definition of "small business," as found in 15 U.S.C. 632, or within the Small Business Size Standards in regulations issued by the Small Business Administration and codified in 13 CFR part 121. Since the impact of the rule is confined to the Review Board, the rule does not fall within the purview of the Regulatory Flexibility Act.

List of the Subjects in 36 CFR Part 1405

Sunshine Act.

The Regulations

Title 36 of the Code of Federal Regulations, chapter XIV, is amended by adding part 1405 to read as follows:

PART 1405—RULES IMPLEMENTING THE GOVERNMENT IN THE SUNSHINE ACT

Sec.

- 1405.1 Applicability.
- 1405.2 Definitions.
- 1405.3 Open meetings requirement.
- 1405.4 Grounds on which meetings may be closed or information may be withheld.
- 1405.5 Procedures for closing meetings, or withholding information, and requests by affected persons to close a meeting.
- 1405.6 Procedures for public announcement of meetings.
- 1405.7 Changes affecting a meeting following the public announcement of a meeting.
- 1405.8 Availability and retention of transcripts, recordings, and minutes and applicable fees.
- 1405.9 Severability.

Authority: 5 U.S.C. 552b; 44 U.S.C. 2107.

§ 1405.1 Applicability.

(a) This part implements the provisions of the Government in the Sunshine Act (5 U.S.C. 552b). These procedures apply to meetings of the Review Board. The Review Board may waive the provisions set forth in this Part to the extent authorized by law.

(b) Requests for all documents other than the transcripts, recordings, and minutes described in 1405.8 shall be governed by Review Board regulations pursuant to the Freedom of Information Act (5 U.S.C. 552).

§ 1405.2 Definitions.

As used in this part:

Chairperson means the Member elected by the Board to serve in said position pursuant to 44 U.S.C. 2107.7(f).

General Counsel means the Review Board's principal legal officer, or an attorney serving as Acting General Counsel.

Government office means any office of the Federal Government that has possession or control of assassination records as set forth in 44 U.S.C. 2107.3(5).

Meeting means the deliberations of three or more Members where such deliberations determine or result in the joint conduct or disposition of official Review Board business. A meeting does not include:

(1) Notation voting or similar consideration of business, whether by circulation of material to the Members individually in writing or by a polling of the Members individually by telephone.

(2) Action by three or more Members to:

(i) Open or to close a meeting or to release or to withhold information pursuant to § 1405.5;

(ii) Set an agenda for a proposed meeting;

(iii) Call a meeting on less than seven days' notice as permitted by § 1405.6(b); or

(iv) Change the subject matter or the determinations to open or to close a publicly announced meeting under § 1405.7(b).

(3) A session attended by three or more Members for which the purpose is to receive briefings from the Review Board's staff or expert consultants, provided that members of the Review Board do not engage in deliberations at such sessions that determine or result in the joint conduct or disposition of official Review Board business on such matters. The General Counsel will inform the Review Board if developing discussions at a briefing or gathering should be deferred until a notice of an open meeting can be published in the **Federal Register**.

(4) A session attended by three or more Members for which the purpose is to receive informational briefings from representatives of government offices discussing classified or otherwise restricted information in accordance with the provisions of the JFK Act,

provided that Members of the Review Board do not engage in deliberations at such sessions that determine or result in the joint conduct or disposition of official Review Board business on such matters.

(5) A gathering of three or more Members for the purpose of holding informal preliminary discussions or exchanges of views, but that does not effectively predetermine official Review Board action.

Member means a current member of the Review Board as provided by law.

Presiding Officer means the Chairperson or any other Member authorized by the Review Board to preside at a meeting.

Review Board means the Assassination Records Review Board created pursuant to 44 U.S.C. 2107.7.

§ 1405.3 Open meetings requirement.

Any meetings of the Review Board, as defined in § 1504.2, shall be conducted in accordance with this part. Except as provided in § 1405.4, the Review Board's meetings, or portions thereof, shall be open to public observation.

§ 1405.4 Grounds on which meetings may be closed or information may be withheld.

A meeting may be closed when the Review Board properly determines that an open meeting would disclose information that may be withheld under the criteria enumerated below. Similarly, information that otherwise would be required to be disclosed under §§ 1405.5, 1405.6, and 1405.7 may also be withheld under these criteria. All records of closed meetings shall, however, be disclosed at a future date consistent with the terms and requirements of the JFK Act. Except in a case where the Review Board finds that the public interest requires otherwise, the criteria for closing meetings are whether information disclosed at such meetings is likely to:

- (a) Disclose matters that are:
 - (1) Specifically authorized under criteria established by the Executive Order to be kept secret in the interests of national defense or foreign policy; and
 - (2) In fact properly classified pursuant to such Executive order;
- (b) Relate solely to the internal personnel rules and practices of the Review Board;
- (c) Disclose matters specifically exempted from disclosure by statute (other than 5 U.S.C. 552), provided that such statute:
 - (1) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

(2) Establishes particular criteria for withholding or refers to particular types of matters to be withheld.

(d) Discloses trade secrets and commercial or financial information obtained from a person and is privileged or confidential;

(e) Involves accusing any person of a crime, or formally censuring any person;

(f) Discloses information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(g) Discloses investigatory records compiled for law enforcement purposes, or information which, if written, would be contained in such records, but only to the extent that the production of such records or information would:

(1) Interfere with enforcement proceedings;

(2) Deprive a person of a right to a fair trial or an impartial adjudication;

(3) Constitute an unwarranted invasion to personal privacy;

(4) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source;

(5) Disclose investigative techniques and procedures; or

(6) Endanger the life or physical safety of law enforcement personnel;

(h) Specifically concern the Review Board's issuance of a subpoena, or the Review Board's participation in a civil action or proceeding, an action in a foreign court or international tribunal, or an arbitration, or the initiation, conduct, or disposition by the Review Board of a particular case of formal agency adjudication pursuant to the procedures in 5 U.S.C. 554 or otherwise involving a determination on the record after opportunity for a hearing; or

(i) Disclose other information for which the Sunshine Act provides an exemption to the open meeting requirements of the Act.

§ 1405.5 Procedures for closing meetings, or withholding information, and requests by affected persons to close a meeting.

(a) A majority of all Members may vote to close a meeting or withhold information pertaining to that meeting. A separate vote shall be taken with respect to each action under § 1405.4. A majority of the Review Board may act by taking a single vote with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, or with respect to any information concerning such series of

meetings, so long as each meeting in such series involves the same particular matters and is scheduled to be held no more than thirty days after the initial meeting in such series. Each Member's vote under the paragraph shall be recorded and no proxies shall be permitted.

(b) Any person whose interests may be directly affected if a portion of a meeting is open may request the Review Board to close that portion of the meeting on the grounds referred to in § 1405.4 (e), (f), or (g). Requests, with reasons in support thereof, should be submitted to the Office of the General Counsel, Assassination Records Review Board, 600 E Street, NW., 2nd Floor, Washington, DC 20530. On the motion of any Member, the Review Board shall determine by recorded vote whether to grant the request.

(c) Within one working day of any vote taken pursuant to this section, the Review Board shall make publicly available a written copy of such vote reflecting the vote of each Member on the question. If a portion of a meeting is to be closed to the public, the Review Board shall make available a full written explanation of its action closing the meeting (or portion thereof) and a list of all persons expected to attend the meeting and their affiliation.

(d) For each closed meeting, the General Counsel shall publicly certify that, in his or her opinion, the meeting may be closed to the public and shall state each relevant exemptive provision. A copy of such certification shall be available for public inspection.

(e) For each closed meeting, the Presiding Officer shall issue a statement setting forth the time, place, and persons present. A copy of such statement shall be available for public inspection.

(f) For each closed meeting, with the exception of a meeting closed pursuant to § 1405.4(h), the Review Board shall maintain a complete transcript or electronic recording adequate to record fully the proceedings of each meeting. For meetings or portions thereof that are closed pursuant to 1405.4(h), the Review Board may maintain a set of minutes in lieu of such transcript or recording. Such minutes shall fully and clearly describe all matters discussed and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote. The records of closed meetings, in addition to all other records of the Review Board, shall be included as permanent records in the JFK Collection

at the National Archives as provided by the JFK Act.

§ 1405.6 Procedures for public announcements of meetings.

(a) For each meeting, the Review Board shall make public announcement, at least one week before the meeting, of the:

- (1) Time of the meeting;
- (2) Place of the meeting;
- (3) Subject matter of the meeting;
- (4) Whether the meeting is to be open or closed; and

(5) The name and business telephone number of the official designated by the Review Board to respond to requests for information about the meeting.

(b) The one week advance notice required by paragraph (a) of this section may be reduced only if:

(1) A majority of all Members determines by recorded vote that Review Board business requires that such meeting be scheduled in less than seven days; and

(2) The public announcement required by paragraph (a) of this section is made at the earliest practicable time.

§ 1405.7 Changes affecting a meeting following the public announcement of a meeting.

(a) After there has been a public announcement of a meeting, the time or place of such meeting may be changed only if the Review Board publicly announces such change at the earliest practicable time. Members need not approve such change by recorded vote.

(b) After there has been a public announcement of a meeting, the subject matter of such meeting, or the determination of the Review Board to open or to close a meeting or a portion thereof to the public, may be changed only when:

(1) A majority of all Members determines, by recorded vote, the Review Board business so requires and that no earlier announcement of the change was possible; and

(2) The Review Board publicly announces such change and the vote of each Member thereof at the earliest practicable time.

§ 1405.8 Availability and retention of transcripts, recordings, and minutes, and applicable fees.

In accordance with the provisions of the JFK Act, the Review Board shall retain the transcript, electronic recording, or minutes of the discussion of any item on the agenda or of any testimony received at a closed meeting for inclusion as a permanent record in the JFK Collection at the National Archives once the work of the Review Board is completed. The public shall

have access to such records consistent with the provisions of the JFK Act which, according to the understanding of the Review Board, supersedes the Sunshine Act and FOIA. Copies of any nonexempt transcript or minutes, or transaction of such recordings disclosing the identity of each speaker, shall be furnished to any person at the actual cost of transcript or duplication unless otherwise provided by the terms of the JFK Act. If at some later time the Review Board determines that there is no further justification for withholding a portion of a transcript, electronic recording, or minutes or other item of information for the public which had been previously withheld, such portion or information shall be made publicly available.

§ 1405.9 Severability.

If any provision of this part of the application of such provision to any person or circumstance, is held invalid, the remainder of this part of the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Dated: August 24, 1995.

T. Jeremy Gunn,

Acting General Counsel.

[FR Doc. 95-21450 Filed 8-30-95; 8:45 am]

BILLING CODE 6820-TD-M

36 CFR Part 1410

Rules Implementing the Freedom of Information Act

AGENCY: Assassination Records Review Board.

ACTION: Final rulemaking.

SUMMARY: The Assassination Records Review Board (Review Board) issues the following set of regulations to discharge its responsibilities under the Freedom of Information Act (FOIA). The FOIA law establishes basic procedures for public access to agency records and guidelines for waiver or reduction of fees the agency would otherwise assess for the response to the records request; categories of records that are exempt for various reasons from public disclosure; and basic requirements for federal agencies regarding their processing of and response to requests for agency records.

EFFECTIVE DATE: These regulations are effective October 2, 1995.

FOR FURTHER INFORMATION CONTACT: T. Jeremy Gunn, Acting General Counsel, Assassination Records Review Board, 600 E Street, NW, 2nd Floor,

Washington, D.C. 20530, (202) 724-0088.

SUPPLEMENTARY INFORMATION:

Background and Statutory Authority

This final rule complies with the requirements of the Freedom of Information Act, 5 U.S.C. 552, as amended by the Freedom of Information Reform Act of 1986, Pub. L. 99-570, title I, sections 1802, 1803, 100 Stat. 3207-48, 3207-49 (FOIA), to issue implementing regulations. In particular, § 1410.30 and § 1410.35 implement the Reform Act of 1986 and the Office of Management and Budget's Uniform Freedom of Information Act Fee Schedules and Guidelines, 52 FR 10012. This rule also incorporates the presidential memorandum on the administration of the Freedom of Information Act, issued on October 4, 1993, which calls upon agencies to comply with the letter and spirit of the FOIA's commitment to openness and to its proper administration.

Further, this rule incorporates the presumption of openness that was a driving force behind enactment of the Review Board's enabling legislation, the *President John F. Kennedy Assassination Records Collection Act of 1992*, 44 U.S.C. 2107 (1992) (JFK Act). In the JFK Act, Congress prescribed the establishment of a collection of records to be known as the President John F. Kennedy Assassination Records Collection, to be housed at the National Archives and Records Administration (NARA) and currently located at NARA's facility in College Park, Maryland. Congress also mandated that the Review Board have an initial term of two years, with an option for the Review Board to extend its tenure for one additional year if its work is not completed within the initial two year period. *Id.* at Section 7(o)(1). Congress also required that "[u]pon termination and winding up, the Review Board shall transfer all of its records to the Archivist for inclusion in the Collection, and no record of the Review Board shall be destroyed." *Id.* at Section 7(o)(3). Thus, while the public may file FOIA requests with the Review Board during the term of its existence, the public should also be aware of the opportunity to examine and obtain copies of the Review Board's records as a part of the JFK Records Collection at the National Archives and Records Administration.

Other key aspects of this rule include the following:

(1) The Review Board would establish, consistent with 5 U.S.C. 552, two categories of Review Board records: records available through the Public

Reading Room (§ 1410.15(b)) and records not available through the Public Reading Room (§ 1410.25).

(2) Procedures for requesting or examining Public Reading Room records (§ 1410.15).

(3) Procedures for filing a FOIA request (§ 1410.20).

(4) Procedures for processing FOIA requests, including prescribed response times (§ 1410.40).

(5) Procedures for administrative appeal of denials of FOIA record requests or of requests for fee waivers or reductions (§ 1410.45).

(6) Procedures for handling requests for classified information (§ 1410.50).

(7) Fee schedule for services performed in response to FOIA requests (§ 1410.35(b)(6)).

It is the Review Board's intention to implement these regulations so as to avoid any unnecessary barriers to public access to information and to ensure that the principle of openness in government is applied in each and every decision made under the FOIA. It is also the Review Board's hope that persons seeking information or records from the Review Board will consult with the Designated FOIA Officer or other Review Board staff member before invoking the procedures in the regulations. To the extent permitted by law, the Review Board may make available Review Board records which it is otherwise authorized to withhold under 5 U.S.C. 552.

Notice and Comment Process

The proposed FOIA regulations were issued for comment in the **Federal Register** on June 30, 1995 with a closing date of July 31, 1995. In addition to being published in the **Federal Register**, the proposed regulations were sent to five federal agencies with an interest in the Review Board's work (the Central Intelligence Agency, the Federal Bureau of Investigation, the Department of Justice, the National Archives, and the Office of Management and Budget). The staff also sent copies of the regulations directly to fifteen individuals who have shown a particular interest in the work of the Review Board. Several of the individuals are closely connected with public interest groups that also had the opportunity to distribute the copies more widely to their membership.

Response to Comments

The Review board received four comments, including those of NARA, the Coalition on Political Assassinations (COPA), and two individual members of the public.

NARA sought clarification on whether the Review Board intended to exclude

research materials from FOIA requests at § 1410.10(a)(1). The text has been amended to clarify that it was the Review Board's intent to exempt such material. NARA also suggested that members of the public be informed that, even though Federal records under review are not subject to FOIA at the Review Board, requests may still be made to the originating agencies. This suggestion has been adopted at § 1410.10(a)(2). NARA also made a suggestion for a technical change to substitute "agency" for "Review Board" in § 1410.20(e) in order to track more closely the language of the statute. NARA's suggestion is adopted at § 1410.20(e). NARA also proposed that the regulations clarify that they are not designed to exclude pre-existing statistical data from being subject to FOIA in § 1410.25(e). Changes were made in the wording to reflect this suggestion.

NARA and COPA requested that the regulations be clarified to note that the Review Board has the discretion to release records in the public interest even when the Board might otherwise raise a valid FOIA exemption. This proposal has been adopted at § 1410.20.

A member of the public proposed certain changes that would add newer forms of news media into the definition of "Representative of the news media" in § 1410.35. The suggestions have been adopted in part. The definition has been broadened to include cable casters and disseminators of on-line computer newsletters, provided that the services that publish information in this way genuinely are "organized and operated" to do so § 1410.35(b)(1).

The Review Board staff proposed a new § 1410.10(a)(3) to clarify that those records that the Review Board receives as donations from the public to be added to the JFK Collection at NARA are not "agency records" subject to FOIA. This amendment is designed to clarify that such records are donated to the United States and will be transferred promptly to the JFK Collection and should not be subject to FOIA. The Review Board accepted the staff recommendation and agrees that it is in the best interest in openness in government and public access to records that this provision be adopted. The purpose and goals of FOIA would be best served by making the records fully available to the public rather than by delaying transfer in order to respond to FOIA requests.

On August 3, 1995, the Review Board voted unanimously to adopt the NPRM, as amended.

Paperwork Reduction Act Statement

The rule is not subject to the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) because it does not contain any information collection requirements within the meaning of 44 U.S.C. 3502(4).

Regulatory Flexibility Act Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, the Review Board certifies that this rule will not have a significant economic impact on a substantial number of small entities and that a regulatory flexibility analysis need not be prepared. 5 U.S.C. 605(b). Whatever economic impacts may result to small entities were already considered by Congress in enacting and amending the FOIA or by the Office of Management and Budget in Promulgating the Uniform Fee Schedules and Guidelines.

Review by the Office of Management and Budget

This regulation has been reviewed by the Office of Management and Budget under Executive Order 12866.

List of Subjects in 36 CFR Part 1410

Freedom of Information Act.

The Regulations

Accordingly, the Review board amends chapter XIV in title 36 of the Code of Federal Regulations by adding a new part 1410 to read as follows:

PART 1410—RULES IMPLEMENTING THE FREEDOM OF INFORMATION ACT

Sec.

1410.5 Scope.

1410.10 Definitions.

1410.15 Requests for Review Board records available through the Public Reading Room.

1410.20 Review Board records exempt from public disclosure.

1410.25 Requests for Review Board records not available through the Public Reading Room (FOIA requests).

1410.30 Requests for waiver or reduction of fees.

1410.35 Fees for Review Board record requests.

1410.40 Processing of FOIA requests.

1410.45 Procedure for appeal of denial of requests for Review Board records and denial of requests for fee waiver or reduction.

1410.50 Requests for classified agency records.

Authority: 5 U.S.C. 552; 44 U.S.C. 2107.

§ 1410.5 Scope.

This part contains the Review Board's regulations implementing the Freedom of Information Act, 5 U.S.C. 552.

§ 1410.10 Definitions.

(a) *Review Board record* is a record in the possession and control of the Review Board that is associated with Review Board business. Review Board records do not include:

(1) Publicly available books, periodicals, films, sound or video recordings, photographs, or other publications that are owned or copyrighted by nonfederal sources that the Review Board acquires and uses for reference and research purposes;

(2) Records owned by another Federal agency that the Review Board temporarily holds for the purpose of conducting its review under the President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Act) (FOIA requests for such documents should be directed to the originating agency);

(3) Records delivered to the Review Board for transfer to the JFK Collection at the National Archives and Records Administration (NARA).

(b) *Designated FOIA Officer* means the person designated by the Executive Director to administer the Review Board's activities pursuant to the regulations in this part. The Designated FOIA Officer shall also be the Review Board officer having custody of or responsibility for Review Board records and shall be the Review Board's officer responsible for authorizing or denying production of Review Board records upon request filed pursuant to § 1410.25.

(c) *Executive Director* means the principal staff official appointed by the Review Board pursuant to 44 U.S.C. 2107.8(a).

(d) *Review Board* means the Assassination Records Review Board created pursuant to 44 U.S.C. 2107.7.

§ 1410.15 Requests for Review Board records available through the Public Reading Room.

(a) A Public Reading Room will be maintained at the Review Board headquarters and will be open between 10 a.m. and 4:30 p.m., Monday through Friday, except on Federal holidays. Documents may be obtained in person from the Public Reading Room.

(b) The Public Reading Room records will include the following (if and when such records are created):

(1) The Review Board's rules and regulations;

(2) Statements of policy adopted by the Review Board;

(3) Transcripts of public hearings;

(4) Review Board orders, decisions, notices, and other formal actions;

(5) Copies of all unclassified filings, certifications, pleadings, Review Board

records, briefs, orders, judgments, decrees, and mandates in court proceedings to which the Review Board is a party and the correspondence with the courts or clerks of court;

(6) Unclassified reports to Congress in which the Review Board's operations during a past fiscal year are described;

(7) Administrative staff manuals and instructions to staff to the extent that such manuals or instructions affect a member of the public; and

(8) Indices of the documents identified in this section, but not including drafts thereof.

§ 1410.20 Review Board records exempt from public disclosure.

The Review Board will make all Review Board records available for inspection and copying, except that it may exempt from release those portions of:

(a) Review Board records specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy, and that are in fact properly classified pursuant to such Executive Order;

(b) Review Board records related solely to the internal personnel rules and practices of the Review Board;

(c) Review Board records specifically exempted from disclosure by statute (other than 5 U.S.C. 552), provided that such statute:

(1) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or

(2) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency;

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(g) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:

(1) Could reasonably be expected to interfere with enforcement proceedings;

(2) Would deprive a person of a right to a fair trial or an impartial adjudication;

(3) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(4) Could reasonably be expected to disclose the identity of a confidential

source, including a state, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record of information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source;

(5) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(6) Could reasonably be expected to endanger the life or physical safety of any individual

(h) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(i) Geological and geophysical information and data, including maps, concerning wells.

§ 1410.25 Requests for Review Board records not available through the Public Reading Room (FOIA Requests).

(a) Upon the request of any person, the Review Board shall make available for public inspection and copying any reasonably described Review Board record in the possession and control of the Review Board, but not available through the Public Reading Room, subject to the provisions of this part.

(b) A person may request access to Review Board records that are not available through the Public Reading Room by using the following procedures:

(1) The request must be in writing and must reasonably describe the Review Board records requested to enable Review Board personnel to locate them with a reasonable amount of effort. A request for all Review Board records falling within a reasonably specific and well-defined category shall be regarded as conforming to the statutory requirement that Review Board records be reasonably described. Where possible, specific information such as dates or titles that may help identify the Review Board records should be supplied by the requester, including the names and titles of Review Board personnel who may have been contacted regarding the request prior to the submission of the written request.

(2) The request should be addressed to the Designated FOIA Officer, and clearly marked "Freedom of Information

Act Request." The address for such requests is: Designated FOIA Officer, Assassination Records Review Board, 600 E Street, N.W., 2nd Floor, Washington, D.C. 20530. Requests must be either mailed or hand-delivered to the above address. Hand-delivered requests will be received between 8:30 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. For purposes of calculating the time for response to the request under § 1410.40, the request shall not be deemed to have been received until it is in the possession of the Designated FOIA Officer or such other person who may be responsible for receiving such requests.

(3) The request must include:

(i) A statement by the requester of a willingness to pay the fee applicable under § 1410.35(b), or to pay that fee not to exceed a specific amount, or

(ii) A request for waiver or reduction of fees.

No request shall be deemed to have been received until the Review Board has received a statement of willingness to pay, as indicated in paragraph (b)(3)(i), of this section or has received and approved a request for waiver or reduction of fees.

(c) Requests for Review Board records containing information received from another agency, or records prepared jointly by the Review Board and other agencies, and that do not fall under category § 1410.10(a)(2) above, shall be treated as requests for Review Board records. The Designated FOIA Officer shall, however, coordinate with the appropriate official of the other agency. The notice of determination to the requester, in the event part or all of the record is recommended for denial by the other agency, shall cite the other agency denying officials as well as the Designated FOIA Officer if a denial by the Review Board is also involved.

(d) If a request does not reasonably describe the Review Board records sought, as provided in paragraph (b) of this section, the Review Board response shall specify the reasons why the request failed to meet those requirements and shall offer the requester the opportunity to confer with knowledgeable Review Board personnel in an attempt to restate the request. If additional information is needed from the requester to render the agency records reasonably described, any restated request submitted by the requester shall be treated as an initial request for purpose of calculating the time for response under § 1410.40.

(e) The Review Board will not be required to create new agency records,

compile lists of selected items from its files, or create new statistical or other data.

(f) The Review Board staff may also respond to oral, unmarked, or generally stated requests for information and documents even though those requests do not comply with the provisions of this rule.

§ 1410.30 Request for waiver or reduction of fees.

(a) The Review Board shall collect fees for record requests made under § 1410.25 as provided in § 1410.35(b), unless the Review Board grants a written request for a waiver or reduction of fees. The Designated FOIA Officer shall make a determination on a fee waiver or reduction request within five working days of the request coming into his or her possession. If the determination is made that the written request for a waiver or reduction of fees does not meet the requirements of this section, the Designated FOIA Officer shall inform the requester that the request for waiver or reduction of fees is being denied and set forth the appeal rights under § 1410.45.

(b) A person requesting the Review Board to waive or reduce search, review, or duplication fees shall:

(1) Describe the purpose for which the requester intends to use the requested information;

(2) Explain the extent to which the requester will extract and analyze the substantive content of the Review Board record;

(3) Describe the nature of the specific activity or research in which the Review Board records will be used and the specific qualification the requester possesses to utilize information for the intended use in such a way that it will contribute to public understanding of the operations or activities of the Government;

(4) Describe the likely impact of disclosure of the requested records on the public's understanding of the subject as compared to the level of understanding of the subject existing prior to disclosure;

(5) Describe the size and nature public to whose understanding a contribution will be made;

(6) Describe the intended means of dissemination to the general public;

(7) Indicate if public access to information will be provided free of charge or provided for an access or publication fee; and

(8) Describe any commercial or private interest the requester or any other party has in the Review Board records sought.

(c) The Review Board shall waive or reduce fees, without further specific

information from the requester if, from information provided with the request for Review Board records made under § 1410.25, it can determine that it is likely to contribute significantly to public understanding of the operations or activities of the Government and is not primarily in the commercial interest of the requester.

(d) In making a determination regarding a request for a waiver or reduction of fees, the Review Board shall consider the following factors:

(1) Whether disclosure is likely to contribute significantly to public understanding of Government operations or activities, and

(2) Whether the requester has a commercial interest and, if so, the extent of any interests and how they would be furthered by the disclosure of the requested Review Board records.

§ 1410.35 Fees for Review Board record requests.

(a) *Fees for Review Board records available through the Public Reading Room.* Duplication fees charged shall be limited to the costs of duplication of the requested Review Board records or the cost to have them duplicated. A schedule of fees for this duplication service is set forth at paragraph (b)(6) of this section. A person may also obtain a copy of the schedule of fees in person or by mail from the Public Reading Room.

(b) *Fees for Review Board records not available through the Public Reading Room (FOIA requests).*

(1) *Definitions.* For the purpose of paragraph (b) of this section:

Commercial use request means a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made. In determining whether a requester properly belongs in this category, the Review Board must determine the use to which a requester will put the documents requested. Moreover, where the Review Board has reasonable cause to doubt the use to which a requester will put the records sought, or where that use is not clear from the request itself, the Review Board will seek additional clarification from the Office of Management and Budget before assigning the request to a specific category.

Direct costs means those expenditures which the Review Board incurs in search, review, and duplication, to respond to requests under § 1410.25. Direct costs include, for example, the salary and benefits cost of Review Board employees applied to time spent in

responding to the request and the cost of operating duplicating machinery. Not included in direct costs are overhead expenses such as cost of space, and heating or lighting the facility in which the Review Board records are stored.

Educational institution refers to a preschool, a public or private elementary or secondary school, an institution of undergraduate higher education, an institution of graduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or programs of scholarly research.

Noncommercial scientific institution refers to an institution that is not operated on a commercial basis and which is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry.

Representative of the news media refers to any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public, and may include cable casting or computer on-line dissemination if offered as a service that is organized and operated to disseminate news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when the periodicals can qualify as disseminations of "news") who make their products available for free and or for purchase or subscription by the general public. These examples are not intended to be all-inclusive. A "freelance" journalist may be regarded as working for a news organization if the journalist can demonstrate a solid basis for expecting publication through that organization, even though the journalist is not actually employed by the news organization. A publication contract is the best proof, but the Review Board may also look to the past publication record of a requester in making this determination.

(2) Fees.

(i) If the Review Board determines that the documents are requested for commercial use, it shall charge the average salary rate, including benefits, for Review Board employees, for document search time and for document review time, in addition to the costs of duplication as established in the schedule of fees in paragraph (b)(6) of this section.

(ii) If documents are not sought for commercial use and the request is made by an educational or noncommercial scientific institution, whose purpose is scholarly or scientific research, or a representative of the news media, the Review Board's charges shall be limited to the direct costs of duplication as established in the schedule of fees in paragraph (b)(6) of this section. There shall be no charge for the first 100 pages of duplication.

(iii) For a request not described in paragraphs (b)(2)(i) or (b)(2)(ii) of this section the Review Board shall charge the average salary rate for Review Board employees (including benefits), for document search time, and the direct costs of duplication as established in the schedule of fees in paragraph (b)(6) of this section. There shall be no charge for document review time and the first 100 pages of reproduction and the first two hours of search time will be furnished without charge.

(iv) If the Review Board is asked by a requester to send Review Board records by special methods such as express mail, it may do so, provided that the requester pays for the express delivery service.

(v) The Review Board may assess charges for time spent searching, even if it fails to locate the records, or if Review Board records located are determined to be exempt from disclosure.

(vi) Whenever the Review Board estimates that fees are likely to exceed \$25, it shall notify the requester of the estimated costs, unless the requester has indicated in advance a willingness to pay fees as high as those anticipated. Such a notice shall offer the requester an opportunity to confer with the Review Board personnel to reformulate the request to meet the requester's needs at a lower cost.

(3) *Limitations on Fees.* The Review Board, or its designate, may establish minimum fees below which no charges will be collected, if it determines that the costs of routine collection and processing of the fees are likely to equal or exceed the amount of the fees. If total fees determined by the Review Board for a FOIA request would be less than the appropriate threshold, the Review Board shall not charge the requesters.

(4) *Payment of fees.*

(i) Payment of fees must be by check or money order made payable to the Assassination Records Review Board.

(ii) *Advance Payments.*

(A) If the Review Board estimates or determines that allowable charges that a requester may be required to pay are likely to exceed \$250, the Review Board shall notify such requester of the estimated cost and either require

satisfactory assurance of full payment where the requester has a history of prompt payment of fees, or require advance payment of the charges if a requester has no payment history.

(B) If a requester has previously failed to pay a fee in a timely fashion, the Review Board shall require the requester to pay the full amount owed plus any applicable interest, and to make an advance payment of the full amount of the estimated fee before the Review Board will begin to process a new request or pending request from that requester.

(C) When the Review Board requires advance payment under this paragraph, the administrative time limits prescribed in § 1410.40(b) will begin only after the Review Board has received the fee payments.

(5) *Aggregation of Requests.*

Requesters may not file multiple requests, each seeking portions of a document or documents, solely in order to avoid payment of fees. When the Review Board reasonably believes that a requester, or a group of requesters acting in concert, is attempting to divide a request into a series of requests for the purpose of evading assessment of fees, the Review Board may aggregate any such requests and charge the requester accordingly. The Review Board shall not, however, aggregate multiple requests on unrelated subjects from a requester.

(6) *Fee Schedule.* Fees will be charged as provided below:

(i) *Duplication of Review Board records.* Review Board records will be duplicated at a rate of \$.10 per page, provided the Review Board staff duplicates the records. If the Review Board determines that the duplication is so time-consuming that it must be sent to an outside duplication service, the requester will be charged the actual commercial rate.

(ii) *Duplication of large documents.* Large documents (e.g., maps, diagrams) will be duplicated at actual commercial rates.

(iii) *Review.* Review fees shall be assessed with respect to only those requesters who seek Review Board records for a commercial use, as defined in (b)(2)(i) of this section. For each hour spent by agency personnel in reviewing a requested Review Board record for possible disclosure, the fee shall be \$20.15 except that where the time of managerial personnel is required, the fee shall be \$47.40 for each hour of time spent by such managerial personnel.

(iv) *Search.* For each hour spent by administrative personnel in searching for and retrieving a requested Review Board record, the fee shall be \$14.75.

Where a search and retrieval cannot be performed entirely by clerical personnel—for example, where the identification of Review Board records within the scope of a request requires the use of professional personnel—the fee shall be \$20.15 for each hour of search time spent by such professional personnel. Where the time of managerial personnel is required, the fee shall be \$47.40 for each hour of time spent by such managerial personnel.

§ 1410.40 Processing of FOIA requests.

(a) Where a request complies with § 1410.25 as to specificity and statement of willingness to pay or request for fee waiver or reduction, the Designated FOIA Officer shall acknowledge receipt of the request and commence processing of the request. The Designated FOIA Officer shall prepare a written response:

- (1) Granting the request;
- (2) Denying the request;
- (3) Granting or denying it in part;
- (4) Stating that the request has been referred to another agency under § 1410.25; or
- (5) Informing the requester that responsive Review Board records cannot be located or do not exist.

(b) Action pursuant to this section to provide access to requested Review Board records shall be taken within 10 working days of receipt of a request for Review Board records, as defined in § 1410.25, except that where unusual circumstances require an extension of time before a decision on a request can be reached and the person requesting Review Board records is promptly informed in writing by the Designated FOIA Officer of the reason for such extension and the date on which a determination is expected to be made, the Designated FOIA Officer may take an extension not to exceed 10 working days.

(c) For purposes of this section and § 1410.45, the term “unusual circumstances” may include but is not limited to the following:

- (1) The need to search, collect, and appropriately examine a voluminous amount of separate and distinct Review Board records that are demanded in a single request; or
- (2) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

§ 1410.45 Procedure for appeal of denial of requests for Review Board records and denial of requests for fee waiver or reduction.

(a)(1) A person whose request for access to Review Board records or request for fee waiver or reduction is denied in whole or in part may appeal that determination to the Executive Director within 30 days of the determination. Appeals filed pursuant to this section must be in writing, directed to the Executive Director at the address stated above, and clearly marked “Freedom of Information Act Appeal.” Such an appeal received by the Review Board that is not properly addressed and marked will be so addressed and marked by Review Board personnel as soon as it is properly identified and then will be forwarded to the Executive Director. Appeals taken pursuant to this paragraph will be considered to be received upon actual receipt by the Executive Director.

(2) The Executive Director shall make a determination with respect to any appeal within 20 working days after the receipt of such appeal. If, on appeal, the denial of the request for Review Board records or fee reduction is in whole or in part upheld, the Executive Director shall notify the person making such request of the provisions for judicial review of that determination.

(b) In unusual circumstances, as defined in § 1410.40(c), the time limits prescribed for deciding an appeal pursuant to this section may be extended by up to 10 working days by the Executive Director, who will send written notice to the requester setting forth the reasons for such extension and the date on which a determination or appeal is expected to be dispatched.

§ 1410.50 Requests for classified agency records.

The Review Board may at any time be in possession of classified records received from other Federal agencies. Except with respect to those documents identified in § 1410.10(a)(2), the Review Board shall refer requests under § 1410.25 for such records or information to the other agency without making an independent determination as to the releasability of such documents. The Review Board shall refer requests for classified records in a manner consistent with Executive Order 12958 of April 17, 1995, or other such law as may apply.

Dated: August 25, 1995.

T. Jeremy Gunn,

Acting General Counsel, Assassination Records Review Board.

[FR Doc. 95-21523 Filed 8-30-95; 8:45 am]

BILLING CODE 6820-TD-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5288-1]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Northwestern States Portland Cement Company Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region VII announces the deletion of the Northwestern States Portland Cement Company Superfund Site from the National Priorities List (NPL). The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) which the EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. The reason this action is being taken is that Superfund Remedial Activities have been completed. EPA and the State of Iowa have determined that no further cleanup by the Responsible Party is appropriate under CERCLA. Moreover, EPA and the State have determined that CERCLA activities conducted at the Site to date have been protective of public health, welfare and the environment.

EFFECTIVE DATE: August 31, 1995.

FOR FURTHER INFORMATION CONTACT: Paul W. Roemer, Remedial Project Manager, Superfund Branch, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Ave. Kansas City, KS 66101, (913) 551-7694.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is the Northwestern States Portland Cement Company Superfund Site, Mason City, Cerro Gordo County, Iowa.

A notice of intent to delete for this site was published October 19, 1995 (59 FR 52747). The closing date for comments was thirty (30) days after the notice was published. EPA did not receive any comments on the proposed deletion.

Based upon a review of monitoring data from the site, EPA in consultation with the State of Iowa has determined that the site does not pose a significant risk to human health or the environment. The site shall be monitored by the Responsible Party in accordance with the Operation and Monitoring Plan approved by EPA.

Future reviews of monitoring data will be conducted, in conjunction with the State of Iowa, at a minimum of every five years, or until such time when no hazardous substances, pollutants or contaminants remain at the site above levels that allow for unrestricted use and unlimited exposure.

The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Response Fund (Fund). Pursuant to section 105(e) of CERCLA, any site deleted from the NPL remains eligible for Fund-financed Remedial Actions if conditions at the site warrant such action. Deletion from the NPL does not affect responsible party liability or impede EPA efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Chemicals, Hazardous substances, Hazardous wastes, Superfund.

Dennis Grams,

Regional Administrator.

For the reasons set out in the preamble 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

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

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

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the Site “Northwestern States Portland Cement Company Superfund Site, Cerro Gordo, Iowa”.

[FR Doc. 95–21407 Filed 8–30–95; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 400 and 411

[BPD–482–FC]

RIN 0938–AD73

Medicare Program; Medicare Secondary Payer for Individuals Entitled to Medicare and Also Covered Under Group Health Plans

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: These regulations establish limits on Medicare payment for services furnished to individuals who are entitled to Medicare on the basis of disability and who are covered under large group health plans (LGHPs) by virtue of their own or a family member's current employment status with an employer; and prohibit LGHPs from taking into account that those individuals are entitled to Medicare on the basis of disability.

They also implement certain other provisions of section 1862(b) of the Social Security Act, as amended by the Omnibus Budget Reconciliation Acts of 1986, 1989, 1990, and 1993 and the Social Security Act Amendments of 1994. Those amendments affect the Medicare secondary payer rules for individuals who are entitled to Medicare on the basis of age or who are eligible or entitled on the basis of end stage renal disease and who are also covered under group health plans (GHPs). The provisions that apply to all three groups include—

- The rules under which HCFA determines that a GHP or LGHP is not in conformance with the requirements and prohibitions of the statute;
- The appeals procedures respecting GHPs and LGHPs that HCFA finds to be nonconforming.
- The referral of nonconforming plans to the Internal Revenue Service; and
- The rules for recovery of conditional or mistaken Medicare payments made by HCFA.

The intent of the MSP provisions is to ensure that Medicare does not pay primary benefits for services for which a GHP or LGHP is the proper primary payer and that beneficiaries covered under these plans are not disadvantaged vis-a-vis other individuals who are covered under the plan but are not entitled to Medicare.

DATES: Effective Dates: These regulations are effective on October 2, 1995.

Comment Date: We will consider comments that we receive no later than 5 p.m. on October 30, 1995.

ADDRESSES: Mail an original and 3 copies of written comments to the following address:

Health Care Financing Administration,
Department of Health and Human
Services, Attention: BPD–482–FC,
P.O. Box 26676, Baltimore, MD 21207.

If you prefer, you may deliver original and 3 copies of your written comments to one of the following addresses:

Room 309–G, Hubert H. Humphrey
Building, 200 Independence Avenue,
SW., Washington, DC 20201, or

Room C5–09–26, 7500 Security
Boulevard, Baltimore, MD 21244–
1850.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code BPD–482–FC. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 309–G of the Department's offices at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690–7890).

For comments that relate to information collection requirements, mail a copy of comments to:

Office of Information and Regulatory
Affairs, Office of Management and
Budget, Room 10235, New Executive
Office Bldg., Washington, D.C. 30503,
Attention: Allison Herron Eydt, Desk
Officer for HCFA

Copies: To order copies of the **Federal Register** containing this document, send your request to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents, or enclose your Visa or Master Card number and expiration date. Credit card orders can also be placed by calling the order desk at (202) 512–1800 or by faxing to (202) 512–2250. The cost for each copy is \$8. As an alternative, you can view and photocopy the **Federal Register** document at most libraries designated as Federal Depository Libraries and at many other public and academic libraries throughout the country that receive the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Herbert Pollock, (410) 786–4474.

SUPPLEMENTARY INFORMATION:

I. Background

During the first 15 years of the Medicare program, Medicare was the primary payer for all Medicare-covered services with the sole exception of services covered under workers' compensation as provided in section 1862 of the Act. Beginning in 1980, the Congress passed a series of amendments to section 1862 of the Act to make Medicare the secondary payer for services covered by other types of insurance. In general, Medicare is now secondary to all of the following:

1. All forms of liability insurance.
2. Automobile and non-automobile no-fault insurance.
3. Group health plans (GHPs) that cover end-stage renal disease (ESRD) patients (during the first 18 months of Medicare eligibility or entitlement).
4. GHPs that cover aged individuals who have current employment status with an employer and aged spouses of individuals of any age who have current employment status with an employer.
5. Large group health plans (LGHPs) that cover disabled individuals if the individual or a member of the individual's family has current employment status with an employer.

(Current employment status is sometimes referred to as "current employment.")

II. Statutory Amendments**A. Overview**

1. Section 9319 of the OBRA '86 (Pub. L. 99-509) added a new section 1862(b)(4), which made Medicare secondary to benefits payable by "large group health plans" for services furnished to "active individuals," who are entitled to Medicare based on disability.

2. Section 6202(b) of OBRA '89 (Pub. L. 101-239) reorganized and clarified the Medicare secondary payer (MSP) provisions and transferred the provisions applicable to the disabled to section 1862(b)(1)(B) of the Act.

3. Section 4204(g) of OBRA '90 (Pub. L. 101-508) added a new section 1862(b)(3)(C), which prohibits employers and other entities from offering Medicare beneficiaries incentives not to enroll or to terminate enrollment in a GHP that would otherwise be primary to Medicare. Section 1862(b)(3)(C) of the Act provides for a civil money penalty of up to \$5,000 for each violation.

Section 4203(c)(1) of OBRA '90 redefined the 12-month ESRD MSP coordination period, during which GHPs are required to pay primary to

Medicare, and extended that redefined period from 12 to 18 months. A final rule with comment period addressing the section 4203(c)(1) changes was published in the **Federal Register** on August 12, 1992 (57 FR 36006-36016).

4. Section 13561(e) of OBRA '93 (Pub. L. 103-66), effective August 10, 1993, changed the MSP provisions for the disabled to make Medicare the secondary payer for individuals who have LGHP coverage by virtue of the individual's own or a family member's "current employment status with an employer". An individual has current employment status with an employer if the individual is an employee, is the employer (including a self-employed person), or is associated with the employer in a business relationship. In general, this means that the individual is on the employment rolls of the employer. Before this change in the law, Medicare was also secondary payer for certain nonworking disabled individuals who were considered to have employee status based on their relationship with the employer, even though they may not have been on the employment rolls.

5. Sections 151(c) and 157(b) of the Social Security Act Amendments of 1994 (SSAA '94) (Pub. L. 103-432) made miscellaneous and technical corrections to OBRA '89, OBRA '90, and OBRA '93. Section 151(b)(3) added express authority to assess interest if a conditional Medicare payment is not refunded within 60 days.

B. OBRA '86 Amendments—Active Individuals Entitled to Medicare on the Basis of Disability

These amendments—

1. Defined the term "active individual" as "an employee (as may be defined in regulations), the employer, an individual associated with the employer in a business relationship, or a member of the family of any of such persons."

2. Defined "large group health plan" by reference to section 5000(b) of the Internal Revenue Code (IRC) of 1986, which defined the term as "a plan of, or contributed to by, an employer or employee organization (including a self-insured plan), to provide health care (directly or otherwise) to the employees, former employees, the employer, others associated or formerly associated with the employer in a business relationship, or their families, that covers employees of at least one employer that normally employed at least 100 employees on a typical business day during the previous calendar year." (We have interpreted the phrase "normally employed at least 100 employees on a typical business day" to

mean that the employer employed at least 100 full-time or part-time employees during 50 percent or more of the employer's business days during the previous calendar year.)

3. Provided that Medicare may not pay for services furnished to an active individual on or after January 1, 1987, and before January 1, 1992, to the extent that payment has been made or can reasonably be expected to be made by an LGHP. (Section 4203(b) of OBRA '90 changed the sunset provision from January 1, 1992, to October 1, 1995, and section 13561(b) of OBRA '93 changed that date to October 1, 1998.)

4. Expanded HCFA's recovery rights under previous amendments to the Medicare statute by providing that HCFA may bring an action against any entity that fails to pay primary benefits for services furnished to active individuals entitled on the basis of disability, as required under section 1862(b) of the Act, and may collect double damages.

5. Created a private cause of action under which any claimant may seek double damages from any entity responsible for payment that fails to pay primary benefits as required by the statute.

6. Provided that an LGHP "may not take into account that an active individual is eligible for or receives" Medicare benefits on the basis of disability. The effect of this prohibition was to—

- Make Medicare secondary payer for active individuals who were entitled to Medicare on the basis of disability and whose LGHP coverage was linked to their status as active individuals; for example, individuals who had LGHP coverage because they were employees or spouses of employees; and
- Require the LGHP to treat such active individuals the same way it treated similarly situated individuals.

C. OBRA '89 Amendments

The OBRA '89 amendments—

1. Revised the definition of "active individual" to include the phrase "self-employed individual (such as the employer)";

2. Extended to individuals with ESRD and to the aged the prohibition against taking into account Medicare entitlement.

3. Required that GHPs—

- Furnish to aged employees and spouses the same benefits, under the same conditions, that they furnish to employees and spouses under 65; and
- Not differentiate in the benefits they provide between individuals with ESRD and other plan enrollees, on the basis of

the existence of ESRD, the need for dialysis, or in any other manner.

4. Extended to the MSP provisions for the aged and for those with ESRD, the Federal Government's right to recover double damages; and

5. Exempted from the MSP provisions services performed for a religious order by members of the order who take a vow of poverty; and

6. Provided a single formula for determining Medicare secondary payment amounts under all MSP provisions.

D. OBRA '90 Amendments

These amendments made the following changes:

1. Added a new section 1862(b)(3)(C) to the Act, which prohibited employers or other entities from offering to an individual entitled to Medicare any financial or other incentive not to enroll, or to terminate enrollment, in a GHP that would be primary to Medicare, unless the incentive was also offered to all individuals who are eligible for coverage under the plan. That section also provided for a penalty of up to \$5,000 for each violation, which was to be applied in accordance with provisions of section 1128A of the Act.

2. Redefined and extended the ESRD MSP coordination period. The 12-month ESRD coordination period was redefined to begin with the first month of ESRD-based eligibility or entitlement, and that redefined period was extended to 18 months. (Previously, the ESRD coordination period was a 12-month period that began with the first month of dialysis rather than with the first month of ESRD-based eligibility or entitlement, which generally occurs as of the fourth month of dialysis.) On August 12, 1992, we published a final rule with comment period (57 FR 36006-36016) that incorporated this change. We received one comment on this particular aspect, but made no change in the confirming final rule published on November 2, 1993 (58 FR 58502-58504).

E. OBRA '93—Amendments Treatment of Individuals Entitled to Medicare on the Basis of Disability Who Have LGHP Coverage by Virtue of Their Own or a Family Member's Current Employment Status

The OBRA '93 amendments made the following changes, effective August 10, 1993:

1. Eliminated the concept "active individual" and provided instead that the MSP disability provision applies only if the individual, or a family member, is covered under an LGHP "by

virtue of the individual's current employment status with an employer".

2. Provided that an individual has "current employment status" if the individual is an employee, the employer (including a self-employed person), or is associated with the employer in a business relationship.

3. Required use of the IRS aggregation rules for determining employer size under the working aged and disability provisions.

4. Modified the MSP provisions for individuals who are eligible for or entitled to Medicare on the basis of ESRD and also entitled on the basis of age or disability.

5. Clarified that GHPs and LGHPs of governmental entities are subject to the MSP provisions (although governmental entities are exempt from the excise tax applicable to employers that participate in nonconforming plans.)

F. The Social Security Act Amendments of 1994 (SSAA '94)

The SSAA '94 made the following miscellaneous and technical corrections:

1. Effective as if included in the enactment of OBRA '93—

A. Clarified that plans must offer the same benefits under the same conditions to the age 65 or older spouse of any employee; that is, without regard to the employee's age. (With regard to spouses, the wording of OBRA '93 could have been misconstrued as applying the working aged provision only to age 65 or older spouses of employees age 65 or older.) (Section 151(c)(1).)

B. Clarified that GHPs and LGHPs of governmental entities have *always* been subject to the MSP provisions. (OBRA '93 could have been misconstrued as providing that plans of governmental entities are subject to the MSP provisions only as of August 10, 1993, the date of enactment of OBRA '93, whereas governmental entities have always been subject to the MSP provisions, with the exception of the excise tax applicable to employers that participate in the nonconforming plans.) (Sections 151(c) (9) and (10).)

2. Effective as if included in the enactment of OBRA '90—

A. Clarified that employers and other entities are prohibited from offering to an individual entitled to Medicare any financial or other incentive not to enroll in, or to terminate enrollment in, a GHP that would be primary to Medicare, irrespective of whether the incentive is also offered to all other individuals who are eligible for coverage under the plan. (Section 157(b)(7). Refer to section VIII-K of this preamble.)

B. Clarified the extent to which section 1128A of the Act applies to the civil money penalty of section 1862(b)(3)(C) of the Act. (Section 157(b)(7). Refer to section VIII-K of this preamble.)

3. Effective as if included in the enactment of OBRA '89—Clarified that under section 1862(b)(1)(C) plans may pay benefits secondary to Medicare after the 18-month period during which the plan is prohibited from taking into account ESRD-based eligibility or entitlement but may not otherwise differentiate in benefits provided vis-a-vis other plan enrollees. The OBRA '89 language could have been misconstrued as permitting plans to discriminate against enrollees who had ESRD after the 18-month coordination period. That is, OBRA '89 broadly stated that plans were not prohibited from "taking into account" ESRD-based eligibility or entitlement after the 18-month coordination period; the SSAA '94 corrected that language to narrowly state that plans are not prohibited from paying benefits secondary to Medicare after the 18-month coordination period. (Section 151(c)(5). Refer to section VIII-D of this preamble.)

The SSAA '94 also added express authority to assess interest if a conditional Medicare primary payment is not refunded within 60 days. As authorized under common law, and in accordance with HHS regulations, consistent with the Federal Claims Collection Act (31 U.S.C. 3711), HCFA may charge interest on amounts that any responsible party does not refund timely. Section 151(b)(3) amended section 1862(b)(2)(B)(i) of the Act to make explicit that the Secretary may charge interest when timely reimbursement is not made. This self-implementing statutory clarification is effective for items and services furnished on or after the date of enactment, October 31, 1994. The rate of interest provided in section 1862(b)(2)(B)(i) of the Act is the same as in sections 1815(d) and 1833(j), which is reflected in regulations at 42 CFR 405.376(d). We will include detailed policies regarding the statutory provision in a future regulation. (Refer to section VIII-L of this preamble.)

III. Study by the Comptroller General

OBRA '86 required the Comptroller General to conduct a study to determine the impact of the MSP provisions for the disabled on the access that disabled individuals and members of their families have to employment and health insurance. In the April 10, 1991, report entitled *Medicare: Millions in Disabled Beneficiary Expenditures Shifted to*

Employers, the Comptroller General concluded that "The OBRA '86 secondary payer provision has met its objective of shifting considerable Medicare expenditures to LGHPs apparently without significant adverse effect" on the access of disabled beneficiaries and their families to employment and health services. The report further stated: "In addition to suffering little adverse effect from the provision, the disabled are safeguarded by regulations proposed by HCFA. These rules discourage employers from taking many of the actions they were considering that would discriminate against disabled beneficiaries and their families in regard to health insurance." The report also recommended that HCFA change its policy to remove the "indicators" that, prior to the changes made by OBRA '93, were used to determine whether an individual who is not actively working for an employer is considered an employee. That recommendation echoes those made by many of the commenters in their responses to the proposed rules published on March 8, 1990 at 55 FR 8491.

IV. Related Statutes

A. Internal Revenue Code (IRC)

1. OBRA '86 also amended the IRC to—

- Define "nonconforming group health plan" as a large group health plan that at any time during a calendar year takes into account that an active individual is eligible for or is receiving Medicare benefits based on entitlement to Social Security disability benefits; and

- Impose, on any employer or employee organization (other than a governmental entity) that contributes to a nonconforming LGHP, a tax equal to 25 percent of the expenses the employer or employee organization incurred during the calendar year for each LGHP to which the employer or employee organization contributes.

2. OBRA '89 further amended the IRC to—

- Substitute the following definition of "nonconforming group health plan" to replace the OBRA '86 definition.

"For purposes of this section, the term nonconforming group health plan means a group health plan or large group health plan that at any time during a calendar year does not comply with the requirements of subparagraphs (A) and (C) or subparagraph (B), respectively, of section 1862(b)(1) of the Social Security Act."

- Provide that the tax imposed by OBRA '86 on employers and employee organizations that contribute to or

sponsor LGHPs that do not comply with the MSP provisions for the disabled also applies with respect to such sponsors or contributors that do not comply with the MSP provisions for the working aged or the MSP provisions for ESRD beneficiaries.

- OBRA '93 expanded the definition of "nonconforming group health plan" to include a group health plan or LGHP that fails to refund to HCFA conditional primary Medicare payments.

Under these IRC amendments, HCFA reports to the IRS GHPs and LGHPs that do not comply with any of the following:

- The prohibition against taking into account Medicare entitlement when Medicare is the secondary payer for aged, ESRD, or disabled beneficiaries.

- The requirement that employees and spouses age 65 or older be given equal benefits under the same conditions as those under 65.

- The prohibition against differentiating, in the services covered and payments made, between persons having ESRD and other individuals covered by the plan.

- The requirement that GHPs and LGHPs refund conditional primary Medicare payments.

B. Americans With Disabilities Act

The Americans with Disabilities Act of 1990, Pub. L. 101-336 (42 U.S.C. 12101 et seq.) is related to the aims of this rule with respect to the MSP provision for the disabled. Section 102 of that statute prohibits discrimination against the physically or mentally disabled in private places of employment. This Act is administered by the Equal Employment Opportunity Commission.

C. COBRA Continuation Coverage Amendments

Title X of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99-272, commonly referred to as COBRA) amended the following statutes:

- Section 4980B of the IRC (26 U.S.C. 4980B).

- Part 6 of title I, subtitle B of the Employee Retirement Income Security Act (ERISA) (29 U.S.C. 1161-1168).

- Title XXII of the Public Health Service Act (42 U.S.C. 300bb-1 et seq.)

Under the COBRA amendments, certain GHPs must offer employees (and their dependents), who would otherwise lose coverage under the plan as a result of any of five specified "qualifying events", an opportunity to elect continuation of the coverage they had immediately before the qualifying event. "Qualifying events" include termination

of employment (other than for gross misconduct) and reduction in hours of work. Continuation coverage must extend at least from the date of the qualifying event to the earliest of a list of terminating events. Terminating events include entitlement to Medicare and expiration of the maximum period of continued coverage specified for a particular qualifying event. For termination of employment or reduction of hours of work, the maximum coverage period is 18 months. This is extended to 29 months in the case of a qualified beneficiary who is determined to have been disabled at the time of the qualifying event. For other qualifying events the maximum is generally 36 months.

GHP COBRA continuation coverage is generally exempt from the Medicare secondary payer provisions. Part VII-E of this preamble contains a detailed discussion of the MSP provisions vis-a-vis the COBRA provisions.

V. Provisions of the Proposed Rule

The March 8, 1990, notice of proposed rulemaking proposed to add a new subpart G to part 411—Exclusions from Medicare and Limitations on Medicare Payment.

At that time, subpart B of part 411 set forth general rules and definitions applicable to all of the Medicare secondary payer provisions. Included were rules on recovery and waiver of recovery, Medicare secondary payments, and the effect of third-party payments on benefit utilization and deductibles. Accordingly, proposed subpart G included only those rules that apply exclusively to LGHPs or that differed to some extent from similar rules applicable to other third party payers.

A. In Section 411.82, Definitions, we proposed to—

1. Interpret "typical business day" as 50 percent or more of the employer's regular business days during the previous calendar year; and

2. Define "employee" as an individual who is actively working or whose relationship to an employer shows that he or she has employee status within the ordinary understanding of the term "employee." In § 411.83, Determination of Employee Status, we proposed that employee status be established if the individual met any of the following conditions:

- Received from an employer payments that are subject to taxes under the Federal Insurance Contributions Act (FICA) or would be subject to such taxes except for the fact that the payment is exempt from those taxes under the IRC.

- Was termed an employee under a Federal or State law or in accordance with a court decision.
- Was designated as an employee in the employer's records; that is, had not had his or her employee status terminated. We proposed that termination from payroll, in and of itself, not be considered termination from employee status.

We also gave examples of other commonly accepted indicators of employment status, examples that we developed in consultation with other government agencies, including the Department of Labor and the IRS.

We considered adding the following indicators to the list that appeared in proposed § 411.83(b):

- Accrues years of service credits for pension purposes (that is, the individual's age-based pension rights continue to increase); and
- May become vested under the employer's retirement plan, even though he or she was not vested at the time the disability was established.

We specifically requested comments on whether to include these two indicators in the final rule.

B. In Section 411.88, Basis for Medicare primary payments, we proposed that failure to furnish information necessary for HCFA to determine whether an LGHP was primary to Medicare could lead to denial of payment of Medicare primary benefits.

The proposed rule also—

1. Defined three key terms as follows:

- "Disabled active individual", as an active individual who has been determined to be "under a disability" under section 223 of the Act, as evidenced by issuance of an SSA notification to that effect, and who is not, and could not upon filing an application become, entitled to Medicare on the basis of ESRD.

- "Nonconforming LGHP", as an LGHP that, at any time during a calendar year, discriminates against a disabled active individual who is eligible for, or receives, Medicare benefits on the basis of disability.

• "Family member", as any person whose relationship to the active individual is the basis for coverage under an LGHP; for example, the relationship of a divorced or common law spouse or that of an adopted, foster, natural or step-child, parent, or sibling.

2. Specified that a disabled active individual could accept or reject the LGHP coverage offered by the employer, and that, if the individual refuses the LGHP, the employer may not offer a plan that pays benefits secondary to Medicare.

3. Provided examples of LGHP actions that would be considered discriminatory.

4. Indicated the kinds of information that HCFA might require to document an LGHP's compliance with the nondiscrimination rule.

5. Specified that HCFA would refer to the IRS any LGHP that it finds to be a nonconforming LGHP.

6. Specified that the IRS imposes, on employers or employee organizations that contribute to a nonconforming LGHP, the tax provided for under section 5000 of the IRC of 1986.

VI. Reorganization of the Rules and Conforming Changes

Because of the statutory changes discussed above, we needed a new subpart for the provisions that now apply generally to all GHP MSP situations. We also needed to make room for incorporating in logical order any additional regulations that may be required by future amendments to the Act. Accordingly, this final rule—

- Redesignates subparts E and F as F and G, respectively;

- Establishes a new subpart E for the general provisions, including appeals provisions that were not in the NPRM; and

• Designates the special provisions for the disabled under a new subpart H.

New subpart E includes—

- Most of the definitions that were previously scattered among several subparts (§ 411.101).
- A statement of the basic prohibitions under the ESRD, working aged, and disability MSP provisions (§ 411.102).
- A statement of the prohibition against employers offering incentives to encourage Medicare beneficiaries not to enroll in or to terminate enrollment in a GHP that would be primary to Medicare (§ 411.103).

• An explanation of the terms "current employment status" and "coverage by virtue of current employment status" (§ 411.104).

• The method for determining employer size (§ 411.106).

• Examples of actions that constitute "taking into account" Medicare entitlement and of permissible actions (§ 411.108).

• Basis for determination of nonconformance (§ 411.110).

• Documentation of conformance (§ 411.112).

• Determination of nonconformance and notice of that determination (§§ 411.114 and 411.115).

• Appeals procedures (§§ 411.120 through 411.126).

• Referral to IRS (§ 411.130).

The following table shows how the section numbers in the final rule differ from the numbers in the NPRM. The revised designations reflect the reorganization of the text required by the addition of rules that now apply to all three groups of beneficiaries (aged, disabled, and ESRD) and the new rules on appeals procedures.

Heading as shown in final rule	Proposed rule designation section	Final rule designation section
Basis and scope	411.80	411.100
Definitions	411.82	411.101; 411.201
Current employment status	411.83	411.104
Medicare benefits secondary to LGHP benefits	411.85	411.204
Basis for Medicare primary payments and limits on secondary payments	411.88	411.206
Recovery of conditional Medicare payments	411.92	411.24
Basic prohibitions and requirements	411.94(b)	411.102
Taking into account entitlement to Medicare	411.94(d)	411.108
Basis for determination of nonconformance	411.94(c)	411.110
Documentation of conformance	411.94(e)&(f)	411.112
Determination of nonconformance	411.94(d)	411.114
Referral to the Internal Revenue Service (IRS)	411.94(g)	411.130

Note: The headings are those used in the final rule. In referring to the proposed rule

in the preamble discussion, we use the

column 1 designations. In referring to the final rule, we use the column 2 designations.

The statutory changes, the reorganization of the regulations text, and other changes that have occurred since these rules were published required the following conforming changes in subpart B:

1. Revise § 411.20 (Basis and scope) to—

- Transfer to the new subpart E the statutory basis for the rules that apply to GHP coverage.
- Reflect this change in the “Scope” paragraph of the section.
- Expand references (in this section and in § 411.21) to include the new subpart H.

2. Revise § 411.24 (Amount of recovery) as follows:

- a. In paragraph (c), to—
- Reflect the fact that OBRA '89 extended to all MSP situations the right (previously limited to MSP for the disabled) to recover double the amount of damages if it is necessary for HCFA to take legal action in order to recover;
 - Remove the parenthetical reference to the double damages provision and expressly state the circumstances under which HCFA can recover double damages; and
 - Specify that responsible parties include both third party payers and individuals or entities that have received third party payments that must be refunded.
- b. In paragraph (e), to make clear that third parties against which HCFA may take action are those that are “required to make”, as well as those who are “responsible for making”, primary payments. This change is necessary to conform to a language change made by OBRA '89.

c. To add a new paragraph (m) (Interest charges) to specify the explicit authority provided by the Social Security Act Amendments of 1994, which is in addition to the long-standing authority provided by common law and by HHS regulations (45 CFR 30.13) that are consistent with the Federal Claims Collection Act (31 U.S.C. 3711), for HCFA to charge interest on amounts that any responsible party does not refund timely.

3. Amend § 411.33 (Amount of Medicare secondary payment) to make clear that Medicare payment may now be based on fee schedules (as well as reasonable charge) and to remove paragraphs (c) and (d), which set forth a special formula for computing Medicare secondary payments under the MSP provisions for ESRD. (OBRA '89 provided a single formula for all MSP situations.)

VII. Comments on the NPRM of March 8, 1990 and Responses to Those Comments

We received 36 timely letters of comment from employers, insurance companies, law firms, actuarial firms, individuals, associations (two business and one medical), and beneficiary rights organizations. Following is a discussion of those comments and our responses to them.

Thirty-three of the comments dealt with the term “active individual,” including the statutory definition of that term. Since the term “active individual” was deleted from the law by OBRA '93, effective August 10, 1993, we are not responding to those comments, except for the comment in A. below.

A. Definitions—(Section 411.82)

The law prior to OBRA '93 defined the term “active individual” as “an employee (as may be defined in regulations), the employer, self-employed individual (such as the employer), an individual associated with the employer in a business relationship, or a member of the family of any of such persons.” We received a comment about one of the categories under this definition; that is, “individual associated with the employer in a business relationship.”

Comment: The commenter suggested that the rules define the term “individual associated with the employer in a business relationship.” The commenter went on to propose that individuals who are receiving health care coverage through an employer are associated with the employer in a business relationship regardless of whether they are employees. The commenter suggested that such a definition would be appropriate because employers provide such benefits as part of a *quid pro quo* for services.

Response: We do not agree that a definition of the term “individual associated with the employer in a business relationship” is necessary in the regulations. Any individual who qualifies for LGHP coverage because of a business relationship with the employer (for example, suppliers and contractors who do business with the employer) is included within the term. We also do not agree with the commenter's proposed definition of the term. Defining the term in the manner proposed would bring many former employees, including retirees, who receive benefits from an employer within the scope of the MSP provision for the disabled. The Congress clearly did not intend the MSP provision for the disabled to extend to retirees and

other former employees, since the term “former employee under age 65” was specifically deleted from an early draft of legislation on MSP for the disabled legislation (Senate Report 99-348 July 31, 1986).

Comment: One commenter objected to the inclusion of “divorced spouse” in the definition of “family member”. The commenter contended that the inclusion of that term exceeded HCFA's authority, since a “former family member” is not a “family member”.

Response: We disagree. As used in new subpart H, “family member” means anyone who has LGHP coverage on the basis of another person's enrollment. Spouses, children, parents, and siblings are merely examples. Any individual to whom a LGHP grants coverage because of such an enrollment is a family member for purposes of subpart H.

Comment: One commenter asked why the term “spouse who was married to an active individual” was not included in the definition of “family member.” The commenter also requested clarification of the status of an ex-spouse who is eligible to receive or is receiving health care benefits under the continuation of coverage provisions of COBRA and what is the LGHP's obligation to such an individual.

Response: We have revised the definition of “family member” to include the term “spouse”. The matter of an ex-spouse is discussed in response to the previous comment. The rules that apply to disabled individuals who have LGHP benefits as a result of the COBRA continuation provisions are discussed under Part VII-E of this preamble.

Comment: One commenter objected to inclusion of an “employee-pay-all” plan in the definition of LGHP in the proposed rule (§ 411.82(4)(ii)) on the basis that these plans are generally “franchise arrangements” in which the contracts are individually underwritten and the employer merely performs the ministerial role of collecting the premiums but not enrolling the participants.

Response: We have considered the status of “employee-pay-all plans” in the past and addressed the issue in the preamble to the Medicare regulations published on October 11, 1985 (50 FR 41503), and in § 411.70(d) of the Medicare regulations published on October 11, 1989 (54 FR 41745). Those regulations apply to the working aged and make clear that “employee-pay-all” plans may satisfy the statutory definition of GHP. We apply the same principles in the MSP rules for the disabled. (See 52 FR 35966, September 24, 1987.)

Medicare is secondary to "employee-pay-all" plans if they meet the statutory definition of LGHP; that is, plans that are under the auspices of, or contributed to, by an employer or employee organization and that cover at least one employer of 100 or more employees.

Comment: One commenter requested that the term "Medicare payment" in § 411.92, Recovery, should be defined to eliminate confusion with another term, "gross amount payable", used in Medicare contractor manuals.

Response: The term, "gross amount payable", is defined at 42 CFR 411.33(e)(1) as " * * * the amount payable without considering the effect of the Medicare deductible and coinsurance or the payment by the third party payer * * * ."

We have revised proposed § 411.92 (now § 411.24) to specify that HCFA recovers the Medicare primary payment amount.

Comment: A commenter objected to the definition of LGHP, because it casts too broad a net and captures many employers who have fewer than 100 employees, but who are required to provide primary coverage to disabled active individuals because these "small employers" participate in a plan that has at least one employer of 100 or more employees.

Response: The term "large group health plan" is defined in the IRC of 1986 as "a plan of, or contributed to by, an employer or employee organization (including a self-insured plan) to provide health care (directly or otherwise) to the employees, former employees, the employer, others associated or formerly associated with the employer in a business relationship, or their families, that covers employees of at least one employer that normally employed at least 100 employees on a typical business day during the previous calendar year." HCFA has no discretion to exempt from the Medicare secondary payer provision for the disabled employees of employers of fewer than 100 employees if they belong to a multi-employer plan that meets the above definition. In the MSP statute, as revised by OBRA '89, the Congress could have provided an exception for small employers that participate in multi-employer or multiple employer plans, similar to the exception that is specifically provided in the statute with respect to the working aged. Since the Congress chose to provide the exception only under the working aged provision, we conclude that it was not the Congress' intent to allow a similar exception under the MSP provision for the disabled.

B. Indicators of Employee Status

We received 30 comments on § 411.83, which proposed to incorporate into the regulations the policy that some disabled individuals who are not working are considered to be employees for MSP purposes if certain indicators of "employee status" are present. Only one commenter supported the policy without reservation. The other commenters expressed either opposition to the policy as a whole or to one or more of the indicators used to establish whether a non-working disabled person has employee status. We are not addressing these comments because we have deleted the policy on indicators of employee status, to reflect changes made by OBRA '93, effective August 10, 1993. In the legislative history that preceded enactment of OBRA '93 (Conference Report of the House Committee on the Budget to accompany H.R. 2264, H.R. Rep. No. 213, 103rd Cong. 1st Sess. (1993)), the Congress provided explicit direction on how it expected us to construe the new law. It made clear on page 805 that the term "current employment status with an employer" should be implemented "consistent with the provision that applies to aged beneficiaries (working aged)" and, on page 806, that "the definition of active employee for disabled beneficiaries (should) conform with the definition for working aged beneficiaries."

C. Prohibition of Discrimination

Several commenters addressed the provisions of proposed § 411.94, which dealt with the prohibition of discrimination by LGHPs against disabled active individuals on the basis of Medicare entitlement.

Comment: One commenter requested that HCFA discard all of the rules on nondiscrimination on the grounds that "they represent an unjustified and unsupported foray into the role of the Congress." In the event that HCFA decides to promulgate the proposed nondiscrimination rules, the commenter requested that HCFA conduct public hearings to gauge the effect of the rules.

Response: Under the law in effect before August 10, 1993, section 1862(b)(1)(B)(i) of the Act prohibited LGHPs from "taking into account" that an active individual is entitled to Medicare on the basis of disability. As amended by OBRA '93, the law prohibits LGHPs from taking into account the entitlement to Medicare on the basis of disability of an individual who has LGHP coverage by virtue of the individual's own or a family member's current employment status. This

provision simultaneously makes Medicare benefits secondary to LGHP coverage for these individuals and prohibits LGHPs from taking into account that these individuals are entitled to Medicare on the basis of disability. For example, without this prohibition LGHPs could deny, reduce, or restrict coverage or access to coverage for these individuals and thereby shift to the Medicare program the primary responsibility for payment of their medical expenses. This would defeat the purpose of the MSP provision for the disabled.

The public has had ample opportunity to comment on the proposed nondiscrimination rules during the public comment period that followed the publication of the notice of proposed rulemaking. We received a number of substantive comments regarding the proposed nondiscrimination rules, and we discuss these comments below. We therefore do not believe that there is need for public hearings on the final rules.

Comment: Several commenters objected that the criteria for prohibited discrimination in proposed § 411.94(d) exceed the statutory requirement. These commenters contended that while the statute prohibits LGHPs only from denying coverage to disabled active individuals on account of their Medicare entitlement, the criteria in proposed § 411.94(d) appear to prohibit LGHPs from terminating disabled individuals on grounds other than Medicare entitlement. One commenter expressed concern that an employer would be unable to terminate a disabled active individual's coverage for any reason after the individual becomes entitled to Medicare. Another commenter recommended that the final rule specify that prohibited discrimination occurs only when a plan treats disabled active individuals differently from "similarly situated" individuals not entitled to Medicare.

Response: The statute, as amended by OBRA '86, prohibited an LGHP from taking into account that an active individual is entitled to Medicare on the basis of disability. As amended by OBRA '93, the statute prohibits LGHPs from taking into account entitlement to Medicare on the basis of disability of an individual who has LGHP coverage by virtue of the individual's own or a family member's current employment status. The basic rule is that, with regard to individuals entitled to Medicare on the basis of disability who (1) have current employment status or (2) are family members of individuals with current employment status, LGHPs must offer the same enrollment opportunities

and the same coverage under the same conditions as they offer to similarly situated individuals. In the case of employees, all other employees enrolled or seeking to enroll in the plan are considered to be similarly situated. In the case of each of the other categories of individuals who have current employment status (such as business associates or family members), all other persons in those categories are considered to be similarly situated.

An LGHP may refuse to provide coverage, terminate enrollment, or limit coverage (for individuals who are entitled to Medicare on the basis of disability) only on grounds that apply to all similarly situated individuals enrolled, or seeking to enroll, in the plan, including individuals not entitled to Medicare. Plan provisions that have the effect of denying, restricting, or terminating benefits for disabled beneficiaries who have LGHP coverage by virtue of current employment status, but not for similarly situated individuals, are prohibited. An LGHP may make benefit distinctions among various categories of similarly situated individuals, distinctions based, for example, on length of time employed, employment status, or marital status but not on disability. If the LGHP makes such distinctions, it may also make them among disabled beneficiaries who have LGHP coverage by virtue of current employment status.

Comment: Several commenters objected that proposed § 411.94(d) appeared to force employers to decide, before an employee who has become disabled is determined to be "under a disability" within the meaning of section 223 of the Social Security Act, whether to cease covering the individual under the LGHP or to continue providing benefits for as long as benefits are provided to active employees. One commenter contended that the Congress clearly did not intend to impose such a choice upon employers. Another commenter noted that the proposed policy would only encourage employers to cut off health benefits to injured workers before the individual receives a determination of disability from the Social Security Administration.

Response: In the NPRM, we proposed to compare what an LGHP offers or provides at or after the point of disability determination with what it offered or provided at or after the point of Medicare entitlement. The idea was to prevent employers from avoiding the obligation of providing primary benefits by terminating coverage during the 29 month waiting period between the onset of disability and Medicare entitlement.

We agree that the proposed policy could be interpreted as encouraging employers to terminate coverage of injured or sick workers prior to the determination of disability. In addition, the proposed policy could lead to an anomalous situation in which an LGHP's changing or termination of a disabled individual's coverage would be permissible or impermissible, depending on the variable timing of disability determinations.

We are, therefore, not including the proposed policy in the final regulation. The prohibition against taking Medicare entitlement into account does not compel LGHPs to make an irrevocable choice, before the determination of disability, between discontinuing coverage of disabled individuals and providing coverage indefinitely. Rather, as discussed earlier in this preamble, LGHPs are prohibited from treating individuals entitled to Medicare on the basis of disability and covered by virtue of their own or a family member's current employment status differently from similarly situated individuals (that is, individuals of the same category such as spouse, child, or employee) who are enrolled or seeking to enroll in the plan. No change, restriction, or termination of coverage may be imposed because individuals are entitled to Medicare on the basis of disability. Also prohibited are changes, restrictions, or terminations of coverage that have the effect of treating those individuals differently from similarly situated individuals.

Comment: Several commenters raised questions about the application of the nondiscrimination rules to various employer health plan provisions.

- Proposed § 411.94(d) appears to prohibit employers from terminating or amending their health benefits plans, if doing so would have the effect of reducing or terminating benefits provided under an LGHP to a disabled active individual.

- Proposed § 411.94(d)(6) (denial or termination of coverage of a disabled active individual on the basis of disability) would prevent employers from offering employees who become disabled, coverage under an LGHP for a limited period of time and then terminating the coverage once the designated period has expired. This could be interpreted to prohibit employers who voluntarily provide extended coverage to disabled individuals from terminating the extended coverage once the individual becomes entitled to Medicare benefits.

- The rules prohibiting discrimination should not prevent an employer from changing the status of a disabled individual in a way that

disqualifies the individual for coverage under the employer's LGHP. For example, an employer should not be considered to be discriminating if he removes a disabled individual from the roster of employees, thus disqualifying the individual from coverage under the employer's plan.

- Proposed § 411.94(d)(3) appears to provide that an LGHP is discriminatory if it has a policy of offering "disabling condition-only" coverage to employees who become disabled, since such coverage is less comprehensive than coverage provided to other individuals under the plan.

Response: An employer is not prohibited from adopting any of the provisions described above, provided that those provisions (1) apply to all enrollees and potential enrollees, without regard to whether they are entitled to Medicare on the basis of disability; and (2) do not have the effect of treating disabled Medicare beneficiaries who have LGHP coverage by virtue of current employment status differently from similarly situated individuals.

Thus, a "disabling condition-only" provision is prohibited if it has the effect of restricting coverage for individuals entitled to Medicare on the basis of disability but not for similarly situated individuals who are not so entitled. The regulation does not allow an employer to terminate the LGHP coverage of those disabled individuals unless the employer also terminates coverage for similarly situated individuals not entitled to Medicare on the basis of disability.

If an employer voluntarily provides LGHP coverage to an individual who is entitled to Medicare on the basis of disability and who has LGHP coverage by virtue of current employment status, that coverage is primary to Medicare.

We do not believe that the statute prohibits employers from terminating a benefit that they voluntarily provide to those disabled individuals above the coverage given to similarly situated individuals who are not entitled to Medicare on the basis of disability (see item b. of comment).

Section 411.108 of this final rule makes clear that an LGHP may not, for example, deny or terminate coverage, offer less comprehensive coverage, or charge increased premiums for individuals entitled to Medicare on the basis of disability and covered by virtue of current employment status unless it takes the same actions for similarly situated individuals who are not so entitled. However, as stated above, employers are not required to continue indefinitely LGHP coverage that they

have voluntarily provided to those disabled individuals.

Comment: One commenter objected that the nondiscrimination criteria of proposed § 411.94(d) failed to prohibit cost avoidance techniques used by LGHPs and employers to reduce their exposure. One such tactic is to “churn” insurance contracts in order to reimpose waiting periods and pre-existing condition exclusions on “high-exposure” employees and their dependents. Another tactic is to pay “high exposure” individuals an amount equivalent to the per capita premium of the plan so that they can purchase health insurance on an individual basis. The commenter recommended that the criteria in proposed § 411.94(d) specifically prohibit “the payment of wages which are to be dedicated toward the purchase of an individual contract for the disabled active individual.”

Response: The Medicare law does not prohibit LGHPs from engaging in cost-avoidance practices and from imposing cost-avoidance provisions such as waiting periods and pre-existing condition exclusions, provided that such practices and provisions apply equally to all enrollees and potential enrollees and do not have the effect of treating individuals entitled to Medicare on the basis of disability who have LGHP coverage by virtue of current employment status differently from similarly situated individuals. (However, other State or Federal laws should be consulted for any effect they may have on this situation.)

Comment: One commenter asked for guidance about what constitutes adequate notification to active individuals of the consequences of rejecting LGHP coverage, as required under proposed § 411.94(d)(8). The commenter specifically suggested that the rules include a provision that a statement in a Summary Plan Description satisfies this requirement.

Response: Beneficiaries need to understand the consequences of rejecting LGHP coverage; that is, that Medicare will be the primary payer and the employer will not be permitted to pay secondary benefits for Medicare-covered services. In recognition of this, we have provided, in § 411.108, that a plan would be taking into account Medicare entitlement if it gave individuals information on their right to accept or reject the employer plan but failed to inform them of the consequences of rejection.

Comment: One commenter recommended that proposed § 411.94 provide examples of “taking into account.” The commenter offered several examples of “taking into

account” for inclusion in the final regulation.

Response: The criteria of proposed § 411.94(d), clarified and expanded on the basis of the commenter’s suggestions, appear in the final rule as examples of “taking into account” (§ 411.108).

Comment: One commenter recommended that the § 411.94 criteria for determining that an LGHP is discriminating explicitly apply to employees’ spouses and dependents, if the LGHP covers them. The commenter also recommended that an LGHP be considered nonconforming if it requires that an active individual receive health care benefits from a prescribed provider, while other covered individuals are not mandated to receive services from that provider.

Response: The criteria in proposed § 411.94 and the final rules’ examples of “taking into account” clearly apply to employees’ spouses and dependents covered by an LGHP, since those persons are included within the meaning of the term “family member.” Therefore, it is not necessary to state explicitly in § 411.110 that the criteria that define a nonconforming GHP apply to LGHP coverage of employees’ spouses and dependents. An LGHP that required disabled beneficiaries covered by virtue of current employment status, but not similarly situated individuals, to receive services from a preferred provider would clearly be considered nonconforming under the criteria in § 411.110 of the final rule.

D. Referral to the Internal Revenue Service (Section 411.94(g))

Comment: One commenter expressed concern that proposed § 411.94(g), dealing with the reporting of nonconforming LGHPs to the IRS, would not achieve the goal of ensuring nondiscriminatory treatment of active individuals by LGHPs. The commenter recommended that sanctions be incorporated into the rules to provide incentives for LGHPs to meet the nondiscrimination requirements.

Response: HCFA reports nonconforming GHPs and LGHPs to the IRS because the IRS administers section 5000 of the IRC, which imposes a tax on employers and employee organizations that contribute to a nonconforming GHP. This provision indicates the Congress’ intent that employers and employee organizations be ultimately held responsible for the actions of their health plans. We believe that this tax provides an incentive for employers and employee organizations to ensure that the plans they create, participate in, or contribute to, comply with the

prohibition against taking into account Medicare entitlement. We expect that employers and employee organizations will pursue available remedies under contract or insurance law, if necessary, to assure that their plans comply with the requirements of the statute and thus avoid imposition of the tax. The tax and the requirement to report nonconforming LGHPs were imposed for the disabled by OBRA ’86 and extended to all GHP situations by OBRA ’89.

Comment: One commenter recommended that insurers of LGHPs be reported to the IRS to provide an incentive for them to conform to the requirements of a nondiscriminatory LGHP.

Response: See our response to the previous comment. Under section 5000 of the IRC, the tax is imposed only on employers and employee organizations that contribute to nonconforming GHPs. This should discourage employers and employee organizations from doing business with an underwriting insurer that does not conform to the prohibition against taking into account the Medicare entitlement of individuals who are entitled on the basis of age, ESRD, or disability. It should encourage employers and employee organizations to enforce their insurance contracts to ensure that both the promise and the performance under the contract conform to the MSP requirements. Insurers thus should have an incentive to conform with MSP requirements.

Additional incentives for compliance are provided by the following statutory provisions:

- The law provides for a private right of legal action to collect double damages from any entity (including insurers, and employers) that fails to provide primary coverage when required by law.
- The Federal Government has the right to take legal action to collect double damages from those entities if they fail to provide primary benefits.

E. Relation to COBRA Continuation Coverage Provisions

Under the COBRA continuation coverage provisions, an individual (or the individual’s dependents) who would otherwise lose coverage under an employer’s GHP because of specified circumstances that include termination and reduction in hours of employment must be offered continued coverage at his or her own expense for a designated period of time. Under a 1989 amendment to the COBRA continuation of coverage provisions, the period of continued coverage is up to 29 months for individuals who were disabled (as determined under the Social Security

Act) at the time of their termination of employment or reduction of hours of work. The COBRA provisions permit termination of continuation coverage at the point of Medicare entitlement, which, for a disabled person, begins 29 months after the onset of disability if the individual has been entitled to monthly social security disability benefits for 24 months. Several commenters raised the following issues:

- The effect of the proposed regulations on coverage provided to active individuals under the COBRA continuation coverage provisions was not clear.

- Section 411.94(d)(6) of the proposed regulations—

- + Appears to have the effect of extending COBRA's limited period of continuation coverage to an unlimited period while an active individual receives Social Security benefits. (That result would be directly contrary to the intent of the Congress).

- + Appears to prohibit LGHPs from terminating continuation coverage of active individuals who become entitled to Medicare benefits, even though COBRA specifically permits this.

- + Could be interpreted to forbid employers who *voluntarily* provide extended coverage beyond the maximum period mandated by COBRA from terminating that coverage once the individual becomes entitled to Medicare.

- HCFA should include in the final regulation a specific rule to the effect that the operation of an LGHP in any manner permitted under the COBRA continuation coverage provision will not be considered discriminatory.

- The proposed regulations create a "very basic conflict" with COBRA. COBRA mandates coverage for individuals who were disabled at the time of a COBRA "qualifying event" for 29 months (which is generally the length of the waiting period for Medicare entitlement based on receipt of Social Security disability benefits) but permits a plan to terminate coverage at the end of the 29 months, or at the point of Medicare entitlement. The proposed regulations, however, do not require coverage during the Medicare waiting period but appear to mandate coverage thereafter.

- Proposed § 411.94(d)(7) appears to prohibit charging active individuals who are also COBRA beneficiaries the higher premiums (up to 150 percent of the applicable premium) permitted under COBRA.

Response: When the proposed regulation was published, it was HCFA's position that there was no real conflict between the MSP for the

disabled provision and the COBRA continuation of coverage provision, since COBRA permits but does not mandate termination of coverage at the time of Medicare entitlement. The statutes amended by COBRA state that continuation coverage may be terminated upon entitlement to Medicare. The Medicare statute stated that the LGHP may not take into account entitlement to Medicare based on disability. It was HCFA's policy that the MSP for the disabled provision prohibited termination of COBRA continuation coverage of an active individual entitled to Medicare on the basis of disability if the termination was based on that entitlement. Since some people who have COBRA continuation coverage because they have stopped working would be considered to be employees under the indicators of employee status, the result would be that the proposed regulation would have prohibited what the COBRA law permitted.

Blue Cross and Blue Shield of Texas filed a lawsuit challenging HCFA's same policy with respect to COBRA continuation coverage in ESRD MSP cases (*Blue Cross and Blue Shield of Texas v. Sullivan*, case No. 3-91 2760-H (N.D. Tex.)). On April 7, 1992, the District Court for the Northern District of Texas ruled against the government. The government appealed that ruling to the Fifth Circuit Court of Appeals. On July 13, 1993, the appeals court held that the MSP statute "does not require health plans to provide continuation coverage to individuals who become entitled to Medicare benefits because they have ESRD." *Blue Cross and Blue Shield of Texas v. Shalala*, 995 F.2d 70, 74 (5th Cir. 1993). The court held that the ESRD MSP provision did not modify, nor did it preclude, acts specifically authorized under COBRA.

The issue raised in the Texas case with respect to ESRD was never raised with respect to the MSP provisions for the aged and the disabled. Under previous law the issue might have been raised with respect to the disabled because the MSP provision for them did not require (as it did for the aged) that GHP coverage be based on "current employment".

Under the OBRA '93 amendments, which were effective one month after the appeals court decision, there is no issue for either group because—

- The MSP provisions for both the aged and the disabled apply only when GHP coverage is "by virtue of current employment status"; and

- COBRA continuation coverage is based on termination of employment or on reduction of work hours to the point

where the individual no longer qualifies for coverage based on employment.

This final rule provides (in § 411.161(a)(3)) that a GHP may terminate COBRA continuation coverage if the individual becomes entitled to Medicare on the basis of ESRD, notwithstanding the general prohibition against taking into account eligibility for, or entitlement to, Medicare benefits. Section 411.162(a)(3) makes clear that Medicare is secondary when the plan is required by COBRA to keep the continuation coverage in effect after Medicare entitlement or does so voluntarily. (Changes to the regulation are discussed under part VIII-I of this preamble.)

F. Miscellaneous Comments

Comment: One commenter asked that the final rules address the situation in which the LGHP paid primary benefits for services provided to an active individual and later learned that the LGHP was not primary payer for the individual because, for example, the individual entitled to Medicare on the basis of disability also has end-stage-renal disease. In that case, the law provides that Medicare is primary payer. The commenter believed that the final rule should provide for HCFA to reimburse the LGHP directly in the same manner that an LGHP must pay HCFA when it failed to make correct primary payments.

Response: Under current law, HCFA has an explicit right to recover conditional primary payments from an LGHP. There is no equivalent statutory provision for an LGHP seeking to recover its mistaken payments. HCFA and its intermediaries and carriers do not have authority to pay insurers and other third party payers. Sections 1815(c) and 1842(b)(6) of the Act, respectively, generally preclude payment for provider services to anyone but the provider and preclude payment for services of physicians and other suppliers to anyone other than the supplier or the beneficiary. The limited exceptions allowed do not include payment to LGHPs. Section 3491.15 of the Medicare Intermediary Manual and section 3336.16 of the Medicare Carrier Manual contain instructions for dealing with situations in which third party payers have made mistaken primary payments. The person or entity that receives HCFA's primary Medicare payment would make the refund to the LGHP. If no Medicare claim was originally filed, the provider, supplier or beneficiary may file one, within the time limits specified in §§ 424.44 and 424.45 of the regulations. We note that the situation cited by the commenter

(Medicare is primary payer because the individual is entitled on the basis of disability and also has ESRD) has a different outcome under OBRA '93. For such a dually entitled beneficiary, Medicare is now ordinarily secondary for the first 18 months of ESRD-based eligibility or entitlement.

Comment: Two commenters expressed concern that the proposed rules give HCFA the right to recover twice the amount payable by the LGHP as primary payer if HCFA has made conditional primary payments and the LGHP is later determined to have been the primary payer. One of the commenters stated that the proposed rule did not take into account the possibility that the disabled employee may have never filed a claim with the LGHP and only with Medicare. The commenter suggested that LGHP's be exempt from the double damages provision, since the LGHP would be unaware of the existence of a claim for primary benefits. Medicare should instruct beneficiaries to file claims first with the LGHP.

Response: The MSP statute provides no authority for us to exempt LGHPs from the double damages provision. However, we have the right to recover double damages only if the LGHP refuses to make appropriate reimbursement. Before instituting legal action to recover our conditional payments, we make every attempt to inform the LGHP of its obligations under the law and of the consequences of failure to comply. We also provide ample time for the LGHP to reimburse the Medicare payments.

We routinely remind beneficiaries and providers and suppliers to file claims first with other insurance and then with Medicare. Medicare intermediaries and carriers deny payment on claims when they have reason to believe that there is another payer responsible for primary payment and instruct the claimant to seek payment from that other source before filing claims under Medicare. Since claims are often filed by the provider or physician or other supplier, we also remind them of their responsibility to determine whether their claims should be filed with entities other than HCFA. In addition, we encourage GHPs and other insurers who are obligated to pay primary to Medicare to inform their Medicare-eligible participants that claims should first be submitted to the responsible primary plan.

Comment: One commenter suggested that the employer or other entity not be subject to double damages or to referral to the IRS as a nonconforming GHP if—

- The facts and circumstances show that any noncompliance with the law or regulations was unintentional; or
- The employer relied in good faith on third party administrators, insurers, or other entities to administer or provide health benefits.

Another commenter recommended that, until the final regulations become effective, an employer or plan administrator be protected if he or she acted on the basis of a reasonable good faith interpretation of the statute.

Response: There is no provision in the law to extend protection to employers or plan administrators, who act on the basis of a reasonable good faith (albeit erroneous) interpretation of the law, if the GHP or LGHP is found to be a nonconforming GHP. The individuals involved could have sought advice directly from the Medicare contractors or from HCFA. We have in place a comprehensive program to inform the public of its obligations under the MSP provisions. Since the passage of the MSP statute, we have made available to interested parties a variety of informational materials to assist them in complying with this provision. The Medicare intermediaries and carriers and the HCFA regional offices are available to answer questions about the responsibility of employers, insurers, and other entities subject to the MSP provisions.

Comment: One commenter noted that Medicare currently makes conditional payments when parties fail to respond to information requests on disabled beneficiaries. The commenter supports continuation of this policy.

Response: The basic rule, as set forth in §§ 411.165, 411.175, and 411.206, is that if a provider, supplier, beneficiary, or other party fails to provide information necessary to process a claim, HCFA may deny the claim. However, in order not to disadvantage a beneficiary who may not be responsible for providing the needed information, HCFA considers the specific circumstances of each failure to provide information. Depending on those circumstances, HCFA has in the past made, and may continue to make, conditional payments in some cases for which information is not submitted in response to HCFA's request.

Comment: One commenter recommended that provision for an expedited compliance procedure be added to proposed §§ 411.92(a) and 411.94(g) in order to reduce the administrative burden and expense of enforcement. The commenter specifically mentioned the expedited compliance procedure established in HCFA Program Memorandum AB-88-9

(August 1988). That procedure was designed for LGHPs that wish to expedite payments to reimburse HCFA for Medicare conditional primary payments.

Response: The expedited compliance procedure established by Program Memorandum AB-88-9 was based specifically on the concept of "active individual". Since OBRA '93 abolished this concept, the procedure is obsolete. LGHPs that identify mistaken Medicare primary payments should send their repayments to the Medicare contractor that made the mistaken payment.

Comment: One commenter expressed concern that if an active individual is covered as a dependent by his spouse's LGHP, and his employer is not large enough for the employer's GHP to be considered an LGHP and the employer does not participate in a multi-employer LGHP, then the order of payment based on the MSP regulations would be the spouse's LGHP as primary payer, Medicare second, and the health plan of the disabled person's employer last. The commenter pointed out that the proposed rule is not in accordance with the normal "coordination of benefits" rules. Under those rules, if the disabled person is still actively employed, his own health plan would be primary and the spouse's health plan would be secondary. The commenter recommended that the MSP rules determine only whether Medicare, or the plan covering the disabled person as an employee, should be primary. In any event, the plan covering the individual as a dependent should be secondary to Medicare. Employers should not be penalized for extending health coverage to dependents.

Response: Section 1862(b) of the Act, and the regulations, alter State and private coordination of benefit rules so that GHPs and LGHPs are made primary to Medicare under certain circumstances, regardless of whether the individual is employed or is a dependent. When the health plan of a family member is primary payer under the MSP law, that payer must pay before Medicare even if the coordination of benefits rules established under State law or private contract call for a different order of payment. The Group Coordination of Benefits Model Regulation adopted by the National Association of Insurance Commissioners (NAIC) specifically recognizes that the usual order of payment for dependent and nondependent coverage is reversed under the circumstances described by the commenter. This means that, in the situation described above, the spouse's LGHP pays first if the spouse has coverage by virtue of current

employment status, Medicare second, and the disabled person's employer plan last. However, when the disabled person's health plan coordinates payment with the spouse's LGHP in the way described in the comment, that is, where the disabled person's plan pays primary to the spouse's LGHP, the combined payments of both plans constitute the primary payment to which Medicare payment is secondary. (Further information regarding the model regulation may be obtained by writing to the NAIC, 120 W. 12th St., Kansas City, MO 64105; phone (816) 842-3600.)

Comment: One commenter suggested that HCFA should apply the nondiscrimination rules on a prospective basis after the date they are adopted in final form and that HCFA should refrain from initiating any nondiscrimination provision compliance requests until after adoption of the final rules. Another commenter recommended that the final regulations be made effective with plan years that begin at least six months after the date of publication.

Response: HCFA does not have the authority to delay enforcement of the nondiscrimination provisions. Section 9319 of OBRA '86, which included the nondiscrimination provision, was effective for items and services furnished on or after January 1, 1987. As indicated in the general notice we published on September 24, 1987 (52 FR 35966), this provision was self-implementing. It did not provide any waiver under which we could delay the effective date.

We will enforce these provisions in accordance with our statutory responsibility. If it is alleged that an LGHP took into account Medicare entitlement on the basis of disability before the effective date of this final rule, we will base our decision on the statute. This final rule will be effective 30 days after publication in accordance with the usual rulemaking procedures.

Comment: One commenter suggested that provisions be added to the final regulation to ensure a formal review and appeals procedure before HCFA takes any action adverse to an employer.

Response: Sections 411.120 through 411.126 of the new subpart E set forth appeals procedures with respect to any GHP that HCFA has determined to be nonconforming. These sections specify the parties and explain the various steps in the appeals process and the rights of the plans and of the employers and employee organizations that contribute to the plans, including the following:

- How to request a hearing (§ 411.120).

- Provision for on-the-record review or oral hearing (at the request of a party or on the hearing officer's own motion) and the procedures that the hearing officer follows at an oral hearing with respect to notice, prehearing discovery, evidence, subpoenas, etc., and record of the hearing (§ 411.121).

- Timing, content, distribution, and effect of the hearing officer's decision (§ 411.122).

- Administrator's review of the hearing decision, including basis for decision to review, basis for remand, and finality of the review or remand decision (§ 411.124).

- Reopening of determinations or decisions (§ 411.126).

These procedures are very similar to those in effect for other determinations that adversely affect providers or suppliers of Medicare services. We believe that, by making them available before referral to the IRS, we ensure due process.

Comment: One commenter encouraged HCFA to adopt a policy of applying "Alternative Dispute Resolution (ADR)" techniques in MSP cases before proceeding with litigation or referrals to the IRS. The commenter contended that such techniques could lead to fairer and more effective implementation of the MSP law than protracted and expensive litigation.

Response: The commenter did not identify specifically the techniques of dispute resolution to which he was referring. As indicated above, this final rule provides appeal rights if HCFA determines that a GHP is a nonconforming GHP.

VIII. Final Rule Provisions that Implement or Reflect Statutory Amendments

A. Medicare Secondary to GHPs

Redesignated §§ 411.162 and 411.172 and new § 411.204 specify that Medicare benefits are secondary to GHP benefits under specific circumstances that vary depending on the basis for Medicare eligibility or entitlement.

1. Under § 411.172, aged individuals and spouses (entitled on the basis of age), the MSP provision applies—

- For plans of employers of at least 20 employees; and
- For individuals covered "by virtue of current employment status".

2. Under § 411.204, individuals entitled on the basis of disability, the MSP provision applies—

- For plans of employers of at least 100 employees; and
- For individuals covered "by virtue of current employment status".

3. Under § 411.162, individuals eligible or entitled on the basis of ESRD,

the MSP provision applies to employer plans, including retirement plans, regardless of employer size and the individual's employment status.

We note that OBRA '93 changed the coordination of benefits rules for ESRD beneficiaries who are also entitled to Medicare on the basis of age or disability. This change is discussed under section VIII-G of this preamble.

B. Current Employment Status

New § 411.104 explains the term and sets forth general and special rules.

Under the general rule, an individual is considered to have current employment status if he or she (1) is actively working or (2) is not actively working but meets all of the following conditions:

- Retains employment rights in the industry;
- Has not had his or her employment terminated by the employer, if the employer provides the coverage, or has not had his or her membership in the employee organization terminated, if the employee organization provides the coverage.
- Is not receiving disability payments from an employer for more than 6 months;
- Is not receiving social security disability benefits; and
- Has employment-based GHP coverage that is not COBRA continuation coverage.

Examples of individuals who fall in the second group are teachers, employees who are on furlough or sick leave, and active union members between jobs. Also, self-employed persons are considered to have current employment status only if their annual earnings related to the employer that offers the GHP coverage equal at least the specified statutory amount in section 211(b)(2) of the Act (currently that amount is \$400).

Members of a religious order who have taken a vow of poverty are not considered to have current employment status if the services they perform as members of the order are considered employment solely because the order has elected (under section 3121(r) of the IRC) to have those services considered as employment for social security purposes.¹

Members of religious orders who have not taken a vow of poverty are considered to have current employment status with the religious order if (1) the

¹ This exemption, enacted by OBRA '89 and effective October 1, 1989, was extended by OBRA '93 to cover services furnished before October 1, 1989. Section 3121(r) of the IRC limits election to orders that require their members to take a vow of poverty.

religious order pays FICA taxes on behalf of that member, or (2) the individual is receiving from the religious order cash remuneration for services rendered.

Members of the clergy are considered to have current employment status with a church or other religious organization if the individual is receiving from the church or other religious organization cash remuneration for services rendered.

- Receipt of delayed compensation for work performed in previous time periods does not confer "current employment status" on an individual who is not working.

The new § 411.104 is consistent with Congressional direction regarding the manner in which coverage "by virtue of current employment status" is to be construed.

The first time Congress used the term "current employment" with respect to working aged individuals was in section 2338 of the Deficit Reduction Act of 1984 (DEFRA), Pub. L. 98-369. DEFRA established in the Act a new section 1837(i), which provided for a special Part B enrollment period for individuals "enrolled in a group health plan * * * by reason of the individual's (or the individual's spouse's) current employment * * *". Section 1837(i) expressly referred to individuals who meet "the conditions described in clauses (i) and (iii) of section 1862(b)(3)(A);" that is, working aged individuals and their spouses. In the legislative report that accompanied the DEFRA, the Congress explained what it meant by the term "by reason of current employment:

The use of the phrase "by reason of current employment" was meant to distinguish those persons who are receiving health benefits *based on employment and are actually employed* from those persons who are receiving benefits based on employment, but who are now retired. (Supplemental Report of the Committee on Ways and Means, U.S. House of Representatives on H.R. 4170, Rept. 98-432 Part 2, March 5, 1984, 1662, emphasis added.)

This explanation encompassed individuals for whom Medicare was secondary payer at that time under section 1862(b)(3)(A); that is, individuals who were "employed at the time (the) item or service is furnished."

By distinguishing in the DEFRA legislative report between "persons who are receiving health benefits based on employment" and individuals who are "retired," the Congress demonstrated that it is not concerned about fine distinctions regarding "when" employment-based coverage was earned; that is, whether, for instance,

present coverage of an employed individual is based on a certain number of hours worked, or a certain level of commissions earned, during the preceding months, quarters, or years of employment. Rather, the Congress is only interested in the broad distinction between plan coverage of individuals who have coverage based on "current employment" and plan coverage of those who are retired.

In OBRA '89, the Congress conformed the language of the secondary payer provision to that of the special Part B enrollment provision for working aged individuals. The phrase "by reason of the current employment of the individual (or the individual's spouse)" replaced the phrase "employed at the time (the) item or service is furnished." By eliminating the provision that the individual actually be working when the services were furnished, the Congress made clear its intent that Medicare be secondary payer to employment based coverage in all circumstances except retirement.

The OBRA '93 amendments that substituted "by virtue of current employment status" for "by reason of current employment," and defined the term "current employment status," reinforced Congressional intent in this regard. OBRA '93 (section 13561(e)(1)(H)) added a new section 1862(b)(1)(E)(ii) to the Medicare law, which expressly defines the term "current employment status":

(ii) CURRENT EMPLOYMENT STATUS DEFINED.—An individual has "current employment status" with an employer if the individual is an employee, is the employer, or is associated with the employer in a business relationship.

The inclusion of individuals "associated with the employer in a business relationship" (that is, individuals whose relationship to the employer is based on business rather than on work) demonstrates that the Congress intended that the term "current employment status" be given the broadest possible application. It encompasses not only individuals who are actively working but also individuals under contract with the employer whether or not they actually perform services for the employer, such as attorneys on retainer, tradesmen and insurance agents. Also, an independent insurance agent who is licensed to sell insurance for a particular insurance company has "current employment status" with that company by virtue of his "business relationship." If an agent age 65 or older has plan coverage through that company based on this "current employment status", the

coverage is primary to Medicare (unless specific statutory exceptions apply, such as the 20 employee rule) without regard to the extent to which the agent is presently selling policies on behalf of the company. Only when the agent retires (that is, no longer is authorized to sell policies on behalf of the company) would the "business relationship" with the employer be severed. However, Medicare would be the primary payer, if the company imposes earnings thresholds or other requirements for qualifying for health benefits that the agent does not meet based on this "current employment status".

(As provided by OBRA '93, the "current employment status" criterion also applies to the disability MSP provision.)

C. Prohibition against Taking into Account Medicare Entitlement

This prohibition was imposed by OBRA '86 for the disabled, and extended to ESRD and the aged by OBRA '89. On January 11, 1991, we published a **Federal Register** notice explaining the import of these self-executing provisions.

1. New § 411.102 and redesignated § 411.161 specify that a GHP may not take into account an individual's ESRD-based Medicare eligibility or entitlement during the 18-month coordination of benefits period, which coincides with the first 18 months of eligibility or entitlement.

2. New § 411.102 and redesignated § 411.170 specify that a GHP of an employer of 20 or more employees may not take into account age-based Medicare entitlement of an individual or spouse age 65 or older who is covered (or seeks to be covered) under the plan by virtue of the individual's current employment status with an employer.

3. New §§ 411.102 and 411.200 specify that an LGHP (a plan that includes at least one employer of 100 or more employees) may not take into account the disability-based Medicare entitlement of an individual who is covered (or seeks to be covered) under the plan by virtue of the individual's or a family member's current employment status with an employer.

D. Nondifferentiation in Providing Benefits

New § 411.102 and redesignated § 411.161 specify that, in providing benefits to individuals with ESRD and those who do not have ESRD, a GHP may not differentiate on the basis of the existence of ESRD, or the need for dialysis, or in any other manner. These sections further provide that plans may

pay benefits secondary to Medicare after the 18-month coordination of benefits period.

E. Equal Benefits

New § 411.102 and redesignated § 411.170 specify that, regardless of whether they are entitled to Medicare, individuals and spouses age 65 or older, who are covered under the plan by virtue of current employment status, are entitled to the same plan benefits, under the same conditions, as individuals and spouses under 65. (These limitations, imposed by OBRA '89, were also described in the January 1991 notice referred to above. OBRA '93 imposed the added requirement of plan coverage based on current employment status.)

F. Definitions

In § 411.101—

1. The definition of "group health plan" is revised to reflect that plans of governmental employers are included within the meaning of the term. This has always been so but was clarified by OBRA '93. The definition also expressly clarifies that union plans and employee health and welfare fund plans are included as employee organization plans.

2. The definition of "employer" now includes self-employed persons.

3. The definition of "employee" eliminates the "indicator" concept and references the special rules for the self-employed, for members of religious orders, and for delayed compensation, already noted under section VIII-B.

G. Coordination of Benefits: Dual Eligibility/Entitlement

New § 411.163 implements the OBRA '93 amendments (sections 13561(c)(2) and (c)(3)) that established special rules for the 18-month coordination of benefits period. These apply to beneficiaries who are eligible for, or entitled to Medicare on the basis of ESRD, and are also entitled on the basis of age or disability.

We consider the OBRA '93 changes to be self-implementing and therefore effective August 10, 1993, the date of enactment. However, a lawsuit was filed in United States District Court for the District of Columbia on May 5, 1995 (*National Medical Care, Inc. v. Shalala*, Civil Action No. 95-0860), challenging implementation of one aspect of these provisions with respect to group health plan retirement coverage.

In what we describe below as the "fourth rule," under OBRA '93, Medicare remains the primary payer if a group health plan was already secondary payer for an individual entitled on the basis of age or disability

when the individual becomes eligible on the basis of end-stage renal disease. Section 411.163(b)(4) reflects this rule. At first HCFA believed, in error, that OBRA '93 required a private plan to become primary payer under these circumstances, but HCFA later corrected its construction of the statute, and issued guidance on April 24, 1995, stating that Medicare remains the primary payer.

On June 6, 1995, the court issued a preliminary injunction order precluding HCFA from implementing its corrected construction for items and services furnished between August 10, 1993 and April 24, 1995, pending the court's decision on the merits. HCFA will modify the rules, if required, based on the final ruling by the court.

Before enactment of OBRA '93, the ESRD MSP provision applied only when the individual was entitled *solely* on the basis of ESRD. For example, if an individual, who retired at age 58 and was covered under a retirement plan through the former employer, developed ESRD at age 60, the retirement plan was primary to Medicare during the first 18 months of ESRD-based eligibility or entitlement. However, if the individual attained age 65 before the end of the 18-month period, the ESRD MSP provision ceased to apply, and Medicare became the primary payer because, upon attaining age 65, the individual became entitled also on the basis of age and no longer met the "solely" requirement.

Similarly, the working aged and disability MSP provisions did not apply to anyone who was eligible for or entitled to Medicare based on ESRD. Therefore, those provisions ceased to apply, and Medicare became the primary payer when an aged or disabled individual became eligible for Medicare based on ESRD. The OBRA '93 amendments rectified these situations. Section 13561(c)(2) provides that the ESRD MSP provision applies in lieu of the working aged and disability MSP provisions when an aged or disabled individual subject to those provisions becomes eligible for Medicare based on ESRD. Thus, the plan must continue to pay primary to Medicare throughout an 18-month ESRD MSP coordination period. Section 13561(c)(3), which removed the word "solely" from the ESRD MSP provision, provides that the ESRD MSP provision remains in effect for the full 18-month period, even if an individual becomes entitled to Medicare based on age or disability during that period. The specific rules, which are set forth in § 411.163 and referenced in § 411.172(g) (for the aged) and § 411.204(b) (for the disabled), are summarized below.

The first rule in § 411.163, governed exclusively by previous law, is that, if the 18-month period ended before August 1993, Medicare is primary payer from the first month of dual eligibility/entitlement.

The second rule, for situations governed partly by previous law and partly by the OBRA '93 amendment, is that if the first month of ESRD-based eligibility or entitlement and the first month of dual eligibility/entitlement both fall after February 1992 and before August 10, 1993, Medicare is—

- Primary payer from the first month of dual eligibility/entitlement through August 9, 1993;
- Secondary payer from August 10, 1993 through the 18th month of ESRD-based eligibility or entitlement; and
- Primary payer again after the 18th month of ESRD-based eligibility or entitlement.

The third rule, for situations governed exclusively by the OBRA '93 amendment, is that, if the first month of ESRD-based eligibility or entitlement is after February 1992, and the first month of dual eligibility or entitlement is after August 9, 1993, Medicare is—

- Secondary during the first 18 months of ESRD-based eligibility or entitlement; and
- Primary after the 18th month of ESRD-based eligibility or entitlement.

The fourth rule pertains to dual entitlement situations in which—

- Age-based or disability-based entitlement precedes ESRD-based eligibility; and
- The GHP was not precluded from taking into account Medicare entitlement based on age or disability (because the individual was not covered under the plan "by virtue of current employment status" or because the employer had fewer than 20 or 100 employees, in the case of the aged and disabled, respectively) and was paying benefits secondary to Medicare.

Medicare eligibility based on ESRD occurs automatically as of the fourth calendar month of dialysis, and earlier under certain circumstances, without regard to whether an individual is already entitled to Medicare based on age or disability.

Under prior law, Medicare benefits were secondary to GHP benefits for a period of 18 months for an individual eligible for or entitled to Medicare based "solely" on ESRD. If that individual also became entitled to Medicare based on age or disability during the 18-month coordination period, Medicare became the primary payer because the ESRD MSP provision did not apply; that is, plans were permitted to take into account ESRD-based entitlement that

was not the *sole* basis of Medicare entitlement.

Also under prior law, Medicare benefits were secondary to plan benefits for certain individuals entitled to Medicare based on age or disability when their plan coverage was based on active employment status, including the employment of a spouse in the case of aged beneficiaries, or the employment of a family member in the case of disabled beneficiaries. If the aged or disabled beneficiary subsequently became eligible for Medicare based on ESRD, Medicare became the primary payer because the working aged and disability MSP provisions stipulated that they did not apply to anyone with ESRD-based eligibility.

The OBRA '93 amendments rectify these situations. However, they do not affect benefit coordination where Medicare is primary and a GHP secondary for reasons wholly unrelated to ESRD. The ESRD MSP provision, as amended by OBRA '93, expressly prohibits plans during the first 18 months of ESRD-based eligibility or entitlement from taking into account Medicare eligibility or entitlement "under section 226A" of the Social Security Act; that is, on the basis of ESRD. Thus, the plain language of the statute permits a plan to pay secondary to Medicare for reasons unrelated to ESRD.

In other words, if prior to the occurrence of ESRD-based eligibility a plan was legitimately secondary to Medicare, the plan clearly was not taking into account ESRD-based eligibility, because a plan could not have taken into account eligibility that did not exist. Merely continuing such authorized action, when an individual becomes eligible based on ESRD, obviously does not take into account the later eligibility or violate the MSP provisions. In sum, the subsequent occurrence of ESRD-based eligibility, in and of itself, does not establish that a GHP is taking that eligibility or entitlement into account.

In contrast, a plan that is paying primary benefits takes into account ESRD-based eligibility if it attempts to shift that primary payment responsibility to Medicare when an individual becomes eligible for Medicare based on ESRD, or when an individual is always eligible for Medicare based on ESRD but has not completed the 18-month coordination period. (It goes without saying that cessation of plan benefits for reasons that would apply to any plan enrollee, such as an individual's failure to pay plan premiums, would not be construed

as taking into account ESRD-based eligibility.)

In arriving at this synergistic construction of the whole Medicare statute we were mindful that nothing in the legislative history of OBRA '93 indicates that Congress intended the dual entitlement amendments to reverse the order of payment where plans already are permissibly paying benefits secondary to Medicare at the time ESRD-based eligibility or entitlement occurs. In addition, the court in *Blue Cross Blue Shield of Texas v. Shalala*, 995 F.2d 70 (5th Cir. 1993), construed the ESRD MSP provision as not modifying other provisions of law that authorize plan actions. HCFA's construction is consistent with this court decision.

Read together, the OBRA '93 changes require GHPs that are already paying primary to Medicare under the working aged or disability MSP provisions to continue to pay primary to Medicare for a full 18-month coordination period when an aged or disabled individual also becomes eligible for or entitled to Medicare based on ESRD. Similarly, when an individual's ESRD-based eligibility or entitlement is not preceded by age or disability-based entitlement, the plan, including a retirement plan, is obligated to pay primary to Medicare throughout the entire 18-month coordination period.

With respect to retirement plans, the applicability of the ESRD MSP provision has never been limited to plan coverage based on active employment. The OBRA '93 amendments made no change in this regard. Accordingly, when a retirement plan is a primary payer prior to the occurrence of ESRD-based eligibility, the plan must pay primary to Medicare during an 18-month coordination period, even if the individual also becomes entitled to Medicare based on age or disability during that period.

However, as we have stated, when a plan has already permissibly taken into account age or disability-based Medicare entitlement, and does nothing more, the plan is not taking into account subsequently acquired ESRD-based eligibility. Therefore, Medicare remains primary for an aged or disabled individual who subsequently acquired ESRD-based eligibility when Medicare is paying primary because the individual is not covered by virtue of current employment status, or an MSP exemption applies, such as when an employer employs fewer than 20 or 100 employees (in the case of the aged and disabled, respectively).

Note: A suit was filed in United States District Court for the District of Columbia on May 5, 1995 (*National Medical Care, Inc. v. Shalala*, Civil Action No. 95-0860), challenging the application of § 411.63 with respect to group health plan retirement coverage. Absent further action by Congress, the court will resolve the matter. HCFA will publish a notice in the **Federal Register** regarding the court's ruling, and will make changes to § 411.63 if required by the court.

New § 411.163 replaces § 411.62(e), Effect of changed basis for Medicare entitlement, which was rendered obsolete by OBRA '93.

H. Basis for Primary Payments

New § 411.206 specifies that with respect to the disabled, Medicare is primary payer for services that are not covered under the plan for the disabled or for similarly situated individuals or, although covered under the plan, are not available to particular disabled individuals because they have exhausted their benefits under the plan. (Similar rules for ESRD and aged were already in effect.)

I. Interface With COBRA Continuation Coverage Provisions

As a result of the "current employment status" concept established by OBRA '93 for the aged and the disabled and the court rulings in the ESRD case discussed under parts VII-E and VIII-G of this preamble—

1. New § 411.161(a)(3) and redesignated § 411.162(a)(3) specify, respectively, that for ESRD beneficiaries—

- A plan may terminate COBRA continuation coverage of an enrollee who becomes entitled to Medicare if expressly permitted under the COBRA provisions; and

- Medicare benefits are secondary to COBRA continuation benefits only when the plan—

- + Is required (under COBRA) to continue COBRA coverage after Medicare entitlement (applicable to retirees who retired before the employer effectively terminates regular plan coverage by filing for bankruptcy); or
- + Continues coverage voluntarily even though not required to do so under the COBRA provisions.

2. Redesignated § 411.175 and new § 411.206 specify that HCFA makes Medicare primary payments for services furnished to aged individuals and disabled individuals whose benefits are terminated under the COBRA provisions that permit termination upon Medicare entitlement and when benefits are maintained under the COBRA provisions, notwithstanding an individual's Medicare entitlement. (An individual who is eligible for COBRA

continuation coverage because his working hours have been reduced below the minimum necessary to qualify for regular plan coverage has "current employment status". However, Medicare is the primary payer because the plan coverage is not "by virtue of" that status.)

J. Aggregation Rules

New § 411.106 sets forth the rules established by OBRA '93 for determining the number and size of employers, as required by the "at least 20 employees" provision for the aged and the "at least 100 employees" provision for the disabled.

These rules provide for—

- Treating as a single employer all employers that are so treated under section 53 of the IRC of 1986;
- Treating as employed by a single employer all employees of an affiliated service group, as defined in section 414(m) of the IRC; and
- Treating leased employees as employees of the person for whom they perform services, to the extent provided in section 414(n) of the IRC.

K. Prohibitions Against Incentives

New § 411.103 reflects the provisions of OBRA '90 (section 4203(g)) and the changes made by section 157(b)(7) (C) and (D) of the SSAA '94 with respect to prohibition of incentives and imposition of civil money penalties for violation. Amended section 1862(b)(3)(C) provides that it is unlawful for an employer or other entity such as an insurer to offer Medicare beneficiaries financial or other benefits as incentives not to enroll in, or to terminate enrollment in, a GHP that is, or would be, primary to Medicare, even if the payments or benefits are offered to all other individuals who are eligible for coverage under the plan. This prohibition precludes offering to Medicare beneficiaries an alternative to the employer's primary plan (for example, coverage of prescription drugs) unless the beneficiary has primary coverage other than Medicare. An example would be primary plan coverage through his own or a spouse's employer. An entity that violates this prohibition is subject to a civil money penalty of up to \$5000 for each violation. Certain provisions of section 1128A of the Act would apply to the civil money penalty.

L. Assessment of Interest

New paragraph (m) of § 411.24 reflects the additional authority to assess interest provided by SSA '94 and states the rules applicable to interest charges. HCFA has long been authorized under common law and Departmental

regulations (45 CFR 30.13), consistent with the Federal Claims Collection Act (31 U.S.C. 3711), to charge interest on amounts that any responsible party does not timely refund to HCFA. The SSAA '94 (section 151(b)(3) revised the Medicare law to state specifically that HCFA may charge interest if the responsible party does not refund HCFA within 60 days of the date HCFA receives notice or other information that reimbursement is owed to HCFA. Amended section 1862(b)(2)(B)(i) provides that we may charge interest beginning with the date of that notice or other information. The rate of interest provided in section 1862(b)(2)(B)(i) is the same as in sections 1815(d) and (1833), which is reflected in regulations at 42 CFR 405.376(d). This is also the rate that is charged when HCFA exercises its common law authority.

M. Plan Secondary Payments After 18-Month Coordination of Benefits Period

Section 411.102(a)(2) reflects the change made by 151(c)(5) of the Social Security Act Amendments of 1994 to limit what a plan may do after the end of the coordination period.

IX. Technical Amendments

A. Nomenclature Changes

The following are in addition to those described in section VI of this preamble:

1. To conform to the statutory language, "employer plan" and "employer group health plan" are changed to "group health plan".
2. To conform to the new rules that apply in dual eligibility/entitlement situations, the word "solely" is removed from the phrase "entitled solely on the basis of ESRD".

B. Date and Duration Changes

Various dates cited in paragraphs (c) and (d) of redesignated § 411.162 have been revised to conform to the OBRA '93 amendment that changed to October 1, 1998, the date on which the 18-month ESRD coordination of benefits period is scheduled to revert to a 12-month period.

X. Waiver of Proposed Rulemaking

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite prior public comment on proposed rules. The notice of proposed rulemaking includes a reference to the legal authority under which the rule is proposed and the terms and substance of the proposed rule or a description of the subjects and issues involved. This procedure can be waived, however, if an agency finds good cause that a notice-and-public comment procedure is impracticable,

unnecessary, or contrary to the public interest and incorporates a statement of the finding and its reasons in the rule issued.

The proposed rule of March 1990 dealt only with the provisions of OBRA '86 which pertain to the disabled and to LGHPs that cover them. Under that rule, certain nonworking disabled persons would have been considered employees for Medicare secondary payer purposes. Most of the public comments we received (discussed in section VII of this preamble) objected to that policy.

Under the OBRA '93 amendments discussed in Section IV of this preamble, the MSP provision for the disabled applies only to persons whose health care coverage is based on their own current employment status or the current employment status of a family member. Since the law and the accompanying legislative history made clear that an individual must have "current employment status" for purposes of the MSP provisions, the proposed policy is not included in the final rule.

This final rule also implements the MSP provisions of OBRA '89. The OBRA '89 amendments (discussed under section II-C)—

- Prohibited GHPs from taking into account Medicare entitlement of aged Medicare beneficiaries and the eligibility or entitlement of beneficiaries with ESRD. (Previously, the prohibition against taking into account Medicare entitlement applied only to disabled individuals.)
- Required GHPs of employers of 20 or more employees to provide to employees and spouses age 65 or over the same benefits under the same conditions as they provide to employees and spouses under age 65;
- Prohibited GHPs from differentiating, in the benefits they provide, between individuals with ESRD and other individuals covered under the plan;
- Exempted from the MSP provisions services which members of a religious order who have taken a vow of poverty perform as members of the order; and
- Extended to all MSP situations the Federal Government's rights to take legal action and recover double damages from any entity that is required or responsible to pay primary benefits.

These OBRA '89 amendments were self-implementing and as such were reflected in a notice published on January 11, 1991 (at 56 FR 1200-1202). The notice explained the new requirements and stated that they could be put into effect without issuing regulations because the statutory amendments and the Congressional

intent were clear. Most of the changes were applicable to services furnished on or after December 20, 1989 and are, thus, already in effect.

This final rule includes appeals procedures that were not in the March 1990 proposal for appealing determinations of nonconformance. These provisions, which have been added as a result of comments on the proposed rule and apply to all three MSP situations, include the following:

- The rules under which HCFA determines that a plan is not in conformance.
- The appeals procedures for plans found to be nonconforming.
- Referral to the IRS.
- Rules for recovery of conditional or mistaken payments.

Although notice and comment on the portions of this rule that reflect the self-implementing statutory changes are being waived, we will consider timely comments from anyone who believes that in issuing these regulations we have gone beyond what the statute requires or permits. We also welcome comments on the appeals procedures.

Since the public has already had opportunity to comment on the OBRA '86 amendments, the OBRA '89 amendments were self-executing and went into effect several years ago, and the OBRA '90 and the OBRA '93 amendments and the Social Security Act Amendments of 1994 addressed in these regulations are self-implementing and clear on their face as to Congressional intent, we find that notice and opportunity for comment (except as provided in the preceding paragraph) are unnecessary and that there is good cause to waive notice of proposed rulemaking.

XI. Public Comments

Although this is a final rule, we will consider comments that we receive by the date and time specified in the DATES section of this preamble. Because of the large number of letters of comment that we generally receive, we cannot respond to them individually. However, if we revise these rules as a result of comments, we will discuss all timely comments in the preamble to the revised rules.

XII. Paperwork Reduction Act

Sections 411.112 and 411.115 of this rule contain information collection requirements that are subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980. Under § 411.112, HCFA may require a GHP to demonstrate that it has complied with the MSP provisions and to submit documentation

showing that it has not taken into account that any of its enrollees is entitled to Medicare on the basis of age or disability or eligible or entitled on the basis of ESRD. The estimated burden is 10 hours per response. Under § 411.115, a plan that has been determined to be nonconforming is required to provide to HCFA the names and addresses of all employers and employee organizations that contributed to the plan during the year for which it was nonconforming. Since this merely requires copies of existing data, the time required is considered negligible.

XIII. Regulatory Impact Statement

A. Executive Order 12866

These changes are already in place, and became effective on the statutory dates indicated in the preamble of this rule. The discretionary portions of this regulation will not affect these changes by more than a few million dollars at the margin. Therefore, while the statutory changes will have economic effects in excess of \$100 million, this final rule with comment period is not an economically significant rule under E.O. 12866. In order for the public to understand the magnitude of the statutory changes we have prepared the following voluntary analysis of the effects of these changes on program costs.

1. Current Employment Status

Section 13561(e) of OBRA '93 deletes the concept of "active individual" and applies the MSP disability provision only to individuals who are covered under a large group health plan by reason of their current employment status or that of a family member.

Since disabled persons generally are not working (and therefore do not have current employment status), fewer individuals will be subject to the MSP provisions and Medicare will be primary payer for more disabled beneficiaries. We estimate that the Medicare program will have the following costs as a result of this change.

MEDICARE PROGRAM COSTS RESULTING FROM NO LONGER TREATING CERTAIN DISABLED PERSONS AS EMPLOYEES

[In million of dollars]

Fiscal year:		
1995	3	
1996	3	
1997	2	
1998	1	
1999	0	

2. Dual Eligibility/Entitlement

Before enactment of OBRA '93, if an individual was eligible for or entitled to Medicare on the basis of ESRD and was also entitled on the basis of age or disability, Medicare was the primary payer. This is because the ESRD MSP provision only applied with respect to individuals who were eligible for or entitled to Medicare solely on the basis of ESRD. However, section 13561(c) (2) and (3) of OBRA '93 provides that there will be an 18-month coordination period during which employer sponsored insurance plans must pay primary benefits even if an individual who is eligible for or entitled to Medicare based on ESRD is also entitled to Medicare on another basis.

We estimate that the following savings will accrue to the Medicare program as a result of this change.

MEDICARE PROGRAM SAVINGS RESULTING FROM ESRD DUAL ELIGIBILITY PROVISIONS

[In millions of dollars]

Fiscal year:		
1995	71	
1996	83	
1997	97	
1998	114	
1999	98	

3. IRS Aggregation Rules

The MSP provisions for the working aged apply to employers with 20 or more employees. The MSP provisions for the disabled apply to GHPs contributed to by at least one employer with 100 or more employees. Large employers have been able to avoid having the MSP rules apply to them by simply organizing themselves into small firms. Section 13561(d) of OBRA '93 requires the use of IRS aggregation rules to determine employer size for MSP purposes. Employers treated as single employers under section 52 (a) or (b) of the IRC of 1986 are treated as single employers for purposes of MSP. All employees of the members of an affiliated service group are treated as employed by a single employer. Leased employees (as defined in section 414(m) of the IRC) are treated as employees of the person for whom they perform services to the same extent as they are treated under section 414(n) of the IRC.

We estimate that the following savings will accrue to the Medicare program as a result of this change.

MEDICARE PROGRAM SAVINGS RESULTING FROM USE OF IRS AGGREGATION RULES TO DETERMINE FIRM SIZE

[in million of dollars]

Fiscal year:	
1995	80
1996	100
1997	115
1998	125
1999	80

In accordance with the provisions of Executive Order 12866, this final rule with comment period was not reviewed by the Office of Management and Budget.

B. Regulatory Flexibility Analysis

Consistent with the Regulatory Flexibility Act (RFA) and section 1102(b) of the Social Security Act, we prepare a regulatory flexibility analysis for each rule, unless the Secretary certifies that the particular rule will not have a significant economic impact on a substantial number of small entities or a significant impact on the operation of a substantial number of small rural hospitals.

The RFA defines "small entity" as a small business, a nonprofit enterprise, or a governmental jurisdiction (such as a county, city, or township) with a population of less than 50,000. We also consider all providers and suppliers of services to be small entities. For purposes of section 102(b) of the Act, we define small rural hospital as a hospital that has fewer than 50 beds and is located anywhere but in a metropolitan statistical area.

As noted earlier, this rule incorporates changes enacted by various statutes that already are effective. Discretionary portions of the rule are minimal and, of themselves, have no more than an incidental effect. Therefore, we have not prepared a regulatory flexibility analysis because we have determined, and we certify, that these rules will not have a significant economic impact on a substantial number of small entities or a significant impact on the operation of a substantial number of small rural hospitals.

List of Subjects

42 CFR Part 400

Grant programs—health, Health facilities, Health maintenance organizations (HMO), Medicaid, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 411

Exclusions from Medicare, Limitations on Medicare payments, Medicare, Recovery against third parties. Reporting and recordkeeping requirements.

42 CFR Chapter IV is amended as set forth below.

PART 400—INTRODUCTION; DEFINITIONS

A. The authority citation for part 400 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh) and 44 U.S.C. Chapter 35.

§ 400.310 [Amended]

B. In § 400.310, in the table, "411.65" is revised to read "411.165".

PART 411—EXCLUSIONS FROM MEDICARE AND LIMITATIONS ON MEDICARE PAYMENT

A. The authority citation for part 411 is revised to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

B. Subpart A is amended as set forth below.

Subpart A—General Exclusions and Exclusion of Particular Services

1. Section 411.1 is amended by adding the following sentence at the end of paragraph (a):

§ 411.1 Basis and scope.

(a) *Statutory basis.* * * * Sections 1842(l) and 1879 of the Act provide for refund to, or indemnification of, a beneficiary who has paid a provider or supplier for certain services that the provider or supplier knew were excluded from Medicare coverage.

* * * * *

C. Subpart B is amended as follows:

Subpart B—Insurance Coverage That Limits Medicare Payment: General Provisions

1. Section 411.20 is revised to read as follows:

§ 411.20 Basis and scope.

(a) *Statutory basis*—(1) Section 1862(b)(2)(A)(i) of the Act precludes Medicare payment for services to the extent that payment has been made or can reasonably be expected to be made under a group health plan with respect to—

(i) A beneficiary entitled to Medicare on the basis of ESRD during the first 18 months of that entitlement;

(ii) A beneficiary who is age 65 or over, entitled to Medicare on the basis of age, and covered under the plan by virtue of his or her current employment

status or the current employment status of a spouse of any age; or

(iii) A beneficiary who is under age 65, entitled to Medicare on the basis of disability, and covered under the plan by virtue of his or her current employment status or the current employment status of a family member.

(2) Section 1862(b)(2)(A)(ii) of the Act precludes Medicare payment for services to the extent that payment has been made or can reasonably be expected to be made promptly under any of the following:

- (i) Workers' compensation.
- (ii) Liability insurance.
- (iii) No-fault insurance.

(b) *Scope.* This subpart sets forth general rules that apply to the types of insurance specified in paragraph (a) of this section. Other general rules that apply to group health plans are set forth in subpart E of this part.

§ 411.21 [Amended]

2. In § 411.21, the following changes are made:

(a) The introductory text is revised and a definition of "monthly capitation payment" is added, to read as set forth below.

(b) In the definition of "conditional payment", "for which another insurer is primary payer" is revised to read "for which another payer is responsible", and "subparts C through G" is revised to read "subparts C through H".

§ 411.21 Definitions.

In this subpart B and in subparts C through H of this part, unless the context indicates otherwise—

* * * * *

Monthly capitation payment means a comprehensive monthly payment that covers all physician services associated with the continuing medical management of a maintenance dialysis patient who dialyses at home or as an outpatient in an approved ESRD facility.

* * * * *

3. Section 411.24 is amended to revise paragraph (c) to read as follows:

§ 411.24 Recovery of conditional payments.

* * * * *

(c) *Amount of recovery*—(1) If it is not necessary for HCFA to take legal action to recover, HCFA recovers the lesser of the following:

- (i) The amount of the Medicare primary payment.
- (ii) The full primary payment amount that the primary payer is obligated to pay under this part without regard to any payment, other than a full primary payment that the primary payer has paid or will make, or, in the case of a

third party payment recipient, the amount of the third party payment.

(2) If it is necessary for HCFA to take legal action to recover from the primary payer, HCFA may recover twice the amount specified in paragraph (c)(1)(i) of this section.

* * * * *

4. Section 411.24 is amended by adding a new paragraph (m) to read as follows:

* * * * *

(m) *Interest charges.*(1) With respect to recovery of payments for items and services furnished before October 31, 1994, HCFA charges interest, exercising common law authority in accordance with 45 CFR 30.13, consistent with the Federal Claims Collection Act (31 U.S.C. 3711).

(2) In addition to its common law authority with respect to recovery of payments for items and services furnished on or after October 31, 1994, HCFA charges interest in accordance with section 1862(b)(2)(B)(i) of the Act. Under that provision—

(i) HCFA may charge interest if reimbursement is not made to the appropriate trust fund before the expiration of the 60-day period that begins on the date on which notice or other information is received by HCFA that payment has been or could be made under a primary plan;

(ii) Interest may accrue from the date when that notice or other information is received by HCFA and is charged until reimbursement is made; and

(iii) The rate of interest is that provided at 42 CFR 405.376(d).

§ 411.33 [Amended]

5. In § 411.33, the following changes are made:

a. The heading and introductory text of paragraph (a) are revised to read as set forth below.

b. In paragraph (a)(1), “(or the amount the supplier is obligated to accept as payment in full if that is less than the charges)” is inserted immediately after “the supplier”.

c. In paragraph (a)(3), “Medicare fee schedule,” is inserted before “Medicare reasonable charge” and a comma is inserted after “reasonable charge”.

d. In paragraph (b) introductory text and paragraph (b)(3), “reasonable charge” is revised to read “fee schedule”.

e. Paragraphs (c) and (d) are removed and reserved.

f. In the heading of paragraph (e), “fee schedule,” is inserted before “reasonable charge”, and a comma is inserted after “reasonable charge”.

§§ 411.33 Amount of Medicare secondary payment.

(a) *Services for which HCFA pays on a Medicare fee schedule or reasonable charge basis.* The Medicare secondary payment is the lowest of the following:

* * * * *

(c) [Reserved]

(d) [Reserved]

* * * * *

D. Subparts E and F are redesignated as subparts F and G, respectively, in accordance with the redesignation tables set forth below, and throughout part 411, internal cross references are revised to reflect these changes.

Old section (subpart E):	New section (subpart F)
411.60	411.160
411.62	411.162
411.65	411.165
Old section (subpart F):	New section (subpart G)
411.70	411.170
411.72	411.172
411.75	411.175

E. A new subpart E is added, to read as follows:

Subpart E—Limitations on Payment for Services Covered Under Group Health Plans: General Provisions

Sec.

- 411.100 Basis and scope.
- 411.101 Definitions.
- 411.102 Basic prohibitions and requirements.
- 411.103 Prohibition against financial and other incentives.
- 411.104 Current employment status.
- 411.106 Aggregation rules.
- 411.108 Taking into account entitlement to Medicare.
- 411.110 Basis for determination of nonconformance.
- 411.112 Documentation of conformance.
- 411.114 Determination of nonconformance.
- 411.115 Notice of determination of nonconformance.
- 411.120 Appeals.
- 411.121 Hearing procedures.
- 411.122 Hearing officer’s decision.
- 411.124 Administrator’s review of hearing decision.
- 411.126 Reopening of determinations and decisions.
- 411.130 Referral to Internal Revenue Service (IRS).

Subpart E—Limitations on Payment for Services Covered Under Group Health Plans: General Provisions

§ 411.100 Basis and scope.

(a) *Statutory basis.*—(1) Section 1862(b) of the Act provides in part that Medicare is secondary payer, under specified conditions, for services covered under any of the following:

(i) Group health plans of employers that employ at least 20 employees and

that cover Medicare beneficiaries age 65 or older who are covered under the plan by virtue of the individual’s current employment status with an employer or the current employment status of a spouse of any age. (Section 1862(b)(1)(A))

(ii) Group health plans (without regard to the number of individuals employed and irrespective of current employment status) that cover individuals who have ESRD. Except as provided in § 411.163, group health plans are always primary payers throughout the first 18 months of ESRD-based Medicare eligibility or entitlement. (Section 1862(b)(1)(C))

(iii) Large group health plans (that is, plans of employers that employ at least 100 employees) and that cover Medicare beneficiaries who are under age 65, entitled to Medicare on the basis of disability, and covered under the plan by virtue of the individual’s or a family member’s current employment status with an employer. (Section 1862(b)(1)(B))

(2) Sections 1862(b)(1) (A), (B), and (C) of the Act provide that group health plans and large group health plans may not take into account that the individuals described in paragraph (a)(1) of this section are entitled to Medicare on the basis of age or disability, or eligible for, or entitled to Medicare on the basis of ESRD.

(3) Section 1862(b)(1)(A)(i)(II) of the Act provides that group health plans of employers of 20 or more employees must provide to any employee or spouse age 65 or older the same benefits, under the same conditions, that it provides to employees and spouses under 65. The requirement applies regardless of whether the individual or spouse 65 or older is entitled to Medicare.

(4) Section 1862(b)(1)(C)(ii) of the Act provides that group health plans may not differentiate in the benefits they provide between individuals who have ESRD and other individuals covered under the plan on the basis of the existence of ESRD, the need for renal dialysis, or in any other manner. Actions that constitute “differentiating” are listed in § 411.161(b).

(b) *Scope.* This subpart sets forth general rules pertinent to—

(1) Medicare payment for services that are covered under a group health plan and are furnished to certain beneficiaries who are entitled on the basis of ESRD, age, or disability.

(2) The prohibition against taking into account Medicare entitlement based on age or disability, or Medicare eligibility or entitlement based on ESRD.

(3) The prohibition against differentiation in benefits between

individuals who have ESRD and other individuals covered under the plan.

(4) The requirement to provide to those 65 or over the same benefits under the same conditions as are provided to those under 65.

(5) The appeals procedures for group health plans that HCFA determines are nonconforming plans.

§ 411.101 Definitions.

As used in this subpart and in subparts F through H of this part—

COBRA stands for Consolidated Omnibus Budget Reconciliation Act of 1985.

Days means calendar days.

Employee (subject to the special rules in § 411.104) means an individual who—

(1) Is working for an employer; or
(2) Is not working for an employer but is receiving payments that are subject to FICA taxes, or would be subject to FICA taxes except that the employer is exempt from those taxes under the Internal Revenue Code.

Employer means, in addition to individuals (including self-employed persons) and organizations engaged in a trade or business, other entities exempt from income tax such as religious, charitable, and educational institutions, the governments of the United States, the individual States, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the District of Columbia, and the agencies, instrumentalities, and political subdivisions of these governments.

FICA stands for the Federal Insurance Contributions Act, the law that imposes social security taxes on employers and employees under section 21 of the Internal Revenue Code.

Group health plan (GHP) means any arrangement made by one or more employers or employee organizations to provide health care directly or through other methods such as insurance or reimbursement, to current or former employees, the employer, others associated or formerly associated with the employer in a business relationship, or their families, that—

(1) Is of, or contributed to by, one or more employers or employee organizations.
(2) If it involves more than one employer or employee organization, provides for common administration.
(3) Provides substantially the same benefits or the same benefit options to all those enrolled under the arrangement.

The term includes self-insured plans, plans of governmental entities (Federal, State and local), and employee organization plans; that is, union plans,

employee health and welfare funds or other employee organization plans. The term also includes employee-pay-all plans, which are plans under the auspices of one or more employers or employee organizations but which receive no financial contributions from them. The term does not include a plan that is unavailable to employees; for example, a plan only for self-employed persons.

IRC stands for Internal Revenue Code.
IRS stands for Internal Revenue Service.

Large group health plan (LGHP) means a GHP that covers employees of either—

(1) A single employer or employee organization that employed at least 100 full-time or part-time employees on 50 percent or more of its regular business days during the previous calendar year; or

(2) Two or more employers, or employee organizations, at least one of which employed at least 100 full-time or part-time employees on 50 percent or more of its regular business days during the previous calendar year.

MSP stands for Medicare secondary payer.

Multi-employer plan means a plan that is sponsored jointly by two or more employers (sometimes called a multiple-employer plan) or by employers and unions (sometimes under the Taft-Hartley law).

Self-employed person encompasses consultants, owners of businesses, and directors of corporations, and members of the clergy and religious orders who are paid for their services by a religious body or other entity.

Similarly situated individual means—

(1) In the case of employees, other employees enrolled or seeking to enroll in the plan; and

(2) In the case of other categories of individuals, other persons in any of those categories who are enrolled or seeking to enroll in the plan.

§ 411.102 Basic prohibitions and requirements.

(a) *ESRD*—(1) A group health plan of any size—(i) May not take into account the ESRD-based Medicare eligibility or entitlement of any individual who is covered or seeks to be covered under the plan; and

(ii) May not differentiate in the benefits it provides between individuals with ESRD and other individuals covered under the plan, on the basis of the existence of ESRD, or the need for dialysis, or in any other manner.

(2) The prohibitions of paragraph (a) of this section do not prohibit a plan from paying benefits secondary to

Medicare after the first 18 months of ESRD-based eligibility or entitlement.

(b) *Age*. A GHP of an employer or employee organization of at least 20 employees—

(1) May not take into account the age-based Medicare entitlement of an individual or spouse age 65 or older who is covered (or seeks to be covered) under the plan by virtue of current employment status; and

(2) Must provide, to employees age 65 or older and to spouses age 65 or older of employees of any age, the same benefits under the same conditions as it provides to employees and spouses under age 65.

(c) *Disability*. A GHP of an employer or employee organization of at least 100 employees may not take into account the disability-based Medicare entitlement of any individual who is covered (or seeks to be covered) under the plan by virtue of current employment status.

§ 411.103 Prohibition against financial and other incentives.

(a) *General rule*. An employer or other entity (for example, an insurer) is prohibited from offering Medicare beneficiaries financial or other benefits as incentives not to enroll in, or to terminate enrollment in, a GHP that is, or would be, primary to Medicare. This prohibition precludes offering to Medicare beneficiaries an alternative to the employer primary plan (for example, coverage of prescription drugs) unless the beneficiary has primary coverage other than Medicare. An example would be primary coverage through his own or a spouse's employer.

(b) *Penalty for violation*.—(1) Any entity that violates the prohibition of paragraph (a) of this section is subject to a civil money penalty of up to \$5,000 for each violation; and

(2) The provisions of section 1128A of the Act (other than subsections (a) and (b)) apply to the civil money penalty of up to \$5,000 in the same manner as the provisions apply to a penalty or proceeding under section 1128A(a).

§ 411.104 Current employment status.

(a) *General rule*. An individual has current employment status if—

(1) The individual is actively working as an employee, is the employer (including a self-employed person), or is associated with the employer in a business relationship; or

(2) The individual is not actively working and—

(i) Is receiving disability benefits from an employer for up to 6 months (the first 6 months of employer disability benefits are subject to FICA taxes); or

(ii) Retains employment rights in the industry and has not had his employment terminated by the employer, if the employer provides the coverage (or has not had his membership in the employee organization terminated, if the employee organization provides the coverage), is not receiving disability benefits from an employer for more than 6 months, is not receiving disability benefits from Social Security, and has GHP coverage that is not pursuant to COBRA continuation coverage (26 U.S.C. 4980B; 29 U.S.C. 1161-1168; 42 U.S.C. 300bb-1 et seq.). Whether or not the individual is receiving pay during the period of nonwork is not a factor.

(b) *Persons who retain employment rights.* For purposes of paragraph (a)(2) of this section, persons who retain employment rights include but are not limited to—

(1) Persons who are furloughed, temporarily laid off, or who are on sick leave;

(2) Teachers and seasonal workers who normally do not work throughout the year; and

(3) Persons who have health coverage that extends beyond or between active employment periods; for example, based on an hours bank arrangement. (Active union members often have hours bank coverage.)

(c) *Coverage by virtue of current employment status.* An individual has coverage by virtue of current employment status with an employer if—

(1) the individual has GHP or LGHP coverage based on employment, including coverage based on a certain number of hours worked for that employer or a certain level of commissions earned from work for that employer at any time; and

(2) the individual has current employment status with that employer, as defined in paragraph (a) of this section.

(d) *Special rule: Self-employed person.* A self-employed individual is considered to have GHP or LGHP coverage by virtue of current employment status during a particular tax year only if, during the preceding tax year, the individual's net earnings, from work in that year related to the employer that offers the group health coverage, are at least equal to the amount specified in section 211(b)(2) of the Act, which defines "self-employment income" for social security purposes.

(e) *Special Rule: members of religious orders and members of clergy—(1) Members of religious orders who have not taken a vow of poverty.* A member

of a religious order who has *not* taken a vow of poverty is considered to have current employment status with the religious order if—

(a) The religious order pays FICA taxes on behalf of that member; or

(b) The individual is receiving cash remuneration from the religious order.

(2) *Members of religious orders who have taken a vow of poverty.* A member of a religious order whose members are required to take a vow of poverty is not considered to be employed by the order if the services he or she performs as a member of the order are considered employment only because the order elects social security coverage under section 3121(r) of the IRC. This exemption applies retroactively to services performed as a member of the order, beginning with the effective dates of the MSP provisions for the aged and the disabled, respectively. The exemption does not apply to services performed for employers outside of the order.

(3) *Members of the clergy.* A member of the clergy is considered to have current employment status with a church or other religious organization if the individual is receiving cash remuneration from the church or other religious organization for services rendered.

(f) *Special rule: Delayed compensation subject to FICA taxes.* An individual who is not working is not considered an employee solely on the basis of receiving delayed compensation payments for previous periods of work even if those payments are subject to FICA taxes (or would be subject to FICA taxes if the employer were not exempt from paying those taxes). For example, an individual who is not working in 1993 and receives payments subject to FICA taxes for work performed in 1992 is not considered to be an employee in 1993 solely on the basis of receiving those payments.

§ 411.106 Aggregation rules.

The following rules apply in determining the number and size of employers, as required by the MSP provisions for the aged and disabled:

(a) All employers that are treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code (IRC) of 1986 (26 U.S.C. 52 (a) and (b)) are treated as a single employer.

(b) All employees of the members of an affiliated service group (as defined in section 414(m) of the IRC (26 U.S.C. 414m)) are treated as employed by a single employer.

(c) Leased employees (as defined in section 414(n)(2) of the IRC (26 U.S.C. 414(n)(2))) are treated as employees of

the person for whom they perform services to the same extent as they are treated under section 414(n) of the IRC.

(d) In applying the IRC provisions identified in this section, HCFA relies upon regulations and decisions of the Secretary of the Treasury respecting those provisions.

§ 411.108 Taking into account entitlement to Medicare.

(a) *Examples of actions that constitute "taking into account".* Actions by GHPs or LGHPs that constitute taking into account that an individual is entitled to Medicare on the basis of ESRD, age, or disability (or eligible on the basis of ESRD) include, but are not limited to, the following:

(1) Failure to pay primary benefits as required by subparts F, G, and H of this part 411.

(2) Offering coverage that is secondary to Medicare to individuals entitled to Medicare.

(3) Terminating coverage because the individual has become entitled to Medicare, except as permitted under COBRA continuation coverage provisions (26 U.S.C. 4980B(f)(2)(B)(iv); 29 U.S.C. 1162.(2)(D); and 42 U.S.C. 300bb-2.(2)(D)).

(4) In the case of a LGHP, denying or terminating coverage because an individual is entitled to Medicare on the basis of disability without denying or terminating coverage for similarly situated individuals who are not entitled to Medicare on the basis of disability.

(5) Imposing limitations on benefits for a Medicare entitled individual that do not apply to others enrolled in the plan, such as providing less comprehensive health care coverage, excluding benefits, reducing benefits, charging higher deductibles or coinsurance, providing for lower annual or lifetime benefit limits, or more restrictive pre-existing illness limitations.

(6) Charging a Medicare entitled individual higher premiums.

(7) Requiring a Medicare entitled individual to wait longer for coverage to begin.

(8) Paying providers and suppliers no more than the Medicare payment rate for services furnished to a Medicare beneficiary but making payments at a higher rate for the same services to an enrollee who is not entitled to Medicare.

(9) Providing misleading or incomplete information that would have the effect of inducing a Medicare entitled individual to reject the employer plan, thereby making Medicare the primary payer. An example of this would be informing the

beneficiary of the right to accept or reject the employer plan but failing to inform the individual that, if he or she rejects the plan, the plan will not be permitted to provide or pay for secondary benefits.

(10) Including in its health insurance cards, claims forms, or brochures distributed to beneficiaries, providers, and suppliers, instructions to bill Medicare first for services furnished to Medicare beneficiaries without stipulating that such action may be taken only when Medicare is the primary payer.

(11) Refusing to enroll an individual for whom Medicare would be secondary payer, when enrollment is available to similarly situated individuals for whom Medicare would not be secondary payer.

(b) *Permissible actions*—(1) If a GHP or LGHP makes benefit distinctions among various categories of individuals (distinctions unrelated to the fact that the individual is disabled, based, for instance, on length of time employed, occupation, or marital status), the GHP or LGHP may make the same distinctions among the same categories of individuals entitled to Medicare whose plan coverage is based on current employment status. For example, if a GHP or LGHP does not offer coverage to employees who have worked less than one year and who are *not* entitled to Medicare on the basis of disability or age, the GHP or LGHP is not required to offer coverage to employees who have worked less than one year and who are entitled to Medicare on the basis of disability or age.

(2) A GHP or LGHP may pay benefits secondary to Medicare for an aged or disabled beneficiary who has current employment status if the plan coverage is COBRA continuation coverage because of reduced hours of work. Medicare is primary payer for this beneficiary because, although he or she has current employment status, the GHP coverage is by virtue of the COBRA law rather than by virtue of the current employment status.

(3) A GHP may terminate COBRA continuation coverage of an individual who becomes entitled to Medicare on the basis of ESRD, when permitted under the COBRA provisions.

§ 411.110 Basis for determination of nonconformance.

(a) A “determination of nonconformance” is a HCFA determination that a GHP or LGHP is a nonconforming plan as provided in this section.

(b) HCFA makes a determination of nonconformance for a GHP or LGHP that, at any time during a calendar year,

fails to comply with any of the following statutory provisions:

(1) The prohibition against taking into account that a beneficiary who is covered or seeks to be covered under the plan is entitled to Medicare on the basis of ESRD, age, or disability, or eligible on the basis of ESRD.

(2) The nondifferentiation clause for individuals with ESRD.

(3) The equal benefits clause for the working aged.

(4) The obligation to refund conditional Medicare primary payments.

(c) HCFA may make a determination of nonconformance for a GHP or LGHP that fails to respond to a request for information, or to provide correct information, either voluntarily or in response to a HCFA request, on the plan's primary payment obligation with respect to a given beneficiary, if that failure contributes to either or both of the following:

(1) Medicare erroneously making a primary payment.

(2) A delay or foreclosure of HCFA's ability to recover an erroneous primary payment.

§ 411.112 Documentation of conformance.

(a) *Acceptable documentation.* HCFA may require a GHP or LGHP to demonstrate that it has complied with the Medicare secondary payer provisions and to submit supporting documentation by an official authorized to act on behalf of the entity, under penalty of perjury. The following are examples of documentation that may be acceptable:

(1) A copy of the employer's plan or policy that specifies the services covered, conditions of coverage, benefit levels and limitations with respect to persons entitled to Medicare on the basis of ESRD, age, or disability as compared to the provisions applicable to other enrollees and potential enrollees.

(2) An explanation of the plan's allegation that it does not owe HCFA any amount HCFA claims the plan owes as repayment for conditional or mistaken Medicare primary payments.

(b) *Lack of acceptable documentation.* If a GHP or LGHP fails to provide acceptable evidence or documentation that it has complied with the MSP prohibitions and requirements set forth in § 411.110, HCFA may make a determination of nonconformance for both the year in which the services were furnished and the year in which the request for information was made.

§ 411.114 Determination of nonconformance.

(a) *Starting dates for determination of nonconformance.* HCFA's authority to determine nonconformance of GHPs begins on the following dates:

(1) On January 1, 1987 for MSP provisions that affect the disabled.

(2) On December 20, 1989 for MSP provisions that affect ESRD beneficiaries and the working aged.

(3) On August 10, 1993 for failure to refund mistaken Medicare primary payments.

(b) *Special rule for failure to repay.* A GHP that fails to comply with § 411.110 (a)(1), (a)(2), or (a)(3) in a particular year is nonconforming for that year. If, in a subsequent year, that plan fails to repay the resulting mistaken primary payments (in accordance with § 411.110(a)(4)), the plan is also nonconforming for the subsequent year. For example, if a plan paid secondary for the working aged in 1991, that plan was nonconforming for 1991. If in 1994 HCFA identifies mistaken primary payments attributable to the 1991 violation, and the plan refuses to repay, it is also nonconforming for 1994.

§ 411.115 Notice of determination of nonconformance.

(a) *Notice to the GHP or LGHP*—(1) If HCFA determines that a GHP or an LGHP is nonconforming with respect to a particular calendar year, HCFA mails to the plan written notice of the following:

(i) The determination.
(ii) The basis for the determination.
(iii) The right of the parties to request a hearing.
(iv) An explanation of the procedure for requesting a hearing.

(v) The tax that may be assessed by the IRS in accordance with section 5000 of the IRC.

(vi) The fact that if none of the parties requests a hearing within 65 days from the date of its notice, the determination is binding on all parties unless it is reopened in accordance with § 411.126.

(2) The notice also states that the plan must, within 30 days from the date on its notice, submit to HCFA the names and addresses of all employers and employee organizations that contributed to the plan during the calendar year for which HCFA has determined nonconformance.

(b) *Notice to contributing employers and employee organizations.* HCFA mails written notice of the determination, including all the information specified in paragraph (a)(1) of this section, to all contributing employers and employee organizations already known to HCFA or identified by

the plan in accordance with paragraph (a)(2) of this section. Employers and employee organizations have 65 days from the date of their notice to request a hearing.

§ 411.120 Appeals.

(a) *Parties to the determination.* The parties to the determination are HCFA, the GHP or LGHP for which HCFA determined nonconformance, and any employers or employee organizations that contributed to the plan during the calendar year for which HCFA determined nonconformance.

(b) *Request for hearing.*—(1) A party's request for hearing must be in writing (not in facsimile or other electronic medium) and in the manner stipulated in the notice of nonconformance; it must be filed within 65 days from the date on the notice.

(2) The request may include rationale showing why the parties believe that HCFA's determination is incorrect and supporting documentation.

(3) A request is considered filed on the date it is received by the appropriate office, as shown by the receipt date stamped on the request.

§ 411.121 Hearing procedures.

(a) *Nature of hearing.*—(1) If any of the parties requests a hearing within 65 days from the date on the notice of the determination of nonconformance, the HCFA Administrator appoints a hearing officer.

(2) If no party files a request within the 65-day period, the initial determination of nonconformance is binding upon all parties unless it is reopened in accordance with § 411.126.

(3) If more than one party requests a hearing the hearing officer conducts a single hearing in which all parties may participate.

(4) *On the record review.* Ordinarily, the hearing officer makes a decision based upon review of the data and documents on which HCFA based its determination of nonconformance and any other documentation submitted by any of the parties within 65 days from the date on the notice.

(5) *Oral hearing.* The hearing officer may provide for an oral hearing either on his or her own motion or in response to a party's request if the party demonstrates to the hearing officer's satisfaction that an oral hearing is necessary. Within 30 days of receipt of the request, the hearing officer gives all known parties written notice of the request and whether the request for oral hearing is granted.

(b) *Notice of time and place of oral hearing.* If the hearing officer provides an oral hearing, he or she gives all

known parties written notice of the time and place of the hearing at least 30 days before the scheduled date.

(c) *Prehearing discovery.*—(1) The hearing officer may permit prehearing discovery if it is requested by a party at least 10 days before the scheduled date of the hearing.

(2) If the hearing officer approves the request, he or she—

(i) Provides a reasonable time for inspection and reproduction of documents; and

(ii) In ruling on discovery matters, is guided by the Federal Rules of Civil Procedure. (28 U.S.C.A. Rules 26–37)

(3) The hearing officer's orders on all discovery matters are final.

(d) *Conduct of hearing.* The hearing officer determines the conduct of the hearing, including the order in which the evidence and the allegations are presented.

(e) *Evidence at hearing.*—(1) The hearing officer inquires into the matters at issue and may receive from all parties documentary and other evidence that is pertinent and material, including the testimony of witnesses, and evidence that would be inadmissible in a court of law.

(2) Evidence may be received at any time before the conclusion of the hearing.

(3) The hearing officer gives the parties opportunity for submission and consideration of evidence and arguments and, in ruling on the admissibility of evidence, excludes irrelevant, immaterial, or unduly repetitious evidence.

(4) The hearing officer's ruling on admissibility of evidence is final and not subject to further review.

(f) *Subpoenas.*—(1) The hearing officer may, either on his or her own motion or upon the request of any party, issue subpoenas for either or both of the following if they are reasonably necessary for full presentation of the case:

(i) The attendance and testimony of witnesses.

(ii) The production of books, records, correspondence, papers, or other documents that are relevant and material to any matter at issue.

(2) A party that wishes the issuance of a subpoena must, at least 10 days before the date fixed for the hearing, file with the hearing officer a written request that identifies the witnesses or documents to be produced and describes the address or location in sufficient detail to permit the witnesses or documents to be found.

(3) The request for a subpoena must state the pertinent facts that the party expects to establish by the witnesses or

documents and whether those facts could be established by other evidence without the use of a subpoena.

(4) The hearing officer issues the subpoenas at his or her discretion, and HCFA assumes the cost of the issuance and the fees and mileage of any subpoenaed witness, in accordance with section 205(d) of the Act (42 U.S.C. 405(d)).

(g) *Witnesses.* Witnesses at the hearing testify under oath or affirmation, unless excused by the hearing officer for cause. The hearing officer may examine the witnesses and shall allow the parties to examine and cross-examine witnesses.

(h) *Record of hearing.* A complete record of the proceedings at the hearing is made and transcribed in all cases. It is made available to the parties upon request. The record is not closed until a decision has been issued.

(i) *Sources of hearing officer's authority.* In the conduct of the hearing, the hearing officer complies with all the provisions of title XVIII of the Act and implementing regulations, as well as with HCFA Rulings issued under § 401.108 of this chapter. The hearing officer gives great weight to interpretive rules, general statements of policy, and rules of agency organization, procedure, or practice established by HCFA.

§ 411.122 Hearing officer's decision.

(a) *Timing.*—(1) If the decision is based on a review of the record, the hearing officer mails the decision to all known parties within 120 days from the date of receipt of the request for hearing.

(2) If the decision is based on an oral hearing, the hearing officer mails the decision to all known parties within 120 days from the conclusion of the hearing.

(b) *Basis, content, and distribution of hearing decision.*—(1) The written decision is based on substantial evidence and contains findings of fact, a statement of reasons, and conclusions of law.

(2) The hearing officer mails a copy of the decision to each of the parties, by certified mail, return receipt requested, and includes a notice that the administrator may review the hearing decision at the request of a party or on his or her own motion.

(c) *Effect of hearing decision.* The hearing officer's decision is the final Departmental decision and is binding upon all parties unless the Administrator chooses to review that decision in accordance with § 411.124 or it is reopened by the hearing officer in accordance with § 411.126.

§ 411.124 Administrator's review of hearing decision.

(a) *Request for review.* A party's request for review of a hearing officer's

decision must be in writing (not in facsimile or other electronic medium) and must be received by the Administrator within 25 days from the date on the decision.

(b) *Office of the Attorney Advisor responsibility.* The Office of the Attorney Advisor examines the hearing officer's decision, the requests made by any of the parties or HCFA, and any submission made in accordance with the provisions of this section in order to assist the Administrator in deciding whether to review the decision.

(c) *Administrator's discretion.* The Administrator may—

(1) Review or decline to review the hearing officer's decision;

(2) Exercise this discretion on his or her own motion or in response to a request from any of the parties; and

(3) Delegate review responsibility to the Deputy Administrator. (As used in this section, the term "Administrator" includes "Deputy Administrator" if review responsibility has been delegated.)

(d) *Basis for decision to review.* In deciding whether to review a hearing officer's decision, the Administrator considers—

(1) Whether the decision—

(i) Is based on a correct interpretation of law, regulation, or HCFA Ruling;

(ii) Is supported by substantial evidence;

(iii) Presents a significant policy issue having a basis in law and regulations;

(iv) Requires clarification, amplification, or an alternative legal basis for the decision; and

(v) Is within the authority provided by statute, regulation, or HCFA Ruling; and

(2) Whether review may lead to the issuance of a HCFA Ruling or other directive needed to clarify a statute or regulation.

(e) *Notice of decision to review or not to review.* (1) The Administrator gives all parties prompt written notice of his or her decision to review or not to review.

(2) The notice of a decision to review identifies the specific issues the Administrator will consider.

(f) *Response to notice of decision to review.* (1) Within 20 days from the date on a notice of the Administrator's decision to review a hearing officer's decision, any of the parties may file with the Administrator any or all of the following:

(i) Proposed findings and conclusions.

(ii) Supporting views or exceptions to the hearing officer's decision.

(iii) Supporting reasons for the proposed findings and exceptions.

(iv) A rebuttal to another party's request for review or to other

submissions already filed with the Administrator.

(2) The submissions must be limited to the issues the Administrator has decided to review and confined to the record established by the hearing officer.

(3) All communications from the parties concerning a hearing officer's decision being reviewed by the Administrator must be in writing (not in facsimile or other electronic medium) and must include a certification that copies have been sent to all other parties.

(4) The Administrator does not consider any communication that does not meet the requirements of this paragraph.

(g) *Administrator's review decision.*

(1) The Administrator bases his or her decision on the following:

(i) The entire record developed by the hearing officer.

(ii) Any materials submitted in connection with the hearing or under paragraph (f) of this section.

(iii) Generally known facts not subject to reasonable dispute.

(2) The Administrator mails copies of the review decision to all parties within 120 days from the date of the hearing officer's decision.

(3) The Administrator's review decision may affirm, reverse, or modify the hearing decision or may remand the case to the hearing officer.

(h) *Basis and effect of remand.*—(1) *Basis.* The bases for remand do not include the following:

(i) Evidence that existed at the time of the hearing and that was known or could reasonably have been expected to be known.

(ii) A court case that was either not available at the time of the hearing or was decided after the hearing.

(iii) Change of the parties' representation.

(iv) An alternative legal basis for an issue in dispute.

(2) *Effect of remand.* (i) The Administrator may instruct the hearing officer to take further action with respect to the development of additional facts or new issues or to consider the applicability of laws or regulations other than those considered during the hearing.

(ii) The hearing officer takes the action in accordance with the Administrator's instructions in the remand notice and again issues a decision.

(iii) The Administrator may review or decline to review the hearing officer's remand decision in accordance with the procedures set forth in this section.

(i) *Finality of decision.* The Administrator's review decision, or the

hearing officer's decision following remand, is the final Departmental decision and is binding on all parties unless the Administrator chooses to review the decision in accordance with this section, or the decision is reopened in accordance with § 411.126.

§ 411.126 Reopening of determinations and decisions.

(a) A determination that a GHP or LGHP is a nonconforming GHP or the decision or revised decision of a hearing officer or of the HCFA Administrator may be reopened within 12 months from the date on the notice of determination or decision or revised decision, for any reason by the entity that issued the determination or decision.

(b) The decision to reopen or not to reopen is not appealable.

§ 411.130 Referral to Internal Revenue Service (IRS).

(a) *HCFA responsibility.* After HCFA determines that a plan has been a nonconforming GHP in a particular year, it refers its determination to the IRS, but only after the parties have exhausted all HCFA appeal rights with respect to the determination.

(b) *IRS responsibility.* The IRS administers section 5000 of the IRC, which imposes a tax on employers (other than governmental entities) and employee organizations that contribute to a nonconforming GHP. The tax is equal to 25 percent of the employer's or employee organization's expenses, incurred during the calendar year in which the plan is a nonconforming GHP, for each GHP, both conforming and nonconforming, to which the employer or employee organization contributes.

D. Newly designated subpart F is amended as set forth below.

1. The heading, and § 411.160 are revised to read as follows:

Subpart F—Special Rules: Individuals Eligible or Entitled on the Basis of ESRD, Who Are Also Covered Under Group Health Plans

§ 411.160 Scope.

This subpart sets forth special rules that apply to individuals who are eligible for, or entitled to, Medicare on the basis of ESRD. (Section 406.13 of this chapter contains the rules for eligibility and entitlement based on ESRD.)

2. A new § 411.161 is added to read as follows:

§ 411.161 Prohibition against taking into account Medicare eligibility or entitlement or differentiating benefits.

(a) *Taking into account*—(1) *Basic rule.* A GHP may not take into account that an individual is eligible for or entitled to Medicare benefits on the basis of ESRD during the coordination period specified in § 411.162 (b) and (c). Examples of actions that constitute taking into account Medicare entitlement are listed in § 411.108(a).

(2) *Applicability.* This prohibition applies for ESRD-based Medicare eligibility to the same extent as for ESRD-based Medicare entitlement. An individual who has ESRD but who has not filed an application for entitlement to Medicare on that basis is eligible for Medicare based on ESRD for purposes of paragraphs (b)(2) and (c)(2) through (c)(4) of § 411.162 if the individual meets the other requirements of § 406.13 of this chapter.

(3) *Relation to COBRA continuation coverage.* This rule does not prohibit the termination of GHP coverage under title X of COBRA when termination of that coverage is expressly permitted, upon entitlement to Medicare, under 26 U.S.C. 4980B(f)(2)(B)(iv); 29 U.S.C. 1162.(2)(D); or 42 U.S.C. 300bb–2.(2)(D).² (Situations in which Medicare is secondary to COBRA continuation coverage are set forth in § 411.162(a)(3).)

(b) *Nondifferentiation.*—(1) A GHP may not differentiate in the benefits it provides between individuals who have ESRD and others enrolled in the plan, on the basis of the existence of ESRD, or the need for renal dialysis, or in any other manner.

(2) GHP actions that constitute differentiation in plan benefits (and that may also constitute “taking into account” Medicare eligibility or entitlement) include, but are not limited to the following:

(i) Terminating coverage of individuals with ESRD, when there is no basis for such termination unrelated to ESRD (such as failure to pay plan premiums) that would result in

termination for individuals who do not have ESRD.

(ii) Imposing on persons who have ESRD, but not on others enrolled in the plan, benefit limitations such as less comprehensive health plan coverage, reductions in benefits, exclusions of benefits, a higher deductible or coinsurance, a longer waiting period, a lower annual or lifetime benefit limit, or more restrictive preexisting illness limitations.

(iii) Charging individuals with ESRD higher premiums.

(iv) Paying providers and suppliers less for services furnished to individuals who have ESRD than for the same services furnished to those who do not have ESRD, such as paying 80 percent of the Medicare rate for renal dialysis on behalf of a plan enrollee who has ESRD and the usual, reasonable and customary charge for renal dialysis on behalf of an enrollee who does not have ESRD.

(v) Failure to cover routine maintenance dialysis or kidney transplants, when a plan covers other dialysis services or other organ transplants.

(c) *Uniform Limitations on particular services permissible.* A plan is not prohibited from limiting covered utilization of a particular service as long as the limitation applies uniformly to all plan enrollees. For instance, if a plan limits its coverage of renal dialysis sessions to 30 per year for all plan enrollees, the plan would not be differentiating in the benefits it provides between plan enrollees who have ESRD and those who do not.

(d) *Benefits secondary to Medicare.* (1) The prohibition against differentiation of benefits does not preclude a plan from paying benefits secondary to Medicare after the expiration of the coordination period described in § 411.162 (b) and (c), but a plan may not otherwise differentiate, as described in paragraph (b) of this section, in the benefits it provides.

(2) Example—

Mr. Smith works for employer A, and he and his wife are covered through employer A's GHP (Plan A). Neither is eligible for Medicare nor has ESRD. Mrs. Smith works for employer B, and is also covered by employer B's plan (Plan B). Plan A is more comprehensive than Plan B and covers certain items and services which Plan B does not cover, such as prescription drugs. If Mrs. Smith obtains a medical service, Plan B pays primary and Plan A pays secondary. That is, Plan A covers Plan B copayment amounts and items and services that Plan A covers but that Plan B does not.

Mr. Jones also works for employer A, and he and his wife are covered by Plan A. Mrs. Jones does not have other GHP coverage. Mrs.

Jones develops ESRD and becomes entitled to Medicare on that basis. Plan A pays primary to Medicare during the first 18 months of Medicare entitlement based on ESRD. When Medicare becomes the primary payer, the plan converts Mrs. Jones' coverage to a Medicare supplement policy. That policy pays Medicare deductible and coinsurance amounts but does not pay for items and services not covered by Medicare, which plan A would have covered. That conversion is impermissible because the plan is providing a lower level of coverage for Mrs. Jones, who has ESRD, than it provides for Mrs. Smith, who does not. In other words, if Plan A pays secondary to primary payers other than Medicare, it must provide the same level of secondary benefits when Medicare is primary in order to comply with the nondifferentiation provision.

§ 411.162 [Amended]

3. In newly designated § 411.162, the following changes are made:

a. The section heading and paragraph (a) are revised to read as set forth below.

b. In the following paragraphs, “solely” is removed:

Paragraphs (b)(2)(i), (b)(2)(ii), (c)(2)(iii), (c)(2)(iv), (c)(3)(i), (c)(3)(ii), (c)(4)(i), (c)(4)(ii), and (f).

c. In the following paragraphs, “employer plan” and “employer group health plan” are revised to read “group health plan”: The section heading and paragraphs (a)(1), (a)(2)(i)(A), (a)(2)(i)(B), (a)(2)(i)(C), (a)(2)(ii), (d)(7), (d)(8), and (d)(9).

d. In paragraphs (c)(2)(iii) and (c)(2)(iv), “January 1995” is revised to read “September 1997”.

e. In paragraphs (c)(3)(i) and (c)(3)(ii), “July 1994” is revised to read “April 1997”.

f. In paragraph (c)(4), introductory text, “January 1, 1996” is revised to read “September 30, 1998”.

g. In paragraphs (c)(4)(i) and (c)(4)(ii), “August 1994 through January 1, 1995” is revised to read “May 1997 through September 1997”.

h. In paragraph (d)(9), “January 1, 1995” is revised to read “December 1, 1997”; “January 1, 1995 through January 1, 1996, a period of 12 months plus 1 day.” is revised to read “December 1, 1997 through November 30, 1998, a period of 12 months.”; “January 2, 1996” is revised to read “December 1, 1998” and “on or before January 1, 1996” is revised to read “before October 1, 1998”.

i. In paragraph (d)(10), “September 1, 1995” is revised to read “August 1, 1997”; “September 1, 1995 through August 31, 1996” is revised to read “August 1, 1997 through September 30, 1998”; “September 1, 1996” is revised to read October 1, 1998”; and “12 months” is revised to read “14 months”.

j. Paragraph (e) is removed and reserved.

²COBRA requires that certain group health plans offer continuation of plan coverage for 18 to 36 months after the occurrence of certain “qualifying events,” including loss of employment or reduction of employment hours. Those are events that otherwise would result in loss of group health plan coverage unless the individual is given the opportunity to elect, and does so elect, to continue plan coverage at his or her own expense. With one exception, the COBRA amendments expressly permit termination of continuation coverage upon entitlement to Medicare. The exception is that the plan may not terminate continuation coverage of an individual (and his or her qualified dependents) if the individual retires on or before the date the employer substantially eliminates regular plan coverage by filing for Chapter 11 bankruptcy (26 U.S.C. 4980B(g)(1)(D) and 29 U.S.C. 1167.(3)(C)).

§ 411.162 Medicare benefits secondary to group health plan benefits.

(a) *General provisions*—(1) *Basic rule.* Except as provided in § 411.163 (with respect to certain individuals who are also entitled on the basis of age or disability), Medicare is secondary to any GHP (including a retirement plan), with respect to benefits that are payable to an individual who is entitled to Medicare on the basis of ESRD, for services furnished during any coordination period determined in accordance with paragraphs (b) and (c) of this section. (No Medicare benefits are payable on behalf of an individual who is eligible but not yet entitled.)

(2) *Medicare benefits secondary without regard to size of employer and beneficiary's employment status.* The size of employer and employment status requirements of the MSP provisions for the aged and disabled do not apply with respect to ESRD beneficiaries.

(3) *COBRA continuation coverage.* Medicare is secondary payer for benefits that a GHP—

(i) Is required to keep in effect under COBRA continuation requirements (as explained in the footnote to § 411.161(a)(3)), even after the individual becomes entitled to Medicare; or

(ii) Voluntarily keeps in effect after the individual becomes entitled to Medicare on the basis of ESRD, even though not obligated to do so under the COBRA provisions.

(4) *Medicare payments during the coordination period.* During the coordination period, HCFA makes Medicare payments as follows:

(i) Primary payments only for Medicare covered services that are—

(A) Furnished to Medicare beneficiaries who have declined to enroll in the GHP;

(B) Not covered under the plan;³

(C) Covered under the plan but not available to particular enrollees because they have exhausted their benefits; or

(D) Furnished to individuals whose COBRA continuation coverage has been terminated because of the individual's Medicare entitlement.

(ii) Secondary payments, within the limits specified in §§ 411.32 and 411.33, to supplement the amount paid by the GHP if that plan pays only a portion of the charge for the services.

* * * * *

(e) [Reserved]

* * * * *

4. A new § 411.163 is added, to read as follows:

§ 411.163 Coordination of benefits: Dual entitlement situations.

(a) *Basic rule.* Coordination of benefits is governed by this section if an individual is eligible for or entitled to Medicare on the basis of ESRD and also entitled on the basis of age or disability.

(b) *Specific rules*⁴—(1) *Coordination period ended before August 1993.* If the first 18 months of ESRD-based eligibility or entitlement ended before August 1993, Medicare was primary payer from the first month of dual eligibility or entitlement, regardless of when dual eligibility or entitlement began.

(2) *First month of ESRD-based eligibility or entitlement and first month of dual eligibility/entitlement after February 1992 and before August 10, 1993.* If the first month of ESRD-based eligibility or entitlement and first month of dual eligibility/entitlement were after February 1992 and before August 10, 1993, Medicare—

(i) Is primary payer from the first month of dual eligibility/entitlement through August 9, 1993;

(ii) Is secondary payer from August 10, 1993, through the 18th month of ESRD-based eligibility or entitlement; and

(iii) Again becomes primary payer after the 18th month of ESRD-based eligibility or entitlement.

(3) *First month of ESRD-based eligibility or entitlement after February 1992 and first month of dual eligibility/entitlement after August 9, 1993.* If the first month of ESRD-based eligibility or entitlement is after February 1992, and the first month of dual eligibility/entitlement is after August 9, 1993, the rules of § 411.162 (b) and (c) apply; that is, Medicare—

(i) Is secondary payer during the first 18 months of ESRD-based eligibility or entitlement; and

(ii) Becomes primary after the 18th month of ESRD-based eligibility or entitlement.

(4) *Medicare continues to be primary after an aged or disabled beneficiary becomes eligible on the basis of ESRD.*—

(i) *Applicability of the rule.* Medicare remains the primary payer when an individual becomes eligible for

Medicare based on ESRD if all of the following conditions are met:

(A) The individual is already entitled on the basis of age or disability when he or she becomes eligible on the basis of ESRD.

(B) The MSP prohibition against "taking into account" age-based or disability-based entitlement does not apply because plan coverage was not "by virtue of current employment status" or the employer had fewer than 20 employees (in the case of the aged) or fewer than 100 employees (in the case of the disabled).

(C) The plan is paying secondary to Medicare because the plan had justifiably taken into account the age-based or disability-based entitlement.

(ii) *Effect of the rule.* The plan may continue to pay benefits secondary to Medicare under paragraph (b)(4)(i) of this section. However, the plan may not differentiate in the services covered and the payments made between persons who have ESRD and those who do not.

(c) *Examples.* (1) (Rule (b)(1).) Mr. A, who is covered by a GHP, became entitled to Medicare on the basis of ESRD in January 1992. On December 20, 1992, Mr. A attained age 65 and became entitled on the basis of age. Since prior law was still in effect (OBRA '93 amendment was effective in August 1993), Medicare became primary payer as of December 1992, when dual entitlement began.

(2) (Rule (b)(2).) Miss B, who has GHP coverage, became entitled to Medicare on the basis of ESRD in July 1992, and also entitled on the basis of disability in June 1993. Medicare was primary payer from June 1993 through August 9, 1993, because the plan permissibly took into account the ESRD-based entitlement (ESRD was not the "sole" basis of Medicare entitlement); secondary payer from August 10, 1993, through December 1993, the 18th month of ESRD-based entitlement (the plan is no longer permitted to take into account ESRD-based entitlement that is not the "sole" basis of Medicare entitlement); and again became primary payer beginning January 1994.

(3) (Rule (b)(3).) Mr. C, who is 67 years old and entitled to Medicare on the basis of age, has GHP coverage by virtue of current employment status. Mr. C is diagnosed as having ESRD and begins a course of maintenance dialysis on June 27, 1993. Effective September 1, 1993, Mr. C. is eligible for Medicare on the basis of ESRD. Medicare, which was secondary because Mr. C's GHP coverage was by virtue of current employment, continues to be secondary payer through February 1995, the 18th month of ESRD-based eligibility, and

⁴ A lawsuit was filed in United States District Court for the District of Columbia on May 5, 1995 (*National Medical Care, Inc. v. Shalala*, Civil Action No. 95-0860), challenging the implementation of one aspect of the OBRA '93 provisions with respect to group health plan retirement coverage. The court issued a preliminary injunction order on June 6, 1995, which enjoins the Secretary from applying the rule contained in § 411.163(b)(4) for items and services furnished between August 10, 1993 and April 24, 1995, pending the court's decision on the merits. HCFA will modify the rules, if required, based on the final ruling by the court.

³ HCFA does not pay if noncoverage of services constitutes differentiation as prohibited by § 411.161(b).

becomes primary payer beginning March 1995.

(4) (Rule (b)(3).) Mr. D retired at age 62 and maintained GHP coverage as a retiree. In January 1994, at the age of 64, Mr. D became entitled to Medicare based on ESRD. Seven months into the 18-month coordination period (July 1994) Mr. D turned age 65. The coordination period continues without regard to age-based entitlement, with the retirement plan continuing to pay primary benefits through June 1995, the 18th month of ESRD-based entitlement. Thereafter, Medicare becomes the primary payer.

(5) (Rule (b)(3).) Mrs. E retired at age 62 and maintained GHP coverage as a retiree. In July 1994, she simultaneously became eligible for Medicare based on ESRD (maintenance dialysis began in April 1994) and entitled based on age. The retirement plan must pay benefits primary to Medicare from July 1994 through December 1995, the first 18 months of ESRD-based eligibility. Thereafter, Medicare becomes the primary payer.

(6) (Rule (b)(3).) Mr. F, who is 67 years of age, is working and has GHP coverage because of his employment status, subsequently develops ESRD, and begins a course of maintenance dialysis in October 1994. He becomes eligible for Medicare based on ESRD effective January 1, 1995. Under the working aged provision, the plan continues to pay primary to Medicare through December 1994. On January 1, 1995, the working aged provision ceases to apply and the ESRD MSP provision takes effect. In September 1995, Mr. F retires. The GHP must ignore Mr. F's retirement status and continue to pay primary to Medicare through June 1996, the end of the 18-month coordination period.

(7) (Rule (b)(4).) Mrs. G, who is 67 years of age, is retired. She has GHP retirement coverage through her former employer. Her plan permissibly took into account her age-based Medicare entitlement when she retired and is paying benefits secondary to Medicare. Mrs. G subsequently develops ESRD and begins a course of maintenance dialysis in October 1995. She automatically becomes eligible for Medicare based on ESRD effective January 1, 1996. The plan continues to be secondary on the basis of Mrs. G's age-based entitlement as long as the plan does not differentiate in the services it provides to Mrs. G and does not do anything else that would constitute "taking into account" her ESRD-based eligibility.

§ 411.165 [Amended]

5. In newly designated § 411.165, the following changes are made:

(a) In paragraph (a) the superscript in the heading and the corresponding footnote are removed.

(b) In paragraphs (a)(1), (b)(1)(i), (b)(1)(ii) and (b)(2), "employer plan" is revised to read "group health plan".

E. Newly designated subpart G is amended as set forth below.

1. The heading is revised to read as follows:

Subpart G—Special Rules: Aged Beneficiaries and Spouses Who Are Also Covered Under Group Health Plans

2. Nomenclature changes.

(a) In the following locations, "an employer plan" and "an employer group health plan" are revised to read "a group health plan":

§ 411.172 section heading and paragraphs (c).

§ 411.172(d) introductory text and (e).
§ 411.175(b)(1), (c)(1)(i), (c)(1)(iii) and (c)(2).

(b) In § 411.172(d), introductory text, "by reason of employment" is revised to read "by virtue of current employment".

3. Section 411.170 is amended to revise paragraph (a), remove and reserve paragraph (b), and remove paragraphs (d) through (f) to read as follows:

§ 411.170 General provisions.

(a) *Basis.* (1) This subpart is based on certain provisions of section 1862(b) of the Act, which impose specific requirements and limitations with respect to—

(i) Individuals who are entitled to Medicare on the basis of age; and

(ii) GHPs of at least one employer of 20 or more employees that cover those individuals.

(2) Under these provisions, the following rules apply:

(i) An employer is considered to employ 20 or more employees if the employer has 20 or more employees for each working day in each of 20 or more calendar weeks in the current calendar year or the preceding calendar year.

(ii) The plan may not take into account the Medicare entitlement of—

(A) An individual age 65 or older who is covered or seeks to be covered under the plan by virtue of current employment status; or

(B) The spouse, including divorced or common-law spouse age 65 or older of an individual (of any age) who is covered or seeks to be covered by virtue of current employment status. (Section 411.108 gives examples of actions that constitute "taking into account.")

(iii) Regardless of whether entitled to Medicare, employees and spouses age 65 or older, including divorced or common-law spouses of employees of any age, are entitled to the same plan benefits under the same conditions as employees and spouses under age 65.

(b) [Reserved]

* * * * *

(d) through (e) [Removed]

4. Newly designated 411.172 is amended to revise paragraphs (a), (b), and (d) and add a new paragraph (g) to read as follows:

§ 411.172 Medicare benefits secondary to group health plan benefits.

(a) *Conditions that the individual must meet.* Medicare Part A and Part B benefits are secondary to benefits payable by a GHP for services furnished during any month in which the individual—

(1) Is aged;

(2) Is entitled to Medicare Part A benefits under § 406.10 of this chapter; and

(3) Meets one of the following conditions:

(i) Is covered under a GHP of an employer that has at least 20 employees (including a multi-employer plan in which at least one of the participating employers meets that condition), and coverage under the plan is by virtue of the individual's current employment status.

(ii) Is the aged spouse (including a divorced or common-law spouse) of an individual (of any age) who is covered under a GHP described in paragraph (a)(3)(i) of this section by virtue of the individual's current employment status.

(b) *Special rule for multi-employer plans.* The requirements and limitations of paragraph (a) of this section do not apply with respect to individuals enrolled in a multi-employer plan if—

(1) The individuals are covered by virtue of current employment status with an employer that has fewer than 20 employees; and

(2) The plan requests an exception and identifies the individuals for whom it requests the exception as meeting the conditions specified in paragraph (b)(1) of this section.

* * * * *

(d) *Reemployed retiree or annuitant.* A reemployed retiree or annuitant who is covered by a GHP and who performs sufficient services to qualify for coverage on that basis (that is, other employees in the same category are provided health benefits) is considered covered "by reason of current employment status" even if:

(1) The employer provides the same GHP coverage to retirees; or

(2) The premiums for the plan are paid from a retirement or pension fund.
* * * * *

(g) *Individuals entitled to Medicare on the basis of age who are also eligible for or entitled to Medicare on the basis of ESRD.* If an aged individual is, or could upon filing an application become, entitled to Medicare on the basis of ESRD, the coordination of benefits rules of subpart F of this part apply.

5. Newly designated § 411.175 is amended to revise paragraph (a), the headings of paragraphs (b) and (c), and paragraph (c)(1)(iii) to read as follows:

§ 411.175 Basis for Medicare primary payments.

(a) *General rule.* HCFA makes Medicare primary payments for covered services that are—

- (1) Furnished to Medicare beneficiaries who have declined to enroll in the GHP;
- (2) Not covered by the plan for any individuals or spouses who are enrolled by virtue of the individual's current employment status;
- (3) Covered under the plan but not available to particular individuals or spouses enrolled by virtue of current employment status because they have exhausted their benefits under the plan;
- (4) Furnished to individuals whose COBRA continuation coverage has been terminated because of the individual's Medicare entitlement; or
- (5) Covered under COBRA continuation coverage notwithstanding the individual's Medicare entitlement.

* * * * *

(b) *Conditional Medicare payments: Basic rule.* * * *

(c) *Conditional primary payments: Exception.* * * *

- (1) * * *
- (iii) The plan covers the services for individuals or spouses who are enrolled in the plan by virtue of current employment status and are under age 65 but not for individuals and spouses who are enrolled on the same basis but are age 65 or older.

* * * * *

F. A new subpart H is added, to read as set forth below.

Subpart H—Special Rules: Disabled Beneficiaries Who Are Also Covered Under Large Group Health Plans

- Sec.
- 411.200 Basis.
- 411.201 Definitions.
- 411.204 Medicare benefits secondary to LGHP benefits.
- 411.206 Basis for Medicare primary payments and limits on secondary payments.

Subpart H—Special Rules: Disabled Beneficiaries Who Are Also Covered Under Large Group Health Plans

§ 411.200 Basis.

(a) This subpart is based on certain provisions of section 1862(b) of the Act, which impose specific requirements and limitations with respect to—

- (1) Individuals who are entitled to Medicare on the basis of disability; and
 - (2) Large group health plans (LGHPs) that cover those individuals.
- (b) Under these provisions, the LGHP may not take into account the Medicare entitlement of a disabled individual who is covered (or seeks to be covered) under the plan by virtue of his or her own current employment status or that of a member of his or her family. (§ 411.108 gives examples of actions that constitute taking into account.)

§ 411.201 Definitions.

As used in this subpart—
Entitled to Medicare on the basis of disability means entitled or deemed entitled on the basis of entitlement to social security disability benefits or railroad retirement disability benefits. (Section 406.12 of this chapter explains the requirements an individual must meet in order to be entitled or deemed to be entitled to Medicare on the basis of disability.)

Family member means a person who is enrolled in an LGHP based on another person's enrollment; for example, the enrollment of the named insured individual. Family members may include a spouse (including a divorced or common-law spouse), a natural, adopted, foster, or stepchild, a parent, or a sibling.

§ 411.204 Medicare benefits secondary to LGHP benefits.

- (a) Medicare benefits are secondary to benefits payable by an LGHP for services furnished during any month in which the individual—
 - (1) Is entitled to Medicare Part A benefits under § 406.12 of this chapter;
 - (2) Is covered under an LGHP; and
 - (3) Has LGHP coverage by virtue of his or her own or a family member's current employment status.
- (b) *Individuals entitled to Medicare on the basis of disability who are also eligible for, or entitled to, Medicare on the basis of ESRD.* If a disabled individual is, or could upon filing an application become, entitled to Medicare on the basis of ESRD, the coordination of benefits rules of subpart F of this part apply.

§ 411.206 Basis for Medicare primary payments and limits on secondary payments.

- (a) *General rule.* HCFA makes Medicare primary payments for services furnished to disabled beneficiaries covered under the LGHP by virtue of their own or a family member's current employment status if the services are—
 - (1) Furnished to Medicare beneficiaries who have declined to enroll in the GHP;
 - (2) Not covered under the plan for the disabled individual or similarly situated individuals;
 - (3) Covered under the plan but not available to particular disabled individuals because they have exhausted their benefits under the plan;
 - (4) Furnished to individuals whose COBRA continuation coverage has been terminated because of the individual's Medicare entitlement; or
 - (5) Covered under COBRA continuation coverage notwithstanding the individual's Medicare entitlement.
- (b) *Conditional primary payments: Basic rule.* Except as provided in paragraph (c) of this section, HCFA may make a conditional Medicare primary payment for any of the following reasons:
 - (1) The beneficiary, the provider, or the supplier that has accepted assignment has filed a proper claim with the LGHP and the LGHP has denied the claim in whole or in part.
 - (2) The beneficiary, because of physical or mental incapacity, failed to file a proper claim.
- (c) *Conditional primary payments: Exceptions.* HCFA does not make conditional Medicare primary payments if—
 - (1) The LGHP denies the claim in whole or in part for one of the following reasons:
 - (i) It is alleged that the LGHP is secondary to Medicare.
 - (ii) The LGHP limits its payments when the individual is entitled to Medicare.
 - (iii) The LGHP does not provide the benefits to individuals who are entitled to Medicare on the basis of disability and covered under the plan by virtue of current employment status but does provide the benefits to other similarly situated individuals enrolled in the plan.
 - (iv) The LGHP takes into account entitlement to Medicare in any other way.
 - (v) There was failure to file a proper claim for any reason other than physical or mental incapacity of the beneficiary.
 - (2) The LGHP, an employer or employee organization, or the beneficiary fails to furnish information

that is requested by HCFA and that is necessary to determine whether the LGHP is primary to Medicare.

(d) *Limit on secondary payments.* The provisions of § 411.172(e) also apply to services furnished to the disabled under this subpart.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: July 12, 1995.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

[FR Doc. 95-21265 Filed 8-30-95; 8:45 am]

BILLING CODE 4120-01-P

42 CFR Part 417

[OMC-022-F]

Full Reporting by Health Maintenance Organizations (HMOs) and Competitive Medical Plans (CMPs) Paid on a Cost Basis

AGENCY : Health Care Financing Administration (HCFA), HHS.

ACTION : Correction notice.

SUMMARY: **Federal Register** document No. 95-16411, beginning on page 34885 of the issue of July 5, 1995 amended part 417 of the HCFA regulations to require full reporting by HMOs and CMPs of the costs of all services furnished to their Medicare enrollees. In that final rule we amended § 417.546 to remove paragraph (b). However, we failed to remove, from the introductory text of the section, a reference to the paragraph (b) that we removed. This notice corrects our oversight.

EFFECTIVE DATE: August 4, 1995.

FOR FURTHER INFORMATION CONTACT: Luisa V. Iglesias, (202) 690-6383

Correction

On page 34887, column 3, the amendment to § 417.546 is corrected to read as follows:

3. In § 417.546, the following changes are made:

a. Paragraph (b) and the Editorial note are removed.

b. In paragraph (a), "Except as specified in paragraph (b) of this section," is removed; "the" preceding "amount paid" is revised to read "The"; the "(a)" designation is removed; and the "(1)" and "(2)" designations are revised to read "(a)" and "(b)", respectively.

(Catalog of Federal Domestic Assistance Program No. 13773, Medicare—Hospital Insurance; Program No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: August 22, 1995.

Neil J. Stillman,

Deputy Assistant Secretary for Information Resources Management.

[FR Doc. 95-21542 Filed 8-30-95; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7157

[ID-943-1430-01; IDI-08955-01, IDI-08932-02, IDI-14647-02]

Partial Revocation of Public Land Order Nos. 1992 and 2588, and Bureau of Land Management Order Dated January 28, 1952; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes two public land orders and one Bureau of Land Management order insofar as they affect 4,522.17 acres of public lands withdrawn for the Bureau of Reclamation's Snake River and Mountain Home Reclamation Projects. The lands are no longer needed for this purpose, and the revocation is needed to permit disposal of the lands through sale and exchange. This action will open the lands to surface entry and mining. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: October 2, 1995.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, BLM Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706-2500, 208-384-3166.

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. Public Land Order No. 1992, which withdrew public lands for the Bureau of Reclamation's Snake River project, is hereby revoked insofar as it affects the following described lands:

Boise Meridian

T. 5 S., R. 3 E.,

Sec. 4, lot 5;

Sec. 9, lots 4, 9, and 10, and NE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 165.32 acres in Elmore County.

2. Public Land Order No. 2588, which withdrew public lands for the Bureau of Reclamation's Snake River Project, is hereby revoked insofar as it affects the following described lands:

Boise Meridian

T. 2 S., R. 4 E.,

Sec. 3, lots 2 to 4, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described contains 262.10 acres in Elmore County.

3. The Bureau of Land Management Order dated January 28, 1952, which withdrew public lands for the Bureau of Reclamation's Mountain Home Project, is hereby revoked insofar as it affects the following described lands:

Boise Meridian

T. 1 N., R. 1 W.,

Sec. 1, SW $\frac{1}{4}$;

Sec. 2, lot 1;

Sec. 3, lots 2 to 4, inclusive;

Sec. 4, lots 1 to 6, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 1 N., R. 1 E.,

Sec. 6, lots 6 and 7, W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 27, W $\frac{1}{2}$;

Sec. 35, S $\frac{1}{2}$.

T. 2 S., R. 4 E.,

Sec. 11, SE $\frac{1}{4}$;

Sec. 12, SE $\frac{1}{4}$;

Sec. 13, N $\frac{1}{2}$;

Sec. 14, NW $\frac{1}{4}$;

Sec. 15, N $\frac{1}{2}$ and SE $\frac{1}{4}$.

T. 3 S., R. 4 E.,

Sec. 1, lots 6 and 7, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 12, lots 1 to 4, inclusive, W $\frac{1}{2}$ E $\frac{1}{2}$ and NW $\frac{1}{4}$;

Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 1 S., R. 5 E.,

Sec. 29, W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 30, S $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 31, N $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 32, SW $\frac{1}{4}$.

T. 3 S., R. 5 E.,

Sec. 7, lots 3 and 4.

The area described contains 4,094.75 acres in Ada and Elmore Counties.

The total areas described aggregate 4,522.17 acres in Ada and Elmore Counties.

4. At 9 a.m. on October 2, 1995, the lands described above will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on October 2, 1995, shall be considered as simultaneously filed at that time.

5. At 9 a.m. on October 2, 1995, the lands will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession are governed by State law where not in conflict with Federal law. The Bureau of

Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: August 17, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95-21580 Filed 8-30-95; 8:45 am]

BILLING CODE 4310-GG-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94-62; RM-8444; RM-8512]

Radio Broadcasting Services; Kasilof and Anchorage, AK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 295A to Kasilof, Alaska, as that community's first local aural transmission service, in response to a petition for rule making filed on behalf of William Glynn (RM-8444). See 59 FR 34404, July 5, 1994. Additionally, Channel 229C2 is allotted to Anchorage, Alaska, to provide an additional FM service to that community, in response to a counterproposal filed on behalf of Christian Broadcasting, Inc. (RM-8512). Coordinates used for Channel 295A at Kasilof are 60-20-15 and 151-16-20. Coordinates used for Channel 229C2 at Anchorage are 61-04-02 and 149-44-36. Additionally, applications for Channel 229C2 at Anchorage must conform with the technical requirements of Section 73.1030(c)(1)-(5) of the Rules regarding protection to the Commission's monitoring station at that community. With this action, the proceeding is terminated.

DATES: Effective October 10, 1995. The window period for filing applications will open on October 10, 1995, and close on November 13, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 295A at Kasilof, Alaska, and for Channel 229C2 at Anchorage, Alaska, should be addressed to the Audio Services Division, FM Branch, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 94-62, adopted August 18, 1995, and released August 25, 1995. The full text of this

Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alaska, is amended by adding Kasilof, Channel 295A; and by adding Channel 229C2 at Anchorage.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95-21584 Filed 8-30-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

Radio Broadcasting Services; Various Locations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment*, 4 FCC Rcd 2413 (1989), and the *Amendment of the Commission's Rules to Permit FM Channel and Class Modifications [Upgrades] by Applications*, 8 FCC Rcd 4735 (1993).

EFFECTIVE DATE: August 31, 1995.

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 414-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, adopted August 16, 1995, and released August 25, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alaska, is amended by removing Channel 264C2 and adding Channel 264A at Juneau.

3. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by removing Channel 237A and adding Channel 237C2 at Paris.

4. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 262C3 and adding Channel 262C1 at Fortuna and by removing Channel 286B1 and adding Channel 286A at Pacific Grove.

5. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by removing Channel 258C1 and adding Channel 258C.

6. Section 73.202(b), the Table of FM Allotments under Florida, is amended by removing Channel 265A and adding Channel 263C3 at Apalachicola, by removing Channel 288A and adding Channel 288C3 at Jupiter and by removing Channel 288A and adding Channel 288C3 at St. Augustine Beach.

7. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 295A and adding Channel 293A at Smithville.

8. Section 73.202(b), the Table of FM Allotments under Illinois, is amended by removing Channel 266B and adding Channel 266C2 at East St. Louis and by removing Channel 299A and adding Channel 299B1 at Fairbury.

9. Section 73.202(b), the Table of FM Allotments under Kansas, is amended by removing Channel 232A and adding Channel 232C2 at Kingman.

10. Section 73.202(b), the Table of FM Allotments under Maine, is amended by removing Channel 275A and adding Channel 275C1 at Dennysville.

11. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by removing Channel 232A and adding Channel 233C3 at Mackinaw City.

12. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by removing Channel 278A and adding Channel 278C3 at Brainerd, by removing Channel 269A and adding Channel 269C3 at Duluth and by removing Channel 299A and adding Channel 299C2 at Proctor.

13. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Channel 281A and adding Channel 281C3 at Ash Grove.

14. Section 73.202(b), the Table of FM Allotments under Nebraska, is amended by removing Channel 247C2 and adding Channel 247C1 at Aurora and by removing Channel 280C and adding Channel 280C1 at Gering.

15. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 296A and adding Channel 295C3 at Bishop.

16. Section 73.202(b), the Table of FM Allotments under Utah, is amended by removing Channel 241C and adding Channel 242C at Provo.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95-21582 Filed 8-30-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-67; RM-8624]

Radio Broadcasting Services; Greenfield and Stockton, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 299A to Stockton, Missouri, as that community's first local FM broadcast service in response to a petition filed by KYOO Communications. See 60 FR 27471, May 24, 1995. The coordinates for Channel 299A at Stockton are 37-42-22 and 93-53-21. There is a site restriction 8.5 kilometers (5.3 miles) west of the community. To accommodate the allotment at Stockton, we shall delete vacant Channel 299A at

Greenfield, Missouri. With this action, this proceeding is terminated.

DATES: Effective October 10, 1995. The window period for filing applications will open on October 10, 1995, and close on November 13, 1995.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, MM Docket No. 95-67, adopted August 16, 1995, and released August 25, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Greenfield, Channel 299A and adding Stockton, Channel 299A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95-21586 Filed 8-30-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-65; RM-8595]

Radio Broadcasting Services; Billings, MT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 242C1 to Billings, Montana, in response to a petition filed by Conway Broadcasting. See 60 FR 26402, May 17, 1995. Channel 242C1 can be allotted to Billings without a site restriction at

coordinates 45-46-58 and 108-30-13. With this action, this proceeding is terminated.

DATES: Effective October 10, 1995. The window period for filing applications will open on October 10, 1995, and close on November 13, 1995.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, MM Docket No. 95-65, adopted August 16, 1995, and released August 25, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Montana, is amended by adding Channel 242C1 at Billings.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95-21585 Filed 8-30-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 94-63; RM-8450, RM-8526]

Radio Broadcasting Services; Rocky Mount, Bassett and Stanleytown, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of WNLB Radio, Inc. (RM-8526), substitutes Channel 260C3 for Channel 260A at Rocky Mount, Virginia, and reallocates Channel 260C3 from Rocky Mount to Stanleytown, Virginia, and

modifies Station WZBB(FM)'s license to specify Stanleytown as its community of license. Channel 260C3 can be allotted to Stanleytown in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.8 kilometers (18.0 miles) northwest. The coordinates for Channel 260C3 at Stanleytown are 36-48-47 and 80-04-41. The proposal filed by WNLB Radio, Inc. (RM-8450), see 59 FR 34405, July 5, 1994, requesting the substitution of Channel 260A for Channel 260C3 at Rocky Mount, the reallocation of Channel 260C3 to Bassett, Virginia, is denied. With this action, this proceeding is terminated.

EFFECTIVE DATE: October 10, 1995.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 94-63, adopted August 18, 1995, and released August 25, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Virginia, is amended by adding Stanleytown, Channel 260C3 and removing Channel 260A at Rocky Mount.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95-21583 Filed 8-30-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 76

[MM Docket No. 93-304; DA 95-1850]

Cable Television Service; List of Major Television Markets

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, through this action, amends its rules regarding the listing of major television markets to change the designation of the Los Angeles-San Bernardino-Corona-Fontana-Riverside, California television market to include the community of Anaheim, California. This action is taken at the request of Golden Orange Broadcasting Company, licensee of television station KDOC-TV, channel 56, Anaheim, California.

EFFECTIVE DATE: October 2, 1995.

FOR FURTHER INFORMATION CONTACT: William H. Johnson, Cable Services Bureau, (202) 416-0800.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 93-304, adopted May 16, 1995 and released August 28, 1995. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW., Washington, DC 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 1919 M Street, NW., Washington, DC 20554.

Synopsis of the Report and Order

a. Before the Commission is the Notice of Proposed Rule Making in the captioned proceeding, 58 FR 68844, December 29, 1993, issued in response to a petition filed by Golden Orange Broadcasting Co., licensee of television station KDOC-TV, channel 56, Anaheim, California ("KDOC") and the comments received in response thereto. The Notice proposed to amend § 76.51 of the Commission's rules, to change the designation of the Los Angeles-San Bernardino-Corona-Fontana-Riverside, California television market to "Los Angeles-San Bernardino-Corona-Fontana-Riverside-Anaheim, California." Community Cablevision Company, d/b/a/ Dimension Cable Services ("Dimension Cable"), a cable television system operator providing service to Newport Beach, Irvine, Tustin, and Orange, the University of California, Irvine and the Marine Corps Air Stations in Tustin and El Toro filed comments, to which KDOC filed a reply.

Background

2. Section 76.51 of the Commission's rules enumerates the top 100 television markets and the designated communities within those markets. Among other things, this market list is used to determine the scope of territorial exclusivity rights that television broadcast stations may purchase and, in addition, may help define the scope of compulsory copyright license liability for cable operators in certain circumstances. Certain cable television syndicated exclusivity and network nonduplication rights are also determined by the presence of broadcast station communities of license on this list. Some of the markets consist of more than one named community (a "hyphenated market"). Such "hyphenation" of a market is based on the premise that stations licensed to any of the named communities in the hyphenated market do, in fact, compete with all stations licensed to such communities. Market hyphenation "helps equalize competition" where portions of the market are located beyond the Grade B contours of some stations in the area yet the stations compete for economic support.

3. Section 4 of the Cable Television Consumer Protection and Competition Act of 1992 ("Cable Act"), which amended section 614 of the Communications Act of 1934, as amended ("Act"), requires the Commission to make revisions needed to update the list of top 100 television markets and their designated communities in § 76.51 of the Commission's rules.

Notice of Proposed Rule Making

4. The Notice of Proposed Rule Making in this proceeding noted that Anaheim was in the center of the Los Angeles market, 21 miles from downtown Los Angeles and virtually encompassed within the combined 35-mile zones of San Bernardino, Corona and Fontana and that KDOC-TV's Grade B signal contour encompasses all of the designated communities in the market. Its Grade B signal contour, the Notice indicated, was similar in location and coverage to the Grade B contours of other market-area stations. Further, KDOC-TV's transmitter is located at the same Sunset Ridge site as those of television stations KSCI and KZKI which are licensed to San Bernardino.

Rule Making Comments

5. Petitioner KDOC filed brief comments in support of the requested change in the rules stating that "there is

sufficient commonality between Anaheim and the existing communities in the television market to merit the inclusion of Anaheim in that market." Dimension Cable in its comments incorporated by reference comments it had filed in Docket 93-209, a proceeding involving the New York television market in which parties had been invited to address issues relating to market hyphenation in large and complex markets like the New York and Los Angeles markets. In those comments Dimension argued that television stations in large markets were constrained in seeking to exercise mandatory cable carriage rights by copyright payment obligations outside of the market area defined by § 76.51 of the Commission's rules. It then argued:

Had Congress intended to relieve broadcast stations of potential copyright liability in order to qualify for must carry status, it could have required wholesale revisions to § 76.51 of the Commission rules or amended section 111 of the Copyright Act. Rather than doing so, Congress expressed its intent not to work any fundamental changes in the copyright law. As commenters in this proceeding have urged, the Commission should not now allow stations to obtain must carry rights (and end-run the statute) through market redesignation * * * (footnotes omitted).

Thus, it urged the Commission not to adopt the proposed market redesignation.

Discussion

6. A "hyphenated market" has been described by the Commission as a television market that contains more than one major population center supporting all stations in the market, with competing stations licensed to different cities within the market area. In evaluating past requests for hyphenation of a market, the Commission has considered the following as relevant to its examination: (1) The distance between the existing designated communities and the community proposed to be added to the designation; (2) whether cable carriage, if afforded to the subject station, would extend to areas beyond its Grade B signal coverage area (a concern which has reduced relevance under the must carry rules promulgated as a result of the 1992 Cable Act); (3) the presence of a clear showing of a particularized need by the station requesting the change of market designation; and (4) an indication of benefit to the public from the proposed change. Each of these factors helps the Commission to evaluate individual market conditions consistent "with the underlying competitive purpose of the market hyphenation rule to delineate areas

where stations can and do, both actually and logically, compete."

7. Based on the facts set forth in the Notice of Rulemaking, which have not been disputed by the comments herein, and on the responsive comments, we believe that a case for redesignation of the subject market has been set forth so that this proposal should be adopted. It appears from the information before us that television stations licensed to Los Angeles, San Bernardino, Corona, Riverside and Anaheim do compete in the proposed combined market area, and that sufficient evidence has been presented to demonstrate commonality between the proposed community to be added to the market designation and the market as a whole. Such a rationalization of the competitive situation appears to be the public benefit which Congress anticipated by instructing the Commission, in section 614(f) of the Cable Television Consumer Protection and Competition Act of 1992, to make necessary revisions to update the market list. This action, moreover, is entirely consistent with the Report and Order in Docket 93-207, 58 FR 67694, December 22, 1993, which added Riverside as a designated community in the market.

8. The issue raised by Dimension Cable regarding copyright liability has largely been resolved with the passage of the Satellite Home Viewer Act of 1994, which amended section 111(f) of title 17, United States Code. Under this Act, a station located within the same ADI as a cable system is no longer considered a "distant signal" on that system for purposes of compulsory copyright license liability and, therefore, is not subject to the additional copyright fees attendant to "distant signal" carriage within the market. Thus, the issue raised by Dimension has now been directly addressed by Congress and is not an obstacle to the action proposed in this proceeding.

9. As an additional matter, since no station is licensed to Fontana, however, and since only communities with licensed stations have "specified zones" (§ 76.5(e)) and contribute to the area and coverage of a hyphenated market (§ 76.5(f)), reference to it will be eliminated from § 76.51.

10. Accordingly, it is ordered, that effective October 2, 1995, § 76.51 of the Commission's rules is amended to include Anaheim and delete Fontana as follows:

Los Angeles-San Bernardino-Corona-Riverside-Anaheim, California.

11. It is further ordered, that this proceeding is terminated.

12. This action is taken pursuant to authority delegated by § 0.321 of the Commission's rules. 47 CFR 0.321.

List of Subjects in 47 CFR Part 76

Cable Television.

Part 76, Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 76—CABLE TELEVISION SERVICE

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

Authority: 47 U.S.C. 154, 303.

2. Section 76.51 is amended by revising paragraph (a)(28) to read as follows:

§ 76.51 Major television markets.

* * * * *
 (a) * * *
 (28) Los Angeles-San Bernardino-Corona-Riverside-Anaheim, California.
 * * * * *

Federal Communications Commission.
William H. Johnson,
Deputy Chief, Cable Services Bureau.
 [FR Doc. 95-21610 Filed 8-30-95; 8:45 am]
 BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE

48 CFR Parts 228 and 252

[DFARS Case 95-D305]

Defense Federal Acquisition Regulation Supplement; Alternatives to Miller Act Bonds

AGENCY: Department of Defense (DoD).
ACTION: Interim rule with request for comment.

SUMMARY: The Director of Defense Procurement is amending the Defense Federal Acquisition Regulation Supplement (DFARS) to provide alternatives to Miller Act bond requirements for construction contracts between \$25,000 and \$100,000.

DATES: *Effective Date:* August 31, 1995.
Comment Date: Comments on the interim rule should be submitted in writing to the address below on or before October 30, 1995, to be considered in the formulation of the final rule.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, PDUSD(A&T)DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301-3062. Telefax number (703) 602-0350. Please cite DFARS Case 95-D305

in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602-0131.

SUPPLEMENTARY INFORMATION:

A. Background

This interim DFARS rule provides alternative payment protections for construction contracts between \$25,000 and \$100,000, pending implementation of Section 4104(b)(2) of the Federal Acquisition Streamlining Act of 1994, Pub. L. 103-355 (FASA), in the FAR. Section 4104(b)(2) of FASA requires FAR revisions to provide alternatives to payment bonds as payment protections for suppliers of labor and material under construction contracts between \$25,000 and \$100,000. Federal Acquisition Circular 90-29 (60 FR 34732, July 3, 1995) revised FAR Part 13 to exclude construction contracts and subcontracts at or below the simplified acquisition threshold (\$100,000) from Miller Act bond requirements, in accordance with Section 4101(b)(1) of FASA.

B. Regulatory Flexibility Act

This interim rule may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because the rule provides alternatives to payment bonds as payment protection for construction contracts between \$25,000 and \$100,000. The objective of the rule is to make it easier for small businesses to provide payment protections under construction contracts. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and may be obtained from the address specified herein. A copy of the IRFA has been submitted to the Chief Counsel for Advocacy of the Small Business Administration. Comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected DFARS subparts will be considered in accordance with Section 610 of the Act. Such comments must be submitted separately and cite DFARS Case 95-D305 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act applies. The applicable OMB Control Number is 9000-0045.

D. Determination of Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense to issue this rule as an interim rule. Urgent and compelling reasons exist to

promulgate this rule without prior opportunity for public comment because it is necessary to provide payment protections for construction contracts between \$25,000 and \$100,000. However, comments received in response to this interim rule will be considered in formulating the final rule.

List of Subjects in 48 CFR Parts 228 and 252

Government procurement.

Michele P. Peterson,
Executive Editor, Defense Acquisition Regulations Council

Therefore, 48 CFR Part 228 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 228 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 228—BONDS AND INSURANCE

2. Sections 228.171, 228.171-1, 228.171-2, and 228.171-3 are added to read as follows:

228.171 Alternative payment protections in construction contracts between \$25,000 and \$100,000.

228.171-1 General. For construction contracts greater than \$25,000, but not greater than \$100,000, the contracting officer shall select one or more of the following payment protections which the contractor may submit to the Government for the protection of suppliers of labor and material:

- (a) A payment bond.
- (b) An irrevocable letter of credit.
- (c) A tripartite escrow agreement. The prime contractor establishes an escrow account in a Federally insured financial institution and enters into a tripartite escrow agreement with the financial institution, as escrow agent, and all of the suppliers of labor and material. The escrow agreement shall establish the terms of payment under the contract and of resolution of disputes among the parties. The Government makes payments to the contractor's escrow account, and the escrow agent distributes the payments in accordance with the agreement, or triggers the disputes resolution procedures if required.

(d) Certificates of deposit. The contractor deposits certificates of deposit with the contracting officer, in an acceptable form, executable by the contracting officer, and immediately refundable in an amount equal to the penal amount of the payment bond waived.

(e) A deposit of the types of security listed in 28.204.

228.171-2 Amount required.

(a) The requirements at FAR 28.102-2(b), for the amount of payment bonds, also apply to the alternative payment protections described in 228.171-1. In addition, the payment protection must provide protection for the full contract performance period plus one year, and must authorize the contracting officer to immediately access funds at any time within the contracting officer's discretion.

(b) The requirements at FAR 28.102-2(c), for the penal sum of bonds for requirements and indefinite-quantity contracts, also apply to the alternative payment protections described in 228.171-1.

228.171-3 Contract clause.

Use the clause at 252.228-7007, Alternative Payment Protections, in solicitations and contracts for construction, when the estimated or actual value exceeds \$25,000 but does not exceed \$100,000. Complete the clause by specifying the payment protection or protections selected (see 228.171-1), the penal amount required, and the deadline for submission.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.228-7007 is added to read as follows:

252.228-7007 Alternative Payment Protections.

As prescribed in 228.171-3, use the following clause:

Alternative Payment Protections (Aug. 1995)

(a) The Contractor shall submit one of the following payment protections:

(b) The penal sum of the payment protection shall be in the amount of \$_____.

(c) The submission of the payment protection is required by _____.

(d) The payment protection shall provide protection for the full contract performance period plus a one-year period, and shall authorize the Contracting Officer to immediately access funds at any time and withhold funds pending resolution by administrative or judicial proceedings or mutual agreement of the parties, except for escrow agreements which provide for a disputes resolution procedure.

(e) Except for escrow agreements which provide their own protection procedures, the Contracting Officer is authorized to access funds under the payment protection when it has been alleged in writing by a supplier of labor or material that nonpayment has occurred.

(f) When a tripartite escrow agreement is used, the Contractor shall utilize only suppliers of labor and material who signed the escrow agreement.

(End of clause)

[FR Doc. 95-21628 Filed 8-30-95; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 676

[Docket No. 950815207-5207-01; I.D. 080795E]

RIN 0648-A109

Limited Access Management of Federal Fisheries In and Off of Alaska; Individual Fishing Quota Program

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

ACTION: Interim final rule; request for comments.

SUMMARY: NMFS issues an interim rule to allow vessels subject to existing Individual Fishing Quota (IFQ) Program recordkeeping and observer coverage requirements to fish for sablefish and Pacific halibut in a regulatory area in which persons aboard the vessel hold IFQ, even when the amount of IFQ held for the area is less than the total amount of IFQ species on board the vessel. This action is necessary to allow persons who hold IFQ for more than one IFQ regulatory area to harvest IFQ species in those areas during the same fishing trip and is intended to facilitate more efficient harvesting by IFQ holders.

DATES: Effective on August 25, 1995. Comments must be received at the following address no later than October 2, 1995.

ADDRESSES: Comments on the interim rule must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 W. 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel. Copies of the Regulatory Impact Review (RIR) for this action may be requested from the same address.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907-586-7228.

SUPPLEMENTARY INFORMATION: The IFQ Program limits access to the halibut and sablefish fixed gear fisheries through the annual issuance of IFQ. Further information about the IFQ program is contained in the preamble to the final implementing regulations published November 9, 1993 (58 FR 59375). Holders of IFQ may harvest their IFQ,

specific to species, vessel category, and regulatory area, any time during the IFQ fishing season. Close monitoring of the harvest of IFQ halibut and IFQ sablefish is essential to prevent exceeding the total allowable catch for the halibut and sablefish fixed gear fisheries in each regulatory area.

A regulation at 50 CFR § 676.16(d) was designed to ensure that IFQ holders harvested their IFQ in the designated regulatory area. This regulation, enforced by at-sea monitoring of catches, makes it unlawful for any person to:

Retain IFQ halibut or IFQ sablefish on a vessel in excess of the total amount of unharvested IFQ, applicable to the vessel category and IFQ regulatory area in which the vessel is operating, and that is currently held by all IFQ card holders on board the vessel.

Although this provision was not intended to require persons to offload all IFQ species caught in one regulatory area before fishing in another regulatory area, this is the practical effect, especially for an IFQ holder with small amounts of IFQ in multiple areas, because the IFQ held in one regulatory area frequently is too small to cover the IFQ species harvested in another regulatory area. For example, a fisherman with 5 mt of IFQ for halibut in each of two adjacent areas is not able to harvest the total of 10 mt of halibut during the same fishing trip. The fisherman would be in violation of § 676.16(d) as soon as he harvested any IFQ halibut in the second area in addition to the 5 mt already harvested in the first area and still on board the vessel because the total amount on board the vessel would exceed the fisherman's 5 mt IFQ for halibut in the second area.

Members of the fishing industry requested the North Pacific Fishery Management Council (Council) to relieve the requirement specified in § 676.16(d). At its meeting on June 21-25, 1995, the Council recommended that NMFS implement an emergency rule that would allow catcher/processor and catcher vessels subject to existing recordkeeping and observer coverage requirements to retain IFQ halibut or IFQ sablefish in excess of the total amount of unharvested IFQ applicable to that vessel in the IFQ regulatory area in which the vessel is operating. The Council also recommended that § 676.16(d), which currently prohibits such retention, be amended for future years.

NMFS determined that an interim rule could relieve this requirement for vessels subject to existing recordkeeping and observer coverage requirements. A

vessel operator must continue to comply with the requirements in paragraph (d), unless the vessel has an observer aboard pursuant to 50 CFR part 677 while fishing for the IFQ species in the regulatory area of concern and complies with the applicable existing daily fishing logbook requirements at 50 CFR §§ 301.15, 672.5(b)(2), and 675.5(b)(2). The observer and recordkeeping requirements will enable authorized officers to verify that the IFQ halibut or IFQ sablefish on board was lawfully harvested in the appropriate IFQ regulatory area by an IFQ card holder with sufficient unused IFQ applicable to the vessel category and IFQ regulatory area in which the IFQ halibut or IFQ sablefish was harvested.

Relieving the requirement provides added flexibility to the IFQ holder's fishing schedule while still allowing NMFS to monitor closely IFQ harvests. A vessel not subject to the daily fishing logbook requirements or without observer coverage will still remain prohibited from having more of an IFQ species on board in a particular regulatory area than authorized under existing paragraph (d).

Although the Council requested that this relief be provided in all IFQ regulatory areas, current provisions in 50 CFR part 301 require vessel clearances for IFQ halibut harvested in most of Area 4. This vessel clearance requirement, while not in direct conflict with the interim rule, will diminish some of the interim rule's relief. Specifically, § 301.14 requires a vessel operator who intends to harvest halibut in Areas 4A, 4B, 4C, or 4D to obtain a vessel clearance in designated ports before commencing harvest of halibut and before unloading any halibut. Although the requirements of § 301.14 will diminish the benefits of relieving the requirements of § 676.16(d), additional changes to the requirements of § 301.14 must be approved and adopted by the International Pacific Halibut Commission. Vessel clearances required in § 301.14 do not apply to vessels that do not harvest halibut.

Classification

The Assistant Administrator for Fisheries, NOAA (AA), finds that the requirement specified in § 676.16(d) for a vessel that has observer coverage and that complies with daily fishing log requirements does not benefit the accuracy of catch monitoring and has an unintended wasteful effect. Any delay in removing that requirement could result in unnecessary waste without providing significant public benefit. Accordingly, the AA finds good cause to waive the requirement to provide prior

notice and the opportunity for public comment, pursuant to authority set forth at 5 U.S.C. 553(b)(B), as such procedures would be contrary to the public interest. Similarly, because this interim final rule exempts vessels that have observer coverage and that comply with daily fishing log regulations from the requirements of § 676.16(d), the AA finds that this interim final rule relieves a restriction and, as authorized by 5 U.S.C. 553(d)(1), may be made effective upon filing at the Office of the Federal Register.

This interim rule does not require the collection of new information. The collection of information necessary for this interim rule has been approved by the Office of Management and Budget (OMB), OMB control number 0648-0272 (regarding IFQs for Pacific halibut and sablefish), OMB control number 0648-0280 (North Pacific Fisheries Research Plan), and OMB control number 0648-0213 (logbook family of forms).

This interim rule implements minor revisions to the final rule implementing the IFQ Program and is categorically excluded from the requirement to prepare an environmental assessment (EA) in accordance with NAO 216-6.

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

List of Subjects in 50 CFR Part 676

Fisheries, Reporting and recordkeeping requirements.

Dated: August 24, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 676 is amended as follows:

PART 676—LIMITED ACCESS MANAGEMENT OF FEDERAL FISHERIES IN AND OFF OF ALASKA

1. The authority citation for 50 CFR part 676 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.* and 1801 *et seq.*

2. In § 676.16, paragraph (d) is revised to read as follows:

§ 676.16 General prohibitions.

* * * * *

(d) Except as provided at § 676.17, retain IFQ halibut or IFQ sablefish on a vessel in excess of the total amount of unharvested IFQ, applicable to the vessel category and IFQ regulatory area in which the vessel is deploying fixed gear, and that is currently held by all IFQ card holders aboard the vessel, unless the vessel has an observer aboard under § 677.10 of this chapter and maintains the applicable daily fishing log under § 301.15 of this title, §§ 672.5, and 675.5 of this chapter.

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[FR Doc. 95-21569 Filed 8-25-95; 3:39 pm]

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Proposed Rules

Federal Register

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Thursday, August 31, 1995

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 308, 310, 318, 320, 325, 326, 327, and 381

[Docket No. 95-039N]

Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems—Issue-Focused Public Meetings on the Proposed Regulation

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Meeting notice; closing of comment period.

SUMMARY: The U.S. Department of Agriculture is holding a series of issue-focused public meetings on FSIS' proposed rule, "Pathogen Reduction, Hazard Analysis and Critical Control Point (HACCP) Systems." The purpose of the meetings is to provide an opportunity for interested persons to directly discuss the key concerns that were raised during the comment period on the proposed rule, as well as the Agency's thinking about options under consideration in response to those concerns.

DATES: The issue-focused meetings will be held September 13-15 and September 27-29, 1995, from 9:00 a.m. to 5:30 p.m.

The comment period for the proposed rule, "Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems" (60 FR 6674, February 3, 1995), which reopened August 11, 1995 (60 FR 41029, August 11, 1995), will close on October 30, 1995.

ADDRESSES: The meetings will be held at the U.S. Department of Agriculture, Back of the South Building Cafeteria (between the 2nd and 3rd wings), 14th Street and Independence Avenue, SW, in Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Danner, Director, Planning Office, Policy Evaluation and Planning Staff, FSIS, USDA, Room 6904, Franklin

Court, Washington, DC 20250, (202) 501-7138. Anyone wishing to attend should contact Ms Lisa Parks at (202) 501-7138. Anyone wishing to obtain copies of the brief issue papers on agenda topics should contact Mr. Andrew Moss at (202) 690-3774. Anyone requiring a sign language interpreter or other special accommodations should make this known to Ms. Parks. The proceedings will be transcribed, and the transcripts will be made a part of the rulemaking record.

SUPPLEMENTARY INFORMATION: On August 23, 1995, USDA held a public scoping session to discuss the agenda and format for the series of issue-focused public meetings being held September 13-15 and 27-29, 1995, on the proposed rule, "Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems." Based on the discussion that took place at the scoping session, the following format will be observed for the issue-focused meetings:

Format

- The issue-focused public meetings will be held on September 13, 14, 15 and 27, 28, and 29 in the South Building of the U.S. Department of Agriculture, Washington, DC.
- The meetings are open to all interested parties. No concurrent sessions will be held.
- The meetings will be transcribed and made part of the rulemaking record. It is, therefore, unnecessary for oral comments to be duplicatively submitted in written form.
- Interested parties may also provide written comments on issues addressed in the meetings until October 30, 1995.
- Each meeting will focus on the specific set of issues provided in the agenda, below.
- Interested parties with common concerns and positions on a particular issue are encouraged to designate a representative to speak for them on that issue.
- Appropriate FSIS staff will attend and participate in the meetings.
- The moderator of the issue-focused public meetings will be Thomas J. Billy, Associate Administrator, USDA Food Safety and Inspection Service. The role of the moderator will be to foster substantive and focused discussion and dialogue among attendees on agenda items. The moderator will encourage an

open and balanced exchange of views while ensuring that discussions stay generally within announced time frames, remain on the designated subject, and avoid repetitious statements previously provided.

- Based on meeting discussions, the moderator will determine what additional issues will be included on the September 29 agenda.
- Brief issue papers on agenda topics will be provided. See Information Contact above.
- Several issues raised in the scoping session, which did not fall within the HACCP rulemaking, will be included for discussion at the Secretary's Food Safety Forum in October.

Based on the discussion that took place at the scoping session, the following agenda has been adopted:

Agenda

September 13, 1995

Overview of HACCP Proposal

A. Near-Term Measures

- Role and rationale for sanitation standard operating procedures (SOPs), antimicrobial treatments, carcass cooling requirements for red meat as a transition to HACCP

B. HACCP Program

- A tool for process control by industry
- A regulatory tool for FSIS and States
- The role of performance standards
- Application to different segments of industry

—slaughter

—processing, including canned, frozen, and specialty foods

—small plants

- Relationship to farm-to-table food safety strategy

C. Merging HACCP and Current System

- Refocus of inspection tasks
- Shift from command-and-control to performance standards

D. Timing

- Agency implementation
- Industry adoption of HACCP

FSIS Oversight of HACCP*A. Changing the Relationship Between FSIS and Inspected Plants**B. FSIS Inspection Under HACCP*

- Focus on industry's process control system and other systems such as standard operating procedures (SOP's) for sanitation
- Focus on government safety standards

C. Ensuring Compliance With HACCP Requirements

- FSIS and plant accountability
- Enforcement
- Appeal process
- Public access to HACCP records
- Whistleblower protection for FSIS and plant employees

Changing Role of Inspectors Under HACCP

- Focus on industry process control and other systems
- Changing inspection tasks related to product and production to focus on safety
- Inspection outside plants
- Training of inspectors for new roles

September 14

Regulatory Shift to Performance Standards—"Layering"*A. Eliminating Unnecessary and Redundant Regulations and Prior Approval Requirements to Increase Industry's Ability to Innovate to Improve Food Safety**B. Specific Changes Needed for Bringing FSIS Requirements Into Harmony With HACCP**C. FSIS Role in Facilitating Development of HACCP Plans*

- Model plans
- Guidance
- Pilot demonstrations in small plants

September 15

Performance Standards and Microbial Testing*A. Establishing Performance Standards*

- Scientific and policy basis for establishing targets
 - Whether *Salmonella* is the appropriate organism for some or all species
 - Whether other pathogens would be preferable for some or all species
 - Utility of targets for *E. coli* or other non-pathogenic indicator organisms as a means of controlling and reducing pathogenic microorganisms
 - Advantages and disadvantages of targets based on the incidence of detectable contamination (as proposed by FSIS) vs. targets based on the number of organisms present

- Need for pathogen reduction targets for raw ground products in general, and in plants that both slaughter animals and produce ground product

B. Measuring Achievement

- Purpose of testing (verifying process control adequate to achieve target consistently over time vs. enforcement of lot release criterion)

- Frequency of testing

- Who should test (the plant, FSIS, third-party laboratories, or a combination of the three); who should pay

- Laboratory accreditation

September 27

Carcass Cooling Standards for Red Meat and Poultry*A. Feasibility of Proposal**B. Alternatives, Including Performance Standards***Antimicrobial Treatments in Slaughter Plants***A. Should Antimicrobial Treatments be Mandated**B. Alternatives**C. FSIS Role in Specifying Efficacy Standards**D. FSIS Role in Approving Substances/Processes**E. International Considerations***Sanitation Standard Operating Procedures (SOP's)***A. How SOP's Relate to HACCP**B. Alternatives**C. Need for FSIS Sanitation Guidelines**D. Clarification of Acceptable Format, Records**E. Implications of SOPs for FSIS Inspectors in Daily Commencement of Plant Operations**F. Enforcement*

September 28

Specific Economic and Product Considerations*A. General Economic Impact**B. Minimizing Economic Impact Without Compromising Food Safety Goals**C. Taking Account of Impacts on Small Business*

- Definition of small business
- Options to minimize impact and assist small business
- Implementation schedule

D. Taking Account of Impacts on Religious and Ethnic Slaughter and Processing Practices

September 29

Remaining Issues and Review*A. International Considerations*

- Export issues
- Import issues

*B. Incentive-Based Alternatives, Such as Marketing Claims on Labels**C. Animal Producer Considerations**D. Any Issues That Need Further Discussion**E. Summary*

Done at Washington, DC, on: August 28, 1995.

Michael R. Taylor,*Acting Under Secretary for Food Safety.*

[FR Doc. 95-21671 Filed 8-29-95; 11:04 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF ENERGY**10 CFR Parts 830 and 834**

[Docket Nos. NE-RM-91-830 and EH-RM-93-834]

RIN 1901-AA34 and 1901-AA38

Nuclear Safety Management and Radiation Protection of the Public and the Environment

AGENCY: Department of Energy.

ACTION: Notice of limited reopening of comment periods.

SUMMARY: On December 9, 1991, the Department of Energy (DOE) published a Notice of Proposed Rulemaking to add regulations establishing a body of rules for DOE contractor and subcontractor activities to ensure safe operation of DOE's nuclear facilities. On March 25, 1993, DOE published a Notice of Proposed Rulemaking to add regulations establishing standards for the protection of the public and the environment against radiation from DOE activities. The purpose of this notice is to reopen the comment periods in these two rulemakings for 30 days in order to solicit comments on options now being considered in light of (1) public comments received during the initial comment periods, (2) comments received from the Defense Nuclear Facilities Safety Board (DNFSB), and (3) comments raised in connection with Departmental initiatives concerning the management of the DOE complex. This notice also announces the availability of current draft language for these regulations, as well as a draft discussion

of the regulatory system under development by DOE.

DATES: Written comments (11 copies) on the issues presented in this notice must be received by the Department on or before October 2, 1995.

ADDRESSES: Part 830: Written comments on Part 830 (11 copies) should be addressed to PART 830, Mr. Orin Pearson, U.S. Department of Energy, Office of Environment, Safety and Health, EH-10, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585.

Part 834: Written comments on Part 834 (11 copies) should be addressed to PART 834, Mr. Andrew Wallo, U.S. Department of Energy, Office of Environment, Safety and Health, EH-412, 1000 Independence Avenue SW, Washington, DC 20585.

Public Reading Room: Copies of the December 9, 1991 Notice of Proposed Rulemaking, written comments received on the December 9, 1991 Notice, and current draft regulatory language for 10 CFR part 830 are contained in Docket No. NE-RM-91-830. Copies of the March 25, 1993 Notice of Proposed Rulemaking, written comments received on the March 25, 1993 Notice, and the current draft regulatory language for 10 CFR part 834 are contained in Docket No. EH-RM-93-834. These docket are available for examination in DOE's Freedom of Information Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-6020, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Internet: The draft regulatory language for part 830 and for part 834, as well as the draft discussion of the regulatory system under development, is available on the internet at "gopher://nattie.eh.doe.gov:2011/11/.Drafts".

FOR FURTHER INFORMATION CONTACT:

Part 830: Mr. Richard Stark, U.S. Department of Energy, Office of Environment, Safety and Health, EH-31, 19901 Germantown Road, Germantown, Maryland 20874-1290, (301) 903-4407.

Part 834: Mr. Andrew Wallo, or Mr. Harold T. Peterson, Jr., U.S. Department of Energy, Office of Environment, Safety and Health, EH-412, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-2409, fax (202) 586-3915. Written Comments: Ms. Andi Kasarsky, (202) 586-3012.

SUPPLEMENTARY INFORMATION:

Background

On December 9, 1991, the Department published a Notice of Proposed

Rulemaking (56 FR 64316) to add a new part (10 CFR part 830) to its regulations establishing a body of rules for DOE contractor and subcontractor activities to ensure safe operation of DOE's nuclear facilities. The proposed rule contained nine specific sections covering (1) safety analysis reports, (2) unreviewed safety questions, (3) quality assurance requirements, (4) defect identification, (5) conduct of operations, (6) technical safety requirements, (7) training, (8) maintenance, and (9) operational occurrences, as well as general provisions for the application of these rules. A public hearing was held on February 25, 1992 in Germantown, Maryland and the 60-day comment period closed on March 25, 1992. A final rule on the quality assurance requirements and the general provisions for their application was published in the **Federal Register** on April 5, 1994 (59 FR 15843). The rulemaking remains open with respect to all areas other than the quality assurance requirements.

On March 25, 1993, the Department of Energy (DOE) published a Notice of Proposed Rulemaking (58 FR 16268) to add a new part (10 CFR Part 834) to its regulations establishing standards for the protection of the public and environment against radiation. The requirements would be applicable to the control of radiation exposures to the public and to the environment from normal operations under the control of DOE and DOE contractor personnel. The March 25, 1993 Notice described the four basic elements of the radiation protection system it proposed to implement for protection of the public and environment:

(1) Establish dose limits for exposure of members of the public to radiation and implementation of the Department's "as low as is reasonably achievable" (ALARA) policy;

(2) Manage radioactive materials in liquid waste discharges, in soil columns, and in selected solid waste containing radioactive materials, including a ground water protection program for each DOE site;

(3) Establish requirements for decontamination, survey and release of buildings, land, equipment, and personal property containing residual radioactive material and the management, storage and disposal of wastes generated by these activities; and

(4) Establish an Environmental Radiation Protection Program (ERPP) and plan (including an effluent monitoring and environmental surveillance program) to set forth the programs, plans, and other processes to protect the public from exposures to radiation.

A public hearing was held on May 13, 1993 in Germantown, Maryland and the 60-day comment period closed on June 22, 1993. The rulemaking remains open with respect to all areas.

The Department has considered (1) public comments received during the initial comment periods on part 830 and on Part 834, (2) comments received from the Defense Nuclear Facilities Safety Board (DNFSB), and (3) comments raised in connection with Departmental initiatives concerning the management of the DOE complex. As a result of this consideration, the Department has refined its views concerning the objectives and operation of the regulatory system which will include part 830 and part 834.

In general, the public comments received during the initial comment period relate to the details of the proposed rules and the scope of their coverage. They also raise questions concerning (1) the transition from the requirements in existing DOE Orders, (2) implementation of the rules, and (3) compliance with the rules.

The DNFSB has commented on numerous occasions on the relationship between the proposed rules and the establishment of a standards-based safety program at the Department. For example, in Recommendation 94-5 the DNFSB called for the Department to integrate its development of safety rules, orders, and other requirements into an integrated safety management program and, in particular, expressed its concern that the process of converting DOE Orders to rules not be used as an occasion to (1) unduly relax or eliminate important nuclear safety requirements in Orders, (2) relegate good nuclear safety practices extant in existing Orders to optional status, or (3) forego or delay current efforts to bring safety practices into compliance with mutually-agreed implementation plans that respond to recommendations of the Board.

In 1993, Vice President Gore established the National Performance Review to evaluate the operation of the Federal Government and make recommendations on how to reduce the cost and increase the efficiency of government. In its report on improving regulatory systems, the National Performance Review made several recommendations on achieving regulations that are effective, consistent, sensible, and understandable. In general, these recommendations encourage innovation, cooperation, public involvement and the use of existing commercial standards, while discouraging "command and control" approaches.

In addition to the National Performance Review, there have been several initiatives concerning management of the DOE complex. For example, the Galvin Commission examined alternative futures for the national laboratories. In general, the Galvin Commission found that the Department currently micromanages the laboratories and recommended that the laboratories be run as a corporation to the extent practicable. In the alternative, the Commission recommended changes to the current system, including (1) replacement of compliance-based directives with simple, well-defined performance measures, (2) elimination of approval by the Department of the laboratories' internal procedures, and (3) operation of the laboratories according to industry-wide regulatory standards.

In response to the National Performance Review and initiatives concerning the management of the DOE complex, the Department has conducted an extensive review of the system of safety standards for its nuclear facilities, including the proposed rules in part 830 and part 834, to determine the extent to which this system (1) emphasizes performance and (2) empowers those most affected by the system to play a major role in deciding how an adequate level of performance is achieved. In conjunction with this review, the Department has undertaken several specific actions, including (1) the Directives Reduction Initiative and (2) the development of the "necessary and sufficient" process.

As part of the Directives Reduction Initiative, the Department is reviewing existing DOE Orders to decide which of the provisions therein should be retained as requirements or as guidance concerning acceptable implementation methods. The Department also is considering the extent to which requirements should be modified to provide clear performance standards. The Department intends to issue revised DOE Orders to set forth those nuclear safety requirements that it decides to retain, except for those requirements that are contained in DOE rules already issued or proposed. The Directives Reduction Initiative has generated comments on the proposed rules because many of the provisions in the existing Orders cover the same subject matter as the proposed rules.

The Department is developing the "necessary and sufficient" process to permit the Department, its contractors, and other interested parties to work as partners in determining the requirements, standards, and implementing actions that, taken

together, will ensure an adequate level of protection for a particular facility or activity, taking into account the hazards associated with that facility or activity and other relevant factors. The necessary and sufficient process is intended to move away from the "one size fits all" approach towards a tailored approach that recognizes the differences among the diverse DOE facilities that can range from an accelerator to a research reactor to a weapons dismantlement plant to a clean-up site. When fully developed, the necessary and sufficient process will provide a better way of ensuring adequate protection by assessing the work to be performed, analyzing the hazards involved, and then determining the requirements and implementing procedures, programs, plans and other actions that are "necessary and sufficient" to address those hazards. The development of the necessary and sufficient process has generated comments concerning the intended relationship between the operation of that process and the proposed rules.

Request for Comments

The Department is issuing this notice to solicit comments from the public on issues raised by the comments and options under consideration to respond to these comments. In connection with the reopening of the comment periods, the Department is making available to the public draft regulatory language for part 830 and for part 834 currently under consideration. The Department also is making available a draft discussion of the regulatory system which will result from the Department's current rulemaking activities. These draft documents do not represent a final position of the Department, but are being made available to assist in the formulation of comments.

In particular, comments are solicited on the following topics.

Part 830

1. *Detailed requirements versus performance objectives.* Much of the discussion concerning the proposed Part 830 rules has focused on whether the proposed rules should be revised to contain more of the detailed requirements in the existing Orders or whether some of the proposed rules are too detailed and should be revised to focus on performance objectives. Those comments that favor more detailed requirements should specify the requirements to be added and the reasons why a particular requirement should be imposed uniformly throughout the DOE complex. Likewise, those comments that favor requirements

more in the form of performance objectives should describe such objectives in sufficient detail to permit an evaluation of the extent to which they are sufficient to ensure adequate protection of workers, the public, and the environment.

2. *Exclusion of below hazard category 3 facilities.* Many comments related to whether the nuclear safety management requirements of part 830 should cover all nuclear facilities, especially those below hazard category 3. The Department is considering an option that would respond to these comments by excluding nuclear facilities below hazard category 3 from the scope of part 830. Comments also might consider the extent to which specific requirements in part 830 are needed for hazard category 2 or 3 facilities. It should be noted that the exclusion of certain facilities from the requirements of part 830 is not intended to affect their coverage by the radiation protection requirements of 10 CFR part 834 and 10 CFR part 835, Occupational Radiation Protection. These requirements would assure that workers, members of the public, and the environment are adequately protected from the harmful effects of radiation.

In commenting on this option, consideration should be given to whether the hazard categories in DOE Standard 1082-92 should be incorporated as definitions in part 830 and, in particular, whether the description of hazard category 3 in DOE Standard 1082-92 is more appropriate than the description of hazard category 3 in the Notice of Proposed Rulemaking. In considering the use of the definitions in DOE Standard 1082-92, attention should be given to the potential effect on the portion of the definition of nonreactor nuclear facility that includes activities or operations relating to the design, manufacture, or assembly of items for use with radioactive materials and/or fissionable materials in such form or quantity that a nuclear hazard potentially exists. This portion of the definition of nonreactor nuclear facility covers activities where no nuclear material is present (such as activities at facilities that prepare the nonnuclear components of nuclear weapons or that assemble or manufacture safety related equipment for nuclear facilities), but which could affect activities in facilities where nuclear material is present.

3. *Transportation.* Some comments on the scope of part 830 relate to the coverage of transportation in light of the exclusion of transportation activities from the definition of nonreactor nuclear facilities. This exclusion is intended to avoid regulatory duplication since most transportation of radioactive

materials occurs off site where it is typically governed and regulated by agencies other than the Department. DOE is considering responding to the comments by (1) deleting the exclusion of transportation activities from the definition of nonreactor nuclear facilities and (2) excluding from the scope of part 830 those transportation activities governed and regulated by either the U.S. Department of Transportation, the national security provisions of 49 CFR 173.7(b), or the U.S. Nuclear Regulatory Commission.

4. *Weapons program.* Some comments requested clarification of the exclusion of activities relating to the prevention of accidental or unauthorized detonations of nuclear weapons. This exclusion is drafted narrowly to cover only those activities whose purpose is to prevent nuclear detonations (that is, where the component parts of a nuclear weapon have been assembled in a manner such that a nuclear detonation could take place). The basis for this exclusion is the paramount importance of preventing accidental or unauthorized nuclear detonations and ensuring that the regulatory requirements in part 830 do not come into conflict with activities necessary to prevent any such detonation. These exclusions do not relieve the person responsible for a DOE nuclear facility from complying with regulatory requirements to the extent they do not interfere with the conduct of activities undertaken to prevent a nuclear detonation. The Department is considering an option to incorporate this clarification explicitly in the regulatory language. Comments on this issue also should consider an option under which the exclusion would be eliminated, but which would make clear safe management requirements must be tailored to take into account the paramount importance of preventing accidental or unauthorized detonations.

5. *Offsite coverage.* Some comments relate to the coverage of activities that do not occur at a DOE nuclear facility. For example, many training, maintenance, and quality assurance activities are conducted outside the facility to which they relate. The Department is considering responding to these comments with an option that would expand the scope of part 830 to cover conduct that could affect the safe management of nuclear facilities without any limitation that such conduct must occur at nuclear facilities.

6. *Coverage of DOE employees and DOE operated facilities.* Some comments question why the scope of part 830 does not extend to DOE employees and to facilities operated by the Department (and not by a

contractor). The Department is considering responding to these comments with an option that would modify the scope of part 830 to cover DOE employees and DOE operated facilities in the same manner as part 835.

7. *Coverage of nonradioactive hazards.* Some comments have questioned the extent to which the proposed rules relate to chemical or other nonradioactive hazards. These comments point out that some of these hazards have the ability to (1) cause or exacerbate accidents involving the release of radioactive material, (2) reduce the level of nuclear safety and/or (3) have a significant affect on the hazard level of the facility. DOE is considering options under which the rules would address (1) only radioactive hazards at a nuclear facility, (2) only radioactive hazards and those hazards which could cause or exacerbate an accident involving radioactivity or reduce the level of nuclear safety, or (3) all hazards which could present a substantial safety hazard at a nuclear facility. Comments on this issue should indicate what changes, if any, might be needed to the proposed rules to accommodate the option favored by a comment.

8. *Applicability to non-nuclear facilities.* Some comments have suggested that the scope of the proposed safety management rules in part 830 be extended to non-nuclear facilities. These comments point out that many DOE sites have nuclear and non-nuclear facilities and that many of the rules (e.g., training) could be applicable to both nuclear and non-nuclear facilities and thus result in integrated and coordinated site-wide safety management programs that would be more efficient and effective. The Department is considering responding to these comments with an option to make the language in some of the rules in part 830 more general and applicable to non-nuclear, as well as nuclear facilities. This option would not expand the scope of part 830 beyond DOE nuclear facilities or subject non-nuclear facilities to the procedural and enforcement requirements delineated in part 820. This option would permit the Department, however, to impose contractually the relevant requirements in part 830 on non-nuclear facilities and thus result in a more uniform and coordinated safety program for a site.

9. *Implementation plans.* Implementation plans were the subject of many comments. These comments related to (1) the timing of their submission and effectiveness, (2) the possibility of integrating the plans for a

facility or site, (3) the relationship to the necessary and sufficient process under development, (4) the relationship to Standards/Requirements Identification Documents (SRIDs) and Order compliance activities, and (5) the relationship to the authorization basis. In response to these comments, the Department is considering options to clarify the role of implementation plans and to make them a more effective tool for cooperation between the Department and its contractors.

10. *Compliance.* Some comments concerned the manner in which the Department would evaluate compliance with the regulatory requirements in part 830. The Department is considering options to make clear that compliance with regulatory requirements will be evaluated in terms of (1) a hazard analysis of the work to be performed, (2) the identification of standards and other actions appropriate for the hazards in a particular workplace, (3) the application of those standards and actions to the workplace, and (4) the obligation for ongoing self-assessment.

Part 834

1. *Detailed requirements versus performance objectives.* Some comments suggested the proposed rules should be revised to contain more detailed requirements, while other comments indicated the proposed rules are too detailed and should be revised to focus on performance objectives. In general, the Department believes it has balanced these concerns to ensure that the requirements established in the rule include those that are necessary to ensure protection of the public and environment from hazards associated with radioactive material and are sufficiently flexible to afford cost effective implementation. In particular, the Department's application of the "as low as reasonably achievable" (ALARA) process to permit individual operations to select site specific goals and appropriate means of achieving them in a manner that considers social, technical, economic, practical and public policy considerations along with dose reduction provides flexibility to address site specific factors and avoids the "one size fits all" concept. The adoption of specific dose limits below which the ALARA process operates provides added assurance that the rules are protective.

Those comments that favor the addition of more detailed requirements should specify the requirements to be added and the reasons why a particular requirement should be imposed uniformly throughout the DOE complex. Likewise, those comments that favor

requirements more in the form of performance objectives should describe such objectives in sufficient detail to permit an evaluation of the extent to which they are sufficient to ensure adequate protection of workers, the public, and the environment.

2. *Organization of the draft final rule.* In response to public comments, the Department is considering revising the structure of the rule to make the presentation easier to follow. The Department also is considering whether definitions should be added, revised or deleted for consistency and to eliminate ambiguity.

3. *Demonstrating compliance with dose limits.* The primary dose limit of 100 mrem is based on all sources of radiation. To demonstrate compliance with dose limits, the rule requires evaluations of doses to members of the public who live in or occupy an area most likely to receive the highest doses. It also requires consideration of the likely exposure pathways through air, water, food, and surfaces of property and the location of those sources. Doses from radiation sources other than those from DOE activities must also be evaluated. DOE is considering modifying the proposed rule to require evaluation of doses from non-DOE activities only when: (1) The dose from DOE activities exceeds 30 mrem in a year, and, (2) the dose from the non-DOE activities also exceeds 30 mrem in a year to the same individuals. This allocation of the primary dose limit to different sources of radiation exposure is consistent with national and international guidelines and is a practical approach which ensures that the primary dose limit will likely not be exceeded.

4. *Doses from accidental releases of radioactive materials.* Some commenters were concerned with the application of the part 834 dose limits to accidents. The Department is considering deleting § 834.9 of the proposed rule which resulted in confusion. The proposed rule was unclear as to whether and when these doses were subject to the dose limits. The Department is considering clarifying the applicability of the dose limits by adding § 834.1(b) stating "The public dose limits in this rule are intended to apply to doses to members of the general public from routine operations and operational occurrences. The dose limits are not intended to be safety design criteria or guides for mitigating the consequences of accidents." DOE would continue to require that doses from accidents be evaluated and reported.

5. *Requirements applicable to liquid sources of radioactive materials—liquid discharges.* The Department is considering an option to clarify that stormwater runoff and purge water containing residual radioactive material are considered to be liquid waste streams. Moreover, to reduce dual regulation, the Department is considering an option to allow DOE activities operated in accord with a National or State Pollution Discharge Elimination System permit to be exempt from selected requirements.

6. *Discharges of liquid waste to aquifers and phaseout of soil columns.* The proposed rule provided for discontinuance of existing soil columns and the prohibition or increased discharges to soil columns. The Department is considering an option that would provide for exceptions where the discharges to the soil columns are treated by the Best Available Technology (BAT) and would result in less risk to the public and the environment than any other practicable alternative waste management practice. This process would allow case-by-case exceptions, include requirements to ensure the National Primary Drinking Water regulations are not exceeded, and require monitoring of actual concentrations in the soil column and aquifers.

7. *Discharges to sanitary sewerage.* The Department is considering an option to make its requirements for discharges to sanitary sewerage more consistent with the NRC requirements on discharges of radioactive materials from NRC-licensed facilities in § 20.2003 of 10 CFR part 20. This option would limit the released material to dissolved or dispersible biologic materials.

8. *Radiation protection of aquatic organisms.* As proposed, part 834 contained requirements for the protection of aquatic organisms. Some commenters were concerned about implementation of the 1 rad per day aquatic limit. There was concern with the difficulty and cost associated with adequately defining dose to organisms in an exposed population. DOE is considering establishing a screening criterion to simplify the demonstration of compliance. If it can be shown that the estimated dose to a representative individual of an exposed population is less than 0.1 rad per day, then compliance with the primary aquatic limit may be assumed; otherwise more detailed analyses are needed. The Department is seeking comments on the use of this screening criterion.

9. *Appended Guides.* The Department is considering omitting the tables of

Derived Concentration Guides (DCGs) appended to the proposed rule as Appendix A in order to permit periodic revision of the information found in the appendix. This option would require that DCG values and other factors be taken from DOE-approved references or calculated by DOE-approved methods.

The Department urges interested members of the public to comment on the important issues discussed above.

Issued in Washington, DC, on August 28, 1995.

Peter N. Brush,

*Principal Deputy Assistant Secretary,
Environment, Safety and Health.*

[FR Doc. 95-21648 Filed 8-30-95; 8:45 am]

BILLING CODE 6450-01-P

FEDERAL RESERVE SYSTEM

12 CFR Part 268

[Docket No. R-0894]

Rules Regarding Equal Opportunity

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Board of Governors of the Federal Reserve System (the Board) is seeking public comment on a proposed amendment to its Rules Regarding Equal Opportunity which corrects an ambiguity in the provision regarding access to the investigative file. The Rules set out the complaint processing procedures governing complaints by Board employees and applicants for employment alleging discrimination in employment, and related matters.

DATES: Comments must be submitted on or before October 2, 1995.

ADDRESSES: Comments should refer to Docket No. R-0984, and may be mailed to William W. Wiles, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. Comments also may be delivered to Room B-2222 of the Eccles Building, between 8:45 a.m. and 5:15 p.m. weekdays, or to the guard station in the Eccles Building courtyard on 20th Street, NW (between Constitution Avenue and C Street) at any time. Comments may be inspected in Room MP-500 of the Martin Building between 9:00 a.m. and 5:00 p.m., except as provided in § 261.8 of the Board's Rules Regarding Availability of Information, 12 CFR 261.8.

FOR FURTHER INFORMATION CONTACT: J. Mills Williams, Senior Attorney (202/452-3701), or Stephen L. Siciliano, Special Assistant to the General Counsel

for Administrative Law (202/452-3920), Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. For users of Telecommunication Device for the Deaf (TDD) only, contact Dorothea Thompson (202/452-3544).

SUPPLEMENTARY INFORMATION: The Board's current Rules Regarding Equal Opportunity (12 CFR part 286) provide that a person who files an administrative complaint of discrimination under the Rules must be given a copy of the investigative file relative to the complaint within 180 days after the filing of the complaint with the Board, unless the time is otherwise extended. 12 CFR 268.207(f). The Rules further provide that the "Board may unilaterally extend the time period * * * where it must sanitize a complaint file that may contain confidential information of the Board under 12 CFR part 261, or other privileged information of the Board * * *." 12 CFR 268.207(e). The corresponding language in the federal sector complaint processing regulation of the Equal Employment Opportunity Commission (Commission) provides that an "agency may unilaterally extend the time period * * * where it must sanitize a complaint file that may contain information classified pursuant to Executive Order 12356, or successor orders, as secret in the interest of national defense or foreign policy * * *." 29 CFR 1614.108(e).

The Board's Rules require that, at the completion of an investigation, the investigative file be made available to each complainant. 12 CFR 268.207(f). It has come to the Board's attention that in certain cases confidential supervisory information, as defined in 12 CFR 261.2(b), or other confidential information may be relevant to a complaint filed under the Rules. It was the Board's intention to provide that confidential information of the Board that is relevant to the complaint be included in the investigative file made available to the complainant and to the complainant's personal representative.

The Board recognizes that the language in its current regulations with respect to an extension of time when necessary to sanitize a complaint file of confidential information could be interpreted as preventing such information from being included in such a file where relevant to a specific complaint. Accordingly, the Board believes this current provision in the Rules should be amended to make clear that, where relevant, confidential information of the Board may be

included in a complaint file. Specifically, § 268.207(e) of the Rules would be amended to provide that the time period for completing an investigation may be unilaterally extended by the Board only where classified national security information must be sanitized. The proposed amendment would conform this provision of the Rules to the corresponding provision in the complaint processing regulation of the Commission.

In addition, a new paragraph (§ 268.207(e)(2)) would be added to § 268.207(e) of the Board's Rules that would expressly authorize the placement by the investigator, the EEG Programs Director, or another appropriate officer of the Board of relevant confidential information in the investigative file that is provided to a complainant and to his or her personal representative.

The new paragraph would also contain a provision making clear that those who have access to an investigative file, such as the complainant and the complainant's representative, containing any confidential information are subject to all applicable restrictions in existing law governing the disclosure of such information, in particular, the Board's Rules Regarding Availability of Information (12 CFR Part 261) and, where applicable, the Privacy Act. This means that confidential information in an investigatory file may be disclosed further only to the extent permitted by such restrictions.

The Board notes, in this regard, that its restrictions on unauthorized disclosure of confidential information by persons in possession of such information bind all such persons, not merely those who are employees of the Board. 12 CFR 261.8(c), 261.13(e), 261.14.

The Board's Rules Regarding Availability of Information (12 CFR 261 subpart C) provide a mechanism by which a person having confidential information of the Board may request permission to disclose further such information, however. Accordingly, application must be made to the Board's General Counsel under 12 CFR 261.13 for approval of further production or disclosure by a complainant or personal representative of confidential information.

Moreover, under the proposed amendment, it would be explicit that certain information that is not confidential supervisory information but nevertheless may be included in an investigative file may be subject to the Privacy Act or to Executive Order

12356. Such information also may not be disclosed to or by the complainant unless disclosure is authorized consistent with the requirements and/or prohibitions of Executive Order 12356 or of the Privacy Act (5 U.S.C. 552a).¹

Although these revisions to the Board's Rules Regarding Equal Opportunity may be viewed as an interpretative rule with regard to the rights of complainants and the duties of complainants and their personal representatives, the revisions clarify that confidential information regarding the affairs of nonparties may be made available to a complainant, and to his or her personal representative, in appropriate cases. Accordingly, since the interests of nonparties may be affected, the Board deems it appropriate to treat this revision as a substantive rule and to solicit public comment.

List of Subjects in 12 CFR Part 268

Administrative practice and procedure, Aged, Civil rights, Equal employment opportunity, Federal buildings and facilities, Federal Reserve System, Government employees, Individuals with disabilities, Religious discrimination, Sex discrimination, Wages.

For the reasons set forth in the preamble, the Board proposes to amend 12 CFR part 268 as set forth below:

PART 268—RULES REGARDING EQUAL OPPORTUNITY

1. The authority citation for part 268 continues to read as follows:

Authority: 12 U.S.C. 244 and 248 (i), (k) and (l).

2. In § 268.207, paragraph (e) is revised to read as follows:

§ 268.207 Investigation of complaints.

* * * * *

(e)(1) The Board shall complete its investigation within 180 days of the date of the filing of an individual complaint or within the time period contained in the determination of the Commission on review of a dismissal pursuant to § 268.206 of this part. By written agreement within those time periods, the complainant and the Board may voluntarily extend the time period for not more than an additional 90 days. The Board may unilaterally extend the

¹ Information subject to the Privacy Act may thereafter be disclosed when necessary in accordance with the *routine* use provision 12 CFR a.10(b)(3). See Board System of Records, BGFRS-5, *Federal Reserve Regulatory Service* ¶ 8-338. A federal criminal statute regarding the unauthorized conversion of Board property may restrict disclosure of confidential Board information in certain cases unless authorization has been specifically given. 18 U.S.C. 641.

time period or any period of extension for not more than 30 days where it must sanitize an investigative file that may contain information classified pursuant to Executive Order No. 12356, or successor orders, as secret in the interest of national defense or foreign policy, provided the Board notifies the complainant of the extension.

(2) Confidential supervisory information, as defined in 12 CFR 261.2(b), and other confidential information of the Board may be included in the investigative file by the investigator, the EEG Programs Director, or another appropriate officer of the Board, where such information is relevant to the complaint. Neither the complainant nor the complainant's personal representative may make further disclosure of such information, however, except in compliance with the Board's Rules Regarding Availability of Information, 12 CFR part 261, and where applicable, the Board's Rules Regarding Access to and Review of Personal Information in Systems of Records, 12 CFR part 261a.

* * * * *

By order of the Board of Governors of the Federal Reserve System, August 25, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-21616 Filed 8-30-95; 8:45 am]

BILLING CODE 6210-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95-ACE-4]

Proposed Amendment to Class E Airspace; Fairmont, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Fairmont, NE to accommodate a new standard instrument approach procedure (SIAP) at Fairmont State Airfield, Fairmont, NE. The recent discovery of a new tower south of the airport has raised the minimums on the NDB Runway 35 SIAP at Fairmont State Airfield. This proposed standard instrument approach procedure (SIAP) to Runway 17 at Fairmont State Airfield, utilizing the Beklof NDB will provide lower minimums for aircraft executing a SIAP at Fairmont, NE.

DATES: Comments must be received on or before October 1, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Operations Branch, ACE-530, Federal Aviation Administration, Docket No. 95-ACE-4, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Assistant Chief Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Operations Branch, Air Traffic Division, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Air Traffic Operations Branch, ACE-530c, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone: (816) 426-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 95-ACE-4." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM)

by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484.

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

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to provide additional controlled airspace for a new Instrument Flight Rules (IFR) procedure at the Fairmont State Airfield. The additional airspace would segregate aircraft operating under VFR conditions from aircraft operating under IFR procedures. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9B, dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal

Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

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

* * * * *

ACE NE E5 Fairmont, NE [Revised]

Fairmont State Airfield, NE.

(Lat. 40°35'09" N, long. 97°34'23" W)

Beklof NDB

(Lat. 40°35'24" N, long. 97°34'05" W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of the Fairmont State Airfield and within 2.6 miles each side of the 189° bearing of the Beklof NDB extending from the 6.8-mile radius to 7 miles southeast of the airport.

* * * * *

Issued in Kansas City, MO, on August 4, 1995.

Herman J. Lyons,

Manager, Air Traffic Division, Central Region.

[FR Doc. 95–21681 Filed 8–30–95; 8:45 am]

BILLING CODE 4910–13–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Older Workers Benefit Protection Act of 1990 (OWBPA)

AGENCY: Equal Employment Opportunity Commission (EEOC).

ACTION: Notice of Intent to form a Negotiated Rulemaking Advisory Committee to Develop a Proposed Rule: Request for representation.

SUMMARY: EEOC announces its intent to establish an OWBPA Negotiated Rulemaking Advisory Committee ("the Committee") under the Negotiated Rulemaking Act (NRA), the Federal Advisory Committee Act (FACA), and section 9 of the Age Discrimination in Employment Act of 1967, as amended (ADEA), 29 U.S.C. 628, to negotiate issues associated with the development

of a Notice of Proposed Rulemaking (NPRM) on Title II of OWBPA. The Committee will include representatives of the parties interested in, or affected by, the outcome of the proposed rule. EEOC requests that interested parties submit their requests for membership on the Committee.

DATES: EEOC must receive written requests for membership by October 2, 1995.

ADDRESSES: All written requests for Committee membership, and any comments on the rulemaking process, should be sent to: Executive Secretariat, EEOC, 1801 L Street, NW., Washington, DC 20507.

FOR FURTHER INFORMATION CONTACT: Joseph N. Cleary, Director, ADEA Division, Office of Legal Counsel, EEOC, 1801 L Street, NW., Washington, DC 20507 (202) 663–4690.

SUPPLEMENTARY INFORMATION:

I. Background

Congress amended the ADEA in 1990 to clarify the prohibitions against discrimination on the basis of age. In Title I of OWBPA, Congress addressed discrimination in employee benefits. Title II addressed waivers of rights and claims under the ADEA, amending section 7 of that Act by adding a new subsection (f). Title II expressly provided that unsupervised waivers may be valid and enforceable under the ADEA only if they meet certain enumerated requirements and are knowing and voluntary waivers of rights. EEOC intends to engage in rulemaking on certain Title II issues.

In light of the 1990 amendments to the ADEA, EEOC published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register**, 57 FR 10626 (March 27, 1992), seeking information from the public on various issues under Titles I and II of OWBPA. In response to the ANPRM, EEOC received approximately 40 comments, many of which presented detailed analyses of Title II issues, raising the possibility that EEOC should provide formal guidance on waivers of rights.

This Notice announces EEOC's intent to use negotiated rulemaking to develop a proposed Title II rule. It also sets forth basic concepts of negotiated rulemaking and outlines the criteria that EEOC expects to use in selecting the Committee and conducting the rulemaking. This Notice allows 30 days for interested parties to request appointment to the Committee.

II. Negotiated Rulemaking in General

The Administrative Conference of the United States (ACUS) has discussed

why negotiated rulemaking may alleviate certain problems associated with more traditional rulemaking procedures:

Experience indicates that if the parties in interest were to work together to negotiate the text of a proposed rule, they might be able in some circumstances to identify the major issues, gauge their importance to the respective parties, identify the information and data necessary to resolve the issues, and develop a rule that is acceptable to the respective interests, all within the contours of the substantive statute.

47 FR 30708 (June 18, 1982); 1 CFR 305.82–4.

There have been numerous effective uses of negotiated rulemaking procedures by such agencies as the Environmental Protection Agency, the Department of Transportation, and the Federal Aviation Administration. EEOC believes that the use of negotiated rulemaking procedures will meet the goals set out in the ACUS analysis, above, and adopts those goals by reference.

III. Justification for Use of Negotiated Rulemaking

In selecting Title II of OWBPA as a subject for negotiated rulemaking, EEOC has made the following determinations under criteria set out in the NRA:

- (1) There is a need for a rule;
- (2) There are a limited number of identifiable interests that will be significantly affected by the rule;
- (3) There is a reasonable likelihood that a Committee can be convened with a balanced representation of persons who:
 - (a) Can adequately represent the interests identified under paragraph (2), above; and
 - (b) Are willing to negotiate in good faith to reach a consensus on the proposed rule;
 - (4) There is a reasonable likelihood that the Committee will reach a consensus on the proposed rule within a reasonable fixed period of time;
 - (5) The procedure will not unreasonably delay the NPRM and the issuance of a final rule;
 - (6) EEOC has adequate resources and is willing to commit those resources, including technical assistance, to the Committee;
 - (7) EEOC, to the maximum extent possible consistent with its legal obligations and the need by EEOC Commissioners to review any draft rulemaking, will use the consensus of the Committee with respect to the proposed rule as the basis for the NPRM.

EEOC will follow all requirements set out in the ADEA, the Administrative

Procedures Act (APA), or any other statute with regard to rulemaking, including the need for a notice and comment period to permit members of the public to present their concerns regarding the NPRM. Nothing herein would deny Committee members the right to take part in the APA comment process.

In the event that EEOC does not receive requests for representation from a sufficient number of individuals or groups representing the affected interests, EEOC reserves the right to undertake rulemaking processes other than negotiated rulemaking.

IV. Issues for Negotiation

This list is for purposes of general notice only and is not intended to be either an exclusive or a mandatory list of issues. EEOC will work with the Committee to decide which of the issues listed, or other issues not listed, will be negotiated in the negotiated rulemaking process. EEOC welcomes comments from the public within the next 30 days with regard to possible issues to be considered by the Committee.

1. Section 7(f)(1)(F) of the ADEA mandates that an employee be given either 21 days or 45 days to decide whether or not to sign a waiver, depending upon whether the employer's action falls within the requirements of section 7(f)(1)(H). Is it necessary to restart the 21 or 45 day period if (a) a material modification is made to the waiver agreement and/or to the consideration offered by the employer; or (b) any modification is made to the waiver agreement?

2. May the 21, 45, and 7 day periods set out in section 7 of the ADEA be shortened by mutual consent of the parties? If so, what proof is necessary to determine if the time shortening is voluntary on the employee's part?

3. Section 7(f)(1)(H) of the ADEA contains notification requirements "if a waiver is requested in connection with an exit incentive or other employment termination program offered to a group or class of employees * * *". Are the requirements in that section limited to voluntary separation programs, or would the requirements apply also to a waiver offered during an involuntary termination such as a reduction in force?

4. How should EEOC define such terms appearing in section 7(f)(1)(H) as "program", "class", "unit", "group", "job classification", and "organizational unit"?

5. Does the ADEA permit an employer to satisfy the notification requirements in section 7(f)(1)(H) by having the information available for any interested

employee in a central location, such as the employer's personnel office, or is it necessary for an employer to provide all relevant information to every affected employee?

6. What are the minimum requirements of "knowing and voluntary" where an employer and employee privately and independently settle a charge that has been filed with the EEOC?

7. What is meant by the language in section 7(f)(1)(D) of the ADEA allowing waivers "only in exchange for consideration in addition to anything of value to which the individual already is entitled"? May an employer that has previously given benefits (such as severance pay) without requiring a waiver of ADEA rights later change its policy or practice to require a waiver in exchange for such benefits?

8. What is the legal status of the consideration given for a waiver if EEOC finds that the waiver is invalid?

9. Is an employer required to offer more consideration for a waiver of rights by a person who is age 40 or over than is offered to a person under the age of 40?

V. Negotiation Procedures

The following proposed procedures and guidelines are based upon 5 U.S.C. 581 *et seq.*, and would apply to EEOC's process. These procedures and guidelines may be augmented or modified as a result of comments received in response to this Notice of Intent or during the negotiation process, within the parameters of applicable law.

A. Notice of Intent To Establish an OWBPA Negotiated Rulemaking Advisory Committee

For the reasons stated in previous sections, EEOC announces its intent to establish the Committee in accordance with the requirements of FACA and the General Services Administration (GSA) guidelines at 41 CFR 101-6.10 *et seq.*

B. Committee Notice

After evaluating the comments and requests received pursuant to this Notice, EEOC will issue a Committee Notice announcing the establishment of the Committee and the membership of the Committee. The Committee membership roster will be published in the **Federal Register**.

C. Interests Involved

(1) EEOC has tentatively identified the following interests as ones that may wish to participate in the negotiations through their representatives:

- * Groups assisting older persons.
- * Large and small employers.

- * Labor organizations.
- * State and local governments.
- * Bar organizations.
- * Institutions of higher education.

(2) One purpose of this Notice of Intent is to determine whether the rulemaking would substantially affect any interests that are not listed above. EEOC is willing to expand the list of affected interests based upon comments received. EEOC believes that affected interests should be represented on the Committee and that the Committee have balanced representation.

D. Participants

The Committee is not likely to exceed 20 participants, including EEOC's representatives on the Committee. If a smaller number of participants can represent effectively the interests affected by the rulemaking, EEOC will structure a smaller Committee.

It is expected that Committee members will have substantial expertise in the technical aspects of Title II of OWBPA and the concerns of employers and older employees with respect to rights and obligations under the ADEA. Persons interested in being appointed as members of the Committee should detail their experience and qualifications, the interest(s) they wish to represent, and how those interest(s) would be affected by the rule.

E. Good Faith Negotiation

Participants should be willing to negotiate in good faith in an effort to reach an appropriate consensus on the issues involved in the rulemaking.

F. Facilitators

The Federal Mediation and Conciliation Service will provide two Facilitators for this rulemaking. Their role is to help the negotiation process to run smoothly, assist participants reach consensus, chair the actual negotiations, and determine the feasibility of negotiating particular issues. Other duties may be added during the negotiating process.

G. EEOC Representatives

The EEOC representatives will be full and active participants in the consensus building negotiations. EEOC also will provide the Committee with necessary support personnel and technical resources, to the extent feasible.

H. Meeting Schedule

Once the Committee has been selected, EEOC will, after consultation with the Committee members, publish in the **Federal Register** the date of the first meeting. The first meeting will be held at EEOC Headquarters, 1801 L

Street, NW., Washington, DC, and it is anticipated that all future meetings will also be held at that address. At that first meeting, the Committee will focus upon procedural matters and protocols, including dates, times, and locations of future meetings; identification of the principal issues for resolution; and a target date for the completion of the NPRM.

In order to prevent delay in the preparation of guidance under Title II of OWBPA, EEOC intends to terminate the Committee's activities no later than 180 days after the date of the first meeting, unless circumstances call for extending the deadline.

I. Committee Procedures

Committee meetings will be conducted in accordance with the requirements of FACA, which provides for filing a Committee Charter with GSA and appropriate Congressional committees, meetings open to the public, filing of written statements by interested persons before or after meetings, presentation of oral statements where time permits, and retention of meeting records.

Committee meetings will be announced in the **Federal Register**. The Committee will establish the detailed procedures for its meetings.

J. Records of Meetings

In accordance with FACA, EEOC will keep minutes of all Committee meetings and will place these minutes in the public rulemaking docket.

K. Definition of Consensus

The goal of the negotiation process is "unanimous concurrence among the interests represented." 5 U.S.C. 582(2). EEOC expects Committee members to establish their own working definition of the term "consensus."

Dated: August 28, 1995.

Gilbert F. Casellas,

Chairman.

[FR Doc. 95-21654 Filed 8-30-95; 8:45 am]

BILLING CODE 6570-06-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-135; RM-8681]

Radio Broadcasting Services; Honor, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Jacqueline F. Bourgard, proposing the allotment of Channel 264A to Honor, Michigan, as that community's first local service. There is a site restriction 3 kilometers (1.8 miles) north of the community. Canadian concurrence will be requested for this allotment at coordinates 44-41-26 and 86-01-05.

DATES: Comments must be filed on or before October 19, 1995, and reply comments on or before November 3, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Jacqueline F. Bourgard, P.O. Box 365, Mesick, Michigan 49668.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-135, adopted August 16, 1995, and released August 28, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95-21613 Filed 8-30-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-136; RM-8682]

Television Broadcasting Services; Sioux Falls, SD

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Red River Broadcast Corp. ("RRBC"), proposing the allotment of UHF television Channel 46 at Sioux Falls, South Dakota, as potentially the community's sixth local television broadcast service. If the channel is allotted with cut-off protection, petitioner also requests that RRBC be allowed to amend its pending application for UHF television Channel 36+ at Sioux Falls to reflect operation on the new channel. Channel 46, with zero offset, can be allotted to Sioux Falls in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 46 at Sioux Falls are North Latitude 43-32-30 and West Longitude 96-44-00.

DATES: Comments must be filed on or before October 19, 1995 and reply comments on or before November 3, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John T. Scott, III, Esq., Crowell & Moring, 1001 Pennsylvania Ave., NW., Washington, DC 20004 (Counsel for Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-136, adopted August 18, 1995, and released August 28, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95-21611 Filed 8-30-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-137; RM-8683]

Radio Broadcasting Services; Milton, WV and Flemingsburg, KY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Simmons Broadcasting Company, proposing the substitution of Channel 292B1 for Channel 292A at Milton, West Virginia, and the modification of Station WFXN(FM)'s license accordingly. To accommodate the upgrade, petitioner also proposes the substitution of Channel 236A for Channel 292A at Flemingsburg, Kentucky, and the modification of Station WFLE-FM's license accordingly. Channel 292B1 can be allotted at Milton in compliance with the Commission's minimum distance separation requirements with a site restriction of 0.7 kilometers (0.5 miles) southeast to avoid short-spacings to the allotment and applications sites for Station WRZZ-FM, Channel 291A, Elizabeth, West Virginia. The coordinates for Channel 292B1 at Milton are North Latitude 38-29-02 and West Longitude 82-12-59. See Supplementary Information, *infra*.

DATES: Comments must be filed on or before October 19, 1995 and reply comments on or before November 3, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant,

as follows: Alan C. Campbell, Esq., Irwin, Campbell & Tennenwald, P.C., 1320 18th Street, NW., Washington, DC 20036 (Counsel for Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making and Order to Show Cause*, MM Docket No. 95-137, adopted August 16, 1995, and released August 28, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Additionally, Channel 236A can be allotted at Flemingsburg in compliance with the Commission's minimum distance separation requirements at Station WFLE-FM's presently licensed site. The coordinates for Channel 236A at Flemingsburg are North Latitude 38-24-42 and West Longitude 83-34-41.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95-21612 Filed 8-30-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-138; RM-8684]

Radio Broadcasting Services; Casper, WY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition jointly filed by Bruce L. Erickson ("Erickson"), Hart Mountain Media, Inc., ("Hart") and Rule Communications ("Rule"), proposing the allotment of Channels 273A and 284A at Casper, Wyoming, as potentially the community's sixth and seventh local commercial FM transmission services. If the channels are allotted with cut-off protection, petitioners also propose to amend Rule and Hart's pending applications for Channel 247A at Casper to specify operation on Channels 273A and 284A, respectively, leaving the application of Erickson as singleton for Channel 247A, thereby resolving the mutual exclusivity for the channel. Channels 273A and 284A can be allotted at Casper in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channels 273A and 284A at Casper are North Latitude 42-50-48 and West Longitude 106-18-48.

DATES: Comments must be filed on or before October 19, 1995 and reply comments on or before November 3, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultants, as follows: John R. Wilner, Esq., Bryan Cave, L.L.P., 700 13th Street, NW., Washington, DC 20005-3960 (Counsel for Bruce L. Erickson); Barry Skidelsky, Esq., 655 Madison Avenue, 19th Floor, New York, New York 10021 (Counsel for Hart Mountain Media, Inc.); John F. Garziglia, Esq., Pepper & Corazzini, L.L.P., 1776 K Street, NW., Suite 200, Washington, DC 20006 (Counsel for Rule Communications).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-138, adopted August 16, 1995, and released August 28, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95-21614 Filed 8-30-95; 8:45 am]

BILLING CODE 6712-01-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[I.D. 082395A]

Reef Fish Fishery of the Gulf of Mexico; Amendment 11

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; request for comments.

SUMMARY: NMFS announces that the Gulf of Mexico Fishery Management Council (Council) has submitted Amendment 11 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) for review, approval, and implementation by NMFS. Written comments are requested from the public.

DATES: Written comments must be received on or before October 24, 1995.

ADDRESSES: Comments must be mailed to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of Amendment 11, which includes an environmental assessment, a regulatory impact review, and an initial regulatory flexibility analysis should be sent to the Gulf of Mexico Fishery Management Council,

5401 W. Kennedy Boulevard, Suite 331, Tampa, FL 33609-2486; fax: 813-225-7015.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen or Robert Sadler, 813-570-5305.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (Magnuson Act), requires that a council-prepared amendment to a fishery management plan be submitted to NMFS for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that NMFS, upon receiving an amendment, immediately publish a document that the amendment is available for public review and comment.

Amendment 11 proposes to: (1) Revise the annual framework procedure for modifying management measures; (2) specify in the framework procedure that the recovery period will be set by the Council, not its Stock Assessment Panel; (3) change the definition of optimum yield; (4) allow total allowable catch (TAC) to exceed the allowable biological catch (ABC) level specified for stocks assessed as not overfished; (5) increase the upper limit for framework adjustments of the red snapper recovery schedule from 1.5 to 2.0 times the biological generation time, or other period to be approved by the Council; (6) limit sale of reef fish by permitted vessels to permitted reef fish dealers; (7) require that permitted reef fish dealers purchase reef fish caught in the exclusive economic zone only from permitted vessels; (8) allow transfer of fish trap endorsements in the event of death or disability; (9) allow a one-time transfer of certain fish trap endorsements; (10) implement a new reef fish permit moratorium for no more than 5 years or until December 31, 2000, while the Council considers limited access for the reef fish fishery; (11) allow permit transfers to other persons with vessels by vessel owners who qualified for their reef fish permit; and (12) require charter vessel and headboat permits.

The Director, Southeast Region, NMFS, based on a preliminary evaluation of Amendment 11, has disapproved three amendment measures, because these measures were determined to be inconsistent with the Magnuson Act. The disapproved measures included the following sections of Amendment 11: (1) Section 8.3, Optimum Yield Definition; (2) section 8.5, Use of ABC Range for Specification of TAC, setting TAC above ABC for non overfished resources; and

(3) section 8.7, Respecify the Generation Time Multiplier for Recovery Periods.

Proposed regulations to implement those measures of Amendment 11 that were not disapproved based on the preliminary evaluation are scheduled for publication within 15 days.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 25, 1995.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-21576 Filed 8-25-95; 3:49 pm]

BILLING CODE 3510-22-F

50 CFR Part 675

[I.D. 082395C]

Groundfish of the Bering Sea and Aleutian Island Area

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: The North Pacific Fishery Management Council (Council) has submitted Amendment 21b to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) for Secretarial review and is requesting comments from the public. Copies of the amendment may be obtained from the Council (see **ADDRESSES**).

DATES: Comments on the FMP amendment should be submitted on or before October 24, 1995.

ADDRESSES: Comments on the FMP amendment should be submitted to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of Amendment 21b and the environmental assessment/regulatory impact review/initial regulatory flexibility analysis prepared for the amendment are available from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510.

FOR FURTHER INFORMATION CONTACT: Sally Bibb, 907-586-7228.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (Magnuson Act) requires that each Regional 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 a fishery management plan or amendment, immediately publish a notice that the fishery management plan or amendment is available for public review and comment. The Secretary will consider the public comments received during the comment period in determining whether to approve the FMP or amendment.

If approved, Amendment 21b would establish the Chinook Salmon Savings Areas (CHSSA). The CHSSA would be closed to fishing with trawl gear upon attainment of an annual incidental catch of 48,000 chinook salmon and remain closed through April 15. These management measures are intended to limit chinook salmon bycatch in the Bering Sea and Aleutian Islands management area trawl fisheries.

Dated: August 25, 1995.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-21568 Filed 8-25-95; 3:39 pm]

BILLING CODE 3510-22-P

50 CFR Part 677

[Docket No. 950815208-5208-01; I.D. 080295B]

RIN 0648-AE78

Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands; North Pacific Fisheries Research Plan; Electronic Transmission of Observer Data

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations that would require all catcher/processor or mothership processor vessels that process groundfish and that are subject to observer coverage requirements to have satellite communication equipment and the necessary hardware and software for electronic transmission of observer data. The proposed regulations would also require all shoreside processors that are subject to observer coverage and that process groundfish to have the necessary computer hardware and software to send data electronically via a modem. This equipment is intended for use by

observers. Electronic submission of observer data is necessary to reduce both the time and expense of collecting fishery information by providing real-time data and improving the overall efficiency of fisheries management.

DATES: Comments must be received at the following address by September 29, 1995.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel. Individual copies of the environmental assessment/regulatory impact review (EA/RIR) prepared for this action may be obtained from the same address.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, 907-586-7228.

SUPPLEMENTARY INFORMATION:

The domestic groundfish fisheries in the exclusive economic zone of the Gulf of Alaska and the Bering Sea and Aleutian Islands (BSAI) management area are managed by NMFS in accordance with the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands (FMPs). The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act. The FMPs are implemented by regulations that appear at 50 CFR parts 672, 675, and 676. General regulations that also govern the groundfish fisheries appear at 50 CFR part 620. Regulations governing the groundfish observer program appear at 50 CFR part 677.

Timely communication between the fishing industry and NMFS is a critical element of successful fisheries management. Industry submits various reports to NMFS through the fisheries management. Observers also submit reports of catch to the NMFS Observer Program. These reports are crucial to effective inseason management of the groundfish quotas and bycatch allowances. At present, most industry and many observer reports are submitted by fax. Faxed reports often must be resubmitted to obtain a readable report. Catch data from these reports must then be verified and entered into an inseason management database. As a result, transmission and processing of faxed reports is costly, time-consuming, and can be inefficient for both NMFS and the industry. Because of the method by which reports are currently submitted and the burden of data entry, information available for management is often not current with the real-time

status of the fishery. Electronic communication of reports would greatly improve management efficiency and reduce the costs associated with report submission and processing. Implementation of requirements for hardware and software that would support electronic transmission of inseason data in a more timely and efficient way would benefit both NMFS and the industry.

At its June 1995 meeting, the Council recommended that NMFS issue regulations that would require all processor vessels that process groundfish to have on board either an INMARSAT Standard A, B, or C unit, as well as the computer hardware and software that would enable observer reports to be sent electronically. Shoreside processors would be required to have certain computer hardware and software for the observers to submit data electronically, using a computer modem. The management measure recommended by the Council is detailed below.

Catch and bycatch data collected by observers are used for inseason management of groundfish total allowable catch amounts and prohibited species catch limits. This information is provided on a weekly or daily basis by the observers. Data received from observers are typically verified and entered into electronic data files. The delays and expense of the current methods used to finalize observer data create a burden on the resources of the NMFS Observer Program Office. Data transmission is also costly to processors (e.g., approximately \$144/week).

Entering of observer data is an expensive and time-consuming process. Delays in processing inseason data detract from the ability of NMFS to keep pace with the real-time activities of the fisheries fleet. This results in less efficient management.

NMFS has had success with the use of electronic data transmission from some vessels at sea that use shipboard-based computers, communications software, and communications satellites. The time required by the Observer Program Office to verify observer data is greatly reduced and the time required to enter data into an inseason database is essentially eliminated. As a result, information is transmitted to inseason managers in a more timely manner. Industry benefits through reduced transmission costs and overall increased efficiency of fisheries management.

Under this proposed regulation each processor vessel that is subject to observer coverage under regulations at § 677.10, and that processes groundfish

would be required to have an INMARSAT Standard A, B, or C satellite communication unit. These units are all capable of performing the necessary data transmission functions; although each one has some unique features that might make it more appropriate on some vessels compared to others. Those operators of vessels with Standard C units must ensure that the unit is capable of transmitting binary files. The computer equipment for at-sea processors includes a personal computer (PC) with a full 486DX or better processing chip, a DOS version 5.0 or greater operating system, 50 megabytes or greater of free hard disk storage, 8 megabytes or greater of RAM, a data entry program and communications package provided by NMFS, Windows 3.1 or a comparable system, and a mouse. With the Standard A and B units, a 14400-baud Hayes-compatible modem is necessary.

Each shoreside processing facility that is subject to observer coverage under regulations at § 677.10, and that processes groundfish, would be required to have the capability to transmit data over telephone lines using a computer modem. These processors would be required to obtain a PC with a full 486DX or better processing chip, with at least a 14400 baud Hayes-compatible modem, and a phone line, DOS 5.0 or greater operating system, 50 megabytes or greater of free hard disk storage, 8 megabytes or greater of RAM, a data entry program and communications package provided by NMFS, Windows 3.1 or comparable system, and a mouse.

Currently 105 out of 190 processor vessels equal to or greater than 60 ft (18.29) length overall (LOA) (i.e., those that are currently subject to observer coverage requirements) have Standard A satellite communication units and an additional 41 processor vessels equal to or greater than 60 ft (18.29) LOA have Standard C units.

As indicated, a large proportion of the fleet currently has this satellite communication equipment and uses it for routine operations. NMFS is not, therefore, imposing management measures, for most vessels, that differ significantly from their current communication systems. Figures are not available for how many vessels and shoreside processing plants currently have the appropriate computer hardware and software. However, the cost of this computer equipment ranges from \$1,000–2,500, which would not result in significant additional costs for those processors that do not have this equipment.

Some hardware and software requirements in this proposed rule have

been upgraded from those set out in regulations implementing Amendment 35 to the BSAI FMP (60 FR 34904, July 5, 1995). The regulations implementing Amendment 35 require similar satellite communications capability on certain mothership processor vessels and computer equipment on certain mothership processor vessels and shoreside processors. These changes are necessary to accommodate improvements in the data-entry software developed by NMFS. Conforming to these changes should not pose undue hardship on the motherships that currently have the equipment specified under Amendment 35.

Equipment that differs from these specifications would not operate the data-entry software that allows electronic data transmission to NMFS. Not all computer hardware and software and satellite systems are compatible, and it would be economically and practically inefficient to set up multiple systems to transmit and collect the same information. These equipment requirements are consistent with the applicable specifications for uniform standards for fishing vessel monitoring systems published by NMFS in the **Federal Register** (March 31, 1994, 59 FR 15180). Fleet-wide installation of electronic communication equipment would benefit the industry through improved inseason management of the fisheries.

This equipment would be used initially by observers to enter and transmit data electronically. However, at a future date, NMFS may also implement electronic reporting requirements for processors for industry reports such as the weekly production reports, check in/out reports, and vessel activity reports. These requirements would be proposed under separate rulemaking, but NMFS intends that the same or similar satellite communication equipment and computer hardware be required for processors under that proposed rule. NMFS is currently developing software appropriate for those processor reports.

Classification

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. Although this regulation has the potential to affect greater than 20 percent of the total universe of small entities, it would not result in a reduction in annual gross revenues by

more than 5 percent, annual compliance costs that increased total costs of production by more than 5 percent, or compliance costs for small entities that are at least 10 percent higher than compliance costs as a percent of sales for large entities. As a result, a regulatory flexibility analysis was not prepared.

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

List of Subjects in 50 CFR Part 677

Fisheries, Reporting and recordkeeping requirements.

Dated: August 24, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 677 is proposed to be amended as follows:

PART 677—NORTH PACIFIC FISHERIES RESEARCH PLAN

1. The authority citation for part 677 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 677.10, paragraphs (c)(3)(ii), (c)(3)(iii) and (d)(3)(ii) are revised to read as follows:

§ 677.10 General requirements.

* * * * *

(c) * * *

(3) * * *

(ii) Ensuring that each catcher/processor or mothership processor vessel that is subject to observer coverage under § 677.10 and that processes groundfish is equipped with either an INMARSAT Standard A, B, or C satellite communication unit. The Standard C unit must be capable of transmitting binary files. A 14400-baud Hayes-compatible modem must be supplied with the Standard A and B units. The operator of each catcher/processor or mothership processor vessel shall also make available for use by the observer the following equipment or equipment compatible therewith: A personal computer with a full 486DX or better processing chip, a DOS 5.0 or greater operating system, 50 megabytes or greater of free hard disk storage, 8 megabytes or greater of RAM, a data entry program and communications package provided by NMFS, Windows 3.1 or Windows 3.11, and a mouse.

(iii) Ensuring that the communication equipment that is on catcher/processor or mothership processor vessels as specified at paragraph (c)(3)(ii) of this section, and that is used by observers to

transmit data is fully functional and operational.

* * * * *

(d) * * *

(3) * * *

(ii) Ensuring that each shoreside processing facility that is subject to observer coverage under § 677.10 and that processes groundfish makes available to the observer the following equipment or equipment compatible therewith: A personal computer (PC) with a full 486DX or better processing chip, with at least a 14400-baud Hayes-compatible modem and a phone line, DOS 5.0 or greater operating system, 50 megabytes or greater of free hard disk storage, 8 megabytes or greater of RAM, a data entry program and communications package provided by NMFS, Windows 3.1 or comparable system, and a mouse.

* * * * *

[FR Doc. 95-21451 Filed 8-30-95; 8:45 am]

BILLING CODE 3510-22-F

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Cleghorn to Cactus Off-Highway Vehicle Trail San Bernardino National Forest, San Bernardino County, California; Notice of Intent To Prepare an Environmental Impact Statement/ Environmental Impact Report

SUMMARY: The San Bernardino National Forest will prepare an Environmental Impact Statement (EIS)/Environmental Impact Report (EIR) in conjunction with California Department of Parks and Recreation on a proposal to complete sections of the off-highway vehicle (OHV) trail system and address issues related to OHV use which have come forward since the Forest's Land and Resource Management Plan (LRMP) was approved on January 27, 1989. The LRMP Record of Decision (ROD) calls for construction of twelve miles of OHV trail per year with a goal of 387 miles of designated OHV trail.

This proposal will continue to implement the direction from the LRMP to develop an integrated OHV trail system of long distance travel opportunities and loop trails along with associated recreational facilities. It will evaluate a range of alternatives, including no action. This EIS and ROD will amend the LRMP and establish additional direction for the Forest's OHV program. This analysis will tier to the LRMP Final Environmental Impact Statement (FEIS).

DATES: Comments concerning the scope of the analysis should be received in writing by October 6, 1995.

FOR FURTHER INFORMATION CONTACT: Direct questions about the proposed action and preparation of the EIS to John Wambaugh, Off-Highway Vehicle Program Manager, San Bernardino National Forest, 1824 S. Commercenter Circle, San Bernardino, CA 92408-3430 or call (909) 884-6634, ext 3146.

SUPPLEMENTARY INFORMATION: The Forest has been assessing the affects of constructing two separate OHV trails since March 1994. These proposals were known as; the Cleghorn Ridge-Hwy 138 Tunnel and Cactus-Rattlesnake OHV Trails. The Forest has previously conducted public meetings and field trips to discuss the nature and scope of the projects when they were being analyzed as separate environmental assessments (EA's). The previous scoping process showed that it would be best to combine the two proposals to better evaluate the cumulative effects. An EIS was determined to be necessary because of the potential of not being able to mitigate all effects to a level of non-significance. In response to public interest in the overall scope of the Forest's OHV program, this proposal will include additional areas of analysis for trail linkages and trail loops on the Arrowhead, Big Bear, and Cajon Ranger Districts. In addition to these proposed trails, development of one staging area is proposed on the Cajon Ranger District.

The completion of these trail segments and staging area will provide the opportunity for longer trail riding by connecting isolated segments of the Forest's OHV trail system. The development of a well planned and designed trail system will improve the Forest's ability to manage OHV use, protect resources, minimize conflicts with other Forest uses, and enhance the recreational opportunity for OHV enthusiasts.

DECISION TO BE MADE: To determine if and where additional trail segments should be constructed and additional roads designated for the purpose of providing an integrated OHV trail system for vehicles 50" and under in width. A determination will also be made as to whether and where to construct a staging area and associated recreation facilities.

SCOPING PROCESS: Public scoping will be initiated with the publication of this notice in the **Federal Register**. Letters inviting suggestions or comments will be sent to individuals and groups on the Forest's mailing list that are interested in OHV activities and its relation to Forest management. Additional scoping will be conducted by providing written notice to local newspapers. Open houses are scheduled for September 8, 9, 15, and 16, 1995, to provide more

detailed information about the proposal and to allow the public to ask questions.

PRELIMINARY ISSUES AND ALTERNATIVES: Preliminary issues that have been identified are:

- effects of OHV use on threatened and endangered animal species, specifically the California spotted owl and the southern bald eagle
- cumulative effects of linking OHV trails together
- effects of OHV use adjacent to the Pacific Crest National Scenic Trail
- effects of OHV use on other recreational uses of the Forest
- potential impacts to threatened, endangered, and sensitive, plant species
- impacts to archeological resources
- effects of motorized use in riparian areas

Preliminary alternatives that have been developed are:

1. No Action. All OHV trail designations would be retained in their current status. New OHV trails would not be constructed. Opportunities to designate roads for OHV use or to close roads that present resource concerns would not be implemented. Temporary designations would remain temporary. Resource protection measures associated with the designated OHV trail system and closure of unauthorized trails adjacent to the designated system would continue at its present level. There are currently 284 miles of Forest roads and trails designated of OHV use.

2. Establish Designated Routes Without New Construction. This alternative would designate 37 miles of Maintenance Level (ML) II roads, 16 miles of ML III roads, and 10 miles of State Highway or County roads, in addition to the 284 miles currently designated for a total of 347 miles.

3. Establish Designated Routes Within "Potential Tie" Planning Areas as identified in the LRMP. This alternative proposes utilizing the current system mileage of 284 miles, plus construction of 11 miles of new 50" wide trail, designation of 14 miles of ML II roads, designation of 10 miles of ML III roads, designate one-half mile of State Highway or County road, designate 14 miles of roads that are not recognized as part of the Forest's road inventory, and designate 7 miles of trails that are currently not recognized as part of the Forest's trail inventory for a total of 340.5 miles. An OHV staging area site

will be analyzed for development on the Cajon Ranger District.

4. Establish Designated Routes outside of the "Potential Tie" planning areas identified in the LRMP. Linkages are within areas designated for motorized use in the LRMP. Use of lands other than Federal ownership is considered to complete trail linkages. This alternative proposes utilizing the current system mileage of 284 miles, plus construction of 2 miles of new 50" wide trail, designation of 11 miles of ML II roads, designation of 12 miles of ML III roads, designate 18 miles of roads that are not recognized as part of the Forest's road inventory, designate 7 miles of trails that are currently not recognized as part of the Forest's trail inventory, incorporates 3 miles of trail that are under other ownership, and remove 13 miles of OHV road from the designated trail system. This alternative proposes a total of 324 miles. An OHV staging area site will be analyzed for development on the Cajon Ranger District.

5. Establish Designated Routes by using areas within and outside of the "Potential Tie" planning areas identified in the LRMP to form trail loops. Linkages are within areas designated for motorized use in LRMP. Use of lands other than Federal ownership is considered to complete trail linkages. This alternative proposes utilizing the current system mileage of 284 miles, plus construction of 12 miles of new 50" wide trail, designation of 28 miles of ML II roads, designation of 10 miles of ML III roads, designate 18 miles of roads that are not recognized as part of the Forest's road inventory, designate 7 miles of trails that are currently not recognized as part of the Forest's trail inventory, and incorporate 3 miles of trail that are on non-Federal ownership for a total of 362 miles. An OHV staging area site will be analyzed for development on the Cajon Ranger District.

LEAD AGENCY: The lead agency for this proposal is the United States Department of Agriculture, Forest Service.

PERMITS OR LICENSES REQUIRED FOR IMPLEMENTATION: Encroachment permits from the California Department of Transportation will need to be obtained to cross State Highway 18 near Cactus Flats and to construct two tunnel underpasses on State Highway 138 if these proposals are implemented.

If an alternative with trail linkage across state or private lands in or adjacent to the Silverwood Lake State Recreation Area is selected, additional agreements, easements, and right-of-

ways will be needed from these agencies.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F. 2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings it is important those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement. To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft supplemental environmental impact statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3.

The Draft EIS is expected to be available for public review by January 1996. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of its availability in the **Federal Register**. The final environmental impact statement is expected to be available about March 1996.

COMMENT PERIOD CONCERNING THIS NOTICE: Comments concerning the scope of analysis of the draft EIS/EIR must be received by October 6, 1995. Submit written comments and suggestions

concerning the scope of the analysis for the Cleghorn to Cactus OHV Trail proposal to Gene Zimmerman, Forest Supervisor, San Bernardino National Forest, 1824 S. Commercercircle Circle, San Bernardino, CA 92408-3430.

Dated: August 23, 1995.

Gene Zimmerman,

Forest Supervisor.

[FR Doc. 95-21640 Filed 8-30-95; 8:45 am]

BILLING CODE 3410-11-M

Rural Utilities Service

Meeting on Proposed Electric Distribution Loan Contract

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Rural Utilities Service (RUS) will be meeting with representatives of the National Rural Electric Cooperative Association (NRECA), at their request, to answer questions and discuss comments by them on the proposed model form of loan contract published in the **Federal Register** on July 18, 1995 at 60 FR 36904.

DATES: The meeting will be held on September 21, 1995, starting at 9 a.m. eastern time, and will end no later than 1 p.m.

ADDRESSES: The meeting will be held in Room 1255, South Building, U.S. Department of Agriculture, 14th and Independence Ave., SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Charles R. Miller, Assistant to the Administrator for Policy Analysis, Rural Utilities Service, 14th and Independence Ave., SW., Ag Box 1560, Washington, DC 20250-1500. Telephone: (202) 720-0424.

SUPPLEMENTARY INFORMATION: The meeting will be an informal work session to discuss questions and comments from NRECA representatives regarding the overall structure and specific provisions of the proposed electric distribution loan contract and related regulations. Emphasis will be mainly on technical discussions of individual issues. In addition to the NRECA and government representatives, the meeting room will accommodate 15 observers, who will be allowed entry to the room on a first-come first-served basis.

Authority: 7 U.S.C. 901 *et seq.*

Dated: August 25, 1995.

Wally Beyer,

Administrator.

[FR Doc. 95-21651 Filed 8-30-95; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-054]

Tapered Roller Bearings, Four Inches or Less In Outside Diameter, and Components Thereof, From Japan; Amendment to Affirmation of the Results of Redetermination Pursuant to Court Remand

AGENCY: Import Administration/ International Trade Administration, Department of Commerce.

SUMMARY: On January 18, 1995, the Department published the affirmation of its redetermination on remand of the final results of administrative review of the antidumping finding on tapered roller bearings, four inches or less in outside diameter, and certain components thereof (TRBs) from Japan (56 FR 26054, June 6, 1991) (*The Timken Company v. United States* (Slip Op. 94-41 (March 7, 1994)) (*Timken*). The results covered the period August 1, 1987, through July 31, 1988, and TRBs produced by Koyo Seiko Co., Ltd., and distributed by its subsidiary, Koyo Corporation of U.S.A. (collectively, Koyo), and by NSK Ltd., and distributed by its subsidiary, NSK Corporation (collectively, NSK). Based on the correction of a ministerial error, we have changed the margin for Koyo from 49.63 percent to 47.39 percent.

EFFECTIVE DATE: June 18, 1994.

FOR FURTHER INFORMATION CONTACT: Chip Hayes or John Kugelman, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-5253.

SUPPLEMENTARY INFORMATION:

Background

On January 18, 1995, the Department published in the **Federal Register** (60 FR 3624) the redetermination on remand of the final results of administrative review of the antidumping finding on TRBs from Japan pursuant to an affirmation from the Court of International Trade (CIT) in *Timken*. After publication of our redetermination of the final results,

ministerial errors were discovered regarding a failure to include changes that had been implemented in the Koyo programming from an earlier remand order by the CIT. We have corrected these errors by reinserting those programming changes for this remand.

Amended Redetermination of Final Results of Review

As a result of our corrections of the clerical errors, we have determined that a weighted-average margin of 47.39 percent exists for Koyo.

Given the fact that final margins have been published for subsequent administrative reviews of this proceeding, the dumping margins determined in this amended redetermination of final results notice will have no impact on the current cash deposit rates. The dumping margin for NSK, as stated in the January 18, 1995, redetermination on remand of the final results of this administrative review (60 FR 3624), remains in effect for assessment purposes.

Accordingly, the Department will continue the suspension of liquidation of the subject merchandise. Furthermore, absent an appeal, the Department will amend the final results of the administrative review of the antidumping finding on tapered roller bearings, four inches or less in outside diameter, and certain components thereof from Japan to reflect the amended margins of 47.39 percent for Koyo and 16.28 percent for NSK for the period August 1, 1987 through July 31, 1988, in the Department's redetermination on remand, as affirmed by the CIT.

Dated: May 5, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

Tapered Roller Bearings, Under 4 Inches, From Japan

1. *Dated Decision is Due and Type of Deadline:* None.
2. *Oral Briefing:* If Requested.
3. *Type of Case:* Antidumping Administrative Review.
4. *Nature of Decision:* Amendment to Timken notice publishing CIT affirmation of Remand Determination (Slip Op. 94-95).
5. *Petitioner and Respondent:* Petitioner: The Timken Company, Counsel—Stewart & Stewart. Respondents: Koyo Seiko, Counsel—Powell Goldstein Frazer & Murphy.
6. *Brief Overview of Procedural History:* This is an amendment to a Timken notice that published January 18, 1995. That notice was published

pursuant to a CIT affirmation of remand results of the administrative review for the 1987-1988 review period. Changes ordered in a subsequent remand of this review were not implemented in the recalculation of Koyo's margin in the January notice.

7. *Key Issues and Responses:* The only noteworthy issue at this stage of the proceeding is that, absent an appeal by either Timken or Koyo, we will issue liquidation instructions for this review period.

8. *Margins:* Koyo's margin is amended from 49.63% to 47.39%.

9. *Team Members:* H. Kuga, L. Lucksinger, J. Kugelman, C. Hayes, POL-L. Barden, LEG-J. MacKenzie.

[FR Doc. 95-21674 Filed 8-30-95; 8:45 am]

BILLING CODE 3510-DS-M

Intent to Revoke Countervailing Duty Orders

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Intent To Revoke Countervailing Duty Orders.

SUMMARY: The Department of Commerce (the Department) is notifying the public of its intent to revoke the countervailing duty orders listed below. Domestic interested parties who object to revocation of these orders must submit their comments in writing not later than the last day of September 1995.

EFFECTIVE DATE: August 31, 1995.

FOR FURTHER INFORMATION CONTACT: Brian Albright or Cameron Cardozo, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-2786.

SUPPLEMENTARY INFORMATION:

Background

The Department may revoke a countervailing duty order if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by the Department's regulations (at 19 CFR 355.25(d)(4)), we are notifying the public of our intent to revoke the countervailing duty orders listed below, for which the Department has not received a request to conduct an administrative review for the most recent four consecutive annual anniversary months.

In accordance with § 355.25(d)(4)(iii) of the Department's regulations, if no domestic interested party (as defined in

§§ 355.2 (i)(3), (i)(4), (i)(5), and (i)(6) of the regulations) objects to the Department's intent to revoke these orders pursuant to this notice, and no interested party (as defined in § 355.2(i) of the regulations) requests an administrative review in accordance with the Department's notice of opportunity to request administrative review, we shall conclude that the countervailing duty orders are no longer of interest to interested parties and proceed with the revocation. However, if an interested party does request an administrative review in accordance with the Department's notice of opportunity to request administrative review, or a domestic interested party does object to the Department's intent to revoke pursuant to this notice, the Department will not revoke the orders.

Countervailing Duty Orders

Canada: Steel Rail (C-122-805)—9/22/89, 54 FR 39032

Israel: Roses (C-508-064)—9/4/80, 54 FR 39219

Opportunity To Object

Not later than the last day of September 1995, domestic interested parties may object to the Department's intent to revoke the countervailing duty orders. Any submission objecting to the revocation must contain the name and case number of the order and a statement that explains how the objecting party qualifies as a domestic interested party under §§ 355.2 (i)(3), (i)(4), (i)(5), or (i)(6) of the Department's regulations.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room B-099, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230.

This notice is in accordance with 19 CFR 355.25(d)(4)(i).

Dated: August 25, 1995.

Roland L. MacDonald,

Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 95-21672 Filed 8-30-95; 8:45 am]

BILLING CODE 3510-DS-P

Bureau of Export Administration

President's Export Council Subcommittee on Export Administration; Partially Closed Meeting

A partially closed meeting of the President's Export Council Subcommittee on Export Administration (PECSEA) will be held

September 26, 1995, 9:30 a.m., at the U.S. Department of Commerce, Herbert C. Hoover Building, Room 3407, 14th Street & Pennsylvania Avenue, NW., Washington, DC. The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act, as amended, that deal with United States policies of encouraging trade with all countries with which the United States has diplomatic or trading relations and of controlling trade for national security and foreign policy reasons.

Public Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Update on Administration export control initiatives.
4. Task Force reports.

Executive Session

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. export control program and strategic criteria related thereto.

A Notice of Determination to close meetings, or portions of meetings, of the Subcommittee to the public on the basis of 5 U.S.C. 522(c)(1) was approved Sept. 30, 1993, in accordance with the Federal Advisory Committee Act. A copy of the Notice of Determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC. For further information, contact Ms. Lee Ann Carpenter on (202) 482-2583.

Dated: August 24, 1995.

Iain S. Baird,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 95-21675 Filed 8-30-95; 8:45 am]

BILLING CODE 3510-DT-M

National Oceanic and Atmospheric Administration

[Docket No. I.D. 082595A]

Taking of Threatened or Endangered Marine Mammals Incidental to Commercial Fishing Operations; Interim Permit

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

ACTION: Notice of finding; interim permit; request for comments.

SUMMARY: NMFS hereby issues an interim permit to those fisheries that have negligible impacts on marine

mammal stocks listed as threatened or endangered under the Endangered Species Act (ESA). This action allows the incidental, but not intentional, taking of these marine mammals in commercial fishing operations. Vessel owners in the specified fisheries must be registered under section 118 of the MMPA to be eligible for the interim permit for taking.

EFFECTIVE DATES: Effective September 1, 1995. Comments on the issuance of the interim permits must be received by October 16, 1995.

ADDRESSES: Send comments on the interim permits to Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. A copy of the negligible impact findings referred to in this notice may be obtained by writing to the above address.

FOR FURTHER INFORMATION CONTACT: Victoria Cornish, Office of Protected Resources, 301-713-2322; Douglas Beach, Northeast Region, 508-281-9254; Charles Oravetz, Southeast Region, 813-570-5301; James Lecky, Southwest Region, 310-980-4015; Brent Norberg, Northwest Region, 206-526-6140; Steve Zimmerman, Alaska Region, 907-586-7235.

SUPPLEMENTARY INFORMATION: Section 101(a)(5)(E) of the MMPA requires the authorization of the taking incidental to commercial fishing of individuals from marine mammal stocks listed as threatened or endangered under the ESA if it is determined that: (1) Incidental mortality and serious injury will have a negligible impact on the affected species or stock, (2) a recovery plan for that species or stock has been or is being developed, and (3) where required under section 118, a monitoring program has been established, vessels engaged in such fisheries are registered, and a take reduction plan has been or is being developed.

On June 16, 1995, NMFS published in the **Federal Register** proposed regulations to implement section 101(a)(5)(E) and section 118 of the MMPA in the **Federal Register**, and a proposed list of fisheries (LOF) that categorized all U.S. commercial fisheries into three groups based on the frequency of incidental mortality and serious injury of marine mammals (60 FR 31666). That notice also explained that separate permits would be required for fishers to incidentally take marine mammals from stocks listed as threatened or endangered under the ESA. On July 19, 1995, NMFS published a notice to correct errors in the proposed

LOF (60 FR 37043). In both notices, comments were requested that addressed: (1) Those fisheries in the proposed LOF that interact with species or stocks listed under the ESA, and (2) information on the magnitude of the takes of such species or stocks found in the environmental assessment (EA) that accompanied the rule. These comments and NMFS' responses to the comments are included in the preamble of the final rule to implement section 118 published in the **Federal Register** on August 30, 1995.

Several commenters expressed concern that the information upon which negligible impact findings under section 101(a)(5)(E) were to be made was not provided in sufficient detail for informed comments to be made. Comments also indicated that it was unclear how NMFS proposed to make the determination that the incidental mortality and serious injury from commercial fisheries would have a negligible impact on such species or stocks. It was recommended that NMFS publish a notice that clearly describes the stocks and fisheries for which it proposes to make a finding of negligible impact and explain the basis for the proposed determinations. The time frame for issuance of the section 101(a)(5)(E) permits did not allow for a more complete analysis of endangered and threatened stocks on a fishery-by-fishery basis. Therefore, NMFS issues this interim permit and an explanation of the process by which negligible impact determinations have been made, and invites public comments on the issuance of section 101(a)(5)(E) permits. NMFS will issue individual permits, and any necessary revisions to the LOF, prior to January 1, 1996.

Process for Determining Negligible Impact

In order to determine whether serious injuries and mortalities incidental to commercial fishing activities are having a negligible impact on threatened or endangered stocks of marine mammals, NMFS evaluated the total number of all incidental serious injuries and mortalities due to commercial fishing for each such stock. Pertinent information is included in final stock assessment reports made available on August 25, 1995 (60 FR 44308) and in the EA prepared for the proposed rule implementing section 118 of the MMPA. "Negligible impact", as defined in 50 CFR 228.3, is "an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Because of the qualitative nature of this definition and limitations on available information, NMFS determined that the application of strict quantitative criteria for making negligible impact findings was not appropriate. However, as a starting point, NMFS considered a total annual serious injury and mortality of not more than 10 percent of a stock's Potential Biological Removal (PBR) level to be insignificant, based on recommendations of a NMFS workshop held in June, 1994, to propose guidelines for preparing stock assessment reports.

Such a criterion could not, however, be the only factor in evaluating whether a particular level of take could be considered negligible. The information in the stock assessment reports and the EA has varying degrees of uncertainty, and factors other than PBR level (e.g., population trend) were also considered. Because the negligible impact determinations required some judgment based upon the available information, each finding indicates NMFS' best assessment of whether or not the estimated mortality and serious injury of endangered and threatened marine mammals incidental to commercial fishing operations will adversely affect the species or stock through effects on annual rates of recruitment or survival.

Participants in fisheries designated as Category III under the MMPA are not required to obtain an authorization certificate under section 118. They are, however, required to report all incidental mortalities and injuries of marine mammals in accordance with the regulations implementing section 118. Participants in Category III fisheries that interact with threatened or endangered stocks for which the criteria under section 101(a)(5)(E)(i), discussed above, have been met are not subject to penalties under the MMPA, so long as they also report all incidental mortalities and injuries of marine mammals in accordance with section 118 of the MMPA.

Vessels that are registered for those fisheries for which NMFS has issued permits for the incidental, but not intentional, takes of threatened or endangered marine mammals are not subject to penalties under the MMPA. NMFS has consulted on the action of allowing takes of threatened or endangered stocks under section 7 of the ESA, and has determined that the level of takings specified for each stock in the permits issued to commercial fishers is not likely to jeopardize the continued existence of such stocks.

Summary of Findings

NMFS has evaluated the best available information for stocks listed as threatened or endangered under the ESA and has determined on a stock-by-stock basis, whether the incidental mortality and serious injury from all commercial fisheries has a negligible impact on such stocks.

Those stocks for which negligible impact findings were made were then reviewed to confirm that: (1) A recovery plan has been developed or is being developed, and (2) where required under section 118, a monitoring program has been established, vessels engaged in such fisheries are registered, and a take reduction plan has been or is being developed. For stocks that have met all of these criteria, NMFS identified the fisheries that may be permitted incidental takes from such marine mammal stocks (Table 1).

For the following stocks, NMFS has determined that the mortality and serious injury incidental to commercial fishing operations will have a negligible impact. An interim permit is issued for incidental takes from these stocks for the Category I and II fisheries indicated in Table 1. Vessels engaged in Category III fisheries included in this list shall not be subject to penalties for the incidental taking of marine mammals listed under the ESA, provided that such takes are reported in accordance with section 118 of the MMPA.

- Humpback whale, Central North Pacific stock
 - Steller sea lion, Eastern stock
 - Steller sea lion, Western U.S. stock
- For the following stocks, NMFS is unable to determine that the mortality and serious injury incidental to commercial fishing operations will have a negligible impact. No takes of these endangered or threatened marine mammal stocks incidental to commercial fishing are allowed.
- Fin whale, Western North Atlantic stock
 - Humpback whale, Western North Atlantic stock
 - Humpback whale, California/Oregon/Washington-Mexico stock
 - Northern right whale, Western North Atlantic stock
 - Sperm whale, Western North Atlantic stock
 - Sperm whale, California/Oregon/Washington stock
 - Hawaiian monk seal

There is no documented evidence of fishery-related interactions for the following marine mammal stocks, which are listed as endangered or threatened under the ESA:

- Blue whale, Western North Atlantic stock

- Blue whale, California/Mexico stock
- Blue whale, Hawaii stock
- Bowhead whale, Western Arctic stock
- Fin whale, California/Oregon/Washington stock
- Fin whale, Alaska stock
- Fin whale, Hawaii stock
- Humpback whale, Western North Pacific stock
- Northern right whale, North Pacific stock
- Sei whale, Western North Atlantic stock
- Sei whale, Eastern North Pacific stock

- Sperm whale, Northern Gulf of Mexico stock
- Sperm whale, Alaska stock
- Sperm whale, Hawaii stock
- Guadalupe fur seal

Issuance of Permits

A single section 101(a)(5)(E) interim permit is hereby issued to all vessel owners currently registered in fisheries designated as Category I or II in Table 1. This permit will expire on December 31, 1995. After considering public comments received, individual permits, to be effective January 1, 1996, will be issued for 1996, 1997, and 1998 in conjunction with registrations under

section 118 of the MMPA. Specific registration procedures for participants in Category I or II fisheries will be published in the final LOF under section 118, which will be effective January 1, 1996.

Permits may be suspended or revoked if the level of taking specified in the Incidental Take Statement prepared under section 7 of the ESA for each stock for which an incidental take permit is issued is exceeded.

Dated: August 25, 1995.

William W. Fox, Jr.,
*Director, Office of Protected Resources,
 National Marine Fisheries Service.*

TABLE 1.—LIST OF FISHERIES AND STOCKS FOR WHICH THE CRITERIA UNDER SECTION 101(A)(5)(E)(I) HAVE BEEN MET

[An interim permit is issued for incidental takes from these stocks for the Category I and II fisheries indicated. Vessels engaged in Category III fisheries included in this list shall not be subject to penalties for the incidental taking of marine mammals listed under the ESA, provided that such takes are reported in accordance with section 118 of the MMPA]

Fishery	Stocks for which takes are allowed
Category I fisheries: CA/OR/WA thresher shark/swordfish/blue shark (blue shark OR only) drift gillnet.	Steller sea lion, Eastern stock.
Category II fisheries: Southeast Alaska salmon drift gillnet	Humpback whale, Central North Pacific stock. Steller sea lion, Eastern stock.
AK Prince William Sound salmon drift gillnet	Steller sea lion, Western U.S. stock.
AK Yakutat salmon set gillnet	Steller sea lion, Eastern stock.
AK Cook Inlet salmon drift gillnet	Steller sea lion, Western U.S. stock.
AK Cook Inlet salmon set gillnet	Steller sea lion, Western U.S. stock.
AK Peninsula/Aleutian Islands salmon drift gillnet	Steller sea lion, Western U.S. stock.
AK Bristol Bay salmon drift gillnet	Steller sea lion, Western U.S. stock.
AK Bristol Bay salmon set gillnet	Steller sea lion, Western U.S. stock.
AK Metlakatla/Annette Island salmon drift gillnet	Steller sea lion, Eastern stock.
AK Kodiak salmon set gillnet	Steller sea lion, Western U.S. stock.
AK Bering Sea and Aleutian Islands groundfish trawl	Steller sea lion, Western U.S. stock.
AK pair trawl	Steller sea lion, Western U.S. stock.
Southeast Alaska salmon purse seine	Humpback whale, Central North Pacific stock. Steller sea lion, Eastern stock.
AK southern Bering Sea, Aleutian Islands, and Western Gulf of Alaska sa- blefish longline/set line—state and Federal waters.	Steller sea lion, Eastern stock. Steller sea lion, Western U.S. stock.
Category III fisheries: AK Prince William Sound set gillnet	Steller sea lion, Western U.S. stock.
AK Kuskokwim, Yukon, Norton Sound, Kotzebue salmon gillnet	Steller sea lion, Western U.S. stock.
AK Peninsula/Aleutian Islands salmon set gillnet	Steller sea lion, Western U.S. stock.
AK salmon purse seine (except Southeast)	Steller sea lion, Western U.S. stock.
AK salmon hand/power troll	Steller sea lion, Eastern stock. Steller sea lion, Western U.S. stock.
AK North Pacific halibut longline/set line—state and Federal waters	Steller sea lion, Eastern stock.
AK miscellaneous finfish/groundfish longline/set line—Federal waters	Steller sea lion, Western U.S. stock.
AK Gulf of Alaska groundfish trawl	Steller sea lion, Western U.S. stock.
CA/OR/WA groundfish trawl	Steller sea lion, Eastern stock.

[FR Doc. 95-21775 Filed 8-29-95; 1:25 pm]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

New York Mercantile Exchange Proposed Electricity Futures Contracts for Delivery at the California Oregon Border and Palo Verde, Arizona

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contracts.

SUMMARY: The New York Mercantile Exchange (NYMEX or Exchange) has applied for designation as a contract market in California Oregon Border electricity futures contracts and Palo Verde electricity futures contracts. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before October 2, 1995.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW, Washington, DC 20581. Reference should be made to the NYMEX California Oregon Border and Palo Verde electricity futures contracts.

FOR FURTHER INFORMATION CONTACT: Joseph B. Storer of the Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW, Washington, DC 20581, telephone 202-254-7303.

SUPPLEMENTARY INFORMATION: The Commission is requesting comment on the NYMEX's proposed terms and conditions for each of the two proposed electricity futures contracts.

Commenters should address whether the proposed terms and conditions are in conformance with customary cash market practices at the proposed delivery points and would provide adequate deliverable supplies.

The Commission is aware that the electricity industry is evolving in new directions and that proposed regulatory changes may result in some restructuring of the electricity industry. In view of this and to assist the Commission in its review of the proposed electricity futures contracts, the Commission is particularly interested in receiving comments

concerning the current status and expected development of the U.S. electricity cash market in general, as well as specific information about the nature of the cash markets at the two proposed delivery points in particular. In addition, commenters are asked to address whether the proposed futures contracts would have any effect on the evolving cash markets for electricity and discuss what, if any, benefits the proposed contracts would provide to prospective commercial users.

Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

Other materials submitted by the NYMEX in support of the applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 C.F.R. Part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 C.F.R. 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 C.F.R. 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the NYMEX, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on August 25, 1995.

John Mielke,

Acting Director.

[FR Doc. 95-21620 Filed 8-30-95; 8:45 am]

BILLING CODE 6351-01-P

DEPARTMENT OF DEFENSE

Department of the Army

Committee Meeting Notice

AGENCY: U.S. Army Cadet Command.

ACTION: Notice of meeting.

1. In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following meeting:

Name of Committee: Collegiate Education Advisory Committee.

Date: 14 September 1995.

Place: Radisson Hotel, Hampton, Virginia.

Time: 0830-1700 on 14 September 1995.

Proposed Agenda: Review and discussion of the status of Army ROTC since the April 1995 meeting at Virginia Military Institute.

2. Purpose of the meeting: The Committee will review the significant changes in ROTC scholarships, missioning, advertising strategy, marketing, camps and on-campus training, the Junior High School Program and ROTC Nursing.

3. Meeting of the Advisory Committee is open to the public. Due to space limitations, attendance may be limited to those persons who have notified the Advisory Committee Management Office in writing at least five days prior to the meeting of their intent to attend the 14 September 1995 meeting.

4. Any members of the public may file a written statement with the Committee before, during or after the meeting. To the extent that time permits, the Committee chairman may allow public presentations of oral statements at the meeting.

5. All communications regarding this Advisory committee should be addressed to Mr. Roger Spadafora, U.S. Army Cadet Command, ATCC-TE, Fort Monroe, Virginia 23651-5000, telephone number (804) 727-4595.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 95-21643 Filed 8-30-95; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 2, 1995.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, SW., Room 5624, Regional Office Building 3, Washington DC 20202-4651, or should be electronic mailed to the internet

address #FIRB@ed.gov, or should be faxed to 202-708-9346.

FOR FURTHER INFORMATION CONTACT:
Patrick J. Sherrill (202) 708-8196.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Department of Education (ED) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resource Group, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: August 25, 1995.

Gloria Parker,

Director, Information Resources Group.

Office of Bilingual Education and Minority Languages and Affairs

Type of Review: Regular

Frequency: One Time

Affected Public: State, Local or Tribal Governments

Reporting Burden:

Responses: 100

Burden Hours: 65

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: This study consists of a literature review and a survey of a sample of 100 Title VII grantees having 10 or more consist of a mail survey and a follow up telephone interview to verify, correct or add information available in the grantee applications monitoring reports and evaluation reports. This effort will help in future policy development and demographic knowledge.

Office of Vocational and Adult Education

Type of Review: Regular

Title: Financial Status Report for State-Administered Vocational Education Programs

Frequency: Annually

Affected Public: Federal Government; State, Local or Tribal Government

Reporting Burden:

Responses: 53

Burden Hours: 4,729.5

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: This State Financial Status Report is needed to assist in determining each State's compliance with the enabling statute, to close out each year's grant and to provide information for the Secretaries Report to Congress on the status of Vocational Education. The respondents are the State Educational agencies.

Office of Educational Research and Improvement

Type of Review: Regular

Title: "Final Performance Report for LSCA Title VI"

Frequency: Annually

Affected Public: State, Local or Tribal Government

Reporting Burden:

Responses: 233

Burden Hours: 1,165

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: This report form is needed to obtain information on expenditures of grant funds and to evaluate project performance of grantees under the Library Literacy Program (Title VI of the Library Services and Construction Act).

Office of Educational Research and Improvement

Type of Review: Regular

Title: Assessment of the role of school and public libraries in support of the National Education Goals

Frequency: Pretest

Affected Public: Not for Profit institutions; State, Local or Tribal Government

Reporting Burden:

Responses: 400

Burden Hours: 279

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: The library and education communities need to know more about the role of libraries in supporting education in order to plan for and direct resources. This data collection effort is the field test of the survey instruments. The respondents are librarians in public libraries and public and private schools.

Office of Elementary and Secondary Education

Type of Review: Regular

Title: Statewide Family Literacy Program

Frequency: One Time

Affected Public: State, Local or Tribal Governments

Reporting Burden:

Responses: 50

Burden Hours: 400

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: State and local government to plan and implement statewide family literacy initiatives to coordinate and integrate existing Federal, State, and local resources.

Office of Elementary and Secondary Education

Type of Review: Regular

Title: Migrant Education Program State Performance Report

Frequency: One Time

Affected Public: State, Local or Tribal Governments

Reporting Burden:

Responses: 51

Burden Hours: 4080

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: Information will be to develop estimates for funding purposes of the number of migratory children resident in each State, and to assess and report on the effectiveness of the Migrant Education Program on an ongoing basis.

Office of Special Education and Rehabilitative Services

Type of Review: Regular

Title: Annual Vocational Rehabilitation Program/Cost Report
Frequency: Annually
Affected Public: State, Local or Tribal Government
Reporting Burden:
 Responses: 84
 Burdens Hours: 395
Recordkeeping Burden:
 Recordkeepers: 0
 Burden Hours: 0
Abstract: Rehabilitation Services data submitted on the RSA-2 by State VR agencies for each FY used by RSA to administer and manage the Basic Support Program, to analyze expenditures, evaluate program accomplishments, and to examine data for indication of problem areas.

Office of Special Education and Rehabilitative Services

Type of Review: Regular
Title: Supported Employment Augmentation to VR Longitudinal Study
Frequency: Annually
Affected Public: Individuals or households; Not for Profit institutions; State, Local or Tribal Government
Reporting Burden:
 Responses: 1
 Burdens Hours: 260
Recordkeeping Burden:
 Recordkeepers: 0
 Burden Hours: 0
Abstract: This augmentation to the VR Longitudinal Study will evaluate the effects of supported employment (SE) services on the economic and noneconomic outcomes of SE consumer, through interviews with a sample of SE consumers and extended services providers.

Office of Special Education and Rehabilitative Services

Type of Review: Regular
Title: Part B Complaint Procedures
Frequency: One Time
Affected Public: State, Local or Tribal Government
Reporting Burden:
 Responses: 1,079
 Burdens Hours: 14,027
Recordkeeping Burden:
 Recordkeepers: 0
 Burden Hours: 0
Abstract: States are required to implement complaint procedures to process any complaints regarding a State (grantee) or a subgrantee that is participating in the program funded under Part B of the Individuals with Disabilities Education Act.

Office of Special Education and Rehabilitative Services

Type of Review: Regular

Title: Performance Report—Training Personnel for the Education of Individuals with Disabilities
Frequency: Annually
Affected Public: Business or other for-profit; Not for Profit institutions; State, Local or Tribal Government
Reporting Burden:
 Responses: 869
 Burdens Hours: 1,159
Recordkeeping Burden:
 Recordkeepers: 0
 Burden Hours: 0
Abstract: These Performance Reports collect information required of grantees receiving Federal funds under Part D of IDEA, requested by Pub. L. 101-476 and 102-119. Training data will be summarized in OSERS' Annual Report to Congress, including data on special education and related services personnel, as well as parents trained.

Office of Special Education and Rehabilitative Services

Type of Review: Regular
Title: LEA Application Under Part B of the Individuals with Disabilities Education Act.
Frequency: Annually
Affected Public: State, Local or Tribal Government
Reporting Burden:
 Responses: 15376
 Burden Hours: 445,904
Recordkeeping Burden:
 Recordkeepers: 0
 Burden Hours: 0
Abstract: State must require local educational agencies to submit an approval LEA application for a subgrant in order to distribute funds under Part B of the Individuals with Disabilities Education Act.

Office of Postsecondary Education

Type of Review: Regular
Title: Performance Report for the Graduate Assistance in Areas of National Need Program (GAANIN)
Frequency: Annually
Affected Public: Not for Profit Institutions
Reporting Burden:
 Responses: 1
 Burden Hours: 17
Recordkeeping Burden:
 Recordkeepers: 0
 Burden Hours: 0
Abstract: Academic departments of institutions of higher education that have received GAANIN grants are required to demonstrate compliance with statutory and regulatory requirements for the distribution of fellowships and assessing project progress. As a replacement for the NCC applications, the performance

report will also be used to determine whether respondents have met the criteria for receiving continuation awards and to make post-first year awards to continuing projects.

Office of Postsecondary Education

Type of Review: Regular
Title: Student Aid Report
Frequency: Annually
Affected Public: Individuals or households
Reporting Burden:
 Responses: 15,237,969
 Burden Hours: 4,095,759
Recordkeeping Burden:
 Recordkeepers: 0
 Burden Hours: 0
Abstract: "Federal Grants, Student Aid programs": The Student Aid Report (SAR) is used to notify applicants of their eligibility to receive Federal Financial Aid. The form is submitted by the applicant to the institution of their choice.

Office of Postsecondary Education

Type of Review: Regular
Title: Performance Report for the Training Program for Federal TRIO Programs
Frequency: Annually
Affected Public: Not for Profit Institutions
Reporting Burden:
 Responses: 12
 Burden Hours: 48
Recordkeeping Burden:
 Recordkeepers: 0
 Burden Hours: 0
Abstract: Data assures that grantees have conducted the project for which funded, signals problems of implementation, and indicates extent and quality of performance. The Department uses reports in evaluating projects for continuation, assessing technical assistance needs, determining future funding levels and in assigning scores to projects in competition for new grants.

Office of Postsecondary Education

Type of Review: Regular
Title: Guaranty Agency Quarterly/Annual Report
Frequency: Quaranty Agency Quarterly/Annual Report
Affected Public: Business or other for-profit; State, local or Tribal Government
Reporting Burden:
 Responses: 270
 Burden Hours: 4,293
Recordkeeping Burden:
 Recordkeepers: 0
 Burden Hours: 0
Abstract: The Guaranty Agency Quarterly/Annual Report is submitted

by 55 agencies operating a student loan Insurance program under agreement with the Department of Education. These reports are used to evaluate agency operations, make payments to agency as authorized by law, and to make reports to Congress.

Office of Postsecondary Education

Type of Review: Regular

Title: Student Assistance General

Provisions—Subpart 1—Reform and Regulations

Frequency: Occasional

Affected Public: Individual or households; Business or other for-profit; Not for Profit institutions

Reporting Burden:

Responses: 114,000

Burden Hours: 30,500

Recordkeeping Burden:

Recordkeepers: 0

Burden Hours: 0

Abstract: These regulations are part of a Division-wide regulatory relief package, and affected provisions of the Student Assistant General Provisions regulations regarding the secondary confirmation with INS to reduce fraud and abuse in the title IV, HEA programs by ensuring that only eligible noncitizens receive federal aid.

[FR Doc. 95-21570 Filed 8-30-95; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Environmental Management Site Specific Advisory Board, Idaho National Engineering Laboratory

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site Specific Advisory Board (EM SSAB), Idaho National Engineering Laboratory (INEL).

DATES: Tuesday, September 19, 1995 from 8 a.m. Mountain Standard Time (MST) until 7 pm MST and Wednesday, September 20, 1995 from 8 a.m. MST until 5 p.m. MST. There will be a public comment availability session Tuesday, September 19, 1995 from 5 to 6 p.m. MST.

ADDRESSES: Tuesday, September 19, 1995 from 8:00 am until 11:30 am and all day Wednesday, September 20, 1995: Weston Plaza, 1350 Blue Lakes Blvd. N., Twin Falls, ID 83301, (208)733-0560.

Tuesday, September 19, 1995 from 1:00 pm until 7:00 pm, including Public Comment Availability Session: College of Southern Idaho, Exposition Building.

FOR FURTHER INFORMATION CONTACT: Idaho National Engineering Laboratory Information 1-800-708-2680 or Marsha Hardy, Jason Associates Corporation Staff Support, 1-208-522-1662.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee

The EM SSAB, INEL will be participating in and encouraging public participation in an educational exhibit describing interagency efforts to ensure safe transportation of hazardous and radioactive materials, including spent nuclear fuel, throughout Idaho. The Board will also participate in discussions regarding Strategic Planning efforts at the INEL, the Advanced Mixed Waste Treatment Program, the INEL's Pit 9 project, and the Western Governor's Association Demonstration of Innovative Technologies activities and their specific applications to Pit 9 and the INEL. Follow-up information to the recommendation that the Board made on Test Area North groundwater remediation at their June 1995 meeting will also be provided.

Tentative Agenda

Tuesday, September 19, 1995

7:30 am *Sign-in and Registration*

8:00 am *Miscellaneous Business:*

Old Business

- Deputy Designated Federal Officer Report
- Chair Report

Member Reports

Standing Committee Reports

- Public Communications
- Budget
- Member Selection

9:15 am *Advanced Mixed Waste Treatment Project*

9:30 am *Discussion with EM-HQ*

10:15 am *Break*

10:30 am *Test Area North (TAN) Follow-Up*

11:45 am *Lunch*

1:00 pm *Transportation/Hazardous Materials Outreach Program*

5:00 pm *Public Comment Availability*

6:00 pm *Transportation/Hazardous Materials Outreach Program*

7:00 pm *Adjourn*

Wednesday, September 20, 1995

7:30 am *Sign-In and Registration*

8:00 am *Miscellaneous Business*

8:30 am *Pit 9*

10:30 am *Break*

10:45 am *Pit 9—continued*

12:00 noon *Lunch*

1:00 pm *Western Governors' Association Development of Innovative Technologies*

2:45 pm *Break*

3:00 pm *Special Presentation—Strategic Planning Efforts at the INEL*

4:15 pm *Meeting Evaluation*

5:00 pm *Adjourn*

A final agenda will be available at the meeting.

Public Comment Availability

The two-day meeting is open to the public, with a Public Comment Availability session scheduled for Tuesday, September 19, 1995 from 5 p.m. to 6 p.m. MST. The Board will be available during this time period to hear verbal public comments or to review any written public comments. If there are no members of the public wishing to comment or no written comments to review, the board will continue with its current discussion. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact the Idaho National Engineering Laboratory Information line or Marsha Hardy, Jason Associates, at the addresses or telephone numbers listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9 a.m. and 4 p.m., Monday-Friday, except Federal holidays.

Issued at Washington, DC on August 28, 1995.

Rachel M. Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95-21650 Filed 8-30-95; 8:45 am]

BILLING CODE 6450-01-P

Bonneville Power Administration**Notice of Availability of Record of Decision for the Business Plan**

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of availability of Record of Decision (ROD).

SUMMARY: The BPA has chosen to respond to the challenges of the dynamic electric utility industry by changing its business direction. As proposed in the Business Plan Final Environmental Impact Statement (BP EIS, DOE/EIS-0183), BPA has decided to pursue the basic business direction outlined in the Market-Driven alternative, including certain response strategies to adapt quickly to the evolving marketplace. BPA will accordingly take actions to transform itself into a highly efficient Federal enterprise that achieves its mission by being more competitive in the wholesale electric utility market. BPA will be a more active participant in the competitive market for power, transmission, and energy services, and will use its success in those markets to ensure the financial strength necessary to better produce the public benefits that BPA affords to the region.

The decision to select the Market-Driven alternative provides basic policy direction for BPA to decide a number of major issues related to products and services, rate designs, energy resources, and transmission. Before taking action on these issues, however, BPA will review the BP EIS to ensure that the impacts of the subsequent actions are adequately analyzed within the range of alternatives. Decisions on these specific issues will be the subject of subsequent RODs tiered to this BP EIS ROD.

ADDRESSES: Copies of the ROD and the EIS may be obtained by calling BPA's toll-free document request line: 1-800-622-4520. Copies may also be obtained from BPA's Public Involvement Office, P.O. Box 12999, Portland, Oregon, 97212.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Alton, Manager for Policy and Strategic Planning—ECP, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon, 97208-3621, phone number (503) 230-4628, fax number (503) 230-5699.

Public Availability: This ROD will be distributed to all interested and affected persons and agencies.

Issued in Portland, Oregon, on August 24, 1995.

Randall W. Hardy,
Administrator and Chief Executive Officer.
[FR Doc. 95-21649 Filed 8-30-95; 8:45 am]
BILLING CODE 6450-01-P

Federal Energy Regulatory Commission

[Docket No. CP94-342-004, et al.]

Crossroads Pipeline Company, et al.; Natural Gas Certificate Filings

August 24, 1995.

Take notice that the following filings have been made with the Commission:

1. Crossroads Pipeline Company

[Docket No. CP94-342-004]

Take notice that on August 21, 1995, Crossroads Pipeline Company (Crossroads), 801 East 86th Avenue, Merrillville, Indiana 46410, filed in Docket No. CP94-342-004 as part of its FERC Gas Tariff, Original Volume No. 1, Substitute Original Tariff Sheet No. 6.

Crossroads states that Substitute Original Tariff Sheet No. 6 reflects the recalculation of certain cost-of-service items. In addition, Crossroads states that the tariff sheet reflects a reduction in Crossroads' proposed maximum commodity charge for firm service and a reduction in Crossroads' minimum reservation charge for firm service.

Comment date: September 14, 1995, in accordance with the first paragraph of Standard Paragraph F at the end of this notice.

2. Paiute Pipeline Company

[Docket No. CP95-614-000]

Take notice that on July 13, 1995, Paiute Pipeline Company (Paiute), P.O. Box 94197, Las Vegas, Nevada 89193-4197, filed in Docket No. CP95-614-000, an application pursuant to Section 7 of the Natural Gas Act and Part 157 of the Commission's Regulations requesting authorization to construct and operate truck unloading facilities at its Lovelock, Nevada liquefied natural gas (LNG) storage facility to permit the delivery for injection to the storage facility of LNG by truck, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Paiute states that the installation of the facilities will provide its LNG storage service customers with additional options for helping to meet their peak demand, emergency, or other requirements. Paiute further states that the truck unloading facilities will permit year-round deliveries to the LNG

storage facility, irrespective of whether the plant itself is being operated in a liquefaction, vaporization, or holding mode. Paiute claims that its LNG storage facility, as it is presently constructed and operated, cannot be operated in a liquefaction mode and a vaporization mode simultaneously.

Paiute states that the estimated cost of the truck unloading facilities is \$238,500. Paiute intends to finance the cost of construction through ongoing regular financing programs and internally generated funds.

In addition, Paiute requests that the Commission grant temporary certificate authorization for the construction and operation of the proposed truck unloading facilities, due to the especially urgent need for such facilities, so that such facilities can be constructed and placed into service by November 1, 1995 or as soon thereafter as possible. Paiute indicates that because of a need to empty the storage tank for maintenance purposes, Paiute's LNG storage service customers likely will not have sufficient opportunity to fully replenish their LNG supplies before November 1, 1995. As an alternative to the temporary certificate authority, Paiute further requests that the Commission use expedited procedures leading to the issuance of a final certificate order by September 15, 1995 or earlier.

Paiute states that with the installation of the truck unloading facilities, Paiute's customers will be assured of having a means to replenish their supplies of LNG in storage during the winter heating season, when the plant is generally in a vaporization mode, and augment the quantities of gas being liquefied during the summer months, if necessary.

Comment date: September 14, 1995, in accordance with Standard Paragraph F at the end of this notice.

3. Williston Basin Interstate Pipeline Company

[Docket No. CP95-696-000]

Take notice that on August 21, 1995, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 300, 200 North Third Street, Bismarck, North Dakota 58501, filed in Docket No. CP95-696-000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate a metering station under Williston Basin's blanket certificate issued in Docket No. CP83-1-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the

Commission and open to public inspection.

Williston Basin proposes to construct and operate a new metering station to provide transportation service gas to Rainbow Gas Company in Ramsey County, North Dakota. The station will consist of a tap, meter and regulator and miscellaneous gauges and valves.

Comment date: October 10, 1995, in accordance with Standard Paragraph G at the end of this notice.

4. Northern Natural Gas Company

[Docket No. CP95-698-000]

Take notice that on August 21, 1995, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124-1000, filed in Docket No. CP95-698-000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to construct and operate a new delivery point under Northern's blanket certificate issued in Docket No. CP82-401-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.¹

Northern proposes to install and operate a new delivery point (Al-Corn/Al-Corn #1 TBS) in Dodge County, Minnesota, to accommodate natural gas deliveries to Al-Corn Clean Fuels, Inc. (Al-Corn), for use at their plant near Claremont, Minnesota. Northern states that service would be provided to Al-Corn under a transportation agreement pursuant to Northern's existing transportation schedules. It is stated that the proposal involves the delivery of up to 1,200 Mcf on a peak day and 438,000 Mcf on an annual basis. Northern estimates that the total cost of constructing this delivery point would be \$135,000.

Comment date: October 10, 1995, in accordance with Standard Paragraph G at the end of this notice.

5. Columbia Gas Transmission Corporation

[Docket No. CP95-703-000]

Take notice that on August 22, 1995, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314-1599, filed a request with the Commission in Docket No. CP95-703-000 pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under

the Natural Gas Act (NGA) to modify an existing point of delivery and reassign Maximum Daily Delivery Obligations (MDDOs) between points of delivery to Shenandoah Gas Company (SGC), a subsidiary of Washington Gas (WG) in Warren County, Virginia, authorized in blanket certificate issued in Docket No. CP83-76-000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Columbia proposes to make modifications to the existing Nineveh point of delivery at the request of SGC for additional firm transportation service for residential, commercial and industrial service. Columbia states that neither SGC nor WG has requested an increase in Peak Day Entitlements in conjunction with this request to modify the existing point of delivery so there would be no impact on Columbia's existing peak day obligations to its other customers as a result of the modifications. Columbia proposes, however, to reassign the MDDOs by amending WG's SST Agreement by reducing the MDDOs at the existing Dranesville delivery point by 12,300 Dth/day and reassigning the same volumes of gas to the existing Nineveh delivery point proposed to be modified. SGC has agreed to reimburse Columbia the cost of construction to modify this point which would be approximately \$23,969, including gross-up for income tax purposes. Columbia would pay for the install filter separators at an estimated cost of \$90,000.

Comment date: October 10, 1995, in accordance with Standard Paragraph G at the end of this notice.

6. NorAm Gas Transmission Company

[Docket No. CP95-704-000]

Take notice that on August 23, 1995, NorAm Gas Transmission Company (NGT), 1600 Smith Street, Houston, Texas 77002, filed in Docket No. CP95-704-000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate certain delivery facilities in Arkansas under NGT's blanket certificate issued in Docket No. CP82-384-000, *et al.*, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

NGT proposes to construct and operate the following facilities for deliveries of natural gas to ARKLA, a division of NorAm Energy Corp., to serve its new domestic and commercial customers: (a) One 2-inch delivery tap,

first-cut regulator and 1-inch U-Shape meter station on NGT's Line TM-10 to serve ARKLA's Rural Extension No. 1344 in Arkansas County, Arkansas; (b) one 1-inch delivery tap and first cut regulator on NGT's Line B to serve ARKLA's Conway Cox Cove Rural Extension in Faulkner County, Arkansas. NGT estimates the volumes to be delivered through the facilities to be 1,805 MMBtu annually and 82 MMBtu on a peak day. In addition, NGT estimates the cost of construction to be \$5,144, of which ARKLA will reimburse NGT \$3,715.

Comment date: October 10, 1995, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said application should on or before the comment date, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

¹ This filing supersedes the request filed in Docket No. CP95-629-000 in order to reflect a new location for the proposed delivery point. Under separate cover, Northern filed on August 21, 1995, to withdraw its application in Docket No. CP95-629-000.

G. Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.

Acting Secretary.

[FR Doc. 95-21600 Filed 8-30-95; 8:45 am]

BILLING CODE 6717-01-P

[Docket No. CP95-693-000]

Florida Gas Transmission Company, et al.; Notice of Application

August 25, 1995.

Take notice that on August 17, 1995, Florida Gas Transmission Company (FGT), P.O. Box 1188, Houston, Texas 77251-1188, and Texas Gas Transmission Corporation (Texas Gas) P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP95-693-000 a joint application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon two natural gas exchange services which were authorized in Docket Nos. CP73-33-000 and CP73-306-000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The applicants propose to abandon the following two exchange services:

1. An exchange agreement under FGT's Rate Schedule E-4 and Texas Gas' Rate Schedule X-45, that involved the operation of facilities and exchange of gas on an emergency basis, during the period July 10 to November 21, 1972.

2. An exchange agreement under FGT's Rate Schedule E-5 and Texas Gas' Rate Schedule X-48 that authorized the exchange of gas, during emergencies, at the Eunice Compressor Station located in Louisiana.

FGT and Texas Gas state that they signed a letter agreement on May 30, 1995 that terminates the exchange agreements listed above, effective June 30, 1995.

Any person desiring to be heard or to make any protest with reference to said

application should on or before September 15, 1995, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for FGT and Texas Gas to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95-21601 Filed 8-30-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP95-697-000]

Northern Natural Gas Company; Application for Abandonment

August 25, 1995.

Take notice that on August 21, 1995, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124-1000, filed, in Docket No. CP95-697-000, an application pursuant to section 7(b) of the Natural Gas Act (NGA) and part 157 of the Commission's Regulations for permission and approval to abandon service under an individually certificated transportation agreement, all as more fully set forth in the application

which is on file with the Commission and open to public inspection.

Specifically, Northern is requesting permission and approval to abandon service under its Rate Schedule T-51, a July 9, 1984, gas transportation agreement between Neches Gas Distribution Company (Neches) and Northern, which is contained in Northern's FERC Gas Tariff, Original Volume No. 2. Northern states that Rate Schedule T-51 was authorized in Docket No. CP84-565-000 for a period through June 30, 1986. However, Northern states, that authorization did not provide for pre-granted abandonment. Northern asserts that no service has been provided under Rate Schedule T-51 since June 30, 1986, and that both parties have mutually agreed to the termination of the service. Northern says that no facilities will be abandoned as a result of this requested abandonment of service. Northern relates that the receipt and delivery points used in this transportation service are located on its Matagorda Offshore Pipeline System (MOPS). Northern requests that this abandonment request be made effective the earlier of the date of an order approving the instant application or an order approving the abandonment of the MOPS facilities in Docket No. CP95-519-000.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 15, 1995, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a motion to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the

proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northern to appear or to be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95-21602 Filed 8-30-95; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP95-185-000 and RP95-185-001]

Northern Natural Gas Company; Notice of Informal Settlement Conference

August 25, 1995.

Take notice that an informal settlement conference will be convened in this proceeding on Wednesday, September 13, 1995, at 10:00 a.m. A second conference will be convened on Wednesday, September 20, 1995, at 10:00 a.m. The conferences will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street, N.E., Washington, D.C., for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's Regulations (18 CFR 385.214).

For additional information, please contact Donald A. Heydt (202) 208-0740 or Robert A. Young (202) 208-5705.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 95-21603 Filed 8-30-95; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5290-2]

Cedartown Landfill Site; Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: Under Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Environmental Protection Agency (EPA) has proposed to settle claims for response costs at the Cedartown Landfill Site (Site) located in Cedartown, Georgia, with approximately 11 potentially responsible parties (PRPs) at the Site. EPA will consider public comments on the proposed settlement for thirty days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Copies of the proposed settlement and a list of proposed settling parties are available from: Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region IV, Waste Programs Branch, Waste Management Division, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 347-5059 ext. 6169.

Written comment may be submitted to Mr. Greg Armstrong at the above address by no later than October 2, 1995.

Dated: August 23, 1995.

Richard D. Green,

Acting Director, Waste Management Division.

[FR Doc. 95-21758 Filed 8-30-95; 8:45 am]

BILLING CODE 6560-50-M

[FRL-5290-1]

Daytona Antifreeze Site; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Settlement.

SUMMARY: Under Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Environmental Protection Agency (EPA) has proposed to settle claims for response costs at the Daytona Antifreeze Site (Site) located in Marietta, Georgia, with approximately 50 potentially responsible parties (PRPs) at the Site. EPA will consider public comments on the proposed settlement for thirty days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate,

improper, or inadequate. Copies of the proposed settlement and a list of proposed settling parties are available from: Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region IV, Waste Programs Branch, Waste Management Division, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 347-5059 ext. 6169.

Written comment may be submitted to Mr. Greg Armstrong at the above address by no later than October 2, 1995.

Dated: August 23, 1995.

Richard D. Green,

Acting Director, Waste Management Division.

[FR Doc. 95-21759 Filed 8-30-95; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Compendium of Flood Map Changes

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice provides a listing of changes to FEMA flood maps made during the preceding six (6) month period.

DATES: The listing includes changes to FEMA flood maps that became effective January 1, 1995 through June 30, 1995.

FOR FURTHER INFORMATION CONTACT: William R. Locke, Director, Hazard Identification and Risk Assessment Division, Mitigation Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3860.

SUPPLEMENTARY INFORMATION: In accordance with § 1360(i) of the National Flood Insurance Reform Act of 1968, as amended, 42 U.S.C. 4101(i), this notice is provided to notify interested parties of changes made to National Flood Insurance Program Flood Maps. The listing shows communities affected by map changes, the flood map panel(s) affected, the effective date of the map change and, if applicable, a case number assigned to the map change action. Future notices of map changes will be published every six (6) months.

Dated: August 15, 1995.

Richard T. Moore,

Associate Director for Mitigation.

MAP REVISIONS

[Effective January 1, 1995 through June 30, 1995]

Region	State	Community	Map panel No.	Effective date
01	CONNECTICUT	PROSPECT, TOWN OF	0901510007B	05/16/95
01	CONNECTICUT	PROSPECT, TOWN OF	0901510015B	05/16/95
01	CONNECTICUT	PROSPECT, TOWN OF	0901510000	05/16/95
01	CONNECTICUT	PROSPECT, TOWN OF	0901510009B	05/16/95
01	MAINE	PHILLIPS, TOWN OF	2300600010C	04/17/95
01	MAINE	PHILLIPS, TOWN OF	2300600000	04/17/95
01	MAINE	PHILLIPS, TOWN OF	2300600015C	04/17/95
01	MASSACHUSETTS	EASTON, TOWN OF	2500530005C	05/16/95
01	MASSACHUSETTS	EASTON, TOWN OF	2500530010D	05/16/95
01	MASSACHUSETTS	EASTON, TOWN OF	2500530000	05/16/95
01	NEW HAMPSHIRE	ALBANY, TOWN OF	3301749999	03/01/95
01	NEW HAMPSHIRE	ALBANY, TOWN OF	330174 A	03/01/95
01	NEW HAMPSHIRE	DUMMER, TOWN OF	3302019999	03/01/95
01	NEW HAMPSHIRE	DUMMER, TOWN OF	330201 A	03/01/95
01	NEW HAMPSHIRE	ERROL, TOWN OF	3302069999A	06/01/95
01	NEW HAMPSHIRE	ERROL, TOWN OF	330206 A	06/01/95
01	NEW HAMPSHIRE	LINCOLN, TOWN OF	3300620008C	03/01/95
01	NEW HAMPSHIRE	LINCOLN, TOWN OF	3300629999	03/01/95
01	NEW HAMPSHIRE	LINCOLN, TOWN OF	3300620007C	03/01/95
01	NEW HAMPSHIRE	LINCOLN, TOWN OF	3300620000	03/01/95
01	NEW HAMPSHIRE	LINCOLN, TOWN OF	3300620004C	03/01/95
01	NEW HAMPSHIRE	RAYMOND, TOWN OF	3301400005D	05/02/95
01	NEW HAMPSHIRE	RAYMOND, TOWN OF	3301400010D	05/02/95
01	NEW HAMPSHIRE	RAYMOND, TOWN OF	3301400000	05/02/95
02	NEW JERSEY	EVESHAM, TOWNSHIP OF	3400970011C	03/02/95
02	NEW JERSEY	EVESHAM, TOWNSHIP OF	3400970000	03/02/95
02	NEW JERSEY	EVESHAM, TOWNSHIP OF	3400970009C	03/02/95
02	NEW JERSEY	EVESHAM, TOWNSHIP OF	3400970007C	03/02/95
02	NEW JERSEY	EVESHAM, TOWNSHIP OF	3400970008C	03/02/95
02	NEW JERSEY	EVESHAM, TOWNSHIP OF	3400970003C	03/02/95
02	NEW JERSEY	EVESHAM, TOWNSHIP OF	3400970002C	03/02/95
02	NEW JERSEY	EVESHAM, TOWNSHIP OF	3400970005C	03/02/95
02	NEW JERSEY	EVESHAM, TOWNSHIP OF	3400970004C	03/02/95
02	NEW JERSEY	EVESHAM, TOWNSHIP OF	3400970001C	03/02/95
02	NEW JERSEY	EVESHAM, TOWNSHIP OF	3400970006C	03/02/95
02	NEW YORK	HAMMONDSPORT, VILLAGE OF	3607750001C	05/16/95
03	DELAWARE	BETHANY BEACH, TOWN OF	10005C0520F	06/16/95
03	DELAWARE	BETHANY BEACH, TOWN OF	10005C0000	06/16/95
03	DELAWARE	BETHANY BEACH, TOWN OF	10005C0515F	06/16/95
03	DELAWARE	BETHEL, TOWN OF	10005C0384F	06/16/95
03	DELAWARE	BETHEL, TOWN OF	10005C0403F	06/16/95
03	DELAWARE	BETHEL, TOWN OF	10005C0000	06/16/95
03	DELAWARE	BLADES, TOWN OF	10005C0000	06/16/95
03	DELAWARE	BLADES, TOWN OF	10005C0263F	06/16/95
03	DELAWARE	BRIDGEVILLE, TOWN OF	10005C0251F	06/16/95
03	DELAWARE	BRIDGEVILLE, TOWN OF	10005C0125F	06/16/95
03	DELAWARE	BRIDGEVILLE, TOWN OF	10005C0000	06/16/95
03	DELAWARE	DAGSBORO, TOWN OF	10005C0486F	06/16/95
03	DELAWARE	DAGSBORO, TOWN OF	10005C0467F	06/16/95
03	DELAWARE	DAGSBORO, TOWN OF	10005C0000	06/16/95
03	DELAWARE	DELMAR, TOWN OF	10005C0000	06/16/95
03	DELAWARE	DEWEY BEACH, TOWN OF	10005C0000	06/16/95
03	DELAWARE	DEWEY BEACH, TOWN OF	10005C0365F	06/16/95
03	DELAWARE	DEWEY BEACH, TOWN OF	10005C0355F	06/16/95
03	DELAWARE	ELLENDALE, TOWN OF	10005C0000	06/16/95
03	DELAWARE	FENWICK ISLAND, TOWN OF	10005C0660F	06/16/95
03	DELAWARE	FENWICK ISLAND, TOWN OF	10005C0000	06/16/95
03	DELAWARE	FRANKFORD, TOWN OF	10005C0488F	06/16/95
03	DELAWARE	FRANKFORD, TOWN OF	10005C0486F	06/16/95
03	DELAWARE	FRANKFORD, TOWN OF	10005C0000	06/16/95
03	DELAWARE	GEORGETOWN, TOWN OF	10005C0000	06/16/95
03	DELAWARE	GEORGETOWN, TOWN OF	10005C0300F	06/16/95
03	DELAWARE	GEORGETOWN, TOWN OF	10005C0325F	06/16/95
03	DELAWARE	GREENWOOD, TOWN OF	10005C0125F	06/16/95
03	DELAWARE	GREENWOOD, TOWN OF	10005C0104F	06/16/95
03	DELAWARE	GREENWOOD, TOWN OF	10005C0112F	06/16/95
03	DELAWARE	GREENWOOD, TOWN OF	10005C0000	06/16/95
03	DELAWARE	HENLOPEN ACRES, TOWN OF	10005C0355F	06/16/95
03	DELAWARE	HENLOPEN ACRES, TOWN OF	10005C0000	06/16/95
03	DELAWARE	LAUREL, TOWN OF	10005C0416F	06/16/95

MAP REVISIONS—Continued

[Effective January 1, 1995 through June 30, 1995]

Region	State	Community	Map panel No.	Effective date
03	DELAWARE	LAUREL, TOWN OF	10005C0000	06/16/95
03	DELAWARE	LAUREL, TOWN OF	10005C0412F	06/16/95
03	DELAWARE	LAUREL, TOWN OF	10005C0404F	06/16/95
03	DELAWARE	LEWES, CITY OF	10005C0195F	06/16/95
03	DELAWARE	LEWES, CITY OF	10005C0215F	06/16/95
03	DELAWARE	LEWES, CITY OF	10005C0190F	06/16/95
03	DELAWARE	LEWES, CITY OF	10005C0000	06/16/95
03	DELAWARE	MILFORD, CITY OF	10005C0043F	06/16/95
03	DELAWARE	MILFORD, CITY OF	10005C0000	06/16/95
03	DELAWARE	MILFORD, CITY OF	10005C0041F	06/16/95
03	DELAWARE	MILFORD, CITY OF	10005C0039F	06/16/95
03	DELAWARE	MILFORD, CITY OF	10005C0037F	06/16/95
03	DELAWARE	MILLSBORO, TOWN OF	10005C0000	06/16/95
03	DELAWARE	MILLSBORO, TOWN OF	10005C0459F	06/16/95
03	DELAWARE	MILLSBORO, TOWN OF	10005C0458F	06/16/95
03	DELAWARE	MILLSBORO, TOWN OF	10005C0456F	06/16/95
03	DELAWARE	MILLVILLE, TOWN OF	10005C0000	06/16/95
03	DELAWARE	MILLVILLE, TOWN OF	10005C0492F	06/16/95
03	DELAWARE	MILLVILLE, TOWN OF	10005C0511F	06/16/95
03	DELAWARE	MILTON, TOWN OF	10005C0164F	06/16/95
03	DELAWARE	MILTON, TOWN OF	10005C0170F	06/16/95
03	DELAWARE	MILTON, TOWN OF	10005C0168F	06/16/95
03	DELAWARE	MILTON, TOWN OF	10005C0000	06/16/95
03	DELAWARE	MILTON, TOWN OF	10005C0165F	06/16/95
03	DELAWARE	OCEAN VIEW, TOWN OF	10005C0000	06/16/95
03	DELAWARE	OCEAN VIEW, TOWN OF	10005C0515F	06/16/95
03	DELAWARE	OCEAN VIEW, TOWN OF	10005C0511F	06/16/95
03	DELAWARE	REHOBOTH BEACH, CITY OF	10005C0000	06/16/95
03	DELAWARE	REHOBOTH BEACH, CITY OF	10005C0355F	06/16/95
03	DELAWARE	REHOBOTH BEACH, CITY OF	10005C0215F	06/16/95
03	DELAWARE	SEAFORD, CITY OF	10005C0262F	06/16/95
03	DELAWARE	SEAFORD, CITY OF	10005C0250F	06/16/95
03	DELAWARE	SEAFORD, CITY OF	10005C0261F	06/16/95
03	DELAWARE	SEAFORD, CITY OF	10005C0263F	06/16/95
03	DELAWARE	SEAFORD, CITY OF	10005C0264F	06/16/95
03	DELAWARE	SEAFORD, CITY OF	10005C0000	06/16/95
03	DELAWARE	SELBYVILLE, TOWN OF	10005C0628F	06/16/95
03	DELAWARE	SELBYVILLE, TOWN OF	10005C0629F	06/16/95
03	DELAWARE	SELBYVILLE, TOWN OF	10005C0000	06/16/95
03	DELAWARE	SLAUGHTER BEACH, TOWN OF	10005C0070F	06/16/95
03	DELAWARE	SLAUGHTER BEACH, TOWN OF	10005C0055F	06/16/95
03	DELAWARE	SLAUGHTER BEACH, TOWN OF	10005C0065F	06/16/95
03	DELAWARE	SLAUGHTER BEACH, TOWN OF	10005C0000	06/16/95
03	DELAWARE	SOUTH BETHANY, TOWN OF	10005C0000	06/16/95
03	DELAWARE	SOUTH BETHANY, TOWN OF	10005C0520F	06/16/95
03	DELAWARE	SOUTH BETHANY, TOWN OF	10005C0515F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0251F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0250F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0253F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0252F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0215F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0261F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0195F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0168F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0165F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0180F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0170F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0262F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0190F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0264F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0263F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0340F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0337F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0345F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0341F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0335F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0355F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0330F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0275F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0268F	06/16/95

MAP REVISIONS—Continued
 [Effective January 1, 1995 through June 30, 1995]

Region	State	Community	Map panel No.	Effective date
03	DELAWARE	SUSSEX COUNTY*	10005C0325F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0300F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0164F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0326F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0060F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0161F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0055F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0050F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0065F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0365F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0043F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0070F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0041F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0036F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0019F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0038F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0037F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0100F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0039F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0112F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0104F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0150F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0142F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0154F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0153F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0141F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0155F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0134F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0129F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0125F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0132F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0131F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0160F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0133F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0486F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0384F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0511F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0515F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0510F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0495F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0505F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0489F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0492F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0520F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0575F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0655F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0660F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0635F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0400F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0630F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0600F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0628F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0488F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0629F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0450F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0452F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0425F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0412F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0416F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0403F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0404F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0487F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0456F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0485F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0000	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0480F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0475F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0457F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0467F	06/16/95
03	DELAWARE	SUSSEX COUNTY*	10005C0458F	06/16/95

MAP REVISIONS—Continued

[Effective January 1, 1995 through June 30, 1995]

Region	State	Community	Map panel No.	Effective date
03	DELAWARE	SUSSEX COUNTY*	10005C0459F	06/16/95
03	MARYLAND	SOMERSET COUNTY *	2400610000	06/16/95
03	MARYLAND	SOMERSET COUNTY *	2400610125D	06/16/95
03	PENNSYLVANIA	ALDAN, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	ALLENTOWN, CITY OF	4205850005B	01/06/95
03	PENNSYLVANIA	ALLENTOWN, CITY OF	4205850010B	01/06/95
03	PENNSYLVANIA	ALLENTOWN, CITY OF	4205850000	01/06/95
03	PENNSYLVANIA	ASTON, TOWNSHIP OF	42045C0055E	05/02/95
03	PENNSYLVANIA	ASTON, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	ASTON, TOWNSHIP OF	42045C0056E	05/02/95
03	PENNSYLVANIA	BETHEL, TOWNSHIP OF	42045C0055E	05/02/95
03	PENNSYLVANIA	BETHEL, TOWNSHIP OF	42045C0067E	05/02/95
03	PENNSYLVANIA	BETHEL, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	BIRMINGHAM, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	BRIAR CREEK, BOROUGH OF	4203400001D	02/16/95
03	PENNSYLVANIA	BROOKHAVEN, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	BROOKHAVEN, BOROUGH OF	42045C0056E	05/02/95
03	PENNSYLVANIA	CHESTER HEIGHTS, BOROUGH OF	42045C0055E	05/02/95
03	PENNSYLVANIA	CHESTER HEIGHTS, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	CHESTER, CITY OF	42045C0000	05/02/95
03	PENNSYLVANIA	CHESTER, CITY OF	42045C0056E	05/02/95
03	PENNSYLVANIA	CHESTER, TOWNSHIP OF	42045C0056E	05/02/95
03	PENNSYLVANIA	CHESTER, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	CLIFTON HEIGHTS, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	COLLINGDALE, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	COLWYN, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	CONCORD, TOWNSHIP OF	42045C0055E	05/02/95
03	PENNSYLVANIA	CONCORD, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	DARBY, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	DARBY, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	EAST LANSDOWNE, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	EDDYSTONE, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	EDGMONT, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	FOLCROFT, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	GLENOLDEN, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	HAVERFORD, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	HUNTINGDON, BOROUGH OF	4204860005C	05/16/95
03	PENNSYLVANIA	JUNIATA, TOWNSHIP OF	4216920005B	05/02/95
03	PENNSYLVANIA	LANSDOWNE, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	LOWER CHICHESTER, TOWNSHIP OF	42045C0067E	05/02/95
03	PENNSYLVANIA	LOWER CHICHESTER, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	MARCUS HOOK, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	MARPLE, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	MASONTOWN, BOROUGH OF	4225720001B	02/02/95
03	PENNSYLVANIA	MEDIA, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	MIDDLETOWN, TOWNSHIP OF	42045C0056E	05/02/95
03	PENNSYLVANIA	MIDDLETOWN, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	MILLBOURNE, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	MORTON, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	NETHER PROVIDENCE, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	NEWTOWN, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	NORWOOD, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	PARKSIDE, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	POINT MARION, BOROUGH OF	4216170001B	06/16/95
03	PENNSYLVANIA	PORT CARBON, BOROUGH OF	4207830001C	06/02/95
03	PENNSYLVANIA	PROSPECT PARK, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	RADNOR, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	RIDLEY PARK, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	RIDLEY, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	ROSE VALLEY, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	RUTLEDGE, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	SHARON HILL, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	SPRINGFIELD, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	SPRINGHILL, TOWNSHIP OF	4216390010C	04/17/95
03	PENNSYLVANIA	SPRINGHILL, TOWNSHIP OF	4216390015C	04/17/95
03	PENNSYLVANIA	SPRINGHILL, TOWNSHIP OF	4216390000	04/17/95
03	PENNSYLVANIA	ST. CLAIR, BOROUGH OF	4207860001B	06/02/95
03	PENNSYLVANIA	SWARTHMORE, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	THORNBURY, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	TINICUM, TOWNSHIP OF	42045C0000	05/02/95

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03	PENNSYLVANIA	TRAINER, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	UPLAND, BOROUGH OF	42045C0000	05/02/95
03	PENNSYLVANIA	UPPER CHICHESTER, TOWNSHIP OF	42045C0067E	05/02/95
03	PENNSYLVANIA	UPPER CHICHESTER, TOWNSHIP OF	42045C0055E	05/02/95
03	PENNSYLVANIA	UPPER CHICHESTER, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	UPPER CHICHESTER, TOWNSHIP OF	42045C0056E	05/02/95
03	PENNSYLVANIA	UPPER DARBY, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	UPPER DUBLIN, TOWNSHIP OF	4207080005D	02/16/95
03	PENNSYLVANIA	UPPER PROVIDENCE, TOWNSHIP OF	42045C0000	05/02/95
03	PENNSYLVANIA	YEADON, BOROUGH OF	42045C0000	05/02/95
03	VIRGINIA	DUMFRIES, TOWN OF	51153C0310D	01/05/95
03	VIRGINIA	DUMFRIES, TOWN OF	51153C0316D	01/05/95
03	VIRGINIA	DUMFRIES, TOWN OF	51153C0312D	01/05/95
03	VIRGINIA	DUMFRIES, TOWN OF	51153C0000	01/05/95
03	VIRGINIA	DUMFRIES, TOWN OF	51153C0304D	01/05/95
03	VIRGINIA	HAYMARKET, TOWN OF	51153C0067D	01/05/95
03	VIRGINIA	HAYMARKET, TOWN OF	51153C0059D	01/05/95
03	VIRGINIA	HAYMARKET, TOWN OF	51153C0000	01/05/95
03	VIRGINIA	LAWRENCEVILLE, TOWN OF	5100230005C	05/16/95
03	VIRGINIA	MANASSAS PARK, CITY OF	51153C0118D	01/05/95
03	VIRGINIA	MANASSAS PARK, CITY OF	51153C0111D	01/05/95
03	VIRGINIA	MANASSAS PARK, CITY OF	51153C0114D	01/05/95
03	VIRGINIA	MANASSAS PARK, CITY OF	51153C0112D	01/05/95
03	VIRGINIA	MANASSAS PARK, CITY OF	51153C0113D	01/05/95
03	VIRGINIA	MANASSAS PARK, CITY OF	51153C0000	01/05/95
03	VIRGINIA	MANASSAS, CITY OF	51153C0157D	01/05/95
03	VIRGINIA	MANASSAS, CITY OF	51153C0114D	01/05/95
03	VIRGINIA	MANASSAS, CITY OF	51153C0094D	01/05/95
03	VIRGINIA	MANASSAS, CITY OF	51153C0113D	01/05/95
03	VIRGINIA	MANASSAS, CITY OF	51153C0000	01/05/95
03	VIRGINIA	MANASSAS, CITY OF	51153C0159D	01/05/95
03	VIRGINIA	MANASSAS, CITY OF	51153C0176D	01/05/95
03	VIRGINIA	MANASSAS, CITY OF	51153C0177D	01/05/95
03	VIRGINIA	OCCOQUAN, TOWN OF	51153C0217D	01/05/95
03	VIRGINIA	OCCOQUAN, TOWN OF	51153C0000	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0067D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0068D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0060D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0079D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0080D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0069D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0043D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0058D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0055D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0065D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0039D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0059D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0066D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0078D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0190D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0187D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0192D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0191D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0186D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0193D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0184D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0179D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0178D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0182D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0181D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0194D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0183D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0202D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0201D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0216D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0214D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0218D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0217D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0213D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0219D	01/05/95

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03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0212D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0204D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0203D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0209D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0000	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0177D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0211D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0170D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0176D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0092D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0091D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0094D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0093D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0089D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0111D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0088D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0083D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0081D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0086D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY *	51153C0084D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0112D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0087D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0114D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0113D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0157D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0156D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0159D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0158D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0155D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0165D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0154D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0118D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0116D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0150D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0119D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0236D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0152D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0208D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0306D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0307D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0238D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0025D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0009D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0036D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0310D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0313D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0312D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0330D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0038D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0318D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0317D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0314D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0316D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0304D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0017D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0282D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0300D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0303D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0302D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0301D	01/05/95
03	VIRGINIA	PRINCE WILLIAM COUNTY*	51153C0275D	01/05/95
03	VIRGINIA	QUANTICO, TOWN OF	51153C0000	01/05/95
03	VIRGINIA	QUANTICO, TOWN OF	51153C0318D	01/05/95
03	WEST VIRGINIA	MERCER COUNTY*	5401240114C	05/02/95
03	WEST VIRGINIA	MERCER COUNTY*	5401240141C	05/02/95
03	WEST VIRGINIA	MERCER COUNTY*	5401240112C	05/02/95
03	WEST VIRGINIA	MERCER COUNTY*	5401240000	05/02/95
03	WEST VIRGINIA	MERCER COUNTY*	5401240113C	05/02/95
04	ALABAMA	CALERA, TOWN OF	0103730001B	05/01/95
04	ALABAMA	CALERA, TOWN OF	0103739999B	05/01/95

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04	ALABAMA	DOZIER, TOWN OF	0100569999	03/01/95
04	ALABAMA	DOZIER, TOWN OF	010056 B	03/01/95
04	ALABAMA	GENEVA COUNTY*	0102589999A	05/01/95
04	ALABAMA	GENEVA COUNTY*	010258 A	05/01/95
04	ALABAMA	GURLEY, TOWN OF	010152 A	03/01/95
04	ALABAMA	GURLEY, TOWN OF	0101529999	03/01/95
04	ALABAMA	TUSCALOOSA, CITY OF	0102030045B	06/02/95
04	ALABAMA	TUSCALOOSA, CITY OF	0102030060B	06/02/95
04	ALABAMA	TUSCALOOSA, CITY OF	0102030025B	06/02/95
04	ALABAMA	TUSCALOOSA, CITY OF	0102030065B	06/02/95
04	ALABAMA	TUSCALOOSA, CITY OF	0102030000	06/02/95
04	ALABAMA	WILSONVILLE, TOWN OF	0104040001B	03/01/95
04	ALABAMA	WILSONVILLE, TOWN OF	0104049999	03/01/95
04	FLORIDA	ALTAMONTE SPRINGS, CITY OF	12117C0115E	04/17/95
04	FLORIDA	ALTAMONTE SPRINGS, CITY OF	12117C0120E	04/17/95
04	FLORIDA	ALTAMONTE SPRINGS, CITY OF	12117C0140E	04/17/95
04	FLORIDA	ALTAMONTE SPRINGS, CITY OF	12117C0110E	04/17/95
04	FLORIDA	ALTAMONTE SPRINGS, CITY OF	12117C0000	04/17/95
04	FLORIDA	CASSELBERRY, CITY OF	12117C0140E	04/17/95
04	FLORIDA	CASSELBERRY, CITY OF	12117C0210E	04/17/95
04	FLORIDA	CASSELBERRY, CITY OF	12117C0145E	04/17/95
04	FLORIDA	CASSELBERRY, CITY OF	12117C0000	04/17/95
04	FLORIDA	CASSELBERRY, CITY OF	12117C0130E	04/17/95
04	FLORIDA	COLLIER COUNTY*	1200670000	02/16/95
04	FLORIDA	COLLIER COUNTY *	1200670582F	02/16/95
04	FLORIDA	COLLIER COUNTY *	1200670581F	02/16/95
04	FLORIDA	ESCAMBIA COUNTY*	1200800330D	04/17/95
04	FLORIDA	ESCAMBIA COUNTY*	1200800000	04/17/95
04	FLORIDA	GULF BREEZE, CITY OF	1202750000	06/16/95
04	FLORIDA	GULF BREEZE, CITY OF	1202750015E	06/16/95
04	FLORIDA	KEY COLONY BEACH, CITY OF	12087C0000	06/16/95
04	FLORIDA	KEY WEST, CITY OF	12087C0000	06/16/95
04	FLORIDA	LAKE MARY, CITY OF	12117C0130E	04/17/95
04	FLORIDA	LAKE MARY, CITY OF	12117C0135E	04/17/95
04	FLORIDA	LAKE MARY, CITY OF	12117C0045E	04/17/95
04	FLORIDA	LAKE MARY, CITY OF	12117C0000	04/17/95
04	FLORIDA	LAKE MARY, CITY OF	12117C0040E	04/17/95
04	FLORIDA	LAYTON, CITY OF	12087C0000	06/16/95
04	FLORIDA	LONGWOOD, CITY OF	12117C0140E	04/17/95
04	FLORIDA	LONGWOOD, CITY OF	12117C0130E	04/17/95
04	FLORIDA	LONGWOOD, CITY OF	12117C0000	04/17/95
04	FLORIDA	LONGWOOD, CITY OF	12117C0110E	04/17/95
04	FLORIDA	MONROE COUNTY*	12087C1129G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C1007G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C0994G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C1004G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C1003G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C1011G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C1131G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C1012G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C1132G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C0993G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C1514H	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C1513H	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C1528H	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C1518H	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C1006G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C0657G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C0645G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C0665G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C0659G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C0000	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C0865G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C0658G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C0666G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C0843G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C0844G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C0842G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C0855G	06/16/95
04	FLORIDA	MONROE COUNTY*	12087C0668G	06/16/95

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Region	State	Community	Map panel No.	Effective date
04	FLORIDA	MONROE COUNTY*	12087C0835G	06/16/95
04	FLORIDA	OVIEDO, CITY OF	12117C0165E	04/17/95
04	FLORIDA	OVIEDO, CITY OF	12117C0170E	04/17/95
04	FLORIDA	OVIEDO, CITY OF	12117C0000	04/17/95
04	FLORIDA	OVIEDO, CITY OF	12117C0155E	04/17/95
04	FLORIDA	PENSACOLA BEACH—SANTA ROSA	1251380330D	06/20/95
04	FLORIDA	PENSACOLA BEACH—SANTA ROSA	1251380000	06/20/95
04	FLORIDA	SANFORD, CITY OF	12117C0065E	04/17/95
04	FLORIDA	SANFORD, CITY OF	12117C0135E	04/17/95
04	FLORIDA	SANFORD, CITY OF	12117C0130E	04/17/95
04	FLORIDA	SANFORD, CITY OF	12117C0155E	04/17/95
04	FLORIDA	SANFORD, CITY OF	12117C0040E	04/17/95
04	FLORIDA	SANFORD, CITY OF	12117C0045E	04/17/95
04	FLORIDA	SANFORD, CITY OF	12117C0000	04/17/95
04	FLORIDA	SANFORD, CITY OF	12117C0030E	04/17/95
04	FLORIDA	SANFORD, CITY OF	12117C0035E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0130E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0160E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0165E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0155E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0145E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0135E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0140E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0170E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0185E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0180E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0255E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0260E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0235E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0210E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0190E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0195E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0120E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0230E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0035E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0040E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0030E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0020E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0115E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0000	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0010E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0045E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0055E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0105E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0110E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0095E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0090E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0065E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0070E	04/17/95
04	FLORIDA	SEMINOLE COUNTY*	12117C0080E	04/17/95
04	FLORIDA	WINTER SPRINGS, CITY OF	12117C0000	04/17/95
04	FLORIDA	WINTER SPRINGS, CITY OF	12117C0130E	04/17/95
04	FLORIDA	WINTER SPRINGS, CITY OF	12117C0155E	04/17/95
04	FLORIDA	WINTER SPRINGS, CITY OF	12117C0165E	04/17/95
04	FLORIDA	WINTER SPRINGS, CITY OF	12117C0145E	04/17/95
04	FLORIDA	WINTER SPRINGS, CITY OF	12117C0135E	04/17/95
04	FLORIDA	WINTER SPRINGS, CITY OF	12117C0140E	04/17/95
04	GEORGIA	AUGUSTA, CITY OF	1301590002C	01/19/95
04	GEORGIA	AUGUSTA, CITY OF	1301590001D	01/19/95
04	GEORGIA	AUGUSTA, CITY OF	1301590000	01/19/95
04	GEORGIA	BETWEEN, TOWN OF	13297C0000	02/16/95
04	GEORGIA	GOOD HOPE, CITY OF	13297C0000	02/16/95
04	GEORGIA	HALL COUNTY *	1304660070C	04/17/95
04	GEORGIA	HALL COUNTY *	1304660060C	04/17/95
04	GEORGIA	HALL COUNTY *	1304660075C	04/17/95
04	GEORGIA	HALL COUNTY *	1304660000	04/17/95
04	GEORGIA	JERSEY, TOWN OF	13297C0000	02/16/95
04	GEORGIA	MONROE, CITY OF	13297C0000	02/16/95
04	GEORGIA	NORTH HIGH SHOALS, TOWN OF	1303680005C	05/16/95
04	GEORGIA	OCONEE COUNTY *	1304530000	04/17/95

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Region	State	Community	Map panel No.	Effective date
04	GEORGIA	OCONEE COUNTY *	1304530025C	04/17/95
04	GEORGIA	OCONEE COUNTY *	1304530055C	04/17/95
04	GEORGIA	OCONEE COUNTY *	1304530030C	04/17/95
04	GEORGIA	OCONEE COUNTY *	1304530075C	04/17/95
04	GEORGIA	OCONEE COUNTY *	1304530020C	04/17/95
04	GEORGIA	RICHMOND COUNTY*	1301580160C	01/19/95
04	GEORGIA	RICHMOND COUNTY*	1301580165C	01/19/95
04	GEORGIA	RICHMOND COUNTY*	1301580170C	01/19/95
04	GEORGIA	RICHMOND COUNTY*	1301580080C	01/19/95
04	GEORGIA	RICHMOND COUNTY*	1301580000	01/19/95
04	GEORGIA	RICHMOND COUNTY*	1301580155C	01/19/95
04	GEORGIA	RICHMOND COUNTY*	1301580090C	01/19/95
04	GEORGIA	SOCIAL CIRCLE, CITY OF	13297C0000	02/16/95
04	GEORGIA	WALNUT GROVE, TOWN OF	13297C0000	02/16/95
04	GEORGIA	WALTON COUNTY *	13297C0150C	02/16/95
04	GEORGIA	WALTON COUNTY *	13297C0135C	02/16/95
04	GEORGIA	WALTON COUNTY *	13297C0130C	02/16/95
04	GEORGIA	WALTON COUNTY *	13297C0045C	02/16/95
04	GEORGIA	WALTON COUNTY *	13297C0000	02/16/95
04	KENTUCKY	ALLEN COUNTY	2102670003B	03/01/95
04	KENTUCKY	ALLEN COUNTY	2102670008B	03/01/95
04	KENTUCKY	ALLEN COUNTY	2102670001B	03/01/95
04	KENTUCKY	ALLEN COUNTY	2102670004B	03/01/95
04	KENTUCKY	ALLEN COUNTY	2102670000	03/01/95
04	KENTUCKY	ALLEN COUNTY	2102670002B	03/01/95
04	KENTUCKY	ALLEN COUNTY	2102670009B	03/01/95
04	KENTUCKY	ALLEN COUNTY	2102670007B	03/01/95
04	KENTUCKY	ALLEN COUNTY	2102670005B	03/01/95
04	KENTUCKY	ALLEN COUNTY	2102670011B	03/01/95
04	KENTUCKY	ALLEN COUNTY	2102670012B	03/01/95
04	KENTUCKY	ALLEN COUNTY	2102670013B	03/01/95
04	KENTUCKY	ALLEN COUNTY	2102670006B	03/01/95
04	KENTUCKY	ALLEN COUNTY	2102670010B	03/01/95
04	KENTUCKY	ALLEN COUNTY	2102679999B	03/01/95
04	MISSISSIPPI	COAHOMA COUNTY *	2800380275C	04/17/95
04	MISSISSIPPI	COAHOMA COUNTY *	2800380255C	04/17/95
04	MISSISSIPPI	COAHOMA COUNTY *	2800380250C	04/17/95
04	MISSISSIPPI	COAHOMA COUNTY *	2800380235C	04/17/95
04	MISSISSIPPI	COAHOMA COUNTY *	2800380000	04/17/95
04	NORTH CAROLINA	BERTIE COUNTY	3702900415C	05/02/95
04	NORTH CAROLINA	BERTIE COUNTY	3702900000	05/02/95
04	NORTH CAROLINA	BERTIE COUNTY	3702900395C	05/02/95
04	NORTH CAROLINA	BERTIE COUNTY	3702900510C	05/02/95
04	NORTH CAROLINA	BERTIE COUNTY	3702900400C	05/02/95
04	NORTH CAROLINA	CRAVEN COUNTY*	3700720240C	02/16/95
04	NORTH CAROLINA	CRAVEN COUNTY*	3700720000	02/16/95
04	NORTH CAROLINA	CRAVEN COUNTY*	3700720235C	02/16/95
04	NORTH CAROLINA	CRAVEN COUNTY*	3700720245C	02/16/95
04	NORTH CAROLINA	CRAVEN COUNTY*	3700720230C	02/16/95
04	NORTH CAROLINA	DARE COUNTY*	3753480006E	04/03/95
04	NORTH CAROLINA	DARE COUNTY*	3753480000	04/03/95
04	NORTH CAROLINA	DARE COUNTY*	3753480007E	04/03/95
04	NORTH CAROLINA	PENDER COUNTY*	3703440528D	01/06/95
04	NORTH CAROLINA	PENDER COUNTY*	3703440000	01/06/95
04	NORTH CAROLINA	PENDER COUNTY*	3703440529D	01/06/95
04	NORTH CAROLINA	PLYMOUTH, TOWN OF	3702490004C	05/02/95
04	NORTH CAROLINA	PLYMOUTH, TOWN OF	3702490000	05/02/95
04	NORTH CAROLINA	PLYMOUTH, TOWN OF	3702490003C	05/02/95
04	NORTH CAROLINA	PLYMOUTH, TOWN OF	3702490005C	05/02/95
04	NORTH CAROLINA	PLYMOUTH, TOWN OF	3702490001C	05/02/95
04	NORTH CAROLINA	PLYMOUTH, TOWN OF	3702490002C	05/02/95
04	TENNESSEE	GRUNDY COUNTY *	4702500002B	03/01/95
04	TENNESSEE	GRUNDY COUNTY *	4702500001B	03/01/95
04	TENNESSEE	GRUNDY COUNTY *	4702500000	03/01/95
04	TENNESSEE	GRUNDY COUNTY *	4702500003B	03/01/95
04	TENNESSEE	GRUNDY COUNTY *	4702500005B	03/01/95
04	TENNESSEE	GRUNDY COUNTY *	4702509999	03/01/95
04	TENNESSEE	LYNCHBURG-MOORE COUNTY	4701380057C	05/16/95
04	TENNESSEE	LYNCHBURG-MOORE COUNTY	4701380025C	05/16/95
04	TENNESSEE	LYNCHBURG-MOORE COUNTY	4701380000	05/16/95

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04	TENNESSEE	LYNCHBURG-MOORE COUNTY	4701380052C	05/16/95
04	TENNESSEE	LYNCHBURG-MOORE COUNTY	4701380075C	05/16/95
04	TENNESSEE	LYNCHBURG-MOORE COUNTY	4701380056C	05/16/95
04	TENNESSEE	PITTMAN CENTER, TOWN OF	4703780001B	03/01/95
04	TENNESSEE	PITTMAN CENTER, TOWN OF	4703789999	03/01/95
04	TENNESSEE	POLK COUNTY *	4702610175B	06/16/95
04	TENNESSEE	POLK COUNTY *	4702610200B	06/16/95
04	TENNESSEE	POLK COUNTY *	4702610015B	06/16/95
04	TENNESSEE	POLK COUNTY *	4702610150B	06/16/95
04	TENNESSEE	POLK COUNTY *	4702610025B	06/16/95
04	TENNESSEE	POLK COUNTY *	4702610000	06/16/95
04	TENNESSEE	POLK COUNTY *	4702610055B	06/16/95
04	TENNESSEE	POLK COUNTY *	4702610060B	06/16/95
04	TENNESSEE	POLK COUNTY *	4702610100B	06/16/95
04	TENNESSEE	POLK COUNTY *	4702610070B	06/16/95
04	TENNESSEE	POLK COUNTY *	4702610125B	06/16/95
04	TENNESSEE	POLK COUNTY *	4702610065B	06/16/95
04	TENNESSEE	RIPLEY, TOWN OF	4701000000	04/17/95
04	TENNESSEE	RIPLEY, TOWN OF	4701000004C	04/17/95
04	TENNESSEE	RIPLEY, TOWN OF	4701000002C	04/17/95
05	ILLINOIS	ELMHURST, CITY OF	1702050000	05/16/95
05	ILLINOIS	ELMHURST, CITY OF	1702050004C	05/16/95
05	ILLINOIS	ELMHURST, CITY OF	1702050003C	05/16/95
05	ILLINOIS	PHOENIX, VILLAGE OF	170147 C	06/01/95
05	ILLINOIS	PHOENIX, VILLAGE OF	1701479999C	06/01/95
05	ILLINOIS	VERMILION COUNTY	1709350006B	06/01/95
05	ILLINOIS	VERMILION COUNTY	1709350007B	06/01/95
05	ILLINOIS	VERMILION COUNTY	1709350005B	06/01/95
05	ILLINOIS	VERMILION COUNTY	1709359999B	06/01/95
05	ILLINOIS	VERMILION COUNTY	1709350010B	06/01/95
05	ILLINOIS	VERMILION COUNTY	1709350009B	06/01/95
05	ILLINOIS	VERMILION COUNTY	1709350008B	06/01/95
05	ILLINOIS	VERMILION COUNTY	1709350004B	06/01/95
05	ILLINOIS	VERMILION COUNTY	1709350000	06/01/95
05	ILLINOIS	VERMILION COUNTY	1709350001B	06/01/95
05	ILLINOIS	VERMILION COUNTY	1709350003B	06/01/95
05	ILLINOIS	VERMILION COUNTY	1709350002B	06/01/95
05	INDIANA	ALLEN COUNTY *	18003C0280E	02/16/95
05	INDIANA	ALLEN COUNTY *	18003C0260E	02/16/95
05	INDIANA	ALLEN COUNTY *	18003C0165E	02/16/95
05	INDIANA	ALLEN COUNTY *	18003CSTD X	02/16/95
05	INDIANA	ALLEN COUNTY *	18003C0285E	02/16/95
05	INDIANA	ALLEN COUNTY *	18003C0000	02/16/95
05	INDIANA	ALLEN COUNTY *	18003C0145E	02/16/95
05	INDIANA	ALLEN COUNTY *	18003C0270E	02/16/95
05	INDIANA	FORT WAYNE, CITY OF	18003CSTD X	02/16/95
05	INDIANA	FORT WAYNE, CITY OF	18003C0145E	02/16/95
05	INDIANA	FORT WAYNE, CITY OF	18003C0000	02/16/95
05	INDIANA	FORT WAYNE, CITY OF	18003C0285E	02/16/95
05	INDIANA	FORT WAYNE, CITY OF	18003C0270E	02/16/95
05	INDIANA	FORT WAYNE, CITY OF	18003C0280E	02/16/95
05	INDIANA	FORT WAYNE, CITY OF	18003C0165E	02/16/95
05	INDIANA	FORT WAYNE, CITY OF	18003C0260E	02/16/95
05	INDIANA	GRABILL, TOWN OF	18003C0000	02/16/95
05	INDIANA	GRABILL, TOWN OF	18003CSTD X	02/16/95
05	INDIANA	HUNTERTOWN, TOWN OF	18003C0000	02/16/95
05	INDIANA	HUNTERTOWN, TOWN OF	18003CSTD X	02/16/95
05	INDIANA	MONROEVILLE, TOWN OF	18003C0000	02/16/95
05	INDIANA	MONROEVILLE, TOWN OF	18003CSTD X	02/16/95
05	INDIANA	NEW HAVEN, CITY OF	18003C0285E	02/16/95
05	INDIANA	NEW HAVEN, CITY OF	18003CSTD X	02/16/95
05	INDIANA	NEW HAVEN, CITY OF	18003C0000	02/16/95
05	INDIANA	SHOALS, TOWN OF	1801660005C	05/16/95
05	INDIANA	WOODBURN, CITY OF	18003CSTD X	02/16/95
05	INDIANA	WOODBURN, CITY OF	18003C0000	02/16/95
05	MICHIGAN	HUBBARDSTON, VILLAGE OF	260418 A	06/01/95
05	MICHIGAN	HUBBARDSTON, VILLAGE OF	2604189999A	06/01/95
05	MINNESOTA	BYRON, CITY OF	27109C0000	04/17/95
05	MINNESOTA	DOVER, CITY OF	27109C0359D	04/17/95
05	MINNESOTA	DOVER, CITY OF	27109C0357D	04/17/95

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05	MINNESOTA	DOVER, CITY OF	27109C0376D	04/17/95
05	MINNESOTA	DOVER, CITY OF	27109C0000	04/17/95
05	MINNESOTA	EYOTA, CITY OF	27109C0000	04/17/95
05	MINNESOTA	EYOTA, CITY OF	27109C0351D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0377D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0376D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0432D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0505D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0451D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0365D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0485D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0452D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0175D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0143D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0142D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0144D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0153D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0161D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0154D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0141D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0050D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0075D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0025D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0000	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0041D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0042D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0044D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0043D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0162D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0168D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0163D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0325D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0307D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0326D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0350D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0357D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0351D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0306D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0303D	04/17/95
05	MINNESOTA	DOLMSTED COUNTY *	27109C0304D	04/17/95
05	MINNESOTA	OLMSTED COUNTY*	27109C0188D	04/17/95
05	MINNESOTA	OLMSTED COUNTY*	27109C0169D	04/17/95
05	MINNESOTA	OLMSTED COUNTY*	27109C0189D	04/17/95
05	MINNESOTA	OLMSTED COUNTY*	27109C0282D	04/17/95
05	MINNESOTA	OLMSTED COUNTY*	27109C0302D	04/17/95
05	MINNESOTA	OLMSTED COUNTY*	27109C0301D	04/17/95
05	MINNESOTA	OLMSTED COUNTY*	27109C0359D	04/17/95
05	MINNESOTA	ORONOCO, CITY OF	27109C0043D	04/17/95
05	MINNESOTA	ORONOCO, CITY OF	27109C0042D	04/17/95
05	MINNESOTA	ORONOCO, CITY OF	27109C0000	04/17/95
05	MINNESOTA	ORONOCO, CITY OF	27109C0041D	04/17/95
05	MINNESOTA	ORONOCO, CITY OF	27109C0044D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0163D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0000	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0141D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0169D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0301D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0175D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0303D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0302D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0142D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0143D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0164D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0168D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0162D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0154D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0161D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0144D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0153D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0304D	04/17/95

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05	MINNESOTA	ROCHESTER, CITY OF	27109C0282D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0306D	04/17/95
05	MINNESOTA	ROCHESTER, CITY OF	27109C0325D	04/17/95
05	MINNESOTA	STEWARTVILLE, CITY OF	27109C0451D	04/17/95
05	MINNESOTA	STEWARTVILLE, CITY OF	27109C0000	04/17/95
05	OHIO	BUCHTEL, VILLAGE OF	390728 A	03/01/95
05	OHIO	BUCHTEL, VILLAGE OF	3907289999	03/01/95
05	OHIO	FAYETTE COUNTY*	3901640002B	06/01/95
05	OHIO	FAYETTE COUNTY*	3901640003B	06/01/95
05	OHIO	FAYETTE COUNTY*	3901640005B	06/01/95
05	OHIO	FAYETTE COUNTY*	3901640001B	06/01/95
05	OHIO	FAYETTE COUNTY*	3901640004B	06/01/95
05	OHIO	FAYETTE COUNTY*	3901640000	06/01/95
05	OHIO	FAYETTE COUNTY*	3901640006B	06/01/95
05	OHIO	FAYETTE COUNTY*	3901649999B	06/01/95
05	OHIO	FLETCHER, VILLAGE OF	3909000001A	03/15/95
05	OHIO	GILBOA, VILLAGE OF	3904690001B	05/16/95
05	OHIO	LAURA, VILLAGE OF	3908350001B	03/15/95
05	OHIO	LUDLOW FALLS, VILLAGE OF	3908380001B	03/15/95
05	OHIO	METAMORA, VILLAGE OF	3908400001B	05/16/95
05	OHIO	MILFORD CENTER, VILLAGE OF	3906620001B	06/02/95
05	OHIO	RICHWOOD, VILLAGE OF	3905490001B	04/17/95
05	WISCONSIN	OSHKOSH, CITY OF	5505110020D	06/02/95
05	WISCONSIN	OSHKOSH, CITY OF	5505110010D	06/02/95
05	WISCONSIN	OSHKOSH, CITY OF	5505110000	06/02/95
06	LOUISIANA	BERWICK, TOWN OF	2201940005C	04/03/95
06	LOUISIANA	FARMERVILLE, TOWN OF	2203250005B	05/02/95
06	LOUISIANA	GRAND ISLE, TOWN OF	22051C0225E	03/23/95
06	LOUISIANA	GRAND ISLE, TOWN OF	22051C0325E	03/23/95
06	LOUISIANA	GRAND ISLE, TOWN OF	22051C0000	03/23/95
06	LOUISIANA	GRETNA, CITY OF	22051C0000	03/23/95
06	LOUISIANA	GRETNA, CITY OF	22051C0135E	03/23/95
06	LOUISIANA	GRETNA, CITY OF	22051C0145E	03/23/95
06	LOUISIANA	GRETNA, CITY OF	22051C0155E	03/23/95
06	LOUISIANA	HARAHAN, CITY OF	22051C0000	03/23/95
06	LOUISIANA	HARAHAN, CITY OF	22051C0030E	03/23/95
06	LOUISIANA	HARAHAN, CITY OF	22051C0040E	03/23/95
06	LOUISIANA	HARAHAN, CITY OF	22051C0020E	03/23/95
06	LOUISIANA	JEAN LAFITTE, TOWN OF	22051C0130E	03/23/95
06	LOUISIANA	JEAN LAFITTE, TOWN OF	22051C0000	03/23/95
06	LOUISIANA	JEAN LAFITTE, TOWN OF	22051C0125E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0100E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0350E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0045E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0125E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0225E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0130E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0145E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0155E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0300E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0250E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0035E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0325E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0275E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0135E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0040E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0000	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0030E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0010E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0015E	03/23/95
06	LOUISIANA	JEFFERSON PARISH*	22051C0020E	03/23/95
06	LOUISIANA	KENNER, CITY OF	22051C0035E	03/23/95
06	LOUISIANA	KENNER, CITY OF	22051C0000	03/23/95
06	LOUISIANA	KENNER, CITY OF	22051C0030E	03/23/95
06	LOUISIANA	LEESVILLE, CITY OF	2202290001C	06/02/95
06	LOUISIANA	LEESVILLE, CITY OF	2202290000	06/02/95
06	LOUISIANA	LEESVILLE, CITY OF	2202290002C	06/02/95
06	LOUISIANA	PATTERSON, CITY OF	2201970001C	05/02/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360013D	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360035D	04/17/95

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Region	State	Community	Map panel No.	Effective date
06	LOUISIANA	SHREVEPORT, CITY OF	2200360014D	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360020C	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360021C	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360023C	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360022D	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360019C	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360018C	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360015D	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360017D	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360016C	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360024C	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360025C	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360031C	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360033D	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360032C	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360030D	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360029D	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360026C	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360028D	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360027C	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360034D	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360011C	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360009C	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360000	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360010D	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360008C	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360012C	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360003C	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360004D	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360005D	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360007C	04/17/95
06	LOUISIANA	SHREVEPORT, CITY OF	2200360006C	04/17/95
06	LOUISIANA	WESTWEGO, CITY OF	22051C0040E	03/23/95
06	LOUISIANA	WESTWEGO, CITY OF	22051C0000	03/23/95
06	LOUISIANA	WESTWEGO, CITY OF	22051C0135E	03/23/95
06	LOUISIANA	WESTWEGO, CITY OF	22051C0020E	03/23/95
06	OKLAHOMA	BETHANY, CITY OF	4002540005A	05/02/95
06	OKLAHOMA	MCCLAIN COUNTY*	4005380175B	06/02/95
06	OKLAHOMA	MCCLAIN COUNTY*	4005380100B	06/02/95
06	OKLAHOMA	MCCLAIN COUNTY*	4005380115B	06/02/95
06	OKLAHOMA	MCCLAIN COUNTY*	4005380105B	06/02/95
06	OKLAHOMA	MCCLAIN COUNTY*	4005380065B	06/02/95
06	OKLAHOMA	MCCLAIN COUNTY*	4005380045B	06/02/95
06	OKLAHOMA	MCCLAIN COUNTY*	4005380000	06/02/95
06	OKLAHOMA	MIDWEST CITY, CITY OF	4004050015E	06/16/95
06	OKLAHOMA	MIDWEST CITY, CITY OF	4004050000	06/16/95
06	OKLAHOMA	MIDWEST CITY, CITY OF	4004050010E	06/16/95
06	OKLAHOMA	MIDWEST CITY, CITY OF	4004050005E	06/16/95
06	OKLAHOMA	NEWCASTLE, TOWN OF	4001030010E	06/16/95
06	OKLAHOMA	NEWCASTLE, TOWN OF	4001030001E	06/16/95
06	OKLAHOMA	NEWCASTLE, TOWN OF	4001030000	06/16/95
06	OKLAHOMA	NEWCASTLE, TOWN OF	4001030002E	06/16/95
06	OKLAHOMA	NEWCASTLE, TOWN OF	4001030004E	06/16/95
06	OKLAHOMA	NEWCASTLE, TOWN OF	4001030003E	06/16/95
06	OKLAHOMA	NEWCASTLE, TOWN OF	4001030012E	06/16/95
06	OKLAHOMA	NEWCASTLE, TOWN OF	4001030007E	06/16/95
06	OKLAHOMA	NEWCASTLE, TOWN OF	4001030013E	06/16/95
06	OKLAHOMA	PAWNEE, CITY OF	4001630001C	06/02/95
06	OKLAHOMA	PAYNE COUNTY*	4004930000	03/16/95
06	OKLAHOMA	PAYNE COUNTY*	4004930140D	03/16/95
06	OKLAHOMA	PAYNE COUNTY*	4004930120D	03/16/95
06	OKLAHOMA	PURCELL, CITY OF	4001040000	05/02/95
06	OKLAHOMA	PURCELL, CITY OF	4001040002C	05/02/95
06	OKLAHOMA	PURCELL, CITY OF	4001040001C	05/02/95
06	OKLAHOMA	PURCELL, CITY OF	4001040004C	05/02/95
06	OKLAHOMA	PURCELL, CITY OF	4001040003C	05/02/95
06	OKLAHOMA	TULSA COUNTY*	4004620080C	03/16/95
06	OKLAHOMA	TULSA COUNTY*	4004620000	03/16/95
06	TEXAS	CHEROKEE COUNTY*	4807390000	06/02/95
06	TEXAS	CHEROKEE COUNTY*	4807390005C	06/02/95

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06	TEXAS	CIBOLO, CITY OF	4802670002C	06/02/95
06	TEXAS	CIBOLO, CITY OF	4802670000	06/02/95
06	TEXAS	CIBOLO, CITY OF	4802670001C	06/02/95
06	TEXAS	GLEN ROSE, CITY OF	48425C0040C	04/03/95
06	TEXAS	GLEN ROSE, CITY OF	48425C0000	04/03/95
06	TEXAS	MINERAL WELLS, CITY OF	4805170001D	06/02/95
06	TEXAS	MINERAL WELLS, CITY OF	4805170000	06/02/95
06	TEXAS	MINERAL WELLS, CITY OF	4805170003D	06/02/95
06	TEXAS	MINERAL WELLS, CITY OF	4805170002D	06/02/95
06	TEXAS	SOMERVELL COUNTY*	48425C0050C	04/03/95
06	TEXAS	SOMERVELL COUNTY*	48425C0025C	04/03/95
06	TEXAS	SOMERVELL COUNTY*	48425C0040C	04/03/95
06	TEXAS	SOMERVELL COUNTY*	48425C0000	04/03/95
06	TEXAS	WICHITA FALLS, CITY OF	4806620030E	03/16/95
06	TEXAS	WICHITA FALLS, CITY OF	4806620000	03/16/95
07	IOWA	AMES, CITY OF	1902540000	06/16/95
07	IOWA	AMES, CITY OF	1902540008C	06/16/95
07	IOWA	DUBUQUE COUNTY*	1905340145C	06/02/95
07	IOWA	DUBUQUE COUNTY*	1905340140C	06/02/95
07	IOWA	DUBUQUE COUNTY*	1905340015C	06/02/95
07	IOWA	DUBUQUE COUNTY*	1905340065C	06/02/95
07	IOWA	DUBUQUE COUNTY*	1905340000	06/02/95
07	IOWA	DUBUQUE COUNTY*	1905340055C	06/02/95
07	IOWA	DYERSVILLE, CITY OF	1901200001D	06/02/95
07	IOWA	JACKSON COUNTY*	1908790000	06/16/95
07	IOWA	JACKSON COUNTY*	1908790006C	06/16/95
07	IOWA	MASON CITY, CITY OF	1900600002B	03/16/95
07	IOWA	MASON CITY, CITY OF	1900600005B	03/16/95
07	IOWA	MASON CITY, CITY OF	1900600000	03/16/95
07	IOWA	MASON CITY, CITY OF	1900600006B	03/16/95
07	IOWA	MASON CITY, CITY OF	1900600004B	03/16/95
07	IOWA	MASON CITY, CITY OF	1900600001B	03/16/95
07	IOWA	MASON CITY, CITY OF	1900600003B	03/16/95
07	KANSAS	KANSAS CITY, CITY OF	2003630015B	01/05/95
07	KANSAS	KANSAS CITY, CITY OF	2003630005B	01/05/95
07	KANSAS	KANSAS CITY, CITY OF	2003630000	01/05/95
07	KANSAS	PITTSBURG, CITY OF	2000720005D	06/16/95
07	MISSOURI	CLARKTON, CITY OF	2901260001C	04/17/95
07	MISSOURI	JEFFERSON COUNTY*	2908080085C	04/03/95
07	MISSOURI	JEFFERSON COUNTY*	2908080120C	04/03/95
07	MISSOURI	JEFFERSON COUNTY*	2908080185C	04/03/95
07	MISSOURI	JEFFERSON COUNTY*	2908080170C	04/03/95
07	MISSOURI	JEFFERSON COUNTY*	2908080105C	04/03/95
07	MISSOURI	JEFFERSON COUNTY*	2908080115C	04/03/95
07	MISSOURI	JEFFERSON COUNTY*	2908080080C	04/03/95
07	MISSOURI	JEFFERSON COUNTY*	2908080095C	04/03/95
07	MISSOURI	JEFFERSON COUNTY*	2908080000	04/03/95
07	MISSOURI	JEFFERSON COUNTY*	2908080090D	04/03/95
07	NEBRASKA	BELLEVUE, CITY OF	31153C0135F	01/19/95
07	NEBRASKA	BELLEVUE, CITY OF	31153C0065F	01/19/95
07	NEBRASKA	BELLEVUE, CITY OF	31153C0070F	01/19/95
07	NEBRASKA	BELLEVUE, CITY OF	31153C0150F	01/19/95
07	NEBRASKA	BELLEVUE, CITY OF	31153C0000	01/19/95
07	NEBRASKA	FORT CALHOUN, CITY OF	3103680005B	05/16/95
07	NEBRASKA	GRETNA, CITY OF	31153C0000	01/19/95
07	NEBRASKA	LA VISTA, CITY OF	31153C0045F	01/19/95
07	NEBRASKA	LA VISTA, CITY OF	31153C0000	01/19/95
07	NEBRASKA	LA VISTA, CITY OF	31153C0065F	01/19/95
07	NEBRASKA	PAPILLION, CITY OF	31153C0045F	01/19/95
07	NEBRASKA	PAPILLION, CITY OF	31153C0110F	01/19/95
07	NEBRASKA	PAPILLION, CITY OF	31153C0150F	01/19/95
07	NEBRASKA	PAPILLION, CITY OF	31153C0065F	01/19/95
07	NEBRASKA	PAPILLION, CITY OF	31153C0000	01/19/95
07	NEBRASKA	SARPY COUNTY*	31153C0110F	01/19/95
07	NEBRASKA	SARPY COUNTY*	31153C0115F	01/19/95
07	NEBRASKA	SARPY COUNTY*	31153C0135F	01/19/95
07	NEBRASKA	SARPY COUNTY*	31153C0120F	01/19/95
07	NEBRASKA	SARPY COUNTY*	31153C0105F	01/19/95
07	NEBRASKA	SARPY COUNTY*	31153C0000	01/19/95
07	NEBRASKA	SARPY COUNTY*	31153C0100F	01/19/95

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Region	State	Community	Map panel No.	Effective date
07	NEBRASKA	SARPY COUNTY*	31153C0045F	01/19/95
07	NEBRASKA	SARPY COUNTY*	31153C0150F	01/19/95
07	NEBRASKA	SARPY COUNTY*	31153C0050F	01/19/95
07	NEBRASKA	SARPY COUNTY*	31153C0070F	01/19/95
07	NEBRASKA	SARPY COUNTY*	31153C0065F	01/19/95
07	NEBRASKA	SARPY COUNTY*	31153C0025F	01/19/95
07	NEBRASKA	SPRINGFIELD, CITY OF	31153C0000	01/19/95
07	NEBRASKA	SPRINGFIELD, CITY OF	31153C0110F	01/19/95
07	NEBRASKA	SPRINGFIELD, CITY OF	31153C0000	01/19/95
08	COLORADO	BOULDER COUNTY*	08013C0405F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0370F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0415F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0410F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0395F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0420F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0385F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0377F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0376F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0379F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0378F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0390F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0435F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0560F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0440F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0576F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0565F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0578F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0577F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0365F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0579F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0555F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0558F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0505F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0484F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0535F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0510F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0445F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0545F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0286F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0585F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0234F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0232F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0233F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0240F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0231F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0255F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0245F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0270F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0278F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0267F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0269F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0229F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0265F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0220F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0334F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0293F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0355F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0342F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0289F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0357F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0287F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0288F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0215F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0219F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0125F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0195F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0360F	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0000	06/02/95
08	COLORADO	BOULDER COUNTY*	08013C0430F	06/02/95
08	COLORADO	BOULDER, CITY OF	08013C0410F	06/02/95

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Region	State	Community	Map panel No.	Effective date
08	COLORADO	BOULDER, CITY OF	08013C0415F	06/02/95
08	COLORADO	BOULDER, CITY OF	08013C0405F	06/02/95
08	COLORADO	BOULDER, CITY OF	08013C0395F	06/02/95
08	COLORADO	BOULDER, CITY OF	08013C0000	06/02/95
08	COLORADO	BOULDER, CITY OF	08013C0385F	06/02/95
08	COLORADO	BOULDER, CITY OF	08013C0535F	06/02/95
08	COLORADO	BOULDER, CITY OF	08013C0555F	06/02/95
08	COLORADO	JAMESTOWN, TOWN OF	08013C0376F	06/02/95
08	COLORADO	JAMESTOWN, TOWN OF	08013C0357F	06/02/95
08	COLORADO	JAMESTOWN, TOWN OF	08013C0000	06/02/95
08	COLORADO	JAMESTOWN, TOWN OF	08013C0219F	06/02/95
08	COLORADO	LA PLATA COUNTY *	0800970278C	03/16/95
08	COLORADO	LA PLATA COUNTY *	0800970267C	03/16/95
08	COLORADO	LA PLATA COUNTY *	0800970000	03/16/95
08	COLORADO	LA PLATA COUNTY *	0800970259C	03/16/95
08	COLORADO	LAFAYETTE, CITY OF	08013C0579F	06/02/95
08	COLORADO	LAFAYETTE, CITY OF	08013C0577F	06/02/95
08	COLORADO	LAFAYETTE, CITY OF	08013C0585F	06/02/95
08	COLORADO	LAFAYETTE, CITY OF	08013C0578F	06/02/95
08	COLORADO	LAFAYETTE, CITY OF	08013C0000	06/02/95
08	COLORADO	LAFAYETTE, CITY OF	08013C0420F	06/02/95
08	COLORADO	LAFAYETTE, CITY OF	08013C0560F	06/02/95
08	COLORADO	LAFAYETTE, CITY OF	08013C0576F	06/02/95
08	COLORADO	LAFAYETTE, CITY OF	08013C0445F	06/02/95
08	COLORADO	LAFAYETTE, CITY OF	08013C0440F	06/02/95
08	COLORADO	LONGMONT, CITY OF	08013C0288F	06/02/95
08	COLORADO	LONGMONT, CITY OF	08013C0278F	06/02/95
08	COLORADO	LONGMONT, CITY OF	08013C0289F	06/02/95
08	COLORADO	LONGMONT, CITY OF	08013C0287F	06/02/95
08	COLORADO	LONGMONT, CITY OF	08013C0000	06/02/95
08	COLORADO	LONGMONT, CITY OF	08013C0286F	06/02/95
08	COLORADO	LONGMONT, CITY OF	08013C0270F	06/02/95
08	COLORADO	LONGMONT, CITY OF	08013C0269F	06/02/95
08	COLORADO	LONGMONT, CITY OF	08013C0267F	06/02/95
08	COLORADO	LOUISVILLE, CITY OF	08013C0578F	06/02/95
08	COLORADO	LOUISVILLE, CITY OF	08013C0560F	06/02/95
08	COLORADO	LOUISVILLE, CITY OF	08013C0576F	06/02/95
08	COLORADO	LOUISVILLE, CITY OF	08013C0558F	06/02/95
08	COLORADO	LOUISVILLE, CITY OF	08013C0000	06/02/95
08	COLORADO	LYONS, TOWN OF	08013C0234F	06/02/95
08	COLORADO	LYONS, TOWN OF	08013C0000	06/02/95
08	COLORADO	LYONS, TOWN OF	08013C0232F	06/02/95
08	COLORADO	NEDERLAND, TOWN OF	08013C0000	06/02/95
08	COLORADO	NEDERLAND, TOWN OF	08013C0505F	06/02/95
08	COLORADO	NEDERLAND, TOWN OF	08013C0484F	06/02/95
08	COLORADO	SUPERIOR, TOWN OF	08013C0000	06/02/95
08	COLORADO	SUPERIOR, TOWN OF	08013C0558F	06/02/95
08	NORTH DAKOTA	BENSON COUNTY*	3806820000	05/02/95
08	NORTH DAKOTA	FARGO, CITY OF	3853640000	02/02/95
08	NORTH DAKOTA	FARGO, CITY OF	3853640015E	02/02/95
08	NORTH DAKOTA	FARGO, CITY OF	3853640025E	02/02/95
08	NORTH DAKOTA	NELSON COUNTY*	3806830000	05/02/95
08	NORTH DAKOTA	RAMSEY COUNTY*	3800920000	05/02/95
08	NORTH DAKOTA	STANLEY, TOWNSHIP OF	3802580000	02/02/95
08	NORTH DAKOTA	STANLEY, TOWNSHIP OF	3802580010C	02/02/95
08	NORTH DAKOTA	WEST FARGO, CITY OF	3800240010E	02/02/95
08	NORTH DAKOTA	WEST FARGO, CITY OF	3800240000	02/02/95
08	NORTH DAKOTA	WEST FARGO, CITY OF	3800240005E	02/02/95
08	UTAH	JOSEPH, TOWN OF	4901270001B	06/02/95
09	ARIZONA	BULLHEAD CITY, CITY OF	0401250015E	03/02/95
09	ARIZONA	BULLHEAD CITY, CITY OF	0401250020F	06/02/95
09	ARIZONA	BULLHEAD CITY, CITY OF	0401250000	06/02/95
09	ARIZONA	BULLHEAD CITY, CITY OF	0401250010E	06/02/95
09	ARIZONA	BULLHEAD CITY, CITY OF	0401250005D	03/02/95
09	CALIFORNIA	APPLE VALLEY, CITY OF	0602700000	06/02/95
09	CALIFORNIA	BARSTOW, CITY OF	0602710002B	03/16/95
09	CALIFORNIA	BARSTOW, CITY OF	0602710000	03/16/95
09	CALIFORNIA	BARSTOW, CITY OF	0602710004B	03/16/95
09	CALIFORNIA	BARSTOW, CITY OF	0602710003B	03/16/95
09	CALIFORNIA	BARSTOW, CITY OF	0602710009B	03/16/95

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Region	State	Community	Map panel No.	Effective date
09	CALIFORNIA	BARSTOW, CITY OF	0602710010B	03/16/95
09	CALIFORNIA	BARSTOW, CITY OF	0602710006B	03/16/95
09	CALIFORNIA	BARSTOW, CITY OF	0602710008B	03/16/95
09	CALIFORNIA	BARSTOW, CITY OF	0602710011B	03/16/95
09	CALIFORNIA	BARSTOW, CITY OF	0602710005B	03/16/95
09	CALIFORNIA	FOSTER CITY, CITY OF	0603180010C	01/19/95
09	CALIFORNIA	SAN BERNARDINO COUNTY *	0602700000	06/02/95
09	CALIFORNIA	SAN BERNARDINO COUNTY *	0602703950C	06/02/95
09	CALIFORNIA	SAN BERNARDINO COUNTY *	0602703925C	06/02/95
09	CALIFORNIA	SAN BERNARDINO COUNTY *	0602704500C	06/02/95
09	CALIFORNIA	SAN BERNARDINO COUNTY *	0602705150C	06/02/95
09	CALIFORNIA	SAN BERNARDINO COUNTY *	0602706450C	06/02/95
09	CALIFORNIA	SAN BERNARDINO COUNTY *	0602704550C	06/02/95
09	CALIFORNIA	SAN BERNARDINO COUNTY *	0602704525C	06/02/95
09	CALIFORNIA	TWENTYNINE PALMS, CITY OF	0607340000	04/17/95
09	CALIFORNIA	TWENTYNINE PALMS, CITY OF	0607340040A	04/17/95
09	CALIFORNIA	TWENTYNINE PALMS, CITY OF	0607340030A	04/17/95
09	CALIFORNIA	WEST SACRAMENTO, CITY OF	0607280005B	01/19/95
09	CALIFORNIA	WEST SACRAMENTO, CITY OF	0607280000	01/19/95
09	CALIFORNIA	WEST SACRAMENTO, CITY OF	0607280010B	01/19/95
09	HAWAII	HAWAII COUNTY *	1551660927D	06/02/95
09	HAWAII	HAWAII COUNTY *	1551660926E	06/02/95
09	HAWAII	HAWAII COUNTY *	1551660000	06/02/95
09	HAWAII	MAUI COUNTY *	1500030195C	03/16/95
09	HAWAII	MAUI COUNTY *	1500030000	03/16/95
09	HAWAII	MAUI COUNTY *	1500030185C	03/16/95
09	HAWAII	MAUI COUNTY *	1500030190D	03/16/95
10	WASHINGTON	ALGONA, CITY OF	53033C0000	05/16/95
10	WASHINGTON	AUBURN, CITY OF	53033C1254F	05/16/95
10	WASHINGTON	AUBURN, CITY OF	53033C1261F	05/16/95
10	WASHINGTON	AUBURN, CITY OF	53033C1252F	05/16/95
10	WASHINGTON	AUBURN, CITY OF	53033C1253F	05/16/95
10	WASHINGTON	AUBURN, CITY OF	53033C1262F	05/16/95
10	WASHINGTON	AUBURN, CITY OF	53033C1251F	05/16/95
10	WASHINGTON	AUBURN, CITY OF	53033C1263F	05/16/95
10	WASHINGTON	AUBURN, CITY OF	53033C1268F	05/16/95
10	WASHINGTON	AUBURN, CITY OF	53033C1269F	05/16/95
10	WASHINGTON	AUBURN, CITY OF	53033C1266F	05/16/95
10	WASHINGTON	AUBURN, CITY OF	53033C1267F	05/16/95
10	WASHINGTON	AUBURN, CITY OF	53033C1242F	05/16/95
10	WASHINGTON	AUBURN, CITY OF	53033C1264F	05/16/95
10	WASHINGTON	AUBURN, CITY OF	53033C1235F	05/16/95
10	WASHINGTON	AUBURN, CITY OF	53033C0000	05/16/95
10	WASHINGTON	AUBURN, CITY OF	53033C1232F	05/16/95
10	WASHINGTON	BEAUX ARTS VILLAGE, TOWN OF	53033C0000	05/16/95
10	WASHINGTON	BELLEVUE, CITY OF	53033C0667F	05/16/95
10	WASHINGTON	BELLEVUE, CITY OF	53033C0666F	05/16/95
10	WASHINGTON	BELLEVUE, CITY OF	53033C0369F	05/16/95
10	WASHINGTON	BELLEVUE, CITY OF	53033C0680F	05/16/95
10	WASHINGTON	BELLEVUE, CITY OF	53033C0659F	05/16/95
10	WASHINGTON	BELLEVUE, CITY OF	53033C0656F	05/16/95
10	WASHINGTON	BELLEVUE, CITY OF	53033C0658F	05/16/95
10	WASHINGTON	BELLEVUE, CITY OF	53033C0652F	05/16/95
10	WASHINGTON	BELLEVUE, CITY OF	53033C0370F	05/16/95
10	WASHINGTON	BELLEVUE, CITY OF	53033C0654F	05/16/95
10	WASHINGTON	BELLEVUE, CITY OF	53033C0657F	05/16/95
10	WASHINGTON	BELLEVUE, CITY OF	53033C0368F	05/16/95
10	WASHINGTON	BELLEVUE, CITY OF	53033C0000	05/16/95
10	WASHINGTON	BELLEVUE, CITY OF	53033C0365F	05/16/95
10	WASHINGTON	BLACK DIAMOND, TOWN OF	53033C1315F	05/16/95
10	WASHINGTON	BLACK DIAMOND, TOWN OF	53033C0000	05/16/95
10	WASHINGTON	BLACK DIAMOND, TOWN OF	53033C1295F	05/16/95
10	WASHINGTON	BURIEN, CITY OF	53033C0955F	05/16/95
10	WASHINGTON	BURIEN, CITY OF	53033C0954F	05/16/95
10	WASHINGTON	BURIEN, CITY OF	53033C0960F	05/16/95
10	WASHINGTON	BURIEN, CITY OF	53033C0000	05/16/95
10	WASHINGTON	BURIEN, CITY OF	53033C0935F	05/16/95
10	WASHINGTON	BURIEN, CITY OF	53033C0953F	05/16/95
10	WASHINGTON	CARNATION, TOWN OF	53033C0450F	05/16/95
10	WASHINGTON	CARNATION, TOWN OF	53033C0419F	05/16/95

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10	WASHINGTON	CARNATION, TOWN OF	53033C0000	05/16/95
10	WASHINGTON	CARNATION, TOWN OF	53033C0418F	05/16/95
10	WASHINGTON	CLYDE HILL, TOWN OF	53033C0000	05/16/95
10	WASHINGTON	COWLITZ COUNTY *	5300320035C	06/02/95
10	WASHINGTON	COWLITZ COUNTY *	5300320050C	06/02/95
10	WASHINGTON	COWLITZ COUNTY *	5300320000	06/02/95
10	WASHINGTON	COWLITZ COUNTY *	5300320030D	06/02/95
10	WASHINGTON	DES MOINES, CITY OF	53033C0968F	05/16/95
10	WASHINGTON	DES MOINES, CITY OF	53033C0964F	05/16/95
10	WASHINGTON	DES MOINES, CITY OF	53033C0000	05/16/95
10	WASHINGTON	DES MOINES, CITY OF	53033C0962F	05/16/95
10	WASHINGTON	DUVALL, TOWN OF	53033C0405F	05/16/95
10	WASHINGTON	DUVALL, TOWN OF	53033C0000	05/16/95
10	WASHINGTON	DUVALL, TOWN OF	53033C0401F	05/16/95
10	WASHINGTON	ENUMCLAW, CITY OF	53033C1495F	05/16/95
10	WASHINGTON	ENUMCLAW, CITY OF	53033C0000	05/16/95
10	WASHINGTON	ENUMCLAW, CITY OF	53033C1485F	05/16/95
10	WASHINGTON	ENUMCLAW, CITY OF	53033C1505F	05/16/95
10	WASHINGTON	FEDERAL WAY, CITY OF	53033C1250F	05/16/95
10	WASHINGTON	FEDERAL WAY, CITY OF	53033C1235F	05/16/95
10	WASHINGTON	FEDERAL WAY, CITY OF	53033C1225F	05/16/95
10	WASHINGTON	FEDERAL WAY, CITY OF	53033C0000	05/16/95
10	WASHINGTON	HUNTS POINT, TOWN OF	53033C0000	05/16/95
10	WASHINGTON	ISSAQUAH, CITY OF	53033C0000	05/16/95
10	WASHINGTON	ISSAQUAH, CITY OF	53033C0691F	05/16/95
10	WASHINGTON	ISSAQUAH, CITY OF	53033C0687F	05/16/95
10	WASHINGTON	ISSAQUAH, CITY OF	53033C0715F	05/16/95
10	WASHINGTON	ISSAQUAH, CITY OF	53033C0693F	05/16/95
10	WASHINGTON	ISSAQUAH, CITY OF	53033C0694F	05/16/95
10	WASHINGTON	ISSAQUAH, CITY OF	53033C0692F	05/16/95
10	WASHINGTON	KENT, CITY OF	53033C1251F	05/16/95
10	WASHINGTON	KENT, CITY OF	53033C0988F	05/16/95
10	WASHINGTON	KENT, CITY OF	53033C0986F	05/16/95
10	WASHINGTON	KENT, CITY OF	53033C0987F	05/16/95
10	WASHINGTON	KENT, CITY OF	53033C0993F	05/16/95
10	WASHINGTON	KENT, CITY OF	53033C1235F	05/16/95
10	WASHINGTON	KENT, CITY OF	53033C1252F	05/16/95
10	WASHINGTON	KENT, CITY OF	53033C0968F	05/16/95
10	WASHINGTON	KENT, CITY OF	53033C0978F	05/16/95
10	WASHINGTON	KENT, CITY OF	53033C0969F	05/16/95
10	WASHINGTON	KENT, CITY OF	53033C0979F	05/16/95
10	WASHINGTON	KENT, CITY OF	53033C1232F	05/16/95
10	WASHINGTON	KENT, CITY OF	53033C0967F	05/16/95
10	WASHINGTON	KENT, CITY OF	53033C0000	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0983F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0984F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0979F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0969F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0976F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0977F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0982F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0981F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C1001F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C1002F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C1004F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C1003F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0968F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0993F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0994F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0988F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0992F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0991F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0987F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0953F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0967F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0743F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0925F	05/16/95
10	WASHINGTON	KING COUNTY *	53033C0744F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0741F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0739F	05/16/95

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Region	State	Community	Map panel No.	Effective date
10	WASHINGTON	KING COUNTY*	53033C0728F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0737F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0736F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0935F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0950F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0961F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0963F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0962F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0960F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0957F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1006F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0955F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0954F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0964F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1056F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1007F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1280F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1295F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1290F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1269F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1267F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1259F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1266F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1262F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0720F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1350F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1515F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1315F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1525F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1505F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1495F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1457F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1485F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1480F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1257F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1253F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1254F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1036F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1550F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1038F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1032F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1028F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1009F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1020F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1015F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1057F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1059F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1250F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1252F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1251F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1242F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1235F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1200F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1232F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1225F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C1008F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0710F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0365F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0368F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0360F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0340F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0354F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0332F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0334F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0369F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0370F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0390F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0395F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0385F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0381F	05/16/95

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Region	State	Community	Map panel No.	Effective date
10	WASHINGTON	KING COUNTY*	53033C0383F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0377F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0379F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0331F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0330F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0044F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0063F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0043F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0020F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0040F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0718F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0000	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0068F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0069F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0320F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0327F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0310F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0115F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0120F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0093F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0095F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0401F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0090F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0405F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0680F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0685F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0669F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0668F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0666F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0667F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0687F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0688F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0410F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0694F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0705F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0693F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0692F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0689F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0691F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0664F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0658F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0659F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0450F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0528F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0420F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0419F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0415F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0418F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0610F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0620F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0615F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0652F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0654F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0645F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0640F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0630F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0638F	05/16/95
10	WASHINGTON	KING COUNTY*	53033C0715F	05/16/95
10	WASHINGTON	KIRKLAND, CITY OF	53033C0360F	05/16/95
10	WASHINGTON	KIRKLAND, CITY OF	53033C0354F	05/16/95
10	WASHINGTON	KIRKLAND, CITY OF	53033C0365F	05/16/95
10	WASHINGTON	KIRKLAND, CITY OF	53033C0368F	05/16/95
10	WASHINGTON	KIRKLAND, CITY OF	53033C0000	05/16/95
10	WASHINGTON	KIRKLAND, CITY OF	53033C0370F	05/16/95
10	WASHINGTON	LAKE FOREST PARK, CITY OF	53033C0044F	05/16/95
10	WASHINGTON	LAKE FOREST PARK, CITY OF	53033C0043F	05/16/95
10	WASHINGTON	LAKE FOREST PARK, CITY OF	53033C0000	05/16/95
10	WASHINGTON	MEDINA, CITY OF	53033C0000	05/16/95
10	WASHINGTON	MERCER ISLAND, CITY OF	53033C0000	05/16/95
10	WASHINGTON	MILTON, CITY OF	53033C0000	05/16/95

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Region	State	Community	Map panel No.	Effective date
10	WASHINGTON	NORMANDY PARK, CITY OF	53033C0953F	05/16/95
10	WASHINGTON	NORMANDY PARK, CITY OF	53033C0962F	05/16/95
10	WASHINGTON	NORMANDY PARK, CITY OF	53033C0000	05/16/95
10	WASHINGTON	NORMANDY PARK, CITY OF	53033C0964F	05/16/95
10	WASHINGTON	NORMANDY PARK, CITY OF	53033C0961F	05/16/95
10	WASHINGTON	NORMANDY PARK, CITY OF	53033C0954F	05/16/95
10	WASHINGTON	NORTH BEND, CITY OF	53033C1057F	05/16/95
10	WASHINGTON	NORTH BEND, CITY OF	53033C0000	05/16/95
10	WASHINGTON	NORTH BEND, CITY OF	53033C0744F	05/16/95
10	WASHINGTON	NORTH BEND, CITY OF	53033C0743F	05/16/95
10	WASHINGTON	NORTH BEND, CITY OF	53033C1056F	05/16/95
10	WASHINGTON	PACIFIC, CITY OF	53033C1263F	05/16/95
10	WASHINGTON	PACIFIC, CITY OF	53033C1250F	05/16/95
10	WASHINGTON	PACIFIC, CITY OF	53033C0000	05/16/95
10	WASHINGTON	REDMOND, CITY OF	53033C0000	05/16/95
10	WASHINGTON	REDMOND, CITY OF	53033C0369F	05/16/95
10	WASHINGTON	REDMOND, CITY OF	53033C0360F	05/16/95
10	WASHINGTON	REDMOND, CITY OF	53033C0383F	05/16/95
10	WASHINGTON	REDMOND, CITY OF	53033C0379F	05/16/95
10	WASHINGTON	REDMOND, CITY OF	53033C0370F	05/16/95
10	WASHINGTON	REDMOND, CITY OF	53033C0390F	05/16/95
10	WASHINGTON	RENTON, CITY OF	53033C0977F	05/16/95
10	WASHINGTON	RENTON, CITY OF	53033C0978F	05/16/95
10	WASHINGTON	RENTON, CITY OF	53033C0976F	05/16/95
10	WASHINGTON	RENTON, CITY OF	53033C0979F	05/16/95
10	WASHINGTON	RENTON, CITY OF	53033C0957F	05/16/95
10	WASHINGTON	RENTON, CITY OF	53033C0982F	05/16/95
10	WASHINGTON	RENTON, CITY OF	53033C0981F	05/16/95
10	WASHINGTON	RENTON, CITY OF	53033C0986F	05/16/95
10	WASHINGTON	RENTON, CITY OF	53033C0987F	05/16/95
10	WASHINGTON	RENTON, CITY OF	53033C0984F	05/16/95
10	WASHINGTON	RENTON, CITY OF	53033C0668F	05/16/95
10	WASHINGTON	RENTON, CITY OF	53033C0983F	05/16/95
10	WASHINGTON	RENTON, CITY OF	53033C0669F	05/16/95
10	WASHINGTON	RENTON, CITY OF	53033C0666F	05/16/95
10	WASHINGTON	RENTON, CITY OF	53033C0000	05/16/95
10	WASHINGTON	RENTON, CITY OF	53033C0664F	05/16/95
10	WASHINGTON	SEATAC, CITY OF	53033C0962F	05/16/95
10	WASHINGTON	SEATAC, CITY OF	53033C0967F	05/16/95
10	WASHINGTON	SEATAC, CITY OF	53033C0955F	05/16/95
10	WASHINGTON	SEATAC, CITY OF	53033C0960F	05/16/95
10	WASHINGTON	SEATAC, CITY OF	53033C0954F	05/16/95
10	WASHINGTON	SEATAC, CITY OF	53033C0959F	05/16/95
10	WASHINGTON	SEATAC, CITY OF	53033C0000	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0365F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0331F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0334F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0340F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0332F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0333F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0957F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0645F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0955F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0610F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0976F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0620F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0636F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0640F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0638F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0935F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0630F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0310F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0000	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0330F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0320F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0327F	05/16/95
10	WASHINGTON	SEATTLE, CITY OF	53033C0329F	05/16/95
10	WASHINGTON	SKYKOMISH, TOWN OF	53033C0000	05/16/95
10	WASHINGTON	SKYKOMISH, TOWN OF	53033C0528F	05/16/95
10	WASHINGTON	SNOQUALMIE, CITY OF	53033C0744F	05/16/95

MAP REVISIONS—Continued

[Effective January 1, 1995 through June 30, 1995]

Region	State	Community	Map panel No.	Effective date
10	WASHINGTON	SNOQUALMIE, CITY OF	53033C0739F	05/16/95
10	WASHINGTON	SNOQUALMIE, CITY OF	53033C0737F	05/16/95
10	WASHINGTON	SNOQUALMIE, CITY OF	53033C0720F	05/16/95
10	WASHINGTON	SNOQUALMIE, CITY OF	53033C0743F	05/16/95
10	WASHINGTON	SNOQUALMIE, CITY OF	53033C0000	05/16/95
10	WASHINGTON	SNOQUALMIE, CITY OF	53033C0736F	05/16/95
10	WASHINGTON	TUKWILA, CITY OF	53033C0957F	05/16/95
10	WASHINGTON	TUKWILA, CITY OF	53033C0959F	05/16/95
10	WASHINGTON	TUKWILA, CITY OF	53033C0640F	05/16/95
10	WASHINGTON	TUKWILA, CITY OF	53033C0645F	05/16/95
10	WASHINGTON	TUKWILA, CITY OF	53033C0000	05/16/95
10	WASHINGTON	TUKWILA, CITY OF	53033C0978F	05/16/95
10	WASHINGTON	TUKWILA, CITY OF	53033C0986F	05/16/95
10	WASHINGTON	TUKWILA, CITY OF	53033C0976F	05/16/95
10	WASHINGTON	TUKWILA, CITY OF	53033C0960F	05/16/95
10	WASHINGTON	TUKWILA, CITY OF	53033C0967F	05/16/95
10	WASHINGTON	WOODINVILLE, CITY OF	53033C0069F	05/16/95
10	WASHINGTON	WOODINVILLE, CITY OF	53033C0360F	05/16/95
10	WASHINGTON	WOODINVILLE, CITY OF	53033C0090F	05/16/95
10	WASHINGTON	WOODINVILLE, CITY OF	53033C0000	05/16/95
10	WASHINGTON	WOODINVILLE, CITY OF	53033C0068F	05/16/95
10	WASHINGTON	YARROW POINT, TOWN OF	53033C0000	05/16/95

LOMC DETERMINATION TYPE LOOKUP TABLE

Determination type	Description
01	Letter of Map Revision—Fill involved.
02	Letter of Map Amendment—No fill involved.
05	Letter of Map Revision with BFE change.
06	Letter of Map Revision without BFE change.
08	Denial.
12	Floodway Revision.
17	Letter of Map Revision—Inadvertent inclusion in floodway.
18	Letter of Map Revision—Inadvertent inclusion in V-Zone.

LETTERS OF MAP CHANGE

[Effective January 1, 1995 through June 30, 1995]

Region	State	Community	Map panel No.	Effective date	Case No.	Determination
01	CT	BERLIN, TOWN OF	0900220010D	01/30/95	95-01-009P	05
01	CT	BETHEL, TOWN OF	0900010010B	02/21/95		02
01	CT	BETHLEHEM, TOWN OF	0901780005A	03/23/95		02
01	CT	CHESHIRE, TOWN OF	0900740001C	03/01/95		02
01	CT	COLCHESTER, TOWN OF	0900950010C	06/22/95		02
01	CT	EAST HARTFORD, TOWN OF	0900260001D	06/29/95		02
01	CT	ELLINGTON, TOWN OF	0901580005B	02/06/95		02
01	CT	FAIRFIELD, TOWN OF	0900070005B	04/19/95		02
01	CT	FAIRFIELD, TOWN OF	0900070005B	06/05/95		02
01	CT	FAIRFIELD, TOWN OF	0900070010B	03/02/95		02
01	CT	GLASTONBURY, TOWN OF	0901240005B	04/28/95		02
01	CT	GREENWICH, TOWN OF	0900080010B	02/17/95		02
01	CT	GREENWICH, TOWN OF	0900080011B	01/17/95		02
01	CT	GREENWICH, TOWN OF	0900080011B	05/04/95		02
01	CT	GUILFORD, TOWN OF	0900770010B	05/02/95		02
01	CT	MADISON, TOWN OF	0900790011C	06/05/95		02
01	CT	MERIDEN, CITY OF	0900810003B	02/06/95		02
01	CT	MILFORD, CITY OF	0900820003D	03/07/95		02
01	CT	NEW BRITAIN, CITY OF	0900320004B	06/23/95	95-01-074A	02
01	CT	NORTH HAVEN, TOWN OF	0900860005B	03/30/95	94-01-025P	08
01	CT	NORWALK, CITY OF	0900120010D	01/30/95		02
01	CT	OLD SAYBROOK, TOWN OF	0900690002C	04/14/95		02
01	CT	OLD SAYBROOK, TOWN OF	0900690004D	03/10/95		02
01	CT	SOMERS, TOWN OF	0901120007B	06/29/95	95-01-043P	06
01	CT	SOMERS, TOWN OF	0901120010C	06/16/95	95-01-013P	05

LETTERS OF MAP CHANGE—Continued
 [Effective January 1, 1995 through June 30, 1995]

Region	State	Community	Map panel No.	Effective date	Case No.	Determination
01	CT	STAMFORD, CITY OF	0900150007D	06/05/95		02
01	CT	STRATFORD, TOWN OF	0900160001C	01/10/95		02
01	CT	WESTPORT, TOWN OF	0900190004B	06/15/95	95-01-072A	02
01	MA	AGAWAM, TOWN OF	2501330002A	06/12/95		02
01	MA	BRAINTREE, TOWN OF	2502330004C	01/17/95		02
01	MA	BRAINTREE, TOWN OF	2502330004C	01/18/95		02
01	MA	BRAINTREE, TOWN OF	2502330004C	02/22/95		02
01	MA	CARLISLE, TOWN OF	2501870003C	01/30/95		02
01	MA	DENNIS, TOWN OF	2500050000	01/10/95		02
01	MA	DIGHTON, TOWN OF	2500520020B	03/14/95		02
01	MA	FOXBOROUGH, TOWN OF	2502390007B	04/14/95		08
01	MA	FREETOWN, TOWN OF	2500560015B	02/23/95		02
01	MA	GEORGETOWN, TOWN OF	2500810005B	02/06/95		02
01	MA	HINGHAM, TOWN OF	2502680007B	06/12/95		02
01	MA	HULL, TOWN OF	2502690004B	03/20/95		02
01	MA	HULL, TOWN OF	2502690004B	03/20/95	95-01-006A	01
01	MA	MALDEN, CITY OF	2502020001B	04/14/95		02
01	MA	MARSHFIELD, TOWN OF	2502730003D	01/30/95		08
01	MA	MASHPEE, TOWN OF	2500090008F	03/08/95		02
01	MA	MATTAPOISETT, TOWN OF	2552140014D	05/30/95		02
01	MA	MATTAPOISETT, TOWN OF	2552140014D	05/30/95		02
01	MA	MATTAPOISETT, TOWN OF	2552140014D	05/30/95		02
01	MA	MELROSE, CITY OF	2502060001B	01/30/95		02
01	MA	MELROSE, CITY OF	2502060001B	06/12/95		02
01	MA	NEW ASHFORD, TOWN OF	250032	06/09/95		02
01	MA	NORFOLK, TOWN OF	2552170005C	06/12/95		02
01	MA	NORTH ANDOVER, TOWN OF	2500980008C	02/17/95		02
01	MA	PLYMOUTH, TOWN OF	2502780007D	02/07/95		02
01	MA	QUINCY, CITY OF	2552190012C	06/28/95		02
01	MA	QUINCY, CITY OF	2552190012C	01/19/95	95-01-018A	02
01	MA	REVERE, CITY OF	2502880003B	06/22/95		02
01	MA	SANDWICH, TOWN OF	2500120002F	03/02/95		02
01	MA	SAUGUS, TOWN OF	2501040003B	01/17/95		02
01	MA	SCITUATE, TOWN OF	2502820001D	01/10/95		02
01	MA	SCITUATE, TOWN OF	2502820002D	06/12/95		02
01	MA	TRURO, TOWN OF	2552220001C	03/23/95	95-01-054A	02
01	MA	WAREHAM, TOWN OF	2552230007D	04/27/95		02
01	MA	WAREHAM, TOWN OF	2552230008C	03/02/95		02
01	MA	WESTBOROUGH, TOWN OF	2503440012B	03/07/95		02
01	MA	WEYMOUTH, TOWN OF	2502570002B	04/28/95		02
01	MA	WEYMOUTH, TOWN OF	2502570007C	04/14/95		02
01	MA	WHITMAN, TOWN OF	2502850002B	05/15/95		02
01	MA	WILMINGTON, TOWN OF	2502270002B	06/30/95		02
01	MA	WILMINGTON, TOWN OF	2502270003B	04/19/95		02
01	MA	WILMINGTON, TOWN OF	2502270004B	06/19/95		02
01	MA	WORCESTER, CITY OF	2503490025A	03/10/95		02
01	MA	WORCESTER, CITY OF	2503490025A	03/10/95		02
01	MA	WORCESTER, CITY OF	2503490025A	03/10/95		02
01	MA	WORCESTER, CITY OF	2503490025A	03/10/95		02
01	MA	WORCESTER, CITY OF	2503490025A	03/10/95		02
01	MA	WORCESTER, CITY OF	2503490025A	03/10/95		02
01	MA	WORCESTER, CITY OF	2503490025A	03/10/95		02
01	MA	WORCESTER, CITY OF	2503490025A	03/10/95		02
01	MA	WORCESTER, CITY OF	2503490025A	05/19/95		02
01	ME	ALFRED, TOWN OF	2301910005B	02/10/95		02
01	ME	ALFRED, TOWN OF	2301910005B	03/06/95		02
01	ME	ALFRED, TOWN OF	2301910005B	03/06/95		02
01	ME	ALTON, TOWN OF	230101A	06/30/95		02
01	ME	BELGRADE, TOWN OF	2302320005B	02/06/95		02
01	ME	BELGRADE, TOWN OF	2302320010B	04/28/95		02
01	ME	BLUE HILL, TOWN OF	2302740025A	06/01/95	95-01-047P	06
01	ME	BOOTHBAY, TOWN OF	2302120003B	04/28/95		02
01	ME	BOOTHBAY, TOWN OF	2302120008B	01/18/95	95-01-024A	02
01	ME	BOOTHBAY, TOWN OF	2302120013B	02/23/95		02
01	ME	BOOTHBAY, TOWN OF	2302120013B	05/04/95	95-01-066A	01
01	ME	BOWDOIN, TOWN OF	230913	03/10/95		02
01	ME	CASCO, TOWN OF	2300440012B	04/28/95		02
01	ME	CUMBERLAND, TOWN OF	2301620018C	06/20/95	95-01-033P	06
01	ME	DEER ISLE, TOWN OF	2302800010B	06/05/95		02
01	ME	FRANKLIN, TOWN OF	2302820015B	03/09/95		02

LETTERS OF MAP CHANGE—Continued

[Effective January 1, 1995 through June 30, 1995]

Region	State	Community	Map panel No.	Effective date	Case No.	Determination
01	ME	HARPSWELL, TOWN OF	2301690003B	05/15/95	95-01-058A	01
01	ME	HARRISON, TOWN OF	2300490005B	01/10/95		02
01	ME	LAMOINE, TOWN OF	2302850010A	01/10/95		02
01	ME	LAMOINE, TOWN OF	2302850010A	03/10/95		02
01	ME	LEWISTON, CITY OF	2300040010B	03/29/95		02
01	ME	MANCHESTER, TOWN OF	2302390011B	01/30/95		02
01	ME	MARIAVILLE, TOWN OF	230286	04/28/95		02
01	ME	MEXICO, TOWN OF	2300950004B	01/18/95	95-01-040A	02
01	ME	MONMOUTH, TOWN OF	2302400015A	06/02/95		02
01	ME	OLD ORCHARD BEACH, TOWN OF	2301530004B	06/22/95	95-01-050A	02
01	ME	PORTLAND, CITY OF	2300510004B	02/07/95		02
01	ME	PRINCETON, TOWN OF	230320 B	04/24/95	95-01-056A	02
01	ME	SURRY, TOWN OF	2302960010B	03/02/95		02
01	ME	SURRY, TOWN OF	2302960010B	04/10/95	95-01-062A	18
01	ME	TRENTON, TOWN OF	2302990010A	03/23/95	95-01-052A	01
01	ME	WATERBORO, TOWN OF	2301990004C	03/23/95		02
01	ME	WINDHAM, TOWN OF	2301890015B	01/30/95		02
01	ME	WINDHAM, TOWN OF	2301890030B	05/15/95		02
01	ME	WINDHAM, TOWN OF	2301890030B	02/27/95	95-01-020A	02
01	ME	WINDHAM, TOWN OF	2301890035B	04/14/95		02
01	NH	BELMONT, TOWN OF	330002 B	03/10/95		02
01	NH	BRENTWOOD, TOWN OF	3301250005B	06/12/95		02
01	NH	ENFIELD, TOWN OF	3300520005B	06/20/95		02
01	NH	FREMONT, TOWN OF	3301310005C	06/22/95		02
01	NH	LITTLETON, TOWN OF	3300640026B	06/09/95	95-01-011P	05
01	NH	NORTHWOOD, TOWN OF	3308550005A	06/14/95		02
01	NH	TAMWORTH, TOWN OF	3300180005B	01/06/95		02
01	NH	TAMWORTH, TOWN OF	3300180005B	01/06/95		02
01	NH	TILTON, TOWN OF	3300090005B	02/08/95	94-01-047P	05
01	RI	BARRINGTON, TOWN OF	4453920003E	02/14/95	94-01-076P	05
01	RI	NARRAGANSETT, TOWN OF	4454020001D	03/10/95		02
01	RI	NORTH PROVIDENCE, TOWN OF	4400200001B	02/07/95		02
02	NJ	ABERDEEN, TOWNSHIP OF	3403120002B	04/17/95	95-02-012P	05
02	NJ	ABERDEEN, TOWNSHIP OF	3403120010A	04/17/95	95-02-012P	05
02	NJ	ABSECON, CITY OF	340001 B	05/04/95	NJ 1344	02
02	NJ	ALLENDALE, BOROUGH OF	3400190001C	04/03/95	NJ 1376	02
02	NJ	BERKELEY HEIGHTS, TOWNSHIP OF	3404590005C	05/16/95	NJ 1417	02
02	NJ	BRANCHBURG, TOWNSHIP OF	3404310002B	04/07/95	NJ 1374	02
02	NJ	BURLINGTON, TOWNSHIP OF	3400900002C	04/21/95	95-02-045P	06
02	NJ	CLINTON, TOWN OF	3402330001B	02/10/95	95-02-001P	06
02	NJ	DOVER, TOWNSHIP OF	3452930003D	01/13/95	95-02-040A	02
02	NJ	DOVER, TOWNSHIP OF	3452930003D	03/27/95	95-02-052A	02
02	NJ	EVESHAM, TOWNSHIP OF	3400970003C	03/15/95	NJ 1354	02
02	NJ	FAIR HAVEN, BOROUGH OF	3402950001B	05/22/95	NJ 1429	02
02	NJ	FRANKLIN LAKES, BOROUGH OF	3400360003B	05/04/95	NJ 1338	02
02	NJ	FREEHOLD, TOWNSHIP OF	3402970011B	06/05/95	NJ 1465	02
02	NJ	GLASSBORO, BOROUGH OF	3402030002B	02/27/95	NJ 1325	02
02	NJ	HACKENSACK MEADOWLANDS COMMISSION	3405700006A	04/06/95	NJ 1316	02
02	NJ	HAZLET, TOWNSHIP OF	3402980002B	02/27/95	95-02-054A	02
02	NJ	HOLMDEL, TOWNSHIP OF	3403000001C	03/13/95	95-02-062A	02
02	NJ	JEFFERSON, TOWNSHIP OF	3405220002B	04/10/95	NJ 1382	02
02	NJ	JERSEY CITY, CITY OF	3402230002B	02/01/95	NJ 1295	02
02	NJ	JERSEY CITY, CITY OF	3402230004B	01/18/95	95-02-024A	01
02	NJ	LACEY, TOWNSHIP OF	340376 A	05/04/95	NJ 1306	02
02	NJ	LACEY, TOWNSHIP OF	340376 A	05/11/95	NJ 1306	02
02	NJ	LACEY, TOWNSHIP OF	340376 A	05/15/95	NJ 1422	02
02	NJ	LINDENWOLD, BOROUGH OF	3401370001B	05/22/95	NJ 1335	02
02	NJ	LINWOOD, CITY OF	3400110001B	01/11/95	NJ 1283	02
02	NJ	LINWOOD, CITY OF	3400110002B	01/10/95	NJ 1260	02
02	NJ	LIVINGSTON, TOWNSHIP OF	3401850002D	01/23/95	NJ 1247	02
02	NJ	LUMBERTON, TOWNSHIP OF	3401000005B	06/05/95	NJ 1083	02
02	NJ	MANCHESTER, TOWNSHIP OF	3403820002B	02/06/95	NJ 1308	02
02	NJ	MARLBORO, TOWNSHIP OF	3403100005B	04/03/95	95-02-068A	02
02	NJ	MONROE, TOWNSHIP OF	3402690003B	02/27/95	94-02-123P	06
02	NJ	MONROE, TOWNSHIP OF	3402690009C	01/12/95	NJ 1280	02
02	NJ	MONTAGUE, TOWNSHIP OF	3405590005B	03/20/95	NJ 1154	02
02	NJ	MONTVALE, BOROUGH OF	3400520001B	05/11/95	NJ 1405	02
02	NJ	MOORESTOWN, TOWNSHIP OF	3401050005B	04/07/95	NJ 1336	02
02	NJ	MOUNT LAUREL, TOWNSHIP OF	3401070010D	05/22/95	NJ 1362	02
02	NJ	NEW PROVIDENCE, BOROUGH OF	3453060001C	01/25/95	NJ 1288	02

LETTERS OF MAP CHANGE—Continued

[Effective January 1, 1995 through June 30, 1995]

Region	State	Community	Map panel No.	Effective date	Case No.	Determination
02	NJ	OAKLAND, BOROUGH OF	3453090003C	06/08/95	NJ 1483	02
02	NJ	OLD BRIDGE, TOWN OF	3402650004D	02/07/95	NJ 1209	02
02	NJ	PARSIPPANY-TROY HILLS, TOWNSHIP OF	3403550004B	05/08/95	95-02-061P	06
02	NJ	PEAPACK AND GLADSTONE, BOROUGH OF	3404410001B	05/11/95	NJ 1407	02
02	NJ	PEAPACK AND GLADSTONE, BOROUGH OF	3404410001B	05/11/95	NY 1407	02
02	NJ	PEQUANNOCK, VILLAGE OF	3453110001C	04/27/95	NJ 1333	02
02	NJ	PEQUANNOCK, VILLAGE OF	3453110001C	05/04/95	NJ 1333	02
02	NJ	PEQUANNOCK, VILLAGE OF	3453110001C	05/22/95	NJ 1430	02
02	NJ	POMPTON LAKES, BOROUGH OF	3455280001E	04/04/95	NJ 1312	02
02	NJ	RAMSEY, BOROUGH OF	3400640001C	05/26/95	NJ 1276	02
02	NJ	RAMSEY, BOROUGH OF	3400640001C	05/22/95	NJ 1302	02
02	NJ	ROXBURY, TOWNSHIP OF	3403620001B	04/27/95	NJ 1297	02
02	NJ	SHAMONG, TOWNSHIP OF	3405340002B	06/06/95	NJ 1467	02
02	NJ	SPARTA, TOWNSHIP OF	3405350020B	02/21/95	NJ 1322	02
02	NJ	SPARTA, TOWNSHIP OF	3405350020B	05/25/95	NJ 1355	02
02	NJ	STILLWATER, TOWNSHIP OF	3405600009B	02/09/95	NJ 1275	02
02	NJ	UNION BEACH, BOROUGH OF	3403310001D	01/11/95	NJ 1284	02
02	NJ	UPPER SADDLE RIVER, BOROUGH OF	3400770001B	05/26/95	NJ 1424	02
02	NJ	VERNON, TOWNSHIP OF	3405610035A	05/22/95	NJ 1392	02
02	NJ	VERNON, TOWNSHIP OF	3405610035A	05/01/95	NJ 1412	02
02	NJ	WANAQUE, BOROUGH OF	3404090004C	05/24/95	NJ 1436	02
02	NJ	WASHINGTON, TOWNSHIP OF	3403630018B	05/26/95	NJ 1427	02
02	NJ	WASHINGTON, TOWNSHIP OF	3404960002B	03/02/95	95-02-066A	01
02	NJ	WAYNE, TOWNSHIP OF	3453270005B	06/28/95	NJ 1437	02
02	NJ	WAYNE, TOWNSHIP OF	3453270007B	01/12/95	NJ 1279	02
02	NJ	WEST WINDSOR, TOWNSHIP OF	3402560004C	01/12/95	NJ 1278	02
02	NY	AMHERST, TOWN OF	3602260002E	04/29/95	NY 1361	02
02	NY	AMHERST, TOWN OF	3602260007E	01/23/95	NY 1248	02
02	NY	AMHERST, TOWN OF	3602260007E	01/03/95	NY 1273	02
02	NY	AMHERST, TOWN OF	3602260007E	02/07/95	NY 1298	02
02	NY	AMHERST, TOWN OF	3602260007E	05/26/95	NY 1317	02
02	NY	ATHENS, TOWN OF	3611170007C	05/22/95	NY 1400	02
02	NY	BABYLON, VILLAGE OF	3607910005D	01/25/95	NY 1287	02
02	NY	BATAVIA, CITY OF	3602790001B	05/17/95	NY 1393	02
02	NY	BEACON, CITY OF	3602170003B	05/11/95	95-02-047P	06
02	NY	BOLTON, TOWN OF	3608690015C	05/04/95	NY 1315	02
02	NY	BROOKHAVEN, TOWN OF	3653340005D	04/27/95	NY 1337	02
02	NY	BRUNSWICK, TOWN OF	3611300011B	04/27/95	NY 1250	02
02	NY	BUFFALO, CITY OF	3602300010B	01/24/95	NY 1255	02
02	NY	BUFFALO, CITY OF	3602300010B	01/24/95	NY 1256	02
02	NY	BUFFALO, CITY OF	3602300010B	01/24/95	NY 1257	02
02	NY	BUFFALO, CITY OF	3602300010B	01/26/95	NY 1258	02
02	NY	BUFFALO, CITY OF	3602300010B	02/06/95	NY 1266	02
02	NY	BUFFALO, CITY OF	3602300010B	04/27/95	NY 1305	02
02	NY	BUFFALO, CITY OF	3602300010B	04/27/95	NY 1358	02
02	NY	BUFFALO, CITY OF	3602300010B	04/27/95	NY 1359	02
02	NY	BUFFALO, CITY OF	3602300010B	04/27/95	NY 1360	02
02	NY	BUFFALO, CITY OF	3602300010B	05/17/95	NY 1411	02
02	NY	CALLICOON, TOWN OF	360816 B	05/26/95	NY 1418	02
02	NY	CHAZY, TOWN OF	3613100015B	01/23/95	NY 1162	02
02	NY	CHEEKTOWAGA, TOWN OF	3602310005E	03/14/95	94-02-089P	05
02	NY	CHENANGO, TOWN OF	3600400020C	04/27/95	NY 1327	02
02	NY	CHESTNUT RIDGE, VILLAGE OF	3616150001C	03/31/95	NY 1339	02
02	NY	CICERO, TOWN OF	3605720004D	05/12/95	95-02-094A	01
02	NY	CLARENCE, TOWN OF	3602320005B	05/11/95	NY 1349	02
02	NY	CLARENCE, TOWN OF	3602320005B	04/03/95	NY 1372	02
02	NY	CLARENCE, TOWN OF	3602320005B	04/03/95	NY 1373	02
02	NY	CLARENCE, TOWN OF	3602320005B	04/19/95	NY 1380	02
02	NY	CLARENCE, TOWN OF	3602320005B	04/10/95	NY 1388	02
02	NY	CLARENCE, TOWN OF	3602320005B	04/20/95	NY 1390	02
02	NY	CLARENCE, TOWN OF	3602320005B	05/22/95	NY 1394	02
02	NY	CLARENCE, TOWN OF	3602320005B	05/11/95	NY 1401	02
02	NY	CLARENCE, TOWN OF	3602320005B	05/26/95	NY 1403	02
02	NY	CLARENCE, TOWN OF	3602320005B	05/11/95	NY 1406	02
02	NY	CLARENCE, TOWN OF	3602320005B	05/22/95	NY 1410	02
02	NY	CLARENCE, TOWN OF	3602320005B	05/26/95	NY 1415	02
02	NY	CLARENCE, TOWN OF	3602320005B	05/23/95	NY 1439	02
02	NY	CLARENCE, TOWN OF	3602320005B	05/22/95	NY 1444	02
02	NY	CLARENCE, TOWN OF	3602320005B	05/23/95	NY 1445	02
02	NY	CLARENCE, TOWN OF	3602320005B	06/05/95	NY 1466	02

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
02	NY	CLARENCE, TOWN OF	3602320013B	03/17/95	95-02-050A	02
02	NY	CLARENCE, TOWN OF	3602320013B	03/23/95	95-02-072A	02
02	NY	CRAWFORD, TOWN OF	3612500010A	05/18/95	NY 1440	02
02	NY	EAST GREENBUSH, TOWN OF	3611330003A	01/03/95	NY 1131	02
02	NY	EAST HAMPTON, TOWN OF	3607940021D	06/06/95	NY 1399	02
02	NY	FREMONT, TOWN OF	3608210015C	02/03/95	NY 1290	02
02	NY	GRANBY, TOWN OF	3606500020B	05/04/95	NY 1348	02
02	NY	GREECE, TOWN OF	3604170003F	04/06/95	NY 1307	02
02	NY	GREECE, TOWN OF	3604170003F	05/17/95	NY 1404	02
02	NY	GREECE, TOWN OF	3604170003F	05/26/95	NY 1404	02
02	NY	GREECE, TOWN OF	3604170004E	04/21/95	95-02-010P	05
02	NY	GREECE, TOWN OF	3604170004E	06/05/95	95-02-102A	01
02	NY	GREECE, TOWN OF	3604170006E	06/06/95	NY 1481	02
02	NY	GREENPORT, VILLAGE OF	3610040001C	03/31/95	NY 1367	02
02	NY	GREIG, TOWN OF	360365 B	02/22/95	NY 1377	02
02	NY	HADLEY, TOWN OF	3607180026B	05/16/95	NY 1341	02
02	NY	HARRISON, TOWN OF	3609120011B	03/31/95	NY 1356	02
02	NY	HEMPSTEAD, TOWN OF	3604670046B	06/02/95	NY 1464	02
02	NY	HORNELL, CITY OF	3607760001B	03/09/95	NY 1340	02
02	NY	HYDE PARK, TOWN OF	3613380008B	05/04/95	NY 1314	02
02	NY	ISLAND PARK, VILLAGE OF	360471 A	05/15/95	NY 1347	02
02	NY	LOCKPORT, TOWN OF	3610130028C	03/31/95	NY 1371	02
02	NY	MALTA, TOWN OF	3607200010B	06/19/95	95-02-080A	02
02	NY	MARATHON, VILLAGE OF	3601830001B	05/24/95	NY 1435	02
02	NY	MONTGOMERY, VILLAGE OF	3606240001B	05/26/95	NY 1383	02
02	NY	NANTICOKE, TOWN OF	3600520013C	04/12/95	NY 1328	02
02	NY	NEW CASTLE, TOWN OF	3609210005B	05/25/95	NY 1331	02
02	NY	NEW HEMPSTEAD, VILLAGE OF	3616180001C	06/01/95	NY 1463	02
02	NY	NEW YORK, CITY OF	3604970092C	03/13/95	NY 1345	02
02	NY	NEW YORK, CITY OF	3604970111C	03/14/95	95-02-070A	02
02	NY	NEW YORK, CITY OF	3604970111C	06/26/95	95-02-136A	02
02	NY	NIAGARA FALLS, CITY OF	3605060003C	03/23/95	NY-1222-A	02
02	NY	NORTH CASTLE, TOWN OF	3609230008C	05/11/95	NY 1408	02
02	NY	ORANGETOWN, TOWN OF	3606860005C	03/28/95	NY 1304	01
02	NY	OWEGO, TOWN OF	3608390020C	06/07/95	NY 1482	02
02	NY	OYSTER BAY, TOWN OF	3604830022C	05/23/95	95-02-092A	01
02	NY	OYSTER BAY, TOWN OF	3604830024C	01/03/95	NY 1061	02
02	NY	OYSTER BAY, TOWN OF	3604830024C	05/16/95	NY 1409	02
02	NY	PITTSFORD, TOWN OF	3604290005C	02/21/95	NY 1318	02
02	NY	PORT JERVIS, CITY OF	3609760001B	04/06/95	NY 1310	02
02	NY	POUGHKEEPSIE, TOWN OF	3611420005B	02/06/95	NY 1281	02
02	NY	POUGHKEEPSIE, TOWN OF	3611420005B	04/27/95	NY 1320	02
02	NY	PUTNAM, TOWN OF	3612360010A	05/22/95	NY 1289	02
02	NY	RENSELAERVILLE, TOWN OF	3600140010B	05/04/95	NY 1249	02
02	NY	ROTTERDAM, TOWN OF	3607400009B	04/24/95	95-02-030A	02
02	NY	ROTTERDAM, TOWN OF	3607400010B	04/24/95	95-02-030A	02
02	NY	ROTTERDAM, TOWN OF	3607400012B	04/24/95	95-02-030A	02
02	NY	SARATOGA, TOWN OF	3607270006B	01/03/95	NY 1274	02
02	NY	SCHROEPPEL, TOWN OF	3606620015B	02/01/95	NY 1294	02
02	NY	SCHUYLER FALLS, TOWN OF	3601720005C	04/27/95	NY 1324	02
02	NY	SCHUYLER FALLS, TOWN OF	3601720005C	05/26/95	NY 1324	02
02	NY	SYRACUSE, CITY OF	3605950003E	05/17/95	NY 1330	02
02	NY	SYRACUSE, CITY OF	3605950008D	01/23/95	NY 1267	02
02	NY	URBANA, TOWN OF	3607830002B	05/04/95	NJ 1165	02
02	NY	VALLEY STREAM, VILLAGE OF	3604950001B	03/29/95	NY 1311	02
02	NY	VESTAL, TOWN OF	3600570010D	02/07/95	NY 1303	02
02	NY	WALLKILL, TOWN OF	3606340025B	04/07/95	NY 1163	02
02	NY	WAWAYANDA, TOWN OF	3606390010B	02/16/95	NJ 1332	02
02	NY	WEBB, TOWN OF	360321 A	03/23/95	95-02-044A	02
02	NY	WEBB, TOWN OF	360321 A	05/22/95	NY 1299	02
02	NY	WESLEY HILLS, VILLAGE OF	3616160001C	05/23/95	NY 1434	02
02	NY	WEST MONROE, TOWN OF	3606640005B	02/06/95	NY 1291	02
02	NY	WEST SENECA, TOWN OF	3602620001B	06/05/95	NY 1319	02
02	NY	WILLSBORO, TOWN OF	3602670010B	06/15/95	NY 1168	02
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000035D	01/19/95	95-02-006A	01
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000035D	04/10/95	95-02-074A	01
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000040D	01/19/95	95-02-006A	01
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000046C	01/19/95	95-02-006A	01
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000046C	03/29/95	95-02-042A	01
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000047D	01/19/95	95-02-006A	01

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
02	PR	PUERTO RICO, COMMONWEALTH OF	720000049B	05/04/95	95-02-088A	02
02	PR	PUERTO RICO, COMMONWEALTH OF	720000049B	06/29/95	95-02-138A	02
02	PR	PUERTO RICO, COMMONWEALTH OF	720000053C	06/28/95	95-02-124A	01
02	PR	PUERTO RICO, COMMONWEALTH OF	720000056C	01/19/95	95-02-006A	01
02	PR	PUERTO RICO, COMMONWEALTH OF	720000058D	01/19/95	95-02-006A	01
02	PR	PUERTO RICO, COMMONWEALTH OF	720000058D	06/26/95	95-02-122A	01
02	PR	PUERTO RICO, COMMONWEALTH OF	720000065E	01/19/95	95-02-006A	01
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000114B	02/01/95	95-02-028A	01
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000120B	01/19/95	95-02-006A	01
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000177D	04/05/95	95-02-082A	01
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000219B	01/19/95	95-02-006A	01
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000219B	06/27/95	95-02-064A	01
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000277C	01/19/95	95-02-006A	01
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000281C	01/19/95	95-02-006A	01
02	PR	PUERTO RICO, COMMONWEALTH OF	7200000281C	03/21/95	95-02-058A	01
03	DE	DOVER, CITY OF	1000060005C	06/02/95	95-03-030P	06
03	DE	KENT COUNTY*	1000010200B	06/30/95	95-03-264A	02
03	DE	NEW CASTLE COUNTY*	1050850025C	06/26/95	95-03-260A	02
03	DE	SUSSEX COUNTY*	1000290175C	02/28/95	95-03-128A	02
03	MD	ANNE ARUNDEL COUNTY*	2400080020C	01/18/95	94-03-324A	02
03	MD	ANNE ARUNDEL COUNTY*	2400080028C	04/18/95	95-03-198A	02
03	MD	ANNE ARUNDEL COUNTY*	2400080055C	03/17/95	95-03-160A	02
03	MD	BALTIMORE COUNTY*	2400100245E	01/11/95	95-03-080A	02
03	MD	BALTIMORE COUNTY*	2400100245E	03/22/95	95-03-182A	02
03	MD	BALTIMORE COUNTY*	2400100455B	01/20/95	95-03-098A	02
03	MD	CAROLINE COUNTY*	2401300335B	02/21/95	94-03-182A	02
03	MD	CUMBERLAND, CITY OF	2400030005C	05/31/95	95-03-035P	06
03	MD	DORCHESTER COUNTY*	2400260200A	05/10/95	95-03-210A	02
03	MD	GAITHERSBURG, CITY OF	2400500004B	01/13/95	94-03-332P	05
03	MD	GAITHERSBURG, CITY OF	2400500004B	05/11/95	95-03-140A	02
03	MD	HARFORD COUNTY*	2400400146C	05/22/95	95-03-220A	01
03	MD	KENT COUNTY*	2400450035B	03/30/95	95-03-120A	02
03	MD	MONTGOMERY COUNTY*	2400490175C	06/15/95	95-03-288A	02
03	MD	QUEEN ANNES COUNTY	2400540046C	06/22/95	95-03-017P	05
03	MD	WASHINGTON COUNTY*	2400700085B	06/29/95	95-03-266A	02
03	PA	BUCKINGHAM, TOWNSHIP OF	4209850005B	06/26/95	95-03-294A	02
03	PA	CENTER, TOWNSHIP OF	4225910002B	03/06/95	95-03-124A	02
03	PA	FERGUSON, TOWNSHIP OF	4202600005C	05/30/95	95-03-007P	06
03	PA	GREGG, TOWNSHIP OF	4208300005B	01/20/95	95-03-074A	02
03	PA	HAMPDEN, TOWNSHIP OF	4203600010B	05/15/95	94-03-067P	06
03	PA	LOCK HAVEN, CITY OF	4203280001A	03/01/95	95-03-021P	06
03	PA	MATAMORAS, BOROUGH OF	4207580005A	02/08/95	95-03-106A	02
03	PA	MATAMORAS, BOROUGH OF	4207580005A	04/06/95	95-03-194A	02
03	PA	RICHLAND, TOWNSHIP OF	4210950005B	05/24/95	95-03-067P	05
03	PA	SELINSGROVE, BOROUGH OF	4253870001B	04/25/95	95-03-029P	06
03	PA	SHARON, CITY OF	4206780001B	06/01/95	95-03-069P	06
03	PA	SOUTH HEIDELBERG, TOWNSHIP OF	4211070005B	05/24/95	95-03-033P	06
03	PA	SOUTH LEBANON, TOWNSHIP OF	4205810008C	05/12/95	95-03-023P	06
03	PA	TOBYHANNA, TOWNSHIP OF	4218970030B	01/20/95	95-03-010A	02
03	PA	UPPER HANOVER, TOWNSHIP OF	4219170004A	01/27/95	95-03-092A	02
03	PA	UPPER PROVIDENCE, TOWNSHIP OF	42045C0032D	01/19/95	95-03-086A	02
03	PA	WEST GOSHEN, TOWNSHIP OF	4202930001B	05/03/95	95-03-049P	06
03	VA	CAROLINE COUNTY*	5102490060B	04/03/95	95-03-188A	02
03	VA	CHESAPEAKE, CITY OF	510034B	01/17/95	95-03-046A	01
03	VA	CHESAPEAKE, CITY OF	510034B	01/11/95	95-03-084A	01
03	VA	CHESAPEAKE, CITY OF	510034B	01/20/95	95-03-096A	02
03	VA	CHESAPEAKE, CITY OF	510034B	02/06/95	95-03-104A	01
03	VA	CHESAPEAKE, CITY OF	510034B	06/09/95	95-03-242A	01
03	VA	CHESTERFIELD COUNTY*	5100350049B	03/06/95	95-03-122A	02
03	VA	FAIRFAX COUNTY*	5155250025D	01/06/95	95-03-064A	02
03	VA	FAIRFAX COUNTY*	5155250025D	03/22/95	95-03-190A	02
03	VA	FAIRFAX COUNTY*	5155250075D	03/06/95	95-03-034A	02
03	VA	FAIRFAX COUNTY*	5155250075D	03/22/95	95-03-090A	02
03	VA	FAIRFAX COUNTY*	5155250075D	02/28/95	95-03-094A	02
03	VA	FAIRFAX COUNTY*	5155250075D	03/22/95	95-03-158A	02
03	VA	FAIRFAX COUNTY*	5155250075D	06/29/95	95-03-252A	02
03	VA	FAIRFAX COUNTY*	5155250075D	06/19/95	95-03-258A	02
03	VA	FAIRFAX COUNTY*	5155250079D	03/27/95	95-03-110A	01
03	VA	FAIRFAX COUNTY*	5155250083D	01/04/95	95-03-014A	02
03	VA	FAIRFAX COUNTY*	5155250083D	03/27/95	95-03-156A	02

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
03	VA	FAIRFAX COUNTY*	5155250117D	03/06/95	95-03-132A	02
03	VA	FAIRFAX COUNTY*	5155250117D	05/15/95	95-03-204A	02
03	VA	FAIRFAX COUNTY*	5155250136D	06/06/95	95-03-254A	02
03	VA	FAIRFAX COUNTY*	5155250150D	03/27/95	95-03-176A	02
03	VA	FREDERICK COUNTY*	5100630175B	04/04/95	95-03-048P	06
03	VA	HANOVER COUNTY*	5102370305A	01/09/95	95-03-054A	02
03	VA	NORFOLK, CITY OF	5101040001D	04/19/95	95-03-206A	02
03	VA	NORTHAMPTON COUNTY*	5101050020C	01/18/95	95-03-068A	02
03	VA	PRINCE WILLIAM COUNTY*	5101190195B	01/18/95	95-03-042A	02
03	VA	PRINCE WILLIAM COUNTY*	51153C0112D	02/06/95	95-03-078A	02
03	VA	PRINCE WILLIAM COUNTY*	51153C0211D	06/22/95	95-03-248A	02
03	VA	ROCKINGHAM COUNTY*	5101330034B	06/05/95	95-03-222A	01
03	VA	SHENANDOAH COUNTY*	5101470025B	04/04/95	95-03-048P	06
03	VA	SHENANDOAH COUNTY*	5101470250B	02/03/95	94-03-099P	06
03	VA	STAFFORD COUNTY*	5101540135D	02/14/95	95-03-056A	02
03	VA	STAUNTON, CITY OF	5101550001C	05/25/95	95-03-256A	02
03	VA	VIRGINIA BEACH, CITY OF	5155310036D	04/04/95	95-03-126A	01
03	VA	VIRGINIA BEACH, CITY OF	5155310036D	05/19/95	95-03-208A	02
03	VA	VIRGINIA BEACH, CITY OF	5155310037D	02/27/95	95-03-130A	02
03	VA	YORK COUNTY *	5101820043B	03/06/95	95-03-112A	02
03	WV	CHARLESTON, CITY OF	5400730004C	06/22/95	95-03-230A	02
03	WV	CHARLESTON, CITY OF	5400730008C	03/14/95	95-03-082A	02
03	WV	LEWIS COUNTY*	5400850075C	06/29/95	95-03-044A	02
03	WV	LEWIS COUNTY*	5400850100C	03/07/95	95-03-036A	02
04	AL	HUEYTOWN, CITY OF	0103370011B	06/20/95	95-04-536A	02
04	AL	JEFFERSON COUNTY *	0102170183B	02/15/95	952-048	02
04	AL	JEFFERSON COUNTY *	0102170492B	03/24/95	95-04-071P	05
04	AL	JEFFERSON COUNTY *	0102170494B	03/24/95	95-04-071P	05
04	AL	JEFFERSON COUNTY *	0102170511B	03/24/95	95-04-071P	05
04	AL	JEFFERSON COUNTY *	0102170512B	03/24/95	95-04-071P	05
04	AL	LAUDERDALE COUNTY *	0103230180C	01/04/95	951-084	02
04	AL	MADISON COUNTY *	0101510350C	03/17/95	95-04-266A	01
04	AL	MONTGOMERY COUNTY *	01101C0055F	06/28/95	95-04-100A	01
04	AL	MONTGOMERY COUNTY *	01101C0090F	05/08/95	95-04-438A	01
04	AL	MONTGOMERY COUNTY *	01101C0090F	04/24/95	95-04-466A	02
04	AL	MONTGOMERY COUNTY *	01101C0135F	06/27/95	952-090	02
04	AL	MONTGOMERY COUNTY *	01101C0145F	05/26/95	944-226	02
04	AL	MONTGOMERY COUNTY *	01101C0200F	03/30/95	951-016A	02
04	AL	MONTGOMERY COUNTY *	01101C0200F	02/15/95	951-170	02
04	AL	MONTGOMERY, CITY OF	01101C0060F	05/25/95	952-202	01
04	AL	MONTGOMERY, CITY OF	01101C0070F	02/28/95	95-04-148A	02
04	AL	MONTGOMERY, CITY OF	01101C0070F	06/27/95	953-111	01
04	AL	MOUNTAIN BROOK, CITY OF	0101280005B	02/03/95	952-017	02
04	AL	PELHAM, TOWN OF	0101930001B	03/16/95	952-089	01
04	AL	SHELBY COUNTY*	0101910150B	01/04/95	951-081	02
04	AL	SHELBY COUNTY*	0101910150B	03/17/95	952-124	02
04	AL	TALLADEGA COUNTY *	0102970075B	04/28/95	952-177	01
04	AL	TUSCALOOSA, CITY OF	0102030045A	06/03/95	95-04-001P	05
04	AL	TUSCALOOSA, CITY OF	0102030065A	03/03/95	952-118	02
04	FL	ALACHUA COUNTY*	1200010275A	02/17/95	943-045	02
04	FL	ALACHUA COUNTY*	1200010275A	05/25/95	953-098	02
04	FL	ALACHUA COUNTY*	1200010280A	05/26/95	952-054	02
04	FL	ALACHUA COUNTY*	1200010425A	06/28/95	953-188	02
04	FL	ALTAMONTE SPRINGS, CITY OF	12117C0140E	04/17/95	952-276	02
04	FL	APOPKA, CITY OF	1201800005C	01/24/95	951-206	02
04	FL	BAY COUNTY*	1200040165E	03/03/95	95-04-274A	02
04	FL	BOYNTON BEACH, CITY OF	1201960005C	05/26/95	952-147	02
04	FL	BRADFORD COUNTY *	12007C0050D	03/01/95	951-035	02
04	FL	BREVARD COUNTY *	12009C0260E	02/17/95	951-012	01
04	FL	BREVARD COUNTY *	12009C0260E	02/17/95	951-013	01
04	FL	BREVARD COUNTY *	12009C0260E	02/14/95	952-014	01
04	FL	BREVARD COUNTY *	12009C0270E	02/15/95	952-064	02
04	FL	BREVARD COUNTY *	12009C0270E	03/01/95	952-101	01
04	FL	BREVARD COUNTY *	12009C0270E	03/31/95	952-184	01
04	FL	BREVARD COUNTY *	12009C0270E	04/11/95	952-201	01
04	FL	BREVARD COUNTY *	12009C0275E	05/01/95	952-087	02
04	FL	BREVARD COUNTY *	12009C0275E	05/24/95	953-046	01
04	FL	BREVARD COUNTY *	12009C0295E	02/17/95	944-132	02
04	FL	BREVARD COUNTY *	12009C0365E	01/24/95	951-172	01
04	FL	BREVARD COUNTY *	12009C0365E	02/03/95	952-002	01

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
04	FL	BREVARD COUNTY *	12009C0365E	02/03/95	952-023	01
04	FL	BREVARD COUNTY *	12009C0365E	02/03/95	952-063	01
04	FL	BREVARD COUNTY *	12009C0365E	02/15/95	952-099	01
04	FL	BREVARD COUNTY *	12009C0365E	03/31/95	952-114	01
04	FL	BREVARD COUNTY *	12009C0365E	03/03/95	952-115	01
04	FL	BREVARD COUNTY *	12009C0365E	03/16/95	952-115A	01
04	FL	BREVARD COUNTY *	12009C0365E	03/09/95	952-141	01
04	FL	BREVARD COUNTY *	12009C0365E	03/09/95	952-158	01
04	FL	BREVARD COUNTY *	12009C0365E	03/09/95	952-172	01
04	FL	BREVARD COUNTY *	12009C0365E	03/31/95	952-211	01
04	FL	BREVARD COUNTY *	12009C0365E	04/17/95	952-284	01
04	FL	BREVARD COUNTY *	12009C0365E	04/28/95	953-023	01
04	FL	BREVARD COUNTY *	12009C0365E	06/27/95	953-033	01
04	FL	BREVARD COUNTY *	12009C0365E	05/24/95	953-074	01
04	FL	BREVARD COUNTY *	12009C0365E	06/20/95	953-159	01
04	FL	BREVARD COUNTY *	12009C0365E	06/20/95	953-160	01
04	FL	BREVARD COUNTY *	12009C0430E	02/15/95	951-181	01
04	FL	BREVARD COUNTY *	12009C0430E	03/01/95	952-120	01
04	FL	BREVARD COUNTY *	12009C0430E	04/28/95	952-233	01
04	FL	BREVARD COUNTY *	12009C0430E	05/01/95	952-275	01
04	FL	BREVARD COUNTY *	12009C0430E	06/28/95	953-186	01
04	FL	BREVARD COUNTY *	12009C0435E	02/17/95	944-200	02
04	FL	BREVARD COUNTY *	12009C0435E	03/01/95	944-203A	02
04	FL	BREVARD COUNTY *	12009C0435E	01/04/95	951-135	01
04	FL	BREVARD COUNTY *	12009C0435E	01/24/95	951-177	02
04	FL	BREVARD COUNTY *	12009C0435E	03/01/95	952-008	01
04	FL	BREVARD COUNTY *	12009C0435E	03/01/95	952-029	02
04	FL	BREVARD COUNTY *	12009C0435E	03/01/95	952-030	02
04	FL	BREVARD COUNTY *	12009C0435E	05/30/95	952-088	02
04	FL	BREVARD COUNTY *	12009C0440E	01/04/95	951-057	02
04	FL	BREVARD COUNTY *	12009C0441E	02/15/95	951-198	01
04	FL	BREVARD COUNTY *	12009C0441E	02/15/95	951-199	01
04	FL	BREVARD COUNTY *	12009C0441E	02/15/95	951-200	01
04	FL	BREVARD COUNTY *	12009C0441E	02/15/95	951-201	01
04	FL	BREVARD COUNTY *	12009C0441E	02/15/95	951-202	01
04	FL	BREVARD COUNTY *	12009C0441E	02/15/95	951-203	01
04	FL	BREVARD COUNTY *	12009C0441E	05/24/95	953-040	01
04	FL	BROWARD COUNTY*	12011C0190F	01/20/95	95-04-292A	01
04	FL	BROWARD COUNTY*	12011C0195F	03/17/95	95-04-426A	01
04	FL	BROWARD COUNTY*	12011C0285F	01/18/95	95-04-214A	01
04	FL	CAPE CORAL, CITY OF	1250950020C	02/27/95	95-04-304A	01
04	FL	CAPE CORAL, CITY OF	1250950020C	03/06/95	95-04-456A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	02/27/95	95-04-304A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	03/06/95	95-04-380A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	02/27/95	95-04-412A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	04/24/95	95-04-576A	01
04	FL	CAPE CORAL, CITY OF	1250950030C	02/16/95	952-085	01
04	FL	CAPE CORAL, CITY OF	1250950030C	04/11/95	952-221	01
04	FL	CAPE CORAL, CITY OF	1250950040C	04/24/95	95-04-576A	01
04	FL	CASSELBERRY, CITY OF	1202910005C	05/01/95	952-257	01
04	FL	CITRUS COUNTY *	1200630020B	04/11/95	952-028	02
04	FL	CITRUS COUNTY *	1200630115B	01/20/95	95-04-090A	02
04	FL	CITRUS COUNTY *	1200630175B	05/30/95	953-083	02
04	FL	CITRUS COUNTY *	1200630205B	05/18/95	95-04-538A	02
04	FL	CITRUS COUNTY *	1200630260B	04/28/95	952-264	02
04	FL	CITRUS COUNTY *	1200630270B	03/03/95	952-117	02
04	FL	CITRUS COUNTY *	1200630270B	05/17/95	953-050	02
04	FL	CLAY COUNTY *	1200640065D	01/26/95	95-04-113A	02
04	FL	CLAY COUNTY *	1200640065D	01/11/95	95-04-244A	01
04	FL	CLAY COUNTY *	1200640065D	05/15/95	95-04-616A	01
04	FL	CLAY COUNTY *	1200640135D	06/14/95	95-04-726A	02
04	FL	CLAY COUNTY *	1200640135D	04/13/95	952-247	01
04	FL	CLAY COUNTY *	1200640155D	06/21/95	95-04-052A	01
04	FL	CLAY COUNTY *	1200640155D	01/24/95	95-04-248A	01
04	FL	CLAY COUNTY *	1200640155D	03/17/95	95-04-460A	01
04	FL	CLAY COUNTY *	1200640155D	05/25/95	95-04-636A	01
04	FL	CLAY COUNTY *	1200640350D	06/20/95	953-142	02
04	FL	COCONUT CREEK, CITY OF	12011C0115F	02/03/95	951-143	01
04	FL	COCONUT CREEK, CITY OF	12011C0115F	02/03/95	952-027	01
04	FL	COCONUT CREEK, CITY OF	12011C0115F	03/03/95	952-132	01

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
04	FL	COCONUT CREEK, CITY OF	12011C0115F	05/23/95	953-089	01
04	FL	COLLIER COUNTY *	1200670605E	02/02/95	951-152	02
04	FL	DADE COUNTY*	12025C0075J	01/06/95	95-04-242A	01
04	FL	DADE COUNTY*	12025C0075J	06/06/95	95-04-590A	01
04	FL	DADE COUNTY*	12025C0080J	03/22/95	95-04-478A	01
04	FL	DADE COUNTY*	12025C0080J	06/23/95	95-04-646A	01
04	FL	DADE COUNTY*	12025C0080J	02/02/95	951-210	01
04	FL	DADE COUNTY*	12025C0080J	02/02/95	951-211	01
04	FL	DADE COUNTY*	12025C0080J	02/02/95	951-212	01
04	FL	DADE COUNTY*	12025C0080J	02/02/95	951-213	01
04	FL	DADE COUNTY*	12025C0080J	02/02/95	951-214	01
04	FL	DADE COUNTY*	12025C0080J	04/11/95	952-223	01
04	FL	DADE COUNTY*	12025C0170J	04/11/95	952-186	01
04	FL	DADE COUNTY*	12025C0260J	05/30/95	952-193	02
04	FL	DADE COUNTY*	12025C0265J	03/21/95	95-04-440A	01
04	FL	DADE COUNTY*	12025C0265J	05/15/95	95-04-522A	02
04	FL	DADE COUNTY*	12025C0265J	03/03/95	952-102	02
04	FL	DADE COUNTY*	12025C0265J	06/20/95	953-158	02
04	FL	DADE COUNTY*	12025C0269J	05/01/95	951-114	02
04	FL	DADE COUNTY*	12025C0350J	02/03/95	952-018	01
04	FL	DADE COUNTY*	12025C0356J	06/23/95	95-04-758A	01
04	FL	DAVIE, CITY OF	12011C0305F	03/31/95	951-171	01
04	FL	DELRAY BEACH, CITY OF	1251020005D	02/22/95	95-04-168A	01
04	FL	DESOTO COUNTY*	12027C0160B	03/01/95	952-111	02
04	FL	DUNNELLON, CITY OF	1205740005B	02/15/95	952-047	02
04	FL	ESCAMBIA COUNTY*	1200800245B	01/04/95	951-020	02
04	FL	FORT LAUDERDALE, CITY OF	12011C0218F	02/21/95	94-04-912A	02
04	FL	GAINESVILLE, CITY OF	1251070014B	03/15/95	95-04-224A	01
04	FL	GLADES COUNTY *	1200950125B	04/03/95	95-04-388A	01
04	FL	GLADES COUNTY *	1200950225B	04/03/95	95-04-388A	01
04	FL	HERNANDO COUNTY *	1201100140B	04/11/95	952-212	01
04	FL	HERNANDO COUNTY *	1201100140B	04/11/95	952-222	01
04	FL	HIALEAH, CITY OF	12025C0075J	04/20/95	95-04-492A	01
04	FL	HIALEAH, CITY OF	12025C0075J	06/08/95	95-04-588C	01
04	FL	HIALEAH, CITY OF	12025C0090J	05/30/95	944-066	02
04	FL	HILLSBORO BEACH, TOWN OF	12011C0117F	03/10/95	95-04-125P	05
04	FL	HILLSBOROUGH COUNTY*	12011201045D	05/11/95	953-051	02
04	FL	HILLSBOROUGH COUNTY*	1201120065D	03/16/95	952-134	02
04	FL	HILLSBOROUGH COUNTY*	1201120065D	04/11/95	952-220	02
04	FL	HILLSBOROUGH COUNTY*	1201120070E	02/14/95	952-033	02
04	FL	HILLSBOROUGH COUNTY*	1201120090E	05/24/95	953-062	01
04	FL	HILLSBOROUGH COUNTY*	1201120090E	05/24/95	953-063	01
04	FL	HILLSBOROUGH COUNTY*	1201120090E	05/24/95	953-064	01
04	FL	HILLSBOROUGH COUNTY*	1201120090E	05/24/95	953-065	01
04	FL	HILLSBOROUGH COUNTY*	1201120090E	05/25/95	953-066	01
04	FL	HILLSBOROUGH COUNTY*	1201120160C	03/07/95	95-04-402A	01
04	FL	HILLSBOROUGH COUNTY*	1201120160C	04/24/95	95-04-472A	02
04	FL	HILLSBOROUGH COUNTY*	1201120167C	03/14/95	95-04-316A	01
04	FL	HILLSBOROUGH COUNTY*	1201120167C	05/19/95	95-04-548A	01
04	FL	HILLSBOROUGH COUNTY*	1201120167C	03/17/95	952-192	01
04	FL	HILLSBOROUGH COUNTY*	1201120167C	04/28/95	953-054	01
04	FL	HILLSBOROUGH COUNTY*	1201120167C	05/24/95	953-096	01
04	FL	HILLSBOROUGH COUNTY*	1201120167C	06/15/95	953-119	01
04	FL	HILLSBOROUGH COUNTY*	1201120167C	06/15/95	953-121	01
04	FL	HILLSBOROUGH COUNTY*	1201120180F	02/03/95	952-061	01
04	FL	HILLSBOROUGH COUNTY*	1201120180F	03/01/95	952-094	01
04	FL	HILLSBOROUGH COUNTY*	1201120180F	03/08/95	952-103	01
04	FL	HILLSBOROUGH COUNTY*	1201120180F	03/16/95	952-136	01
04	FL	HILLSBOROUGH COUNTY*	1201120180F	03/16/95	952-151	01
04	FL	HILLSBOROUGH COUNTY*	1201120180F	03/31/95	952-206	01
04	FL	HILLSBOROUGH COUNTY*	1201120180F	04/17/95	952-240	01
04	FL	HILLSBOROUGH COUNTY*	1201120180F	04/17/95	952-241	01
04	FL	HILLSBOROUGH COUNTY*	1201120180F	04/28/95	953-055	01
04	FL	HILLSBOROUGH COUNTY*	1201120180F	06/20/95	953-106	01
04	FL	HILLSBOROUGH COUNTY*	1201120180F	06/20/95	953-107	01
04	FL	HILLSBOROUGH COUNTY*	1201120180F	06/28/95	953-208	02
04	FL	HILLSBOROUGH COUNTY*	1201120185F	05/30/95	951-145	02
04	FL	HILLSBOROUGH COUNTY*	1201120185F	03/30/95	952-079	02
04	FL	HILLSBOROUGH COUNTY*	1201120185F	03/31/95	952-080	02
04	FL	HILLSBOROUGH COUNTY*	1201120185F	05/24/95	953-038	02

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
04	FL	HILLSBOROUGH COUNTY*	1201120185F	05/10/95	953-058	02
04	FL	HILLSBOROUGH COUNTY*	1201120185F	06/20/95	953-088	02
04	FL	HILLSBOROUGH COUNTY*	1201120185F	05/24/95	953-099	02
04	FL	HILLSBOROUGH COUNTY*	1201120185F	06/20/95	953-165	02
04	FL	HILLSBOROUGH COUNTY*	1201120190D	03/22/95	95-04-488A	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	05/31/95	95-04-504A	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	04/27/95	95-04-554A	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	05/04/95	95-04-678A	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	06/05/95	95-04-686A	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	06/22/95	95-04-754A	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	01/04/95	951-096	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	02/02/95	952-011	02
04	FL	HILLSBOROUGH COUNTY*	1201120190D	02/14/95	952-035	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	02/14/95	952-040	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	02/14/95	952-041	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	02/15/95	952-058	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	03/01/95	952-121	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	03/31/95	952-171	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	03/31/95	952-173	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	04/28/95	953-056	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	05/24/95	953-075	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	06/15/95	953-120	01
04	FL	HILLSBOROUGH COUNTY*	1201120190D	06/28/95	953-178	02
04	FL	HILLSBOROUGH COUNTY*	1201120190D	06/28/95	953-179	01
04	FL	HILLSBOROUGH COUNTY*	1201120205D	06/21/95	922-151A	02
04	FL	HILLSBOROUGH COUNTY*	1201120205D	02/08/95	95-04-326A	01
04	FL	HILLSBOROUGH COUNTY*	1201120205D	03/27/95	95-04-486A	01
04	FL	HILLSBOROUGH COUNTY*	1201120205D	04/24/95	95-04-560A	01
04	FL	HILLSBOROUGH COUNTY*	1201120205D	06/15/95	95-04-698A	01
04	FL	HILLSBOROUGH COUNTY*	1201120205D	06/26/95	95-04-756A	01
04	FL	HILLSBOROUGH COUNTY*	1201120205D	02/14/95	952-005	02
04	FL	HILLSBOROUGH COUNTY*	1201120205D	03/01/95	952-072	01
04	FL	HILLSBOROUGH COUNTY*	1201120205D	03/01/95	952-073	01
04	FL	HILLSBOROUGH COUNTY*	1201120205D	03/01/95	952-074	02
04	FL	HILLSBOROUGH COUNTY*	1201120205D	03/01/95	952-075	02
04	FL	HILLSBOROUGH COUNTY*	1201120205D	03/16/95	952-149	02
04	FL	HILLSBOROUGH COUNTY*	1201120205D	04/28/95	952-281	02
04	FL	HILLSBOROUGH COUNTY*	1201120205D	05/11/95	953-004	02
04	FL	HILLSBOROUGH COUNTY*	1201120205D	06/20/95	953-087	02
04	FL	HILLSBOROUGH COUNTY*	1201120210E	01/11/95	95-04-108A	02
04	FL	HILLSBOROUGH COUNTY*	1201120210E	04/13/95	952-280	02
04	FL	HILLSBOROUGH COUNTY*	1201120211D	06/27/95	953-151	02
04	FL	HILLSBOROUGH COUNTY*	1201120326C	02/03/95	952-036	01
04	FL	HILLSBOROUGH COUNTY*	1201120326C	02/03/95	952-059	01
04	FL	HILLSBOROUGH COUNTY*	1201120326C	02/03/95	952-060	01
04	FL	HILLSBOROUGH COUNTY*	1201120326C	03/01/95	952-121	01
04	FL	HILLSBOROUGH COUNTY*	1201120326C	03/09/95	952-174	01
04	FL	HILLSBOROUGH COUNTY*	1201120326C	04/13/95	952-278	01
04	FL	HILLSBOROUGH COUNTY*	1201120326C	04/13/95	952-279	01
04	FL	HILLSBOROUGH COUNTY*	1201120326C	05/24/95	953-075	01
04	FL	HILLSBOROUGH COUNTY*	1201120367E	01/04/95	951-136	02
04	FL	HILLSBOROUGH COUNTY*	1201120385E	03/01/95	952-097	02
04	FL	HILLSBOROUGH COUNTY*	1201120385E	03/01/95	952-098	02
04	FL	HILLSBOROUGH COUNTY*	1201120387E	01/04/95	951-128	01
04	FL	HILLSBOROUGH COUNTY*	1201120389D	01/04/95	951-128	01
04	FL	HILLSBOROUGH COUNTY*	1201120393D	02/14/95	952-042	02
04	FL	HILLSBOROUGH COUNTY*	1201120393D	02/15/95	952-043	02
04	FL	HILLSBOROUGH COUNTY*	1201120393D	06/27/95	953-145	02
04	FL	HILLSBOROUGH COUNTY*	1201120395E	06/27/95	953-166	02
04	FL	HILLSBOROUGH COUNTY*	1201120415C	06/20/95	944-106	01
04	FL	HILLSBOROUGH COUNTY*	1201120415C	02/15/95	951-204	01
04	FL	HILLSBOROUGH COUNTY*	1201120415C	02/15/95	952-007	01
04	FL	HILLSBOROUGH COUNTY*	1201120415C	03/30/95	952-185	02
04	FL	HILLSBOROUGH COUNTY*	1201120415C	04/11/95	952-207	01
04	FL	HILLSBOROUGH COUNTY*	1201120415C	04/28/95	952-225	01
04	FL	HILLSBOROUGH COUNTY*	1201120415C	04/28/95	952-226	01
04	FL	HILLSBOROUGH COUNTY*	1201120415C	04/28/95	952-227	01
04	FL	HILLSBOROUGH COUNTY*	1201120415C	04/28/95	952-228	01
04	FL	HILLSBOROUGH COUNTY*	1201120415C	05/01/95	952-229	01
04	FL	HILLSBOROUGH COUNTY*	1201120415C	05/01/95	952-230	01

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
04	FL	HILLSBOROUGH COUNTY*	1201120415C	05/01/95	953-018	02
04	FL	HILLSBOROUGH COUNTY*	1201120494C	03/17/95	95-04-392A	01
04	FL	HILLSBOROUGH COUNTY*	1201120494C	05/15/95	95-04-604A	01
04	FL	HOLLYWOOD, CITY OF	12011C0304F	06/15/95	953-115	02
04	FL	HOLLYWOOD, CITY OF	12011C0312F	03/31/95	952-175	02
04	FL	INDIAN RIVER COUNTY *	12061C0060E	03/01/95	952-127	01
04	FL	JACKSONVILLE, CITY OF	1200770050E	02/17/95	951-059	02
04	FL	JACKSONVILLE, CITY OF	1200770065E	03/01/95	952-065	02
04	FL	JACKSONVILLE, CITY OF	1200770208E	02/17/95	944-209	02
04	FL	JACKSONVILLE, CITY OF	1200770209E	02/16/95	952-031	02
04	FL	JACKSONVILLE, CITY OF	1200770209E	05/24/95	953-010	02
04	FL	JACKSONVILLE, CITY OF	1200770212E	05/01/95	952-231	02
04	FL	JACKSONVILLE, CITY OF	1200770233E	06/22/95	95-04-608A	01
04	FL	JACKSONVILLE, CITY OF	1200770234E	06/22/95	95-04-608A	01
04	FL	LAKE COUNTY *	1204210050B	03/01/95	952-071	02
04	FL	LAKE COUNTY *	1204210100B	06/16/95	95-04-606A	01
04	FL	LAKE COUNTY *	1204210100B	02/15/95	951-117	02
04	FL	LAKE COUNTY *	1204210125B	03/27/95	95-04-290A	02
04	FL	LAKE COUNTY *	1204210125B	03/01/95	952-084	01
04	FL	LAKE COUNTY *	1204210125B	05/10/95	953-035	02
04	FL	LAKE COUNTY *	1204210125B	06/20/95	953-134	02
04	FL	LAKE COUNTY *	1204210125B	06/27/95	953-144	02
04	FL	LAKE COUNTY *	1204210150B	01/04/95	95-04-254A	02
04	FL	LAKE COUNTY *	1204210150B	06/20/95	953-131	02
04	FL	LAKE COUNTY *	1204210200B	05/01/95	952-119	02
04	FL	LAKE COUNTY *	1204210225B	02/17/95	951-075	02
04	FL	LAKE COUNTY *	1204210325B	01/04/95	951-046	02
04	FL	LAKE COUNTY *	1204210375B	05/30/95	952-038	02
04	FL	LAKE COUNTY *	1204210375B	05/24/95	953-102	02
04	FL	LAKE COUNTY *	1204210375B	05/24/95	953-104	02
04	FL	LAKE MARY, CITY OF	1204160005B	03/27/95	95-04-498A	01
04	FL	LARGO, CITY OF	1251220004D	04/11/95	952-152	02
04	FL	LEE COUNTY *	1251240200C	06/05/95	95-04-650A	01
04	FL	LEE COUNTY *	1251240225C	01/20/95	95-04-296A	01
04	FL	LEE COUNTY *	1251240225C	03/29/95	95-04-518A	01
04	FL	LEE COUNTY *	1251240225C	06/19/95	95-04-724A	01
04	FL	LEE COUNTY *	1251240250B	02/17/95	951-025	02
04	FL	LEVY COUNTY *	1201450625D	06/20/95	953-077	02
04	FL	MANATEE COUNTY *	1201530169C	03/30/95	952-037	02
04	FL	MANATEE COUNTY *	1201530307B	05/11/95	953-045	02
04	FL	MANATEE COUNTY *	1201530341B	05/30/95	952-165	02
04	FL	MANATEE COUNTY *	1201530360C	05/15/95	95-04-394A	01
04	FL	MARGATE, CITY OF	12011C0115F	02/17/95	944-187	02
04	FL	MARGATE, CITY OF	12011C0115F	01/19/95	95-04-208A	01
04	FL	MARGATE, CITY OF	12011C0115F	05/25/95	953-082	01
04	FL	MARGATE, CITY OF	12011C0115F	06/20/95	953-155	01
04	FL	MARGATE, CITY OF	12011C0115F	06/20/95	953-156	01
04	FL	MINNEOLA, TOWN OF	1204120001A	04/28/95	953-024	02
04	FL	MIRAMAR, CITY OF	12011C0315F	02/03/95	95-04-320A	01
04	FL	MIRAMAR, CITY OF	12011C0315F	03/21/95	95-04-442A	01
04	FL	NASSAU COUNTY*	1201700239C	02/03/95	952-003	02
04	FL	NASSAU COUNTY*	1201700239C	05/11/95	953-060	02
04	FL	NASSAU COUNTY*	1201700239C	05/30/95	953-070	02
04	FL	NORTH MIAMI, CITY OF	12025C0091J	05/30/95	952-131	02
04	FL	NORTH MIAMI, CITY OF	12025C0091J	04/11/95	952-208	02
04	FL	OKALOOSA COUNTY *	1201730170D	05/30/95	952-100	02
04	FL	OKALOOSA COUNTY *	1201730195D	06/27/95	953-189	01
04	FL	OKALOOSA COUNTY *	1201730205D	05/30/95	953-086	01
04	FL	OKEECHOBEE COUNTY *	1201770175B	02/14/95	951-153	01
04	FL	OKEECHOBEE COUNTY *	1201770220B	04/28/95	952-232	01
04	FL	OLDSMAR, CITY OF	1202500003B	04/05/95	95-04-252C	01
04	FL	ORANGE COUNTY *	1201790125D	03/06/95	95-04-374A	01
04	FL	ORANGE COUNTY *	1201790175C	02/15/95	95-04-370A	02
04	FL	ORANGE COUNTY *	1201790175C	03/30/95	952-163	01
04	FL	ORANGE COUNTY *	1201790175C	03/31/95	952-179	01
04	FL	ORANGE COUNTY *	1201790175C	04/17/95	952-271	01
04	FL	ORANGE COUNTY *	1201790200D	01/12/95	95-04-226A	01
04	FL	ORANGE COUNTY *	1201790200D	04/07/95	95-04-494A	01
04	FL	ORANGE COUNTY *	1201790200D	01/30/95	952-020	01
04	FL	ORANGE COUNTY *	1201790200D	02/15/95	952-096	01

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
04	FL	ORANGE COUNTY *	1201790225C	03/21/95	94-04-982A	01
04	FL	ORANGE COUNTY *	1201790225C	01/04/95	944-045	01
04	FL	ORANGE COUNTY *	1201790225C	01/04/95	95-04-238A	01
04	FL	ORANGE COUNTY *	1201790225C	03/08/95	95-04-450A	01
04	FL	ORANGE COUNTY *	1201790225C	04/05/95	95-04-500A	01
04	FL	ORANGE COUNTY *	1201790225C	05/30/95	951-159	02
04	FL	ORANGE COUNTY *	1201790225C	06/27/95	953-137	01
04	FL	ORANGE COUNTY *	1201790250D	03/06/95	94-04-936A	01
04	FL	ORANGE COUNTY *	1201790250D	02/08/95	94-04-960A	01
04	FL	ORANGE COUNTY *	1201790250D	02/01/95	95-04-047A	01
04	FL	ORANGE COUNTY *	1201790250D	04/11/95	95-04-372A	01
04	FL	ORANGE COUNTY *	1201790250D	06/22/95	95-04-630A	01
04	FL	ORANGE COUNTY *	1201790250D	05/10/95	95-04-632A	01
04	FL	ORANGE COUNTY *	1201790250D	02/15/95	951-179	01
04	FL	ORANGE COUNTY *	1201790250D	02/15/95	951-180	01
04	FL	ORANGE COUNTY *	1201790250D	03/16/95	952-137	01
04	FL	ORANGE COUNTY *	1201790250D	04/11/95	952-137A	01
04	FL	ORANGE COUNTY *	1201790250D	03/16/95	952-138	01
04	FL	ORANGE COUNTY *	1201790250D	03/16/95	952-139	01
04	FL	ORANGE COUNTY *	1201790250D	05/01/95	952-243	01
04	FL	ORANGE COUNTY *	1201790250D	05/01/95	952-244	01
04	FL	ORANGE COUNTY *	1201790250D	04/28/95	953-021	01
04	FL	ORANGE COUNTY *	1201790250D	05/25/95	953-080	01
04	FL	ORANGE COUNTY *	1201790325B	02/15/95	951-205	01
04	FL	ORANGE COUNTY *	1201790350C	02/03/95	952-044	01
04	FL	ORANGE COUNTY *	1201790350C	04/17/95	952-274	01
04	FL	ORANGE COUNTY *	1201790375D	01/24/95	94-04-191P	05
04	FL	ORANGE COUNTY *	1201790375D	03/23/95	95-04-366A	01
04	FL	ORANGE COUNTY *	1201790375D	03/06/95	95-04-376A	02
04	FL	ORANGE COUNTY *	1201790375D	02/14/95	952-010	01
04	FL	ORANGE COUNTY *	1201790375D	03/01/95	952-112	01
04	FL	ORANGE COUNTY *	1201790375D	03/01/95	952-123	01
04	FL	ORANGE COUNTY *	1201790375D	03/09/95	952-170	01
04	FL	ORANGE COUNTY *	1201790375D	05/01/95	953-006	01
04	FL	ORANGE COUNTY *	1201790400C	01/11/95	94-04-329P	05
04	FL	ORANGE COUNTY *	1201790400C	02/15/95	951-182	01
04	FL	ORANGE COUNTY *	1201790400C	03/01/95	952-107	01
04	FL	ORANGE COUNTY *	1201790400C	03/17/95	952-125	01
04	FL	ORANGE COUNTY *	1201790425C	01/11/95	94-04-329P	05
04	FL	ORANGE COUNTY *	1201790550B	02/28/95	95-04-294A	01
04	FL	ORLANDO, CITY OF	1201860005D	01/18/95	95-04-020A	02
04	FL	ORLANDO, CITY OF	1201860015D	05/24/95	953-103	02
04	FL	ORMOND BEACH, CITY OF	1251360003D	02/16/95	95-04-084A	01
04	FL	ORMOND BEACH, CITY OF	1251360006D	05/30/95	951-194	02
04	FL	OSCEOLA COUNTY *	1201890030B	06/28/95	953-167	01
04	FL	OSCEOLA COUNTY *	1201890030B	06/28/95	953-185	01
04	FL	OSCEOLA COUNTY *	1201890045B	01/27/95	95-04-282A	01
04	FL	OSCEOLA COUNTY *	1201890110B	03/06/95	95-04-278A	01
04	FL	PALM BAY, CITY OF	12009C0520E	01/04/95	951-127	02
04	FL	PALM BAY, CITY OF	12009C0520E	03/08/95	952-166	01
04	FL	PALM BAY, CITY OF	12009C0540F	05/11/95	953-053	01
04	FL	PALM BAY, CITY OF	12009C0580E	01/30/95	95-04-210A	01
04	FL	PALM BAY, CITY OF	12009C0585E	05/24/95	953-032	02
04	FL	PALM BEACH COUNTY *	1201920115B	05/08/95	95-04-502A	01
04	FL	PALM BEACH COUNTY *	1201920165B	05/30/95	952-092	02
04	FL	PALM BEACH COUNTY *	1201920190B	02/15/95	944-138	02
04	FL	PASCO COUNTY *	1202300020C	04/27/95	95-04-558A	02
04	FL	PASCO COUNTY *	1202300020C	02/02/95	952-009	02
04	FL	PASCO COUNTY *	1202300185D	02/15/95	952-050	02
04	FL	PASCO COUNTY *	1202300187C	06/28/95	953-169	02
04	FL	PASCO COUNTY *	1202300195D	02/28/95	94-04-850A	01
04	FL	PASCO COUNTY *	1202300195D	01/20/95	95-04-268A	01
04	FL	PASCO COUNTY *	1202300195D	04/28/95	95-04-468A	01
04	FL	PASCO COUNTY *	1202300195D	04/27/95	95-04-532A	01
04	FL	PASCO COUNTY *	1202300195D	03/01/95	951-207	02
04	FL	PASCO COUNTY *	1202300195D	05/30/95	952-051	02
04	FL	PASCO COUNTY *	1202300195D	03/01/95	952-104	02
04	FL	PASCO COUNTY *	1202300195D	03/03/95	952-105	02
04	FL	PASCO COUNTY *	1202300195D	03/31/95	952-155	01
04	FL	PASCO COUNTY *	1202300195D	06/27/95	953-048	02

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
04	FL	PASCO COUNTY *	1202300250E	05/01/95	952-277	02
04	FL	PASCO COUNTY *	1202300352C	01/04/95	944-188	02
04	FL	PASCO COUNTY *	1202300352C	01/04/95	944-189	02
04	FL	PASCO COUNTY *	1202300352C	01/04/95	944-190	02
04	FL	PASCO COUNTY *	1202300352C	04/27/95	95-04-356A	01
04	FL	PASCO COUNTY *	1202300352C	01/24/95	951-168	01
04	FL	PASCO COUNTY *	1202300352C	01/24/95	951-169	01
04	FL	PASCO COUNTY *	1202300354D	04/27/95	95-04-356A	01
04	FL	PASCO COUNTY *	1202300354D	02/15/95	952-052	01
04	FL	PASCO COUNTY *	1202300354D	03/09/95	952-052A	01
04	FL	PASCO COUNTY *	1202300354D	05/11/95	953-026	02
04	FL	PASCO COUNTY *	1202300360D	01/11/95	95-04-092A	01
04	FL	PASCO COUNTY *	1202300360D	01/11/95	95-04-280A	01
04	FL	PASCO COUNTY *	1202300360D	01/27/95	95-04-306A	01
04	FL	PASCO COUNTY *	1202300360D	02/14/95	95-04-362A	01
04	FL	PASCO COUNTY *	1202300360D	03/06/95	95-04-400A	01
04	FL	PASCO COUNTY *	1202300360D	03/06/95	95-04-420A	02
04	FL	PASCO COUNTY *	1202300360D	03/27/95	95-04-514A	01
04	FL	PASCO COUNTY *	1202300360D	04/11/95	95-04-564A	01
04	FL	PASCO COUNTY *	1202300360D	03/03/95	952-110	02
04	FL	PASCO COUNTY *	1202300362D	04/07/95	95-04-474A	01
04	FL	PASCO COUNTY *	1202300370D	01/04/95	94-04-868A	01
04	FL	PASCO COUNTY *	1202300370D	03/01/95	951-137	01
04	FL	PASCO COUNTY *	1202300370D	05/30/95	951-144	02
04	FL	PASCO COUNTY *	1202300370D	01/04/95	951-161	01
04	FL	PASCO COUNTY *	1202300370D	02/16/95	952-019	01
04	FL	PASCO COUNTY *	1202300370D	05/30/95	952-130	01
04	FL	PASCO COUNTY *	1202300370D	05/01/95	952-250	01
04	FL	PASCO COUNTY *	1202300370D	05/01/95	952-283	01
04	FL	PASCO COUNTY *	1202300410E	02/09/95	952-053	01
04	FL	PASCO COUNTY *	1202300425E	05/12/95	95-04-618A	01
04	FL	PASCO COUNTY *	1202300450E	03/31/95	952-156	01
04	FL	PASCO COUNTY *	1202300450E	03/31/95	952-157	01
04	FL	PEMBROKE PINES, CITY OF	12011C0290F	03/21/95	95-04-416A	01
04	FL	PEMBROKE PINES, CITY OF	12011C0295F	01/18/95	95-04-240A	01
04	FL	PEMBROKE PINES, CITY OF	12011C0295F	05/12/95	95-04-592A	01
04	FL	PEMBROKE PINES, CITY OF	12011C0295F	06/13/95	95-04-644A	01
04	FL	PEMBROKE PINES, CITY OF	12011C0305F	05/24/95	95-04-716A	01
04	FL	PINELLAS COUNTY *	1251390057C	04/05/95	95-04-540A	01
04	FL	PINELLAS COUNTY *	1251390077C	05/10/95	953-043	01
04	FL	PINELLAS COUNTY *	1251390079C	01/20/95	95-04-272A	01
04	FL	PINELLAS COUNTY *	1251390079C	01/27/95	95-04-314A	01
04	FL	PINELLAS COUNTY *	1251390079C	02/28/95	95-04-408A	02
04	FL	PINELLAS COUNTY *	1251390079C	03/15/95	95-04-458A	01
04	FL	PINELLAS COUNTY *	1251390079C	03/23/95	95-04-496A	02
04	FL	PINELLAS COUNTY *	1251390079C	04/07/95	95-04-562A	01
04	FL	PINELLAS COUNTY *	1251390079C	04/11/95	95-04-574A	01
04	FL	PINELLAS COUNTY *	1251390079C	06/06/95	95-04-676A	01
04	FL	PINELLAS COUNTY *	1251390079C	06/23/95	95-04-742A	01
04	FL	PINELLAS COUNTY *	1251390079C	06/28/95	953-176	02
04	FL	PINELLAS COUNTY *	1251390081C	05/18/95	95-04-674A	02
04	FL	PINELLAS COUNTY *	1251390278C	06/26/95	95-04-171P	05
04	FL	PINELLAS COUNTY *	1251390279D	06/26/95	95-04-171P	05
04	FL	PINELLAS PARK, CITY OF	1202510008E	03/17/95	952-128	01
04	FL	POLK COUNTY*	1202610100B	03/20/95	95-04-284A	01
04	FL	POLK COUNTY*	1202610125B	03/01/95	952-095	02
04	FL	POLK COUNTY*	1202610150B	02/14/95	94-04-319P	06
04	FL	POLK COUNTY*	1202610175B	02/14/95	94-04-319P	06
04	FL	POLK COUNTY*	1202610475D	02/23/95	94-04-614A	01
04	FL	POLK COUNTY*	1202610550E	04/04/95	94-04-966A	02
04	FL	PORT ORANGE, CITY OF	1203130005C	06/14/95	95-04-652A	01
04	FL	PORT ORANGE, CITY OF	1203130005C	03/03/95	952-106	01
04	FL	PORT ST. LUCIE, CITY OF	12111C0405F	03/02/95	95-04-484A	02
04	FL	ROCKLEDGE, CITY OF	12009C0365E	06/27/95	952-260	01
04	FL	SARASOTA COUNTY *	1251440137D	02/17/95	944-229	02
04	FL	SARASOTA COUNTY *	1251440154E	06/21/95	953-163	01
04	FL	SARASOTA COUNTY *	1251440160D	02/16/95	903-053A	02
04	FL	SARASOTA COUNTY *	1251440334E	02/03/95	951-160	02
04	FL	SARASOTA COUNTY *	1251440344E	01/24/95	944-194	02
04	FL	SARASOTA COUNTY *	1251440344E	04/17/95	952-180	01

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
04	FL	SEBASTIAN, CITY OF	12061C0076E	02/14/95	944-172	01
04	FL	SEMINOLE COUNTY*	1202890040C	06/07/95	95-04-262A	01
04	FL	SEMINOLE COUNTY*	1202890090D	02/15/95	952-062	02
04	FL	SEMINOLE COUNTY*	1202890110B	03/01/95	951-109	02
04	FL	SEMINOLE COUNTY*	1202890110B	03/17/95	952-016	02
04	FL	SEMINOLE COUNTY*	1202890110B	03/31/95	952-055	02
04	FL	SEMINOLE COUNTY*	1202890110B	03/17/95	952-126	02
04	FL	SEMINOLE COUNTY*	1202890130B	03/09/95	952-039	02
04	FL	SUMTER COUNTY *	1202960075B	05/24/95	952-012	02
04	FL	TALLAHASSEE, CITY OF	1201440005C	05/11/95	952-242	02
04	FL	TALLAHASSEE, CITY OF	1201440015C	03/31/95	952-146	02
04	FL	TAMARAC, CITY OF	12011C0185F	02/28/95	95-04-344A	01
04	FL	TAMARAC, CITY OF	12011C0185F	02/15/95	95-04-352A	01
04	FL	TAMARAC, CITY OF	12011C0185F	03/24/95	95-04-448A	01
04	FL	TAMARAC, CITY OF	12011C0185F	05/26/95	95-04-702A	01
04	FL	TAMARAC, CITY OF	12011C0185F	06/29/95	95-04-746A	01
04	FL	TAMARAC, CITY OF	12011C0205F	02/28/95	95-04-344A	01
04	FL	TAMARAC, CITY OF	12011C0205F	03/17/95	95-04-430A	01
04	FL	VOLUSIA COUNTY*	1251550165E	02/16/95	95-04-084A	01
04	FL	VOLUSIA COUNTY*	1251550315E	05/25/95	95-04-672A	02
04	FL	VOLUSIA COUNTY*	1251550408E	04/27/95	95-04-342A	01
04	FL	VOLUSIA COUNTY*	1251550500E	03/31/95	951-095	02
04	FL	WALTON COUNTY*	1203170260C	05/30/95	952-181	02
04	FL	WALTON COUNTY*	1203170330D	03/31/95	952-144	02
04	FL	WALTON COUNTY*	1203170330D	06/28/95	953-036	02
04	FL	WINTER PARK, CITY OF	1201880005C	05/01/95	953-020	02
04	FL	WINTER SPRINGS, CITY OF	1202950005C	01/06/95	95-04-038A	02
04	FL	WINTER SPRINGS, CITY OF	12117C0135E	06/16/95	95-04-410A	02
04	GA	ALBANY, CITY OF	1300750015C	04/17/95	952-270	02
04	GA	ATHENS-CLARKE COUNTY	1300400021C	05/24/95	952-034	02
04	GA	ATLANTA, CITY OF	1351570019C	06/15/95	953-037	02
04	GA	BALDWIN COUNTY*	1300050050B	03/16/95	952-169	02
04	GA	BULLOCH COUNTY*	1300190175B	04/27/95	95-04-418A	02
04	GA	CHARLTON COUNTY*	130292	02/02/95	951-132	02
04	GA	COBB COUNTY*	13067C0015F	03/03/95	952-113	02
04	GA	COBB COUNTY*	13067C0025F	06/15/95	953-030	02
04	GA	COBB COUNTY*	13067C0035F	02/17/95	944-223	02
04	GA	COBB COUNTY*	13067C0035F	03/14/95	95-04-444A	01
04	GA	COBB COUNTY*	13067C0035F	05/30/95	952-160	02
04	GA	COBB COUNTY*	13067C0035F	04/17/95	952-266	02
04	GA	COBB COUNTY*	13067C0050F	03/16/95	952-083	02
04	GA	COBB COUNTY*	13067C0055F	05/30/95	951-173	02
04	GA	COBB COUNTY*	13067C0070F	05/11/95	953-028	02
04	GA	COBB COUNTY*	13067C0085F	05/24/95	952-273	02
04	GA	COLQUITT COUNTY*	1300580100B	05/17/95	953-041	02
04	GA	COLUMBUS, CITY OF	1351580045D	03/31/95	95-04-161P	05
04	GA	DALTON, CITY OF	1301940005C	03/16/95	952-082	02
04	GA	DEKALB COUNTY*	1300650005G	05/11/95	952-219	02
04	GA	DEKALB COUNTY*	1300650006D	02/16/95	952-032	02
04	GA	DEKALB COUNTY*	1300650007C	03/17/95	952-187	02
04	GA	DEKALB COUNTY*	1300650011F	06/21/95	953-161	01
04	GA	FAYETTEVILLE, CITY OF	1304310005A	05/30/95	952-191	02
04	GA	FULTON COUNTY*	1351600006C	05/30/95	952-076	02
04	GA	FULTON COUNTY*	1351600075C	04/11/95	951-107	02
04	GA	GWINNETT COUNTY*	1303220195C	04/17/95	94-04-251P	05
04	GA	GWINNETT COUNTY*	1303220280C	06/28/95	953-181	02
04	GA	HENRY COUNTY*	1304680070B	05/24/95	952-272	02
04	GA	LEE COUNTY*	1301220250B	02/15/95	952-069	02
04	GA	RABUN COUNTY*	1301560040B	06/21/95	952-176	02
04	GA	RICHMOND COUNTY*	1301580060B	05/11/95	953-049	02
04	GA	ROSWELL, CITY OF	1300880010D	02/03/95	952-004	02
04	GA	WALTON COUNTY*	13297C0080B	02/09/95	951-056	02
04	GA	WAYNESBORO, CITY OF	130025 B	03/03/95	95-04-123P	06
04	KY	FLOYD COUNTY*	2100690030C	03/31/95	952-140	01
04	KY	HARLAN COUNTY*	2100980100A	05/30/95	952-022	02
04	KY	JEFFERSON COUNTY*	21111C0020D	05/16/95	953-017	02
04	KY	JEFFERSON COUNTY*	21111C0095D	06/20/95	953-014	02
04	KY	JEFFERSON COUNTY*	21111C0115D	04/11/95	952-235	02
04	KY	JEFFERSON COUNTY*	21111C0145D	02/16/95	944-036	02
04	KY	JEFFERSON COUNTY*	21111C0145D	06/21/95	953-162	02

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[Effective January 1, 1995 through June 30, 1995]

Region	State	Community	Map panel No.	Effective date	Case No.	Determination
04	KY	JEFFERSON COUNTY*	21111C0165D	05/10/95	953-031	02
04	KY	JEFFERSON COUNTY*	21111C0170D	01/25/95	95-04-300A	01
04	KY	JEFFERSON COUNTY*	21111C0170D	05/11/95	953-019	02
04	KY	JEFFERSON COUNTY*	21111C0180D	02/02/95	951-116	02
04	KY	JEFFERSON COUNTY*	21111C0180D	04/11/95	952-045	02
04	KY	JEFFERSON COUNTY*	21111C0190D	05/30/95	952-109	02
04	KY	JEFFERSON COUNTY*	21111C0255D	02/02/95	951-208	02
04	KY	JEFFERSON COUNTY*	21111C0255D	05/11/95	952-077	02
04	KY	LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT	2100670060C	05/17/95	953-067	02
04	KY	LOUISVILLE, CITY OF	21111C0155D	06/27/95	953-148	02
04	KY	PIKE COUNTY*	2102980040D	02/09/95	951-133	02
04	KY	PIKE COUNTY*	2102980040D	05/30/95	951-154	02
04	KY	SHIVELY, CITY OF	21111C0135D	01/24/95	951-060	02
04	MS	COLUMBUS, CITY OF	2801080005G	01/24/95	951-178	01
04	MS	DESOTO COUNTY*	28033C0055D	05/08/95	95-04-452A	01
04	MS	DESOTO COUNTY*	28033C0065D	05/08/95	95-04-452A	01
04	MS	DESOTO COUNTY*	28033C0065D	06/14/95	95-04-610A	01
04	MS	HATTIESBURG, CITY OF	28035C0040C	06/20/95	952-200	02
04	MS	HINDS COUNTY*	2800700250D	01/24/95	951-156	01
04	MS	HINDS COUNTY*	2800700250D	01/24/95	951-157	01
04	MS	HINDS COUNTY*	2800700250D	01/24/95	951-158	01
04	MS	HINDS COUNTY*	2800700250D	05/03/95	953-002	01
04	MS	HINDS COUNTY*	2800700250D	05/03/95	953-003	01
04	MS	JACKSON COUNTY*	2852560160D	03/06/95	95-04-428A	02
04	MS	JACKSON, CITY OF	2800720015F	05/10/95	953-042	02
04	MS	LAUDERDALE COUNTY*	28075C0085C	05/17/95	953-071	02
04	MS	LOWNDES COUNTY*	2801930105D	05/30/95	952-057	02
04	MS	MADISON COUNTY*	28089C0310D	05/31/95	95-04-021P	05
04	MS	MADISON, CITY OF	28089C0310D	05/31/95	95-04-021P	05
04	MS	MERIDIAN, CITY OF	28075C0115C	05/30/95	941-156	02
04	MS	OKTIBBEHA COUNTY*	2802770120B	02/08/95	94-04-239P	06
04	MS	PEARL RIVER VALLEY WATER SUPPLY DISTRICT	2803380055A	05/30/95	952-168	02
04	MS	PEARL RIVER VALLEY WATER SUPPLY DISTRICT	2803380055A	05/25/95	953-061	02
04	MS	PEARL, CITY OF	2801450005B	03/30/95	951-072	01
04	MS	RANKIN COUNTY*	2801420090C	06/20/95	952-116	02
04	MS	RANKIN COUNTY*	2801420155B	01/25/95	95-04-118A	02
04	MS	SCOTT COUNTY*	2802809999A	01/04/95	944-178	02
04	MS	SUNFLOWER COUNTY*	2801950225B	04/14/95	95-04-130A	01
04	NC	ARCHDALE, CITY OF	3702730007B	06/15/95	953-136	01
04	NC	BEAUFORT COUNTY*	3700130215B	06/28/95	953-182	02
04	NC	CARTERET COUNTY*	3700430630C	05/23/95	953-093	02
04	NC	CATAWBA COUNTY*	3700500325B	02/16/95	951-155	02
04	NC	CATAWBA COUNTY*	3700500350B	05/01/95	953-015	02
04	NC	Craven County*	3700720420B	04/11/95	951-006	02
04	NC	DARE COUNTY*	3753480810D	03/20/95	95-04-093P	05
04	NC	DARE COUNTY*	3753480855D	05/30/95	95-04-149P	05
04	NC	DAVIDSON COUNTY *	3703070150B	05/25/95	952-133	02
04	NC	DUPLIN COUNTY *	3700830220B	02/22/95	95-04-049P	06
04	NC	EDENTON, TOWN OF	3700620005C	06/27/95	953-190	02
04	NC	EMERALD ISLE, TOWN OF	3700470002C	02/15/95	952-046	02
04	NC	FAYETTEVILLE, CITY OF	3700770004D	06/15/95	953-127	02
04	NC	FAYETTEVILLE, CITY OF	3700770010C	05/11/95	952-150	01
04	NC	GARNER, TOWN OF	37183C0544E	05/01/95	953-013	02
04	NC	GASTONIA, CITY OF	3701000010D	01/10/95	95-04-073P	05
04	NC	GASTONIA, CITY OF	3701000010D	05/02/95	95-04-119P	05
04	NC	GASTONIA, CITY OF	3701000020D	05/02/95	95-04-119P	05
04	NC	GREENVILLE, CITY OF	3701910005B	03/01/95	95-04-005P	05
04	NC	GREENVILLE, CITY OF	3701910010B	03/01/95	95-04-005P	05
04	NC	HAVELOCK, CITY OF	3702650008B	02/14/95	95-04-198A	02
04	NC	HAYWOOD COUNTY*	3701200090B	05/12/95	95-04-165P	06
04	NC	HICKORY, CITY OF	3700540010B	05/11/95	953-057	02
04	NC	JACKSONVILLE, CITY OF	3701780004B	04/28/95	952-251	02
04	NC	LONG BEACH, TOWN OF	3753540003D	05/01/95	953-008	02
04	NC	LONG BEACH, TOWN OF	3753540003D	05/11/95	953-034	02
04	NC	MECKLENBURG COUNTY *	3701580060B	02/16/95	952-049	01
04	NC	MECKLENBURG COUNTY *	3701580060B	03/09/95	952-122	01
04	NC	MECKLENBURG COUNTY *	3701580060B	04/28/95	952-253	01
04	NC	MECKLENBURG COUNTY *	3701580165B	03/16/95	952-148	02
04	NC	MECKLENBURG COUNTY *	3701580185B	03/27/95	95-04-358A	01
04	NC	NEW HANOVER COUNTY*	3701680045E	04/17/95	952-263	02

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
04	NC	NEW HANOVER COUNTY*	3701680045E	05/01/95	953-011	02
04	NC	NEW HANOVER COUNTY*	3701680045E	05/23/95	953-092	02
04	NC	NEW HANOVER COUNTY*	3701680082E	05/23/95	95-04-624A	02
04	NC	NEW HANOVER COUNTY*	3701680102E	02/17/95	944-159	02
04	NC	NEW HANOVER COUNTY*	3701680105D	05/01/95	953-012	02
04	NC	ONSLow COUNTY*	3703400315C	02/02/95	951-131	02
04	NC	PENDER COUNTY*	3703440527C	05/11/95	953-052	02
04	NC	PENDER COUNTY*	3703440529D	04/24/95	95-04-510A	02
04	NC	PITT COUNTY *	3703720265B	02/10/95	95-04-346A	02
04	NC	PLYMOUTH, TOWN OF	3702490003B	02/16/95	944-163	02
04	NC	PLYMOUTH, TOWN OF	3702490003B	02/16/95	944-164	02
04	NC	PLYMOUTH, TOWN OF	3702490003B	05/24/95	951-058	02
04	NC	RALEIGH, CITY OF	37183C0333E	05/30/95	951-184	02
04	NC	ROCKY MOUNT, CITY OF	3700920001C	02/15/95	952-081	02
04	NC	SOUTHERN SHORES, TOWN OF	3704300001C	03/09/95	952-013	02
04	NC	TARBORO, TOWN OF	3700940005D	02/02/95	951-140	02
04	NC	TRENT WOODS, TOWNSHIP OF	3704340001A	04/25/95	95-04-127P	06
04	NC	TRENT WOODS, TOWNSHIP OF	3704340002A	04/25/95	95-04-127P	06
04	SC	BEAUFORT COUNTY*	4500250015D	02/03/95	951-026	02
04	SC	BEAUFORT COUNTY*	4500250070D	01/04/95	951-027	02
04	SC	CHARLESTON COUNTY*	4554130225G	06/15/95	953-129	02
04	SC	CHARLESTON COUNTY*	4554130228G	04/04/95	95-04-378A	02
04	SC	CHARLESTON COUNTY*	4554130390F	02/15/95	952-066	02
04	SC	CHARLESTON COUNTY*	4554130390F	02/15/95	952-067	02
04	SC	CHARLESTON COUNTY*	4554130390F	02/15/95	952-068	02
04	SC	CHARLESTON COUNTY*	4554130400F	01/26/95	951-175	02
04	SC	CHARLESTON, CITY OF	4554120010D	03/09/95	922-152A	02
04	SC	CHARLESTON, CITY OF	4554120010D	02/03/95	951-111	02
04	SC	CHARLESTON, CITY OF	4554120022D	02/16/95	952-024	02
04	SC	DORCHESTER COUNTY *	4500680245C	05/30/95	952-143	02
04	SC	DORCHESTER COUNTY *	4500680245C	05/25/95	953-025	02
04	SC	HILTON HEAD ISLAND, TOWN OF	4502500009D	05/30/95	952-129	02
04	SC	LEXINGTON COUNTY *	4501290125B	06/28/95	953-141	02
04	SC	LEXINGTON COUNTY *	4501290225B	03/16/95	951-045	02
04	SC	NEWBERRY COUNTY*	4502240225B	06/20/95	953-095	02
04	SC	RICHLAND COUNTY*	45079C0025G	06/09/95	94-04-349P	06
04	SC	RICHLAND COUNTY*	45079C0025G	06/15/95	953-128	02
04	SC	RICHLAND COUNTY*	45079C0080G	02/16/95	944-109	02
04	SC	RICHLAND COUNTY*	45079C0111G	05/18/95	94-04-137P	05
04	SC	YORK COUNTY *	4501930065C	03/16/95	952-142	02
04	SC	YORK COUNTY *	4501930065C	04/11/95	952-159	01
04	SC	YORK COUNTY *	4501930125C	02/09/95	952-025	02
04	SC	YORK COUNTY *	4501930130D	02/15/95	951-209	02
04	TN	ANDERSON COUNTY *	4702170064C	02/15/95	952-093	02
04	TN	BRENTWOOD, CITY OF	4702050005C	01/25/95	951-017	02
04	TN	CHATTANOOGA, CITY OF	4700720028C	05/01/95	953-016	02
04	TN	CLARKSVILLE, CITY OF	4701370005C	06/20/95	953-113	02
04	TN	CLARKSVILLE, CITY OF	4701370005C	06/20/95	953-114	02
04	TN	COLLIERVILLE, CITY OF	47157C0240E	01/20/95	95-04-270A	01
04	TN	COLLIERVILLE, CITY OF	47157C0245E	06/14/95	95-04-792A	01
04	TN	EAST RIDGE, CITY OF	4754240010D	02/02/95	952-006	01
04	TN	EAST RIDGE, CITY OF	4754240010D	03/09/95	952-153	01
04	TN	EAST RIDGE, CITY OF	4754240010D	03/09/95	952-154	01
04	TN	FARRAGUT, TOWN OF	4703870005A	05/30/95	943-145	02
04	TN	FARRAGUT, TOWN OF	4703870015A	05/30/95	943-145	02
04	TN	FRANKLIN, CITY OF	4702060001D	01/26/95	95-04-117P	06
04	TN	FRANKLIN, CITY OF	4702060004D	01/26/95	951-176	02
04	TN	FRANKLIN, CITY OF	4702060004D	05/23/95	953-091	02
04	TN	GERMANTOWN, CITY OF	47157C0235E	04/25/95	95-04-332C	01
04	TN	GERMANTOWN, CITY OF	47157C0235E	06/26/95	95-04-660A	02
04	TN	GERMANTOWN, CITY OF	47157C0235E	03/16/95	952-162	02
04	TN	HAMILTON COUNTY *	4700710210E	05/30/95	952-178	02
04	TN	HAMILTON COUNTY *	4700710230E	03/30/95	94-04-325P	05
04	TN	MARSHALL COUNTY*	47117C0075C	05/11/95	952-198	02
04	TN	MAURY COUNTY*	4701230250B	04/11/95	952-161	02
04	TN	MEMPHIS, CITY OF	47157C0195E	06/15/95	95-04-137P	05
04	TN	MEMPHIS, CITY OF	47157C0230E	02/15/95	952-091	02
04	TN	MEMPHIS, CITY OF	47157C0230E	05/25/95	953-078	01
04	TN	MEMPHIS, CITY OF	47157C0235E	04/12/95	95-04-169P	06
04	TN	MONTGOMERY COUNTY *	4701360050B	01/04/95	951-162	02

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
04	TN	MONTGOMERY COUNTY *	4701360050B	01/04/95	951-163	02
04	TN	MONTGOMERY COUNTY *	4701360050B	01/04/95	951-164	02
04	TN	MONTGOMERY COUNTY *	4701360050B	01/04/95	951-165	02
04	TN	MONTGOMERY COUNTY *	4701360050B	01/04/95	951-166	02
04	TN	MONTGOMERY COUNTY *	4701360050B	01/23/95	951-185	02
04	TN	MONTGOMERY COUNTY *	4701360050B	01/23/95	951-186	02
04	TN	MONTGOMERY COUNTY *	4701360050B	01/17/95	951-187	02
04	TN	MONTGOMERY COUNTY *	4701360050B	01/04/95	951-188	02
04	TN	MONTGOMERY COUNTY *	4701360050B	01/04/95	951-189	02
04	TN	MONTGOMERY COUNTY *	4701360050B	01/23/95	951-190	02
04	TN	MONTGOMERY COUNTY *	4701360050B	01/04/95	951-191	02
04	TN	MONTGOMERY COUNTY *	4701360050B	01/04/95	951-192	02
04	TN	MONTGOMERY COUNTY *	4701360050B	01/04/95	951-193	02
04	TN	MONTGOMERY COUNTY *	4701360050B	03/31/95	952-203	02
04	TN	MONTGOMERY COUNTY *	4701360050B	03/31/95	952-204	02
04	TN	MONTGOMERY COUNTY *	4701360050B	03/31/95	952-205	02
04	TN	MONTGOMERY COUNTY *	4701360050B	03/31/95	952-213	02
04	TN	MONTGOMERY COUNTY *	4701360050B	03/31/95	952-214	02
04	TN	MONTGOMERY COUNTY *	4701360050B	03/31/95	952-215	02
04	TN	MONTGOMERY COUNTY *	4701360050B	03/31/95	952-216	02
04	TN	MONTGOMERY COUNTY *	4701360050B	03/31/95	952-217	02
04	TN	MONTGOMERY COUNTY *	4701360050B	04/17/95	952-218	02
04	TN	MONTGOMERY COUNTY *	4701360050B	06/20/95	953-154	02
04	TN	MONTGOMERY COUNTY *	4701360100B	05/11/95	953-027	02
04	TN	MURFREESBORO, CITY OF	4701680005C	03/31/95	95-04-258A	01
04	TN	MURFREESBORO, CITY OF	4701680005C	03/17/95	952-189	02
04	TN	MURFREESBORO, CITY OF	4701680005C	05/25/95	953-079	01
04	TN	MURFREESBORO, CITY OF	4701680010C	03/06/95	95-04-404A	01
04	TN	MURFREESBORO, CITY OF	4701680010C	04/24/95	95-04-482A	01
04	TN	MURFREESBORO, CITY OF	4701680010C	06/28/95	953-174	01
04	TN	NASHVILLE, CITY OF & DAVIDSON COUNTY	4700400100B	05/30/95	95-04-360A	02
04	TN	NASHVILLE, CITY OF & DAVIDSON COUNTY	4700400177B	02/03/95	95-04-350A	01
04	TN	NASHVILLE, CITY OF & DAVIDSON COUNTY	4700400211C	05/30/95	952-195	02
04	TN	NASHVILLE, CITY OF & DAVIDSON COUNTY	4700400300C	01/04/95	951-113	02
04	TN	RUTHERFORD COUNTY *	4701650070B	06/19/95	95-04-752A	01
04	TN	RUTHERFORD COUNTY *	4701650075B	05/23/95	953-094	02
04	TN	SEVIERVILLE, CITY OF	4754440005C	05/18/95	95-04-139P	05
04	TN	SHELBY COUNTY *	47157C0190E	01/20/95	94-04-265P	05
04	TN	SHELBY COUNTY *	47157C0195E	06/15/95	95-04-137P	05
04	TN	SHELBY COUNTY *	47157C0200E	04/07/95	95-04-476A	01
04	TN	SHELBY COUNTY *	47157C0235E	03/27/95	95-04-516A	01
04	TN	SHELBY COUNTY *	47157C0240E	06/15/95	95-04-137P	05
04	TN	SHELBY COUNTY *	47157C0240E	01/20/95	95-04-270A	01
04	TN	SHELBY COUNTY *	47157C0240E	03/27/95	95-04-526A	01
04	TN	SHELBY COUNTY *	47157C0240E	03/22/95	95-04-544A	01
04	TN	SHELBY COUNTY *	47157C0240E	04/24/95	95-04-546A	01
04	TN	SHELBY COUNTY *	47157C0240E	06/06/95	95-04-582A	01
04	TN	SHELBY COUNTY *	47157C0280E	05/26/95	95-04-464A	01
04	TN	SHELBY COUNTY *	47157C0285E	02/07/95	95-04-368A	01
04	TN	SHELBY COUNTY *	47157C0285E	03/27/95	95-04-462A	01
04	TN	SHELBY COUNTY *	47157C0290E	02/07/95	95-04-368A	01
04	TN	SHELBY COUNTY *	47157C0290E	02/03/95	95-04-386A	02
04	TN	SHELBY COUNTY *	47157C0290E	03/27/95	95-04-462A	01
04	TN	SHELBY COUNTY *	47157C0290E	06/29/95	95-04-744A	01
04	TN	SMYRNA, TOWN OF	4701690003D	03/09/95	951-167	02
04	TN	SODDY-DAISY, CITY OF	4754450010B	02/06/95	94-04-347P	08
04	TN	WILLIAMSON COUNTY *	4702040015C	05/01/95	952-194	02
04	TN	WILLIAMSON COUNTY *	4702040075C	03/16/95	952-135	02
04	TN	WILSON COUNTY *	4702070040C	01/11/95	95-04-246A	01
04	TN	WILSON COUNTY *	4702070040C	04/27/95	95-04-490A	02
04	TN	WILSON COUNTY *	4702070040C	06/23/95	95-04-684A	01
05	IL	ADDISON, VILLAGE OF	1701980004C	02/10/95	95-05-518A	02
05	IL	ALGONQUIN, VILLAGE OF	1704740001B	06/21/95	95-05-1336A	01
05	IL	AURORA, CITY OF	1703200015D	01/17/95	95-05-402A	02
05	IL	BENSENVILLE, VILLAGE OF	1702000003C	04/18/95	95-05-1060A	02
05	IL	BENSENVILLE, VILLAGE OF	1702000003C	03/24/95	95-05-800A	01
05	IL	BLOOMINGTON, CITY OF	1704900005C	01/06/95	95-05-466A	01
05	IL	BLOOMINGTON, CITY OF	1704900005C	04/24/95	95-05-766A	01

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
05	IL	CAROL STREAM, VILLAGE OF	1702020005C	01/03/95	95-05-186A	01
05	IL	CHAMPAIGN COUNTY *	1708940100B	04/06/95	95-05-1012A	02
05	IL	CHAMPAIGN COUNTY *	1708940180B	01/04/95	95-05-170A	01
05	IL	COOK COUNTY *	1700540040B	05/17/95	95-05-1278A	17
05	IL	COOK COUNTY *	1700540215B	06/19/95	95-05-1408A	01
05	IL	COOK COUNTY *	1700540215B	02/01/95	95-05-412A	02
05	IL	COOK COUNTY *	1700540220C	03/31/95	95-05-952A	01
05	IL	CRYSTAL LAKE, CITY OF	1704760001C	04/25/95	95-05-1094A	02
05	IL	CRYSTAL LAKE, CITY OF	1704760001C	06/22/95	95-05-1304A	01
05	IL	DARIEN, CITY OF	1707500003A	04/03/95	95-05-744A	02
05	IL	DE KALB COUNTY *	170808 B	04/28/95	95-05-1288A	02
05	IL	DEERFIELD, VILLAGE OF	170361 C	04/13/95	95-05-065P	05
05	IL	DEKALB, CITY OF	1701820005B	03/24/95	95-05-924A	01
05	IL	DES PLAINES, CITY OF	1700810005C	01/27/95	95-05-470A	02
05	IL	DUPAGE COUNTY*	1701970015B	06/14/95	95-05-1220A	01
05	IL	DUPAGE COUNTY*	1701970020B	05/11/95	95-05-812A	01
05	IL	DUPAGE COUNTY*	1701970030D	06/19/95	95-05-852A	02
05	IL	DUPAGE COUNTY*	1701970035B	04/03/95	95-05-584A	02
05	IL	DUPAGE COUNTY*	1701970035B	01/27/95	95-05-720A	02
05	IL	DUPAGE COUNTY*	1701970045B	02/10/95	94-05-1004P	06
05	IL	DUPAGE COUNTY*	1701970055B	04/14/95	95-05-077P	06
05	IL	DUPAGE COUNTY*	1701970060B	03/15/95	95-05-081P	05
05	IL	DUPAGE COUNTY*	1701970060B	05/17/95	95-05-1396A	02
05	IL	EFFINGHAM, CITY OF	170229 B	04/25/95	95-05-686A	02
05	IL	FOX LAKE, VILLAGE OF	1703620005E	06/05/95	95-05-646A	02
05	IL	FOX LAKE, VILLAGE OF	1703620005E	04/18/95	95-05-696A	02
05	IL	FOX RIVER VALLEY GARDENS, VILLAGE OF	1704780001B	04/04/95	95-05-071P	06
05	IL	FRANKFORT, VILLAGE OF	1707010004A	01/19/95	95-05-662A	02
05	IL	FRANKLIN COUNTY *	1708990005B	05/11/95	95-05-886A	02
05	IL	FRANKLIN PARK, VILLAGE OF	1700940005C	03/10/95	95-05-254A	01
05	IL	FRANKLIN PARK, VILLAGE OF	1700940005C	01/05/95	95-05-448A	02
05	IL	HIGHLAND PARK, CITY OF	1703670004B	04/10/95	95-05-1016A	02
05	IL	HODGKINS, VILLAGE OF	1701060005B	05/22/95	95-05-1146A	02
05	IL	HOFFMAN ESTATES, VILLAGE OF	1701070007C	03/08/95	95-05-556A	01
05	IL	HOFFMAN ESTATES, VILLAGE OF	1701070008B	03/13/95	95-05-898A	02
05	IL	HOLIDAY HILLS, VILLAGE OF	1709360001B	06/26/95	95-05-1490A	02
05	IL	HUNTLEY, VILLAGE OF	1704800001B	01/20/95	95-05-352A	02
05	IL	ISLAND LAKE, VILLAGE OF	1703700001B	01/25/95	95-05-166A	02
05	IL	ISLAND LAKE, VILLAGE OF	1703700001B	02/10/95	95-05-728A	02
05	IL	JUSTICE, VILLAGE OF	1701120001B	06/22/95	95-05-057P	08
05	IL	KANE COUNTY *	1708960045A	01/23/95	95-05-021P	06
05	IL	KANKAKEE COUNTY *	1703360170B	01/19/95	95-05-602A	02
05	IL	LAKE COUNTY *	1703570040B	05/17/95	95-05-1158A	01
05	IL	LAKE COUNTY *	1703570065B	03/07/95	94-05-1370P	05
05	IL	LAKE COUNTY *	1703570065B	06/30/95	95-05-1630A	02
05	IL	LAKE COUNTY *	1703570080B	03/09/95	95-05-672A	02
05	IL	LAKE COUNTY *	1703570110B	04/21/95	95-05-922A	02
05	IL	LAKE COUNTY *	1703570115B	02/07/95	95-05-004A	02
05	IL	LAKE FOREST, CITY OF	1703740003C	05/23/95	95-05-1318A	01
05	IL	LAKE FOREST, CITY OF	1703740003C	06/26/95	95-05-1546A	17
05	IL	LAKE FOREST, CITY OF	1703740003C	01/18/95	95-05-540A	01
05	IL	LAKE-IN-THE-HILLS, VILLAGE OF	1704810002B	01/13/95	95-05-303P	05
05	IL	LAKEWOOD, VILLAGE OF	170805 B	05/11/95	95-05-017P	06

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05	IL	LINCOLNSHIRE, VILLAGE OF	1703780005C	03/03/95	95-05-832A	01
05	IL	MACHESNEY PARK, VILLAGE OF	1710090005A	05/01/95	94-05-217P	05
05	IL	MACHESNEY PARK, VILLAGE OF	1710090005A	02/21/95	95-05-516A	02
05	IL	MADISON COUNTY *	1704360110B	05/25/95	95-05-1246A	02
05	IL	MARION, CITY OF	1707190002B	04/05/95	95-05-1054A	02
05	IL	MARION, CITY OF	1707190003B	03/09/95	95-05-472A	02
05	IL	MATTESON, VILLAGE OF	1701230002C	06/20/95	95-05-1378A	02
05	IL	MCHENRY COUNTY*	1707320095B	03/21/95	95-05-810A	02
05	IL	MCHENRY COUNTY*	1707320115B	04/21/95	95-05-398A	02
05	IL	MCHENRY COUNTY*	1707320240B	01/13/95	95-05-244A	02
05	IL	MCHENRY COUNTY*	1707320345B	04/03/95	95-05-394A	17
05	IL	MCHENRY COUNTY*	1707320350C	01/19/95	95-05-324A	02
05	IL	MCHENRY COUNTY*	1707320350C	02/01/95	95-05-440A	02
05	IL	MCHENRY COUNTY*	1707320355B	03/22/95	95-05-474A	02
05	IL	MCHENRY, CITY OF	1704830003D	06/19/95	95-05-1058P	06
05	IL	MCHENRY, CITY OF	1704830003D	04/25/95	95-05-1196A	02
05	IL	MCHENRY, CITY OF	1704830003D	03/27/95	95-05-588A	02
05	IL	MCHENRY, CITY OF	1704830003D	03/22/95	95-05-862A	02
05	IL	MINOOKA, VILLAGE OF	1710190002A	06/06/95	95-05-1204A	02
05	IL	MOUNT PROSPECT, VILLAGE OF	1701290010B	02/10/95	95-05-776A	02
05	IL	NAPERVILLE, CITY OF	1702130021C	04/04/95	95-05-432A	01
05	IL	NORTHBROOK, VILLAGE OF	1701320010D	01/20/95	95-05-570A	02
05	IL	OAK BROOK, VILLAGE OF	1702140002B	02/10/95	94-05-1004P	06
05	IL	OAKBROOK TERRACE, CITY OF	1702150001B	02/22/95	95-05-063P	06
05	IL	OAKBROOK TERRACE, CITY OF	1702150001B	01/19/95	95-05-610A	02
05	IL	OTTAWA, CITY OF	1704050005B	04/07/95	95-05-1020A	02
05	IL	PALOS HILLS, CITY OF	1701430003C	05/10/95	95-05-1172A	02
05	IL	PALOS HILLS, CITY OF	1701430003C	02/28/95	95-05-180A	02
05	IL	PALOS PARK, VILLAGE OF	1701440001B	05/23/95	95-05-1042A	01
05	IL	PEORIA, CITY OF	1705360015B	04/03/95	95-05-382A	01
05	IL	RIVERWOODS, VILLAGE OF	1703870005B	06/26/95	95-05-1222A	02
05	IL	ROCK ISLAND COUNTY*	1705820025B	05/12/95	95-05-1276A	02
05	IL	ROCKTON, VILLAGE OF	1707740001A	05/24/95	95-05-1334A	02
05	IL	ROLLING MEADOWS, CITY OF	1701550005C	01/20/95	95-05-110A	17
05	IL	ROLLING MEADOWS, CITY OF	1701550005C	05/12/95	95-05-1212A	02
05	IL	ROMEVILLE, VILLAGE OF	1707110005B	06/19/95	95-05-027P	06
05	IL	ROUND LAKE BEACH, VILLAGE OF	1703890001C	06/22/95	95-05-818A	02
05	IL	SANGAMON COUNTY *	1709120250C	04/24/95	95-05-250A	02
05	IL	SOUTH HOLLAND, VILLAGE OF	1701630001C	02/14/95	95-05-772A	02
05	IL	ST. CHARLES, CITY OF	1703300004C	01/30/95	95-05-736A	01
05	IL	ST. CLAIR COUNTY *	1706160130A	03/13/95	95-05-348A	02
05	IL	STREAMWOOD, VILLAGE OF	1701660001C	05/01/95	95-05-1184A	02
05	IL	TUSCOLA, CITY OF	1701950005C	01/20/95	95-05-636A	02
05	IL	VILLA PARK, VILLAGE OF	1702170002B	02/01/95	94-05-1284A	02
05	IL	WAUCONDA, VILLAGE OF	1703960002B	06/15/95	95-05-688P	06
05	IL	WHEELING, VILLAGE OF	1701730005C	01/24/95	95-05-658A	02
05	IL	WILL COUNTY *	1706950055B	05/22/95	95-05-1040A	02
05	IL	WILL COUNTY *	1706950055B	02/09/95	95-05-512A	02
05	IL	WILL COUNTY *	1706950055B	06/07/95	95-05-788A	01
05	IL	WILL COUNTY *	1706950060B	06/19/95	95-05-027P	06
05	IL	WILL COUNTY *	1706950080B	06/19/95	95-05-027P	06
05	IL	WILL COUNTY *	1706950085B	06/14/95	95-05-1494A	02

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05	IL	WILL COUNTY *	1706950105C	03/15/95	94-05-1366P	06
05	IL	WILL COUNTY *	1706950110C	05/10/95	95-05-1154A	02
05	IL	WILL COUNTY *	1706950110C	06/14/95	95-05-1338A	02
05	IL	WILL COUNTY *	1706950220C	02/14/95	95-05-706A	02
05	IL	WINNETKA, VILLAGE OF	1701760003B	01/20/95	95-05-580A	02
05	IN	ALLEN COUNTY *	18003C0165E	05/02/95	95-05-1084A	01
05	IN	ALLEN COUNTY *	18003C0165E	03/27/95	95-05-874A	02
05	IN	ALLEN COUNTY *	18003C0170D	01/06/95	95-05-008A	01
05	IN	ALLEN COUNTY *	18003C0285E	05/02/95	95-05-1084A	01
05	IN	ALLEN COUNTY *	18003C0305D	05/23/95	95-05-986A	02
05	IN	BARTHOLOMEW COUNTY *	1800060075B	01/13/95	95-05-062A	17
05	IN	BARTHOLOMEW COUNTY *	1800060100B	05/09/95	95-05-1286A	02
05	IN	BLOOMINGTON, CITY OF	1801690025C	03/03/95	95-05-914A	17
05	IN	CARMEL, CITY OF	1800810003C	05/01/95	95-05-1000A	01
05	IN	CARMEL, CITY OF	1800810012C	04/07/95	95-05-974A	02
05	IN	CARMEL, CITY OF	1800810013C	03/14/95	95-05-782A	01
05	IN	CHESTERTON, TOWN OF	1802010005C	05/12/95	95-05-158A	02
05	IN	CLARK COUNTY *	1804260175C	04/03/95	95-05-1062A	02
05	IN	CLARK COUNTY *	1804260175C	06/28/95	95-05-1484A	02
05	IN	COLUMBUS, CITY OF	1800070015B	03/09/95	95-05-854A	02
05	IN	DELAWARE COUNTY*	1800510125C	04/27/95	95-05-1022A	02
05	IN	DYER, TOWN OF	1801290001C	06/22/95	95-05-1536A	02
05	IN	ELKHART COUNTY *	1800560005A	04/21/95	95-05-1228A	02
05	IN	ELKHART COUNTY *	1800560010B	03/28/95	95-05-936A	02
05	IN	EVANSVILLE, CITY OF	1802570001B	04/28/95	95-05-1244A	02
05	IN	FORT WAYNE, CITY OF	18003C0140D	05/19/95	95-05-1290A	02
05	IN	FORT WAYNE, CITY OF	18003C0165E	04/21/95	95-05-1072A	01
05	IN	FORT WAYNE, CITY OF	18003C0260E	06/30/95	95-05-1550A	02
05	IN	FORT WAYNE, CITY OF	18003C0270E	05/03/95	95-05-1106A	02
05	IN	FORT WAYNE, CITY OF	18003C0285D	01/04/95	95-05-396A	02
05	IN	GREENWOOD, CITY OF	1801150004B	05/23/95	95-05-740A	02
05	IN	HANCOCK COUNTY *	1804190100B	02/27/95	95-05-690A	01
05	IN	HENDRICKS COUNTY *	1804150050B	05/31/95	95-05-1064A	01
05	IN	HENDRICKS COUNTY *	1804150050B	06/08/95	95-05-912A	02
05	IN	HENDRICKS COUNTY *	1804150100B	01/04/95	94-05-808A	01
05	IN	HENDRICKS COUNTY *	1804150100B	03/31/95	95-05-1044A	17
05	IN	HENRY COUNTY*	18065C0200C	03/15/95	95-05-722A	02
05	IN	INDIANAPOLIS, CITY OF	1801590005D	06/06/95	95-05-1252A	02
05	IN	INDIANAPOLIS, CITY OF	1801590005D	02/28/95	95-05-650A	02
05	IN	INDIANAPOLIS, CITY OF	1801590010D	01/20/95	95-05-572A	01
05	IN	INDIANAPOLIS, CITY OF	1801590010D	03/27/95	95-05-574A	02
05	IN	INDIANAPOLIS, CITY OF	1801590020D	05/23/95	95-05-1262A	02
05	IN	INDIANAPOLIS, CITY OF	1801590020D	01/22/95	95-05-436A	01
05	IN	INDIANAPOLIS, CITY OF	1801590020D	01/04/95	95-05-592A	02
05	IN	INDIANAPOLIS, CITY OF	1801590030D	03/03/95	95-05-700A	02
05	IN	INDIANAPOLIS, CITY OF	1801590030D	06/21/95	95-05-780A	01
05	IN	INDIANAPOLIS, CITY OF	1801590035D	05/30/95	95-05-1152A	02

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05	IN	INDIANAPOLIS, CITY OF	1801590035D	04/24/95	95-05- 1176A	01
05	IN	INDIANAPOLIS, CITY OF	1801590035D	06/15/95	95-05- 1572A	02
05	IN	INDIANAPOLIS, CITY OF	1801590035D	04/21/95	95-05-642A	02
05	IN	INDIANAPOLIS, CITY OF	1801590035D	03/14/95	95-05-872A	01
05	IN	INDIANAPOLIS, CITY OF	1801590040D	06/22/95	95-05- 1496A	01
05	IN	INDIANAPOLIS, CITY OF	1801590040D	06/22/95	95-05- 1668A	01
05	IN	INDIANAPOLIS, CITY OF	1801590040D	06/27/95	95-05-266P	06
05	IN	INDIANAPOLIS, CITY OF	1801590040D	01/27/95	95-05-618A	01
05	IN	INDIANAPOLIS, CITY OF	1801590040D	03/27/95	95-05-840A	01
05	IN	INDIANAPOLIS, CITY OF	1801590040D	05/09/95	95-05-900A	01
05	IN	INDIANAPOLIS, CITY OF	1801590045D	05/23/95	95-05- 1174A	02
05	IN	INDIANAPOLIS, CITY OF	1801590045D	02/03/95	95-05-620A	01
05	IN	INDIANAPOLIS, CITY OF	1801590045D	02/03/95	95-05-668A	01
05	IN	INDIANAPOLIS, CITY OF	1801590045D	03/24/95	95-05-842A	01
05	IN	INDIANAPOLIS, CITY OF	1801590050D	01/27/95	95-05-104A	02
05	IN	INDIANAPOLIS, CITY OF	1801590055D	02/08/95	95-05-774A	02
05	IN	INDIANAPOLIS, CITY OF	1801590060D	01/23/95	95-05-502A	01
05	IN	INDIANAPOLIS, CITY OF	1801590060D	01/06/95	95-05-534A	01
05	IN	INDIANAPOLIS, CITY OF	1801590060D	01/04/95	95-05-594A	01
05	IN	INDIANAPOLIS, CITY OF	1801590080D	06/08/95	95-05- 1350A	01
05	IN	INDIANAPOLIS, CITY OF	1801590090D	05/09/95	95-05-684A	02
05	IN	INDIANAPOLIS, CITY OF	1801590095D	05/01/95	95-05- 1180A	02
05	IN	INDIANAPOLIS, CITY OF	1801590095D	05/30/95	95-05- 1370A	01
05	IN	INDIANAPOLIS, CITY OF	1801590095D	05/22/95	95-05- 1464A	02
05	IN	INDIANAPOLIS, CITY OF	1801590095D	02/22/95	95-05-212A	02
05	IN	JOHNSON COUNTY *	1801110012C	04/05/95	95-05- 1024A	02
05	IN	JOHNSON COUNTY *	1801110012C	05/01/95	95-05-866A	01
05	IN	JOHNSON COUNTY *	1801110016C	03/30/95	95-05- 1038A	01
05	IN	KOSCIUSKO COUNTY*	18085C0035C	03/15/95	95-05-942A	02
05	IN	KOSCIUSKO COUNTY*	18085C0040C	04/03/95	95-05-890A	02
05	IN	KOSCIUSKO COUNTY*	18085C0067C	03/24/95	95-05-888A	02
05	IN	LAGRANGE COUNTY	1801250004B	03/15/95	95-05-566A	02
05	IN	LAKE COUNTY *	1801260135B	05/30/95	95-05- 1416A	17
05	IN	LEBANON, CITY OF	1800130001C	03/15/95	95-05-702A	01
05	IN	MONROEVILLE, TOWN OF	18003C0455D	03/03/95	95-05-758A	01
05	IN	MUNSTER, TOWN OF	1801390002B	01/19/95	94-05- 1130A	02
05	IN	MUNSTER, TOWN OF	1801390002B	03/15/95	95-05-950A	02
05	IN	NEW HAVEN, CITY OF	18003C0285D	01/18/95	95-05-654A	02
05	IN	NEW HAVEN, CITY OF	18003C0295D	03/24/95	95-05-976A	02
05	IN	NOBLESVILLE, CITY OF	1800820005E	04/17/95	95-05- 1086A	01
05	IN	NOBLESVILLE, CITY OF	1800820015E	01/06/95	95-05-606A	01
05	IN	NOBLESVILLE, CITY OF	1800820025E	05/05/95	95-05- 1402A	01
05	IN	NOBLESVILLE, CITY OF	1800820025E	03/21/95	95-05-508A	01
05	IN	NOBLESVILLE, CITY OF	1800820030E	04/14/95	95-05- 1004A	01
05	IN	POSEY COUNTY*	180209 B	05/30/95	95-05- 1052A	02
05	IN	POSEY COUNTY*	1802099999A	03/21/95	95-05-894A	02
05	IN	SEYMOUR, CITY OF	1800990004B	05/22/95	95-05- 1394A	02
05	IN	SEYMOUR, CITY OF	1800990004B	01/05/95	95-05-326A	02
05	IN	SEYMOUR, CITY OF	1800990004B	04/21/95	95-05-968A	01
05	IN	STEBEN COUNTY*	1802430025B	04/28/95	95-05- 1306C	02

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05	IN	STEUBEN COUNTY*	1802430025B	06/30/95	95-05- 1328A	02
05	IN	STEUBEN COUNTY*	1802430025B	02/23/95	95-05-454A	02
05	IN	STEUBEN COUNTY*	1802430025B	02/15/95	95-05-496A	02
05	IN	STEUBEN COUNTY*	1802430025B	02/10/95	95-05-724A	02
05	IN	STEUBEN COUNTY*	1802430025B	03/28/95	95-05-756A	02
05	IN	STEUBEN COUNTY*	1802430025B	03/14/95	95-05-786A	02
05	IN	STEUBEN COUNTY*	1802430100B	06/23/95	95-05- 1542A	02
05	IN	VANDEBURGH COUNTY *	1802560025C	05/31/95	95-05- 1320A	02
05	IN	VANDEBURGH COUNTY *	1802560025C	05/19/95	95-05- 1322A	02
05	IN	VANDEBURGH COUNTY *	1802560025C	06/21/95	95-05- 1326A	01
05	IN	VANDEBURGH COUNTY *	1802560025C	05/25/95	95-05- 1360A	01
05	IN	VANDEBURGH COUNTY *	1802560025C	06/06/95	95-05- 1424A	02
05	IN	VANDEBURGH COUNTY *	1802560025C	06/06/95	95-05- 1454A	02
05	IN	VANDEBURGH COUNTY *	1802560025C	06/22/95	95-05- 1540A	01
05	IN	VANDEBURGH COUNTY *	1802560025C	06/30/95	95-05- 1708A	02
05	IN	VANDEBURGH COUNTY *	1802560025C	01/06/95	95-05-334A	02
05	IN	VANDEBURGH COUNTY *	1802560025C	01/05/95	95-05-480A	02
05	IN	VANDEBURGH COUNTY *	1802560025C	01/24/95	95-05-520A	01
05	IN	VANDEBURGH COUNTY *	1802560025C	01/20/95	95-05-576A	02
05	IN	VANDEBURGH COUNTY *	1802560025C	01/05/95	95-05-656A	01
05	IN	VANDEBURGH COUNTY *	1802560025C	03/14/95	95-05-808A	01
05	IN	VANDEBURGH COUNTY *	1802560025C	03/28/95	95-05-844A	02
05	IN	VANDEBURGH COUNTY *	1802560025C	04/27/95	95-05-964A	01
05	IN	VANDEBURGH COUNTY *	1802560050B	05/30/95	95-05- 1324A	02
05	IN	VANDEBURGH COUNTY *	1802560050B	02/01/95	95-05-632A	01
05	IN	VANDEBURGH COUNTY *	1802560050B	02/10/95	95-05-768A	01
05	IN	VANDEBURGH COUNTY *	1802560075C	01/20/95	95-05-576A	02
05	IN	VANDEBURGH COUNTY *	1802560075C	01/20/95	95-05-576A	02
05	IN	VANDEBURGH COUNTY *	1802560100B	01/25/95	95-05-626A	02
05	IN	VANDEBURGH COUNTY *	1802560100B	04/28/95	95-05-794A	02
05	IN	VIGO COUNTY *	1802630070B	04/05/95	94-05-089P	06
05	IN	VIGO COUNTY *	1802630070B	05/05/95	95-05- 1384A	01
05	IN	VIGO COUNTY *	1802630070B	03/20/95	95-05-386A	01
05	IN	VIGO COUNTY *	1802630070B	02/27/95	95-05-612A	01
05	IN	VIGO COUNTY *	1802630070B	03/20/95	95-05-712A	01
05	IN	VIGO COUNTY *	1802630070B	02/10/95	95-05-770A	02
05	IN	WARRICK COUNTY *	1804180075B	04/21/95	95-05- 1112A	02
05	IN	WARRICK COUNTY *	1804180175B	03/03/95	95-05-714A	02
05	IN	WESTFIELD, TOWN OF	1800830011C	01/19/95	95-05-608A	02
05	IN	WESTFIELD, TOWN OF	1800830011C	01/19/95	95-05-666A	02
05	IN	WESTFIELD, TOWN OF	1800830011C	03/03/95	95-05-904A	02
05	IN	WESTFIELD, TOWN OF	1800830011C	03/03/95	95-05-906A	01
05	IN	WESTFIELD, TOWN OF	1800830013C	03/23/95	95-05-532A	02
05	IN	WESTFIELD, TOWN OF	1800830015C	03/21/95	95-05-031P	06
05	IN	WINONA LAKE, TOWN OF	18085C0086C	01/19/95	95-05-310A	01
05	MI	ALPENA, TOWNSHIP OF	2600110024B	03/20/95	95-05-738A	01
05	MI	BANGOR, TOWNSHIP OF	2600190010B	02/14/95	95-05-150A	01
05	MI	BAY MILLS, TOWNSHIP OF	2603740050B	01/03/95	95-05-272A	02
05	MI	BURTON, CITY OF	2602870002B	06/20/95	95-05- 1610A	02
05	MI	CANNON, TOWNSHIP OF	2607340025A	05/02/95	95-05- 1128A	02
05	MI	CANNON, TOWNSHIP OF	2607340025A	01/20/95	95-05-362A	02
05	MI	CHARLEVOIX, CITY OF	2600570005B	05/30/95	95-05- 1406A	01
05	MI	CHARLEVOIX, CITY OF	2600570005B	03/28/95	95-05-442A	02

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05	MI	CHESTERFIELD, TOWNSHIP OF	2601200010B	05/04/95	95-05-1036A	02
05	MI	CLAY, TOWNSHIP OF	2601940003B	01/27/95	95-05-290A	01
05	MI	CLAY, TOWNSHIP OF	2601940003B	01/27/95	95-05-718A	02
05	MI	CLINTON, TOWNSHIP OF	2601210015D	03/20/95	95-05-252P	05
05	MI	COE, TOWNSHIP OF	2608190025A	03/21/95	95-05-184A	02
05	MI	COMMERCE, TOWNSHIP OF	2604730010B	01/05/95	95-05-236A	02
05	MI	EAST TAWAS, CITY OF	2601000001C	05/12/95	95-05-926A	02
05	MI	FABIUS, TOWNSHIP OF	2607810025A	03/24/95	95-05-830A	02
05	MI	FARMINGTON HILLS, CITY OF	2601720010B	01/18/95	95-05-102A	01
05	MI	FLAT ROCK, CITY OF	2602240005B	05/22/95	95-05-908A	02
05	MI	FRENCHTOWN, TOWNSHIP OF	2601460004B	03/29/95	95-05-444A	01
05	MI	GEORGETOWN, CHARTER TOWNSHIP OF	2605890005B	04/10/95	95-05-1164A	02
05	MI	GIBRALTAR, CITY OF	2602260001B	04/21/95	95-05-838A	02
05	MI	GREENBUSH, TOWNSHIP OF	2600010002C	05/12/95	95-05-764A	02
05	MI	GREENBUSH, TOWNSHIP OF	2600010004C	05/23/95	95-05-980A	02
05	MI	HAMLIN, TOWNSHIP OF	2601340005B	03/22/95	95-05-960A	02
05	MI	HAMLIN, TOWNSHIP OF	2601340010B	01/04/95	95-05-234A	02
05	MI	HAMPTON, TOWNSHIP OF	2600230005B	01/04/95	95-05-080A	02
05	MI	HAMPTON, TOWNSHIP OF	2600230005B	03/13/95	95-05-902A	02
05	MI	HARRISON, TOWNSHIP OF	2601230005C	04/24/95	95-05-1132A	02
05	MI	INDEPENDENCE, TOWNSHIP OF	2604750007B	02/01/95	95-05-058A	02
05	MI	IRA, TOWNSHIP OF	2601990010B	06/19/95	95-05-1256A	01
05	MI	IRA, TOWNSHIP OF	2601990010B	02/10/95	95-05-446A	02
05	MI	MACOMB, TOWNSHIP OF	2604450010B	04/07/95	95-05-1126A	02
05	MI	MACOMB, TOWNSHIP OF	2604450010B	04/10/95	95-05-544P	05
05	MI	MACOMB, TOWNSHIP OF	2604450010B	02/21/95	95-05-586A	02
05	MI	MIDLAND, CITY OF	2601400006C	06/19/95	95-05-1380A	02
05	MI	NORTHVILLE, TOWNSHIP OF	2606690005B	01/04/95	95-05-022A	02
05	MI	NORVELL, TOWNSHIP OF	260424 A	06/14/95	95-05-1568A	02
05	MI	OAKLAND, TOWNSHIP OF	2604760010B	04/27/95	95-05-988A	02
05	MI	ONTONAGON, TOWNSHIP OF	2604070003B	05/30/95	95-05-1142A	02
05	MI	PAW PAW, VILLAGE OF	260598 A	06/22/95	95-05-1590A	02
05	MI	PENTWATER, TOWNSHIP OF	2601830001B	01/19/95	95-05-640A	02
05	MI	PERE MARQUETTE, TOWNSHIP OF	260582 A	02/01/95	95-05-066A	02
05	MI	ROCKWOOD, CITY OF	2602410005B	03/22/95	95-05-036A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	05/19/95	94-05-1100A	02
05	MI	ST. CLAIR SHORES, CITY OF	2601270005B	06/20/95	95-05-1506A	02
05	MI	STERLING HEIGHTS, CITY OF	2601280010E	02/02/95	94-05-239P	05
05	MI	SUMMIT, TOWNSHIP OF	2603070001A	03/28/95	95-05-680A	02
05	MI	TROY, CITY OF	2601800002D	02/06/95	95-05-522A	17
05	MI	TROY, CITY OF	2601800002D	04/05/95	95-05-748A	17
05	MI	TROY, CITY OF	2601800002D	03/27/95	95-05-820A	02
05	MI	WATERFORD, CHARTER TOWNSHIP OF	2602840005B	04/27/95	95-05-990A	02
05	MI	WATERFORD, CHARTER TOWNSHIP OF	2602840010B	06/02/95	95-05-1030A	02
05	MI	WATERFORD, CHARTER TOWNSHIP OF	2602840010B	03/15/95	95-05-828A	02
05	MI	WEST BLOOMFIELD, TOWNSHIP OF	2601820005B	06/22/95	95-05-1300A	02
05	MI	ZILWAUKEE, CITY OF	2602850005C	06/14/95	95-05-1216A	02
05	MN	AITKIN COUNTY *	2706280100B	06/01/95	95-05-1232A	02
05	MN	BLAINE, CITY OF	2700070005C	03/21/95	95-05-836A	02
05	MN	CHISAGO COUNTY *	2706820075B	04/14/95	95-05-660A	02
05	MN	COON RAPIDS, CITY OF	2700110001A	03/21/95	95-05-802A	02
05	MN	CRYSTAL, CITY OF	2701560004C	04/19/95	95-05-1250A	02
05	MN	DULUTH, CITY OF	2704210030C	03/20/95	95-05-630A	17
05	MN	EDEN PRAIRIE, CITY OF	2701590005C	03/27/95	95-05-426A	02

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
05	MN	EDINA, CITY OF	2701600001B	03/15/95	95-05-928A	02
05	MN	FRIDLEY, CITY OF	2700130003B	03/22/95	95-05-918A	02
05	MN	GOLDEN VALLEY, CITY OF	2701620002C	01/19/95	95-05-392A	02
05	MN	HAM LAKE, CITY OF	2706740010B	06/22/95	94-05- 1046P	06
05	MN	ISANTI COUNTY *	2701970010A	05/12/95	95-05- 1354A	02
05	MN	ISANTI COUNTY *	2701970035A	04/21/95	95-05-870A	02
05	MN	KOOCHICHING COUNTY *	2702330006B	01/13/95	95-05-288A	02
05	MN	LINO LAKES, CITY OF	2700150010B	04/17/95	95-05-047P	06
05	MN	MEEKER COUNTY *	2702800011B	03/15/95	95-05-998A	02
05	MN	MINNETONKA, CITY OF	2701730003C	06/15/95	95-05- 1642A	02
05	MN	MOORHEAD, CITY OF	2752440010D	01/05/95	95-05-428A	02
05	MN	MOWER COUNTY *	2703070025A	03/16/95	95-05-858A	02
05	MN	PINE COUNTY *	2707040400B	03/22/95	95-05-564A	02
05	MN	POLK COUNTY *	2705030175B	04/14/95	95-05-930A	17
05	MN	PRIOR LAKE, CITY OF	2704320005B	03/31/95	95-05-568A	01
05	MN	ROCHESTER, CITY OF	27109C0301D	06/14/95	95-05- 1148A	01
05	MN	SCOTT COUNTY*	2704280020C	01/30/95	95-05-710A	02
05	MN	SHOREVIEW, CITY OF	2703840001B	05/04/95	95-05- 1202A	02
05	MN	ST. LOUIS COUNTY*	2704161450C	03/03/95	95-05-424A	02
05	MN	STEARNS COUNTY*	2705460255B	05/25/95	95-05- 1218A	02
05	MN	STEARNS COUNTY*	2705460265B	04/25/95	95-05- 1136A	02
05	MN	STEELE COUNTY *	2706350100B	01/20/95	95-05-338A	02
05	MN	WABASHA, CITY OF	2704900005C	04/03/95	95-05-664A	01
05	MN	WASHINGTON COUNTY*	2704990025B	06/19/95	95-05- 1236A	02
05	MN	WINONA COUNTY*	2705250092C	06/26/95	95-05- 1352A	01
05	MN	WINONA, CITY OF	2752500006C	06/26/95	95-05- 1352A	01
05	OH	AUGLAIZE COUNTY*	39011C0090C	05/23/95	95-05- 1348A	02
05	OH	AUGLAIZE COUNTY*	39011C0090C	06/23/95	95-05- 1528A	02
05	OH	AUGLAIZE COUNTY*	39011C0090C	04/10/95	95-05-958A	02
05	OH	BELPRE, CITY OF	3905670002B	04/28/95	95-05- 1096A	02
05	OH	BROADVIEW HEIGHTS, CITY OF	3900990001B	06/22/95	95-05- 1214A	02
05	OH	CELINA, CITY OF	3903930005C	01/10/95	95-05-478A	02
05	OH	COLUMBUS, CITY OF	3901700085B	02/16/95	94-05-115P	05
05	OH	COLUMBUS, CITY OF	3901700100C	02/01/95	95-05-500A	01
05	OH	DELAWARE COUNTY*	3901460110B	05/11/95	95-05-896A	02
05	OH	FINDLAY, CITY	3902440005C	06/15/95	95-05- 1440A	02
05	OH	FRANKLIN COUNTY*	3901670015B	02/16/95	94-05-115P	05
05	OH	FRANKLIN COUNTY*	3901670140C	02/10/95	94-05- 1132A	02
05	OH	FRANKLIN COUNTY*	3901670140C	05/19/95	95-05- 1330A	02
05	OH	GEAUGA COUNTY*	3901900150B	01/04/95	95-05-356A	02
05	OH	GROVE CITY, CITY OF	3901730003B	06/26/95	95-05- 1008A	01
05	OH	GROVE CITY, CITY OF	3901730003B	06/26/95	95-05-414A	01
05	OH	HANCOCK COUNTY*	3907670080B	01/06/95	95-05-476A	02
05	OH	LANCASTER, CITY OF	3901610003D	06/07/95	95-05- 1192A	02
05	OH	LANCASTER, CITY OF	3901610003D	05/23/95	95-05- 1374A	02
05	OH	LORAIN, CITY OF	3903510004C	06/02/95	95-05-708P	06
05	OH	LUCAS COUNTY*	3903590050B	05/11/95	95-05-760A	01
05	OH	MACEDONIA, CITY OF	3907500002A	01/13/95	94-05- 1208A	17
05	OH	MAHONING COUNTY*	3903670050B	02/27/95	95-05-582A	02

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05	OH	MEDINA COUNTY*	3903780005B	01/10/95	95-05-468A	01
05	OH	MEDINA COUNTY*	3903780015B	06/14/95	95-05-1522A	02
05	OH	MENTOR, CITY OF	3903170005D	06/08/95	95-05-1356A	02
05	OH	MENTOR, CITY OF	3903170005D	06/08/95	95-05-1524A	02
05	OH	MENTOR, CITY OF	3903170005D	06/08/95	95-05-1526A	02
05	OH	MERCER COUNTY*	3903920100B	04/03/95	95-05-1144A	02
05	OH	MERCER COUNTY*	3903920100B	04/03/95	95-05-1162A	02
05	OH	MERCER COUNTY*	3903920100B	05/25/95	95-05-1432A	02
05	OH	MERCER COUNTY*	3903920100B	05/30/95	95-05-1452A	01
05	OH	MERCER COUNTY*	3903920100B	03/21/95	95-05-336A	02
05	OH	MERCER COUNTY*	3903920100B	02/03/95	95-05-752A	02
05	OH	MERCER COUNTY*	3903920100B	02/21/95	95-05-816A	02
05	OH	MIAMI COUNTY*	3903980059B	06/05/95	95-05-1390A	02
05	OH	MIAMI COUNTY*	3903980110B	05/16/95	94-05-307P	05
05	OH	NORTH OLMSTED, CITY OF	3901200002C	01/25/95	95-05-614A	02
05	OH	OTTAWA COUNTY*	3904320050B	03/28/95	95-05-860A	02
05	OH	REYNOLDSBURG, CITY OF	3901770010C	05/30/95	95-05-1310A	02
05	OH	SHARONVILLE, CITY OF	3902360001C	04/24/95	95-05-087P	05
05	OH	STRONGSVILLE, CITY OF	3901320005B	03/23/95	95-05-804A	01
05	OH	TOLEDO, CITY OF	3953730005A	01/31/95	95-05-464A	02
05	OH	TOLEDO, CITY OF	3953730005A	03/10/95	95-05-652A	01
05	OH	TOLEDO, CITY OF	3953730035A	05/23/95	95-05-750A	02
05	OH	TROY, CITY OF	3904020005B	06/30/95	95-05-1188A	02
05	OH	TWINSBURG, CITY OF	3905340002C	03/03/95	95-05-035P	06
05	OH	WEST CARROLLTON, CITY OF	3904190005C	04/26/95	95-05-390A	01
05	OH	WESTERVILLE, CITY OF	3901790010F	04/25/95	94-05-189P	05
05	OH	WOOD COUNTY*	3908090012C	04/18/95	95-05-1100A	01
05	OH	WOOD COUNTY*	3908090012C	05/12/95	95-05-1294A	01
05	OH	WOOD COUNTY*	3908090012C	05/23/95	95-05-1296A	01
05	OH	WOOD COUNTY*	3908090012C	05/12/95	95-05-1298A	01
05	OH	WOOD COUNTY*	3908090012C	06/26/95	95-05-1520A	01
05	OH	WOOD COUNTY*	3908090012C	02/07/95	95-05-742A	01
05	OH	WOOD COUNTY*	3908090016B	02/07/95	95-05-742A	01
05	WI	BROOKFIELD, CITY OF	5504780005B	05/23/95	95-05-1206A	02
05	WI	BROWN COUNTY*	5500200125B	01/27/95	95-05-430A	02
05	WI	COLUMBIA COUNTY*	5505810125C	03/03/95	95-05-824A	02
05	WI	DOOR COUNTY*	5501090065A	01/25/95	95-05-624A	02
05	WI	GERMANTOWN, VILLAGE OF	5504720008B	06/19/95	95-05-910A	02
05	WI	GREEN BAY, CITY OF	5500220020E	01/30/95	95-05-538A	02
05	WI	IOWA COUNTY*	5505220225A	01/12/95	95-05-638A	02
05	WI	JANESVILLE, CITY OF	5555600005B	04/10/95	95-05-1092A	02
05	WI	JUNEAU COUNTY*	55057C0205C	05/25/95	95-05-001P	05
05	WI	JUNEAU COUNTY*	55057C0215C	05/25/95	95-05-001P	05
05	WI	JUNEAU COUNTY*	55057C0220C	05/25/95	95-05-001P	05
05	WI	LA CROSSE COUNTY*	5502170120A	04/04/95	95-05-826A	02
05	WI	MANITOWOC, CITY OF	550240B	06/29/95	95-05-1758A	02
05	WI	MARATHON COUNTY*	5502450400B	02/01/95	95-05-240A	02
05	WI	MARINETTE COUNTY*	5502590755B	05/17/95	95-05-962A	02
05	WI	MEQUON, CITY OF	55089C0085D	03/15/95	95-05-792A	02
05	WI	MILWAUKEE, CITY OF	5502780019C	03/28/95	95-05-884A	02
05	WI	MUSKEGO, CITY OF	5504860004B	05/12/95	95-05-648A	02

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
05	WI	NEW BERLIN, CITY OF	5504870002C	01/20/95	95-05-600A	02
05	WI	OUTAGAMIE COUNTY*	5503020050B	04/21/95	95-05- 1116A	02
05	WI	OUTAGAMIE COUNTY*	5503020050B	01/20/95	95-05-364A	02
05	WI	OUTAGAMIE COUNTY*	5503020083C	05/03/95	95-05- 1270A	02
05	WI	OUTAGAMIE COUNTY*	5503020083C	03/03/95	95-05-848A	02
05	WI	OUTAGAMIE COUNTY*	5503020084C	05/03/95	95-05- 1270A	02
05	WI	OUTAGAMIE COUNTY*	5503020084C	01/13/95	95-05-628A	02
05	WI	OUTAGAMIE COUNTY*	5503020100C	01/20/95	95-05-596A	02
05	WI	OUTAGAMIE COUNTY*	5503020130B	05/25/95	95-05- 1080A	02
05	WI	OZAUKEE COUNTY*	55089C0055D	01/31/95	95-05-264A	02
05	WI	PRAIRIE DU CHIEN, CITY OF	555573A	05/30/95	95-05- 1314A	02
05	WI	RACINE COUNTY*	5503470010B	04/04/95	95-05-822A	02
05	WI	SILVER LAKE, VILLAGE OF	5502100005B	06/08/95	95-05- 1644A	02
05	WI	SUPERIOR, CITY OF	5501160002B	03/27/95	94-05- 1322A	01
05	WI	TREMPEALEAU COUNTY*	555585A	03/21/95	95-05-726A	02
05	WI	WASHINGTON COUNTY*	5504710040B	03/27/95	95-05-868A	02
05	WI	WASHINGTON COUNTY*	5504710090B	02/01/95	95-05-052A	02
05	WI	WAUKESHA COUNTY*	5504760015B	01/05/95	95-05-552A	02
05	WI	WAUSHARA COUNTY*	5505400100B	05/25/95	95-05- 1234A	01
05	WI	WINNEBAGO COUNTY*	5505370050C	06/26/95	95-05- 1756A	02
05	WI	WINNEBAGO COUNTY*	5505370075C	06/30/95	95-05- 1614A	02
05	WI	WINNEBAGO COUNTY*	5505370100C	01/04/95	95-05-072A	02
05	WI	WONEWOC, VILLAGE OF	55057C0215C	05/25/95	95-05-001P	05
05	WI	WONEWOC, VILLAGE OF	55057C0220C	05/25/95	95-05-001P	05
06	AR	CAMDEN, CITY OF	0501630002A	04/03/95	R6-95-03- 336	08
06	AR	CAMDEN, CITY OF	0501630002A	06/20/95	R6-95-06- 214	01
06	AR	CAMDEN, CITY OF	0501630004A	04/03/95	R6-95-03- 336	08
06	AR	CLEBURNE COUNTY*	0504240125C	01/13/95	R6-95-01- 046	02
06	AR	CRAWFORD COUNTY*	05033C0170E	04/20/95	94-06-382P	06
06	AR	FAYETTEVILLE, CITY OF	05143C0092C	02/15/95	R6-95-02- 195	01
06	AR	FAYETTEVILLE, CITY OF	05143C0115C	03/27/95	R6-95-03- 262	02
06	AR	GREENWOOD, CITY OF	0501980005B	06/26/95	R6-95-06- 332	01
06	AR	HOLLY GROVE, CITY OF	0501570001B	05/04/95	R6-95-05- 026	02
06	AR	JACKSONVILLE, CITY OF	0501800005D	04/26/95	R6-95-04- 280	02
06	AR	JACKSONVILLE, CITY OF	0501800005D	04/28/95	R6-95-04- 319	02
06	AR	JACKSONVILLE, CITY OF	0501800005D	05/19/95	R6-95-05- 217	02
06	AR	JACKSONVILLE, CITY OF	0501800005D	06/06/95	R6-95-06- 057	02
06	AR	JACKSONVILLE, CITY OF	0501800005D	06/07/95	R6-95-06- 090	01
06	AR	JACKSONVILLE, CITY OF	0501800010D	03/10/95	R6-95-03- 112	02
06	AR	JACKSONVILLE, CITY OF	0501800010D	04/26/95	R6-95-04- 283	02
06	AR	JACKSONVILLE, CITY OF	0501800010D	05/04/95	R6-95-05- 020	02
06	AR	JACKSONVILLE, CITY OF	0501800010D	05/04/95	R6-95-05- 024	02

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06	AR	JACKSONVILLE, CITY OF	0501800010D	05/05/95	R6-95-05-053	02
06	AR	JEFFERSON COUNTY *	0504400170B	06/20/95	R6-95-06-283	02
06	AR	JONESBORO, CITY OF	05031C0132C	04/26/95	R6-95-04-294	02
06	AR	JONESBORO, CITY OF	05031C0132C	06/06/95	R6-95-06-077	02
06	AR	JONESBORO, CITY OF	05031C0151C	06/30/95	R6-95-06-404	01
06	AR	LITTLE ROCK, CITY OF	0501810002E	06/06/95	95-05-152	01
06	AR	LITTLE ROCK, CITY OF	0501810005E	02/28/95	R6-95-02-304	01
06	AR	LITTLE ROCK, CITY OF	0501810006E	03/08/95	R6-95-03-037	02
06	AR	LONOKE COUNTY*	0504480175B	03/09/95	R6-95-03-084	02
06	AR	LONOKE COUNTY*	0504480400B	02/23/95	R6-95-02-237	02
06	AR	PARAGOULD, CITY OF	0500850000	06/06/95	R6-95-05-151	08
06	AR	PARAGOULD, CITY OF	0500850010D	01/20/95	R6-95-01-095	02
06	AR	PARAGOULD, CITY OF	0500850010D	03/22/95	R6-95-03-268	02
06	AR	PARAGOULD, CITY OF	0500850010D	04/07/95	R6-95-04-018	02
06	AR	PARAGOULD, CITY OF	0500850010D	04/21/95	R6-95-04-239	02
06	AR	PINE BLUFF, CITY OF	0501090015B	06/05/95	R6-95-06-013	02
06	AR	SEBASTIAN COUNTY*	050462 B	06/26/95	R6-95-06-017	01
06	AR	SEBASTIAN COUNTY*	0504629999	06/26/95	R6-95-06-018	01
06	AR	SEBASTIAN COUNTY*	0504629999	06/26/95	R6-95-06-332	01
06	AR	SHERWOOD, CITY OF	0502350001D	05/19/95	R6-95-05-179	01
06	AR	SHERWOOD, CITY OF	0502350001D	06/19/95	R6-95-06-222	02
06	AR	STUTTGART, CITY OF	0500029999	03/31/95	R6-95-03-356	02
06	AR	STUTTGART, CITY OF	0500029999	05/18/95	R6-95-04-129	02
06	AR	STUTTGART, CITY OF	0500029999	04/27/95	R6-95-04-300	02
06	AR	STUTTGART, CITY OF	0500029999	04/27/95	R6-95-04-303	02
06	AR	STUTTGART, CITY OF	0500029999	06/26/95	R6-95-06-334	02
06	AR	TEXARKANA, CITY OF	050137 B	04/13/95	R6-95-04-128	02
06	AR	VAN BUREN, CITY OF	05033C0170E	06/13/95	94-06-360P	06
06	AR	VAN BUREN, CITY OF	05033C0170E	04/20/95	94-06-382P	06
06	AR	VAN BUREN, CITY OF	05033C0170E	04/26/95	R6-95-04-311	02
06	AR	VAN BUREN, CITY OF	05033C0170E	05/31/95	R6-95-05-257	02
06	AR	VAN BUREN, CITY OF	05033C0170E	05/31/95	R6-95-05-258	02
06	AR	WEST FORK, TOWN OF	05143C0170C	05/19/95	R6-95-05-176	05
06	AR	WHITE HALL, CITY OF	0503750002B	02/08/95	R6-95-02-102	08
06	LA	ALEXANDRIA, CITY OF	2201460005E	01/26/95	R6-95-01-000	01
06	LA	ALEXANDRIA, CITY OF	2201460005E	02/23/95	R6-95-01-145	01

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06	LA	ALEXANDRIA, CITY OF	2201460005E	02/23/95	R6-95-01-145	01
06	LA	ALEXANDRIA, CITY OF	2201460005E	01/27/95	R6-95-01-165	01
06	LA	ALEXANDRIA, CITY OF	2201460005E	02/03/95	R6-95-02-009	02
06	LA	ALEXANDRIA, CITY OF	2201460005E	02/03/95	R6-95-02-010	02
06	LA	ALEXANDRIA, CITY OF	2201460005E	02/03/95	R6-95-02-077	01
06	LA	ALEXANDRIA, CITY OF	2201460005E	02/03/95	R6-95-02-078	01
06	LA	ALEXANDRIA, CITY OF	2201460005E	02/23/95	R6-95-02-241	01
06	LA	ALEXANDRIA, CITY OF	2201460005E	02/24/95	R6-95-02-269	01
06	LA	ALEXANDRIA, CITY OF	2201460005E	02/24/95	R6-95-02-270	01
06	LA	ALEXANDRIA, CITY OF	2201460005E	02/24/95	R6-95-02-276	01
06	LA	ALEXANDRIA, CITY OF	2201460005E	02/28/95	R6-95-02-312	01
06	LA	ALEXANDRIA, CITY OF	2201460005E	02/28/95	R6-95-02-313	01
06	LA	ALEXANDRIA, CITY OF	2201460005E	03/08/95	R6-95-03-039	01
06	LA	ALEXANDRIA, CITY OF	2201460005E	03/08/95	R6-95-03-044	01
06	LA	ALEXANDRIA, CITY OF	2201460005E	03/08/95	R6-95-03-045	01
06	LA	ALEXANDRIA, CITY OF	2201460005E	03/08/95	R6-95-03-046	01
06	LA	ALEXANDRIA, CITY OF	2201460010E	03/20/95	R6-95-03-226	08
06	LA	ALEXANDRIA, CITY OF	2201460010E	06/29/95	R6-95-06-359	02
06	LA	ALLEN PARISH *	2200090225B	02/03/95	R6-95-02-008	02
06	LA	ALLEN PARISH *	2200090225B	03/10/95	R6-95-03-127	02
06	LA	ASCENSION PARISH *	2200130030C	03/08/95	R6-95-03-033	02
06	LA	ASCENSION PARISH *	2200130030C	05/01/95	R6-95-05-005	02
06	LA	ASCENSION PARISH *	2200130040B	03/06/95	95-06-128A	02
06	LA	ASCENSION PARISH *	2200130070B	05/05/95	R6-95-04-007	02
06	LA	BOSSIER CITY, CITY OF	2200330005C	02/08/95	R6-95-02-113	02
06	LA	BOSSIER CITY, CITY OF	2200330005C	06/01/95	R6-95-05-271	01
06	LA	BOSSIER CITY, CITY OF	2200330020C	01/06/95	R6-95-01-035	02
06	LA	BOSSIER CITY, CITY OF	2200330030C	02/08/95	R6-95-02-119	02
06	LA	BOSSIER CITY, CITY OF	2200330030C	02/09/95	R6-95-02-125	02
06	LA	BOSSIER CITY, CITY OF	2200330030C	02/09/95	R6-95-02-126	02
06	LA	BOSSIER CITY, CITY OF	2200330030C	02/10/95	R6-95-02-164	02
06	LA	BOSSIER CITY, CITY OF	2200330030C	02/24/95	R6-95-02-273	02
06	LA	BOSSIER CITY, CITY OF	2200330030C	04/07/95	R6-95-04-051	02
06	LA	BOSSIER CITY, CITY OF	2200330030C	04/07/95	R6-95-04-052	02
06	LA	BOSSIER CITY, CITY OF	2200330030C	04/18/95	R6-95-04-147	02

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06	LA	BOSSIER CITY, CITY OF	2200330030C	05/08/95	R6-95-05-071	02
06	LA	BOSSIER CITY, CITY OF	2200330030C	05/08/95	R6-95-05-072	02
06	LA	BOSSIER CITY, CITY OF	2200330030C	06/19/95	R6-95-06-211	02
06	LA	BOSSIER CITY, CITY OF	2200330030C	06/19/95	R6-95-06-212	02
06	LA	BOSSIER CITY, CITY OF	2200330030C	06/19/95	R6-95-06-233	02
06	LA	BOSSIER PARISH *	2200310220B	01/26/95	R6-95-01-132	02
06	LA	BOSSIER PARISH *	2200310285B	02/23/95	R6-95-02-231	02
06	LA	BOSSIER PARISH *	2200310285B	02/23/95	R6-95-02-242	02
06	LA	BOSSIER PARISH *	2200310285B	03/08/95	R6-95-03-052	02
06	LA	BOSSIER PARISH *	2200310285B	05/08/95	R6-95-05-073	02
06	LA	BOSSIER PARISH *	2200310285B	05/08/95	R6-95-05-074	02
06	LA	BOSSIER PARISH *	2200310285B	06/01/95	R6-95-05-315	02
06	LA	BOSSIER PARISH *	2200310285B	06/06/95	R6-95-06-049	02
06	LA	BOSSIER PARISH *	2200310285B	06/06/95	R6-95-06-050	02
06	LA	BOSSIER PARISH *	2200310295B	02/14/95	R6-95-02-183	02
06	LA	BOSSIER PARISH *	2200310315B	04/12/95	R6-95-04-083	02
06	LA	BOSSIER PARISH *	2200310390B	02/15/95	R6-95-02-205	02
06	LA	BOSSIER PARISH *	2200310435B	04/20/95	R6-95-03-301	01
06	LA	CADDO PARISH *	2203610180B	03/15/95	R6-95-03-181	02
06	LA	CADDO PARISH *	2203610245B	01/26/95	R6-95-01-142	02
06	LA	CADDO PARISH *	2203610285B	02/09/95	R6-95-01-116	02
06	LA	CALCASIEU PARISH*	2200370375B	05/12/95	R6-95-05-090	02
06	LA	CALCASIEU PARISH*	2200370550B	04/18/95	R6-95-04-203	01
06	LA	CALCASIEU PARISH*	2200370575B	03/15/95	R6-95-03-170	01
06	LA	CATAHOULA PARISH*	2200470250C	04/28/95	95-06-196P	06
06	LA	EAST BATON ROUGE PARISH	2200580090D	03/09/95	95-06-150A	02
06	LA	EAST BATON ROUGE PARISH	2200580095D	02/23/95	R6-95-02-243	02
06	LA	EAST BATON ROUGE PARISH	2200580095D	06/29/95	R6-95-06-392	02
06	LA	EAST BATON ROUGE PARISH	2200580110D	04/10/95	95-06-183A	02
06	LA	EAST BATON ROUGE PARISH	2200580110D	05/03/95	95-06-221A	01
06	LA	EAST BATON ROUGE PARISH	2200580110D	06/22/95	95-06-267A	02
06	LA	EAST BATON ROUGE PARISH	2200580110D	02/10/95	R6-95-01-143	02
06	LA	EAST BATON ROUGE PARISH	2200580115D	03/29/95	95-06-155A	02
06	LA	EAST BATON ROUGE PARISH	2200580115D	03/16/95	R6-95-03-186	02
06	LA	EAST BATON ROUGE PARISH	2200580125C	06/23/95	R6-95-04-328	02
06	LA	JEFFERSON PARISH *	22051C0030E	01/30/95	R6-95-01-075	02
06	LA	JEFFERSON PARISH *	22051C0030E	06/28/95	R6-95-06-107	02
06	LA	KINDER, TOWN OF	220010 C	02/27/95	R6-95-02-285	02

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06	LA	KINDER, TOWN OF	220010 C	04/17/95	R6-95-04-097	02
06	LA	LAFAYETTE PARISH*	2201010050C	04/26/95	R6-95-04-279	01
06	LA	LAFAYETTE PARISH*	2201010065C	04/26/95	R6-95-04-088	02
06	LA	LAFAYETTE PARISH*	2201010080C	06/07/95	R6-95-05-086	01
06	LA	LAFAYETTE, CITY OF	2201050005E	01/27/95	R6-95-01-154	02
06	LA	LAFAYETTE, CITY OF	2201050010F	02/08/95	R6-95-02-116	01
06	LA	LAKE CHARLES, CITY OF	2200400010D	02/14/95	R6-95-02-180	02
06	LA	LIVINGSTON PARISH*	2201130025B	01/05/95	R6-95-01-009	02
06	LA	LIVINGSTON PARISH*	2201130025B	05/16/95	R6-95-05-078	02
06	LA	LIVINGSTON PARISH*	2201130025B	05/16/95	R6-95-05-079	02
06	LA	LIVINGSTON PARISH*	2201130025B	06/05/95	R6-95-06-020	02
06	LA	LIVINGSTON PARISH*	2201130025B	06/07/95	R6-95-06-081	02
06	LA	LIVINGSTON PARISH*	2201130025B	06/29/95	R6-95-06-398	02
06	LA	LIVINGSTON PARISH*	2201130100B	04/25/95	95-06-218A	02
06	LA	LIVINGSTON PARISH*	2201130100B	01/05/95	R6-95-01-010	02
06	LA	LIVINGSTON PARISH*	2201130175B	01/27/95	R6-95-01-162	08
06	LA	MORGAN CITY, CITY OF	2201960001C	06/28/95	95-06-211P	05
06	LA	NEW ORLEANS/ORLEANS PARISH	2252030095E	05/05/95	95-06-256A	02
06	LA	NEW ORLEANS/ORLEANS PARISH	2252030160E	01/05/95	R6-94-11-074	02
06	LA	OPELOUSAS, CITY OF	2201730001B	04/26/95	R6-95-04-265	02
06	LA	RAPIDES PARISH*	2201450165B	01/26/95	R6-95-01-136	02
06	LA	RAPIDES PARISH*	2201450250B	02/03/95	R6-95-02-011	02
06	LA	SHREVEPORT, CITY OF	2200360008B	01/09/95	R6-95-01-057	02
06	LA	SHREVEPORT, CITY OF	2200360010C	03/08/95	R6-95-03-073	02
06	LA	SHREVEPORT, CITY OF	2200360019B	02/17/95	95-06-120A	01
06	LA	SHREVEPORT, CITY OF	2200360019B	04/20/95	95-06-198A	02
06	LA	SHREVEPORT, CITY OF	2200360024B	04/20/95	95-06-198A	02
06	LA	SHREVEPORT, CITY OF	2200360028D	06/06/95	R6-95-06-075	02
06	LA	SHREVEPORT, CITY OF	2200360028D	06/20/95	R6-95-06-284	01
06	LA	SHREVEPORT, CITY OF	2200360028D	06/29/95	R6-95-06-394	02
06	LA	SHREVEPORT, CITY OF	2200360029C	01/13/95	R6-95-01-078	02
06	LA	SHREVEPORT, CITY OF	2200360029C	04/12/95	R6-95-04-093	02
06	LA	SHREVEPORT, CITY OF	2200360029D	05/19/95	R6-95-03-297	02
06	LA	SHREVEPORT, CITY OF	2200360030C	03/09/95	R6-95-02-173	02
06	LA	SHREVEPORT, CITY OF	2200360030C	03/08/95	R6-95-03-058	02
06	LA	SHREVEPORT, CITY OF	2200360030D	06/06/95	R6-95-06-053	02
06	LA	SHREVEPORT, CITY OF	2200360030D	06/19/95	R6-95-08-040	02
06	LA	SHREVEPORT, CITY OF	2200360033D	06/19/95	R6-95-06-234	01

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06	LA	SHREVEPORT, CITY OF	2200360034D	03/22/95	R6-95-03-251	08
06	LA	SLIDELL, CITY OF	2202040005B	03/22/95	R6-95-03-249	08
06	LA	ST. LANDRY PARISH *	2201650050C	04/10/95	R6-95-04-046	02
06	LA	ST. LANDRY PARISH *	2201650400C	06/05/95	R6-95-06-026	02
06	LA	ST. LANDRY PARISH *	2201650400C	06/20/95	R6-95-06-291	02
06	LA	ST. MARTIN PARISH *	2201780225B	06/29/95	R6-95-06-219	02
06	LA	ST. TAMMANY PARISH *	2252050245C	01/13/95	R6-95-01-052	02
06	LA	ST. TAMMANY PARISH *	2252050245C	03/20/95	R6-95-03-250	02
06	LA	ST. TAMMANY PARISH *	2252050245C	05/19/95	R6-95-05-183	02
06	LA	ST. TAMMANY PARISH *	2252050245C	06/29/95	R6-95-06-397	02
06	LA	ST. TAMMANY PARISH *	2252050300C	01/13/95	R6-95-01-054	02
06	LA	ST. TAMMANY PARISH *	2252050415C	06/07/95	R6-95-06-106	08
06	LA	ST. TAMMANY PARISH *	2252050440C	05/04/95	95-06-182A	02
06	LA	ST. TAMMANY PARISH *	2252050440C	06/26/95	R6-95-06-078	01
06	LA	SULPHUR, CITY OF	2200410002B	03/06/95	R6-95-02-232	08
06	LA	VILLE PLATTE, TOWN OF	220070 B	06/01/95	R6-95-03-035	02
06	NM	ALBUQUERQUE, CITY OF	3500020000	05/19/95	R6-95-05-209	02
06	NM	ALBUQUERQUE, CITY OF	3500020002C	06/23/95	95-06-247P	05
06	NM	ALBUQUERQUE, CITY OF	3500020008C	05/04/95	95-06-147P	05
06	NM	BERNALILLO COUNTY *	3500010000	01/26/95	95-06-086P	05
06	NM	CARLSBAD, CITY OF	3500170000	04/24/95	R6-95-04-248	08
06	NM	CARLSBAD, CITY OF	3500170003B	05/18/95	R6-95-05-138	02
06	NM	DONA ANA COUNTY *	35013C0629E	01/30/95	95-06-080A	08
06	NM	DONA ANA COUNTY*	35013C0637E	01/30/95	95-06-080A	08
06	NM	SANTA FE COUNTY*	3500690175B	04/07/95	R6-95-04-039	02
06	NM	SANTA FE, CITY OF	3500700011B	02/22/95	95-06-045A	01
06	NM	VALENCIA COUNTY*	3500860185C	06/26/95	R6-95-06-323	02
06	OK	BIXBY, TOWN OF	4002070010B	04/07/95	R6-95-03-113	02
06	OK	BROKEN ARROW, CITY OF	4002360004D	05/19/95	R6-95-05-218	02
06	OK	CHICKASHA, CITY OF	4002340002D	05/31/95	R6-95-05-226	02
06	OK	CREEK COUNTY*	4004900000	06/01/95	R6-95-05-319	08
06	OK	CREEK COUNTY*	4004900003B	05/12/95	R6-95-05-083	02
06	OK	EDMOND, CITY OF	4002520020B	03/14/95	R6-95-03-132	02
06	OK	EDMOND, CITY OF	4002520020B	05/31/95	R6-95-05-329	02
06	OK	EDMOND, CITY OF	4002520025D	03/03/95	R6-95-03-002	02
06	OK	EDMOND, CITY OF	4002520025D	06/28/95	R6-95-05-280	02
06	OK	EL RENO, CITY OF	4053770025C	03/23/95	R6-95-03-232	02
06	OK	FAIRVIEW, CITY OF	4001120001B	01/13/95	R6-95-01-050	08

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06	OK	FAIRVIEW, CITY OF	4001120001B	02/15/95	R6-95-02-199	02
06	OK	GRADY COUNTY*	4004830085C	05/18/95	R6-95-05-081	02
06	OK	HARTSHORNE, CITY OF	400387 A	03/15/95	R6-95-01-013	02
06	OK	JENKS, CITY OF	4002090000	01/18/95	95-06-064A	01
06	OK	JENKS, CITY OF	4002090005B	04/17/95	R6-95-04-144	02
06	OK	KAY COUNTY*	4004770125A	04/28/95	95-06-255P	06
06	OK	LAWTON, CITY OF	40031C0232C	04/18/95	R6-95-04-204	02
06	OK	LAWTON, CITY OF	40031C0232C	05/04/95	R6-95-05-021	02
06	OK	LAWTON, CITY OF	40031C0252C	01/24/95	95-06-039A	01
06	OK	LAWTON, CITY OF	40031C0252C	01/26/95	R6-95-01-133	02
06	OK	LAWTON, CITY OF	40031C0254C	04/26/95	94-06-134P	05
06	OK	MAYES COUNTY*	4004580004B	03/09/95	R6-95-02-022	08
06	OK	MIDWEST CITY, CITY OF	4004050015D	06/19/95	R6-95-06-217	02
06	OK	MOORE, CITY OF	4000440001E	01/31/95	R6-95-01-067	02
06	OK	MOORE, CITY OF	4000440001E	05/01/95	R6-95-04-318	02
06	OK	MOORE, CITY OF	4000440001E	06/01/95	R6-95-05-275	02
06	OK	MUSTANG, CITY OF	4004090005A	01/05/95	R6-94-12-197	02
06	OK	MUSTANG, CITY OF	4004090010B	05/18/95	R6-95-05-165	02
06	OK	NORMAN, CITY OF	4000460015B	01/05/95	95-06-040A	01
06	OK	NORMAN, CITY OF	4000460015B	03/22/95	R6-95-03-238	08
06	OK	NORTH ENID, TOWN OF	40047C0115C	04/10/95	R6-95-04-067	02
06	OK	OKLAHOMA CITY, CITY OF	4053780000	04/26/95	R6-95-04-268	08
06	OK	OKLAHOMA CITY, CITY OF	4053780080C	05/18/95	R6-95-05-164	02
06	OK	OKLAHOMA CITY, CITY OF	4053780080C	05/19/95	R6-95-05-172	02
06	OK	OKLAHOMA CITY, CITY OF	4053780110C	01/27/95	R6-95-01-007	02
06	OK	OKLAHOMA CITY, CITY OF	4053780110C	02/28/95	R6-95-02-305	02
06	OK	OKLAHOMA CITY, CITY OF	4053780110C	03/24/95	R6-95-03-275	02
06	OK	OKLAHOMA CITY, CITY OF	4053780110C	03/28/95	R6-95-03-307	02
06	OK	OKLAHOMA CITY, CITY OF	4053780110C	04/18/95	R6-95-04-200	02
06	OK	OKLAHOMA CITY, CITY OF	4053780160D	05/08/95	R6-95-05-069	02
06	OK	OKLAHOMA CITY, CITY OF	4053780165D	05/05/95	95-06-252A	02
06	OK	OKLAHOMA CITY, CITY OF	4053780165D	05/01/95	R6-95-04-316	02
06	OK	OKLAHOMA CITY, CITY OF	4053780170E	02/15/95	R6-95-01-055	02
06	OK	OKLAHOMA CITY, CITY OF	4053780170E	06/26/95	R6-95-06-305	02
06	OK	OKLAHOMA CITY, CITY OF	4053780190F	04/10/95	R6-95-04-059	02
06	OK	OKLAHOMA CITY, CITY OF	4053780190F	05/31/95	R6-95-06-007	02
06	OK	OKLAHOMA CITY, CITY OF	4053780195C	01/13/95	R6-95-01-064	02
06	OK	OKLAHOMA CITY, CITY OF	4053780195C	02/09/95	R6-95-02-135	02

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06	OK	OKLAHOMA CITY, CITY OF	4053780195C	05/05/95	R6-95-04-199	02
06	OK	OKLAHOMA CITY, CITY OF	4053780195C	06/07/95	R6-95-06-119	02
06	OK	OKLAHOMA CITY, CITY OF	4053780195C	06/19/95	R6-95-06-228	02
06	OK	OKLAHOMA CITY, CITY OF	4053780195C	06/29/95	R6-95-06-347	02
06	OK	OKLAHOMA CITY, CITY OF	4053780200D	05/04/95	R6-95-05-027	02
06	OK	OKLAHOMA CITY, CITY OF	4053780225E	03/14/95	R6-95-03-153	02
06	OK	OKLAHOMA CITY, CITY OF	4053780255C	04/10/95	R6-95-04-066	02
06	OK	OKLAHOMA CITY, CITY OF	4053780255C	05/04/95	R6-95-05-035	02
06	OK	OKLAHOMA CITY, CITY OF	4053780255C	05/19/95	R6-95-05-173	02
06	OK	OKLAHOMA CITY, CITY OF	4053780265D	06/22/95	R6-95-06-298	02
06	OK	PAYNE COUNTY*	4004930110C	03/30/95	R6-95-03-336	02
06	OK	PAYNE COUNTY*	4004930140D	06/06/95	R6-95-06-041	02
06	OK	PAYNE COUNTY*	4004930160C	03/31/95	R6-95-03-354	02
06	OK	PIEDMONT, CITY OF	4000270025B	04/17/95	R6-95-04-086	02
06	OK	PONCA CITY, CITY OF	4000800005C	06/30/95	R6-95-06-408	02
06	OK	SHAWNEE, CITY OF	40125C0101D	02/03/95	R6-94-12-189	02
06	OK	SHAWNEE, CITY OF	40125C0101D	02/08/95	R6-95-02-110	02
06	OK	SHAWNEE, CITY OF	40125C0101D	02/17/95	R6-95-02-218	02
06	OK	SHAWNEE, CITY OF	40125C0101D	03/24/95	R6-95-03-277	02
06	OK	SHAWNEE, CITY OF	40125C0101D	06/05/95	R6-95-06-035	02
06	OK	SHAWNEE, CITY OF	40125C0125D	06/29/95	R6-95-06-367	02
06	OK	STILLWATER, CITY OF	4053800003C	04/10/95	R6-95-04-025	01
06	OK	TULSA, CITY OF	4053810060F	02/16/95	R6-95-02-206	02
06	OK	TULSA, CITY OF	4053810070F	01/30/95	R6-95-01-169	02
06	OK	TULSA, CITY OF	4053810070F	03/08/95	R6-95-02-050	08
06	OK	TULSA, CITY OF	4053810070F	02/03/95	R6-95-02-079	02
06	OK	TULSA, CITY OF	4053810070F	04/03/95	R6-95-03-363	02
06	OK	TULSA, CITY OF	4053810070F	04/26/95	R6-95-04-295	02
06	OK	TULSA, CITY OF	4053810070F	05/17/95	R6-95-05-132	02
06	OK	TULSA, CITY OF	4053810090F	03/08/95	R6-95-03-034	02
06	OK	WAGONER COUNTY*	4002150027B	01/27/95	R6-95-01-166	02
06	OK	WAGONER COUNTY*	4002150031B	04/20/95	R6-95-04-222	02
06	OK	WARR ACRES, CITY OF	4004490001A	01/04/95	R6-95-01-005	02
06	OK	WARR ACRES, CITY OF	4004490001A	04/07/95	R6-95-04-009	02
06	OK	WARR ACRES, CITY OF	4004490001A	04/28/95	R6-95-04-320	02

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06	OK	WARR ACRES, CITY OF	4004490001A	05/04/95	R6-95-05-044	02
06	OK	YUKON, CITY OF	4000280005B	04/20/95		01
06	OK	YUKON, CITY OF	4000280010B	02/28/95	R6-95-02-292	02
06	OK	YUKON, CITY OF	4000280010B	02/28/95	R6-95-02-293	01
06	OK	YUKON, CITY OF	4000280010B	04/07/95	R6-95-04-004	01
06	OK	YUKON, CITY OF	4000280010B	04/12/95	R6-95-04-098	01
06	TX	ABILENE, CITY OF	4854500035D	05/01/95	R6-95-04-327	02
06	TX	ALAMO HEIGHTS, CITY OF	4800360001C	04/24/95	R6-95-04-255	08
06	TX	ALLEN, CITY OF	48085C0385E	04/26/95	95-06-046P	05
06	TX	AMARILLO, CITY OF	4805290033A	06/06/95	R6-95-06-062	02
06	TX	ARLINGTON, CITY OF	48439C0164G	1/06/95	R6-94-12-206	02
06	TX	ARLINGTON, CITY OF	48439C0195G	6/20/95	R6-95-06-289	02
06	TX	ARLINGTON, CITY OF	48439C0196G	2/10/95	R6-95-02-148	02
06	TX	ARLINGTON, CITY OF	48439C0203G	6/19/95	R6-95-06-252	02
06	TX	ARLINGTON, CITY OF	48439C0203G	6/19/95	R6-95-06-254	02
06	TX	ARLINGTON, CITY OF	48439C0232G	2/28/95	R6-95-02-284	02
06	TX	ARLINGTON, CITY OF	48439C0234G	6/01/95	R6-95-05-318	02
06	TX	ARLINGTON, CITY OF	48439C0237G	5/23/95	95-06-219P	06
06	TX	ARLINGTON, CITY OF	48439C0237G	3/24/95	R6-95-03-291	02
06	TX	ARLINGTON, CITY OF	48439C0237G	3/30/95	R6-95-03-332	02
06	TX	ARLINGTON, CITY OF	48439C0237G	4/26/95	R6-95-04-298	01
06	TX	ARLINGTON, CITY OF	48439C0237G	4/26/95	R6-95-04-299	01
06	TX	AUSTIN, CITY OF	48453C0000	5/19/95	R6-95-05-206	08
06	TX	AUSTIN, CITY OF	48453C0120E	1/20/95	R6-95-01-090	02
06	TX	AUSTIN, CITY OF	48453C0125E	5/16/95	95-06-137P	06
06	TX	AUSTIN, CITY OF	48453C0125E	1/27/95	R6-95-01-163	02
06	TX	AUSTIN, CITY OF	48453C0155E	1/13/95	R6-95-01-056	02
06	TX	AUSTIN, CITY OF	48453C0155E	6/29/95	R6-95-06-376	08
06	TX	AUSTIN, CITY OF	48453C0165E	6/26/95	R6-95-06-324	08
06	TX	AUSTIN, CITY OF	48453C0170E	3/08/95	R6-95-03-049	02
06	TX	AUSTIN, CITY OF	48453C0205E	1/26/95	R6-95-01-119	02
06	TX	AUSTIN, CITY OF	48453C0205E	6/20/95	R6-95-06-088	02
06	TX	AUSTIN, CITY OF	48453C0210E	2/08/95	R6-95-02-108	08
06	TX	AUSTIN, CITY OF	48453C0255E	5/31/95	R6-95-05-250	02
06	TX	AUSTIN, CITY OF	48453C0260E	4/18/95	R6-95-04-148	02
06	TX	AUSTIN, CITY OF	48453C0290E	6/29/95	R6-95-06-358	02
06	TX	AZLE, CITY OF	4805840005B	4/12/95	R6-95-04-101	02

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06	TX	AZLE, CITY OF	4805840006B	3/29/95	95-06-015P	05
06	TX	BEAUMONT, CITY OF	4854570050C	5/08/95	R6-95-05-066	02
06	TX	BEDFORD, CITY OF	48439C0095G	2/09/95	R6-95-02-136	02
06	TX	BEE COUNTY*	4800260255B	1/20/95	R6-95-01-099	02
06	TX	BELL COUNTY*	4807060050B	6/26/95	R6-95-06-333	02
06	TX	BELL COUNTY*	4807060195B	3/15/95	R6-95-03-164	02
06	TX	BELL COUNTY*	4807060225B	6/01/95	R6-95-05-264	08
06	TX	BELL COUNTY*	4807060280B	6/20/95	R6-95-06-288	02
06	TX	BEXAR COUNTY*	4800350050C	2/17/95	95-06-108P	06
06	TX	BEXAR COUNTY*	4800350170D	1/26/95	R6-95-01-152	02
06	TX	BEXAR COUNTY*	4800350170D	1/31/95	R6-95-01-174	02
06	TX	BEXAR COUNTY*	4800350185C	3/13/95	94-06-268P	05
06	TX	BEXAR COUNTY*	4800350185C	2/08/95	95-06-107P	06
06	TX	BEXAR COUNTY*	4800350185C	3/31/95	R6-95-03-331	02
06	TX	BEXAR COUNTY*	4800350305C	4/27/95	95-06-200P	06
06	TX	BEXAR COUNTY*	4800350305C	5/19/95	R6-95-05-130	02
06	TX	BEXAR COUNTY*	4800350315B	4/11/95	94-06-149P	05
06	TX	BEXAR COUNTY*	4800350315B	4/27/95	95-06-200P	06
06	TX	BEXAR COUNTY*	4800350320D	4/11/95	94-06-149P	05
06	TX	BEXAR COUNTY*	4800350650B	2/10/95	94-06-301P	06
06	TX	BRAZORIA COUNTY*	48039C0010H	3/17/95	95-06-124A	01
06	TX	BRAZORIA COUNTY*	48039C0010H	6/30/95	95-06-281A	01
06	TX	BRYAN, CITY OF	48041C0141C	3/13/95	R6-95-02-007	02
06	TX	BURNET COUNTY*	48053C0150C	4/13/95	R6-95-04-134	02
06	TX	BURNET COUNTY*	48053C0285C	6/07/95	95-05-219	02
06	TX	BURNET COUNTY*	48053C0380C	1/26/95	95-06-076A	02
06	TX	CARROLLTON, CITY OF	4801670005F	1/11/95	95-06-067P	06
06	TX	CARROLLTON, CITY OF	4801670005F	3/09/95	R6-95-03-110	02
06	TX	CARROLLTON, CITY OF	4801670005F	4/20/95	R6-95-04-210	02
06	TX	CARROLLTON, CITY OF	4801670005F	4/21/95	R6-95-04-234	02
06	TX	CARROLLTON, CITY OF	4801670005F	5/18/95	R6-95-05-200	01
06	TX	CARROLLTON, CITY OF	4801670005F	6/29/95	R6-95-06-376	02
06	TX	CEDAR HILL, CITY OF	4801680010B	5/12/95	95-06-098P	06
06	TX	CEDAR HILL, CITY OF	4801680015B	4/11/95	95-06-069P	06
06	TX	CEDAR HILL, CITY OF	4801680020C	5/02/95	95-06-156P	06
06	TX	CHEROKEE COUNTY*	4807390001B	6/05/95	R6-95-06-047	02
06	TX	COLLEGE STATION, CITY OF	48041C0142C	1/30/95	95-06-116A	02
06	TX	COLLEGE STATION, CITY OF	48041C0144C	5/25/95	95-06-251A	02
06	TX	COLLEGE STATION, CITY OF	48041C0161C	2/23/95	R6-95-02-233	02
06	TX	COLLEYVILLE, TOWN OF	48439C0060G	3/30/95	95-06-054P	05
06	TX	COLLEYVILLE, TOWN OF	48439C0060G	1/26/95	R6-95-01-123	01
06	TX	COLLEYVILLE, TOWN OF	48439C0065G	1/18/95	R6-95-01-001	02
06	TX	COLLEYVILLE, TOWN OF	48439C0100G	6/29/95	R6-95-05-270	02
06	TX	COLLEYVILLE, TOWN OF	48439C0100G	6/01/95	R6-95-05-286	02
06	TX	COLLIN COUNTY*	48085C0125E	2/27/95	R6-95-02-280	02

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06	TX	COLLIN COUNTY*	48085C0125E	2/27/95	R6-95-02-281	02
06	TX	COLLIN COUNTY*	48085C0385E	5/30/95	95-06-009P	05
06	TX	COLLIN COUNTY*	48085C0395E	5/30/95	95-06-009P	05
06	TX	COLUMBUS, CITY OF	48089C0145C	5/31/95	95-06-249A	02
06	TX	COMAL COUNTY*	4854630095C	2/23/95	R6-95-02-236	02
06	TX	COPPELL, CITY OF	4801700010E	1/25/95	94-06-307P	05
06	TX	COPPELL, CITY OF	4801700010E	3/29/95	95-06-019P	06
06	TX	COPPELL, CITY OF	4801700010E	4/06/95	95-06-177A	01
06	TX	COPPELL, CITY OF	4801700010E	6/28/95	R6-95-06-344	02
06	TX	COPPERAS COVE, CITY OF	4801550005D	2/07/95	R6-95-02-088	02
06	TX	COPPERAS COVE, CITY OF	4801550005D	3/15/95	R6-95-03-168	08
06	TX	COPPERAS COVE, CITY OF	4801550005D	3/23/95	R6-95-03-269	02
06	TX	CORINTH, TOWN OF	4811430003B	3/03/95	95-06-126P	06
06	TX	DALLAS, CITY OF	4801710005C	6/14/95	95-06-241P	05
06	TX	DALLAS, CITY OF	4801710005C	4/11/95	R6-95-03-358	02
06	TX	DALLAS, CITY OF	4801710005C	6/29/95	R6-95-06-405	02
06	TX	DALLAS, CITY OF	4801710010D	3/01/95	95-06-062P	05
06	TX	DALLAS, CITY OF	4801710010D	1/18/95	R6-95-01-085	02
06	TX	DALLAS, CITY OF	4801710030D	3/01/95	95-06-062P	05
06	TX	DALLAS, CITY OF	4801710030D	2/07/95	R6-95-02-087	01
06	TX	DALLAS, CITY OF	4801710030D	3/03/95	R6-95-03-015	01
06	TX	DALLAS, CITY OF	4801710030D	6/06/95	R6-95-06-074	02
06	TX	DALLAS, CITY OF	4801710060D	3/31/95	R6-95-03-012	02
06	TX	DALLAS, CITY OF	4801710065C	1/27/95	R6-95-01-127	02
06	TX	DALLAS, CITY OF	4801710090D	3/20/95	95-06-105P	05
06	TX	DALLAS, CITY OF	4801710090D	4/20/95	R6-95-03-361	02
06	TX	DALLAS, CITY OF	4801710100D	04/05/95	R6-95-04-002	02
06	TX	DALLAS, CITY OF	4801710100D	04/20/95	R6-95-04-209	02
06	TX	DALLAS, CITY OF	4801710135D	02/06/95	95-06-044P	05
06	TX	DALLAS, CITY OF	4801710140D	02/06/95	95-06-044P	05
06	TX	DALLAS, CITY OF	4801710180D	01/13/95	R6-94-11-169	02
06	TX	DALLAS, CITY OF	4801710185D	06/06/95	R6-95-06-048	02
06	TX	DALLAS, CITY OF	4801710215C	06/06/95	R6-95-06-000	02
06	TX	DENTON COUNTY*	4807740180B	06/16/95	R6-95-06-239	02
06	TX	DENTON, CITY OF	4801940005D	04/18/95	R6-95-04-184	01
06	TX	DENTON, CITY OF	4801940005D	04/18/95	R6-95-04-185	01
06	TX	DENTON, CITY OF	4801940005D	04/18/95	R6-95-04-186	01
06	TX	DENTON, CITY OF	4801940010D	02/09/95	R6-95-02-130	02
06	TX	DENTON, CITY OF	4801940010D	02/22/95	R6-95-02-222	01
06	TX	DENTON, CITY OF	4801940010D	02/22/95	R6-95-02-223	01
06	TX	DENTON, CITY OF	4801940010D	02/24/95	R6-95-02-271	01

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06	TX	DENTON, CITY OF	4801940010D	02/24/95	R6-95-02-272	01
06	TX	DENTON, CITY OF	4801940010D	02/24/95	R6-95-02-274	01
06	TX	DENTON, CITY OF	4801940010D	02/24/95	R6-95-02-275	01
06	TX	DENTON, CITY OF	4801940010D	02/28/95	R6-95-02-310	01
06	TX	DENTON, CITY OF	4801940010D	02/28/95	R6-95-02-311	01
06	TX	DENTON, CITY OF	4801940010D	03/08/95	R6-95-03-040	01
06	TX	DENTON, CITY OF	4801940010D	03/08/95	R6-95-03-041	01
06	TX	DENTON, CITY OF	4801940010D	03/08/95	R6-95-03-042	01
06	TX	DENTON, CITY OF	4801940010D	03/08/95	R6-95-03-043	01
06	TX	DENTON, CITY OF	4801940010D	03/08/95	R6-95-03-047	01
06	TX	DENTON, CITY OF	4801940010D	03/15/95	R6-95-03-175	01
06	TX	DENTON, CITY OF	4801940010D	03/20/95	R6-95-03-205	01
06	TX	DENTON, CITY OF	4801940010D	03/20/95	R6-95-03-231	01
06	TX	DENTON, CITY OF	4801940010D	03/22/95	R6-95-03-266	01
06	TX	DENTON, CITY OF	4801940010D	03/22/95	R6-95-03-267	01
06	TX	DENTON, CITY OF	4801940020D	05/31/95	95-06-228P	05
06	TX	DUNCANVILLE, CITY OF	4801730005D	05/04/95	R6-95-03-274	02
06	TX	EL PASO, CITY OF	4802140009C	06/16/95	94-06-363P	05
06	TX	EL PASO, CITY OF	4802140015C	06/16/95	94-06-363P	05
06	TX	EL PASO, CITY OF	4802140021C	05/18/95	R6-95-05-137	02
06	TX	EL PASO, CITY OF	4802140026C	06/07/95	R6-95-06-099	02
06	TX	EL PASO, CITY OF	4802140048B	06/05/95	R6-95-06-024	02
06	TX	ELLIS COUNTY*	4807980025B	03/31/95	R6-95-03-289	01
06	TX	EULESS, CITY OF	48439C0100G	02/14/95	95-06-059P	05
06	TX	FARMERS BRANCH, CITY OF	4801740005C	03/15/95	R6-95-03-173	02
06	TX	FARMERS BRANCH, CITY OF	4801740005C	04/20/95	R6-95-04-225	08
06	TX	FARMERS BRANCH, CITY OF	4801740005C	06/06/95	R6-95-06-060	02
06	TX	FLOWER MOUND, TOWN OF	4807770005A	03/10/95	R6-95-03-115	02
06	TX	FLOWER MOUND, TOWN OF	4807770005A	06/06/95	R6-95-05-180	02
06	TX	FLOWER MOUND, TOWN OF	4807770005A	06/19/95	R6-95-06-251	02
06	TX	FLOWER MOUND, TOWN OF	4807770005A	06/19/95	R6-95-06-253	02
06	TX	FLOWER MOUND, TOWN OF	4807770015B	05/04/95	R6-95-05-006	02
06	TX	FORT BEND COUNTY L.I.D. #7	48157C0235H	04/13/95	95-06-205P	06
06	TX	FORT WORTH, CITY OF	48439C0055G	05/10/95	95-06-191P	05
06	TX	FORT WORTH, CITY OF	48439C0085G	03/31/95	R6-95-03-359	01
06	TX	FORT WORTH, CITY OF	48439C0090G	01/04/95	94-06-323P	06
06	TX	FORT WORTH, CITY OF	48439C0090G	05/10/95	95-06-191P	05
06	TX	FORT WORTH, CITY OF	48439C0090G	01/26/95	R6-95-01-118	02
06	TX	FORT WORTH, CITY OF	48439C0090G	04/13/95	R6-95-04-133	02

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06	TX	FORT WORTH, CITY OF	48439C0115G	06/22/95	R6-95-06-303	02
06	TX	FORT WORTH, CITY OF	48439C0120G	04/25/95	95-06-163P	06
06	TX	FORT WORTH, CITY OF	48439C0145G	03/08/95	R6-95-03-033	02
06	TX	FORT WORTH, CITY OF	48439C0155G	04/26/95	R6-95-04-267	02
06	TX	FORT WORTH, CITY OF	48439C0185G	01/05/95	95-06-066A	02
06	TX	FORT WORTH, CITY OF	48439C0185G	04/07/95	R6-95-04-006	02
06	TX	FORT WORTH, CITY OF	48439CSTDx	01/20/95	R6-95-01-091	02
06	TX	FREDERICKSBURG, CITY OF	4802520004B	02/07/95	95-06-013P	05
06	TX	FRISCO, CITY OF	48085C0360E	02/09/95	95-06-048P	06
06	TX	FRISCO, CITY OF	48085C0360E	03/20/95	R6-95-03-195	02
06	TX	GARDEN RIDGE, CITY OF	4801480001B	01/30/95	R6-94-12-089	02
06	TX	GARLAND, CITY OF	4854710030E	04/18/95	R6-95-04-167	02
06	TX	GILLESPIE COUNTY*	4806960006B	03/22/95	R6-95-03-250	02
06	TX	GILLESPIE COUNTY*	4806960007B	01/13/95	R6-95-01-063	02
06	TX	GILLESPIE COUNTY*	4806960007B	03/16/95	R6-95-03-169	02
06	TX	GORDON, TOWN OF	480963	02/03/95	R6-95-02-015	02
06	TX	GRANBURY, CITY OF	4803570005B	06/26/95	R6-95-05-279	02
06	TX	GRAND PRAIRIE, CITY OF	4854720010E	05/18/95	R6-95-04-201	02
06	TX	GRAND PRAIRIE, CITY OF	4854720025E	02/09/95	R6-95-02-131	01
06	TX	GRAND PRAIRIE, CITY OF	4854720035F	06/09/95	95-06-290A	01
06	TX	GRAPEVINE, CITY OF	48439C0030G	05/16/95	95-06-106P	06
06	TX	GRAPEVINE, CITY OF	48439C0030G	03/20/95	R6-95-03-194	02
06	TX	GRAPEVINE, CITY OF	48439C0060G	03/30/95	95-06-054P	05
06	TX	GRAPEVINE, CITY OF	48439C0065G	03/30/95	95-06-054P	05
06	TX	GRAPEVINE, CITY OF	48439C0100G	06/01/95	R6-95-05-126	02
06	TX	GRAPEVINE, CITY OF	48439C0100G	06/16/95	R6-95-06-238	02
06	TX	GRAYSON COUNTY*	48181C0207D	03/10/95	R6-95-03-131	02
06	TX	GUN BARREL, CITY OF	48213C0030C	04/18/95	R6-95-04-146	02
06	TX	GUN BARREL, CITY OF	48213C0030C	05/18/95	R6-95-05-134	02
06	TX	HARDIN COUNTY *	48199C0200C	03/29/95	94-06-047P	05
06	TX	HARRIS COUNTY*	48201C0085H	04/13/95	R6-95-04-136	01
06	TX	HARRIS COUNTY*	48201C0110G	03/10/95	R6-95-03-129	02
06	TX	HARRIS COUNTY*	48201C0110G	04/26/95	R6-95-04-288	02
06	TX	HARRIS COUNTY*	48201C0180G	04/12/95	R6-95-04-099	02
06	TX	HARRIS COUNTY*	48201C0230G	05/31/95	R6-95-05-249	02
06	TX	HAYS COUNTY*	4803210230B	03/24/95	R6-95-03-286	02
06	TX	HENDERSON COUNTY*	48213C0030C	04/18/95	R6-95-04-202	02
06	TX	HENDERSON COUNTY*	48213C0045C	05/18/95	R6-95-05-133	02
06	TX	HENDERSON COUNTY*	48213C0045C	05/31/95	R6-95-05-222	02
06	TX	HIDALGO COUNTY *	4803340450B	06/09/95	95-06-238A	02

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06	TX	HIGHLAND VILLAGE, VILLAGE OF	4811050001A	06/30/95	R6-95-06-406	02
06	TX	HILL COUNTY*	4808570004A	03/08/95	R6-95-03-048	02
06	TX	HOOD COUNTY*	4803560130C	02/14/95	R6-95-02-193	02
06	TX	HOUSTON, CITY OF	48201C0000	01/26/95	R6-95-01-126	02
06	TX	HOUSTON, CITY OF	48201C0235G	03/20/95	R6-95-03-220	02
06	TX	HOUSTON, CITY OF	48201C0275H	01/04/95	95-06-085A	01
06	TX	HOUSTON, CITY OF	48201C0275H	01/06/95	R6-85-01-029	02
06	TX	HOUSTON, CITY OF	48201C0280G	01/31/95	R6-95-01-151	02
06	TX	HOUSTON, CITY OF	48201C0280G	04/07/95	R6-95-04-020	02
06	TX	HOUSTON, CITY OF	48201C0280G	05/19/95	R6-95-05-201	02
06	TX	HOUSTON, CITY OF	48201C0285G	06/27/95	R6-95-06-340	02
06	TX	HOUSTON, CITY OF	48201C0320G	03/06/95	95-06-134A	01
06	TX	HOUSTON, CITY OF	48201C0330H	06/16/95	95-06-250A	02
06	TX	HOUSTON, CITY OF	48201C0365G	06/01/95	R6-95-05-291	02
06	TX	HUNT COUNTY*	48231C0225E	01/27/95	95-06-070A	02
06	TX	HURST, CITY OF	48439C0130G	01/27/95	R6-95-01-159	02
06	TX	IRVING, CITY OF	4801800030D	01/05/95	94-06-192A	01
06	TX	IRVING, CITY OF	4801800035C	04/07/95	R6-95-03-295	02
06	TX	IRVING, CITY OF	4801800040C	03/13/95	95-06-149A	01
06	TX	IRVING, CITY OF	4801800045D	01/11/95	95-06-079A	01
06	TX	IRVING, CITY OF	4801800045D	04/20/95	95-06-207A	01
06	TX	IRVING, CITY OF	4801800045D	01/05/95	R6-94-12-208	01
06	TX	IRVING, CITY OF	4801800045D	01/05/95	R6-95-01-017	01
06	TX	IRVING, CITY OF	4801800045D	01/18/95	R6-95-01-083	02
06	TX	IRVING, CITY OF	4801800045D	03/09/95	R6-95-03-014	02
06	TX	IRVING, CITY OF	4801800045D	03/15/95	R6-95-03-180	02
06	TX	IRVING, CITY OF	4801800045D	06/26/95	R6-95-06-322	01
06	TX	JERSEY VILLAGE, CITY OF	48201C0180G	02/16/95	R6-95-02-212	02
06	TX	KAUFMAN COUNTY *	4804110025B	01/12/95	94-06-215P	06
06	TX	KENNEDALE, CITY OF	48439C0231G	02/09/95	R6-95-02-137	02
06	TX	KENNEDALE, CITY OF	48439C0231G	03/20/95	R6-95-03-036	02
06	TX	KILLEEN, CITY OF	4800310002B	02/10/95	R6-95-02-150	02
06	TX	KILLEEN, CITY OF	4800310002B	04/07/95	R6-95-04-003	02
06	TX	KILLEEN, CITY OF	4800310003C	02/23/95	R6-95-02-238	02
06	TX	KILLEEN, CITY OF	4800310003C	05/19/95	R6-95-05-204	02
06	TX	KILLEEN, CITY OF	4800310003C	05/19/95	R6-95-05-205	02
06	TX	KILLEEN, CITY OF	4800310003C	06/05/95	R6-95-06-070	02
06	TX	KILLEEN, CITY OF	4800310003C	06/05/95	R6-95-06-071	02
06	TX	KILLEEN, CITY OF	4800310003C	06/05/95	R6-95-06-072	02

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06	TX	KILLEEN, CITY OF	4800310006B	06/06/95	R6-95-06-042	02
06	TX	KILLEEN, CITY OF	4800310007B	04/18/95	R6-95-04-174	02
06	TX	KILLEEN, CITY OF	4800310008B	02/08/95	R6-95-02-101	02
06	TX	KILLEEN, CITY OF	4800310008B	04/10/95	R6-95-04-061	02
06	TX	KILLEEN, CITY OF	4800310008B	05/18/95	R6-95-05-139	02
06	TX	KILLEEN, CITY OF	4800310008B	05/18/95	R6-95-05-140	02
06	TX	LAREDO, CITY OF	4806510000	03/22/95	95-06-001P	06
06	TX	LEANDER, CITY OF	48491C0218C	03/28/95	R6-95-03-000	02
06	TX	LEANDER, CITY OF	48491C0218C	03/24/95	R6-95-03-290	02
06	TX	LEWISVILLE, CITY OF	4801950020D	02/27/95	95-06-122A	01
06	TX	LEWISVILLE, CITY OF	4801950020D	04/11/95	95-06-187A	02
06	TX	LLANO COUNTY *	4812340285B	02/15/95	R6-95-02-181	02
06	TX	LONGVIEW, CITY OF	4802640010D	04/12/95	R6-95-03-337	02
06	TX	LUBBOCK, CITY OF	4804520025B	06/29/95	95-06-233P	05
06	TX	LUBBOCK, CITY OF	4804520025B	04/12/95	R6-95-04-082	02
06	TX	LUBBOCK, CITY OF	4804520025B	05/19/95	R6-95-05-203	02
06	TX	LUBBOCK, CITY OF	4804520045C	01/30/95	R6-95-01-172	01
06	TX	LUBBOCK, CITY OF	4804520045C	03/13/95	R6-95-03-128	01
06	TX	LUBBOCK, CITY OF	4804520045C	03/30/95	R6-95-03-335	01
06	TX	LUBBOCK, CITY OF	4804520045C	04/18/95	R6-95-04-179	01
06	TX	LUBBOCK, CITY OF	4804520045C	04/18/95	R6-95-04-180	01
06	TX	LUBBOCK, CITY OF	4804520045C	04/18/95	R6-95-04-181	01
06	TX	LUBBOCK, CITY OF	4804520045C	04/18/95	R6-95-04-182	01
06	TX	LUBBOCK, CITY OF	4804520045C	06/26/95	R6-95-04-325	01
06	TX	LUBBOCK, CITY OF	4804520045C	05/08/95	R6-95-05-070	01
06	TX	LUBBOCK, CITY OF	4804520045C	05/18/95	R6-95-05-145	01
06	TX	LUBBOCK, CITY OF	4804520045C	05/19/95	R6-95-05-198	02
06	TX	LUBBOCK, CITY OF	4804520045C	05/31/95	R6-95-05-256	01
06	TX	LUBBOCK, CITY OF	4804520045C	06/01/95	R6-95-05-268	01
06	TX	LUBBOCK, CITY OF	4804520045C	06/01/95	R6-95-05-283	01
06	TX	LUBBOCK, CITY OF	4804520045C	06/05/95	R6-95-06-034	01
06	TX	LUFKIN, CITY OF	4800090010C	06/22/95	95-06-287A	02
06	TX	MANSFIELD, CITY OF	48439C0275G	01/26/95	R6-95-01-120	02
06	TX	MANSFIELD, CITY OF	48439C0275G	01/27/95	R6-95-01-164	02
06	TX	MANSFIELD, CITY OF	48439C0275G	05/08/95	R6-95-05-067	02
06	TX	MCKINNEY, CITY OF	48085C0260E	03/13/95	95-06-034P	05
06	TX	MCKINNEY, CITY OF	48085C0270E	06/09/95	95-06-236A	02
06	TX	MESQUITE, CITY OF	4854900010E	05/23/95	95-06-102A	01
06	TX	MIDLAND, CITY OF	48329C0019D	02/14/95	R6-95-02-172	01

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06	TX	MIDLAND, CITY OF	48329C0019D	05/04/95	R6-95-05-017	01
06	TX	MIDLAND, CITY OF	48329C0038C	03/09/95	R6-95-03-091	01
06	TX	MIDLAND, CITY OF	48329C0082C	01/05/95	R6-95-01-018	02
06	TX	MIDLAND, CITY OF	48329C0082C	04/18/95	R6-95-04-149	01
06	TX	MIDLAND, CITY OF	48329C0082C	05/12/95	R6-95-05-087	01
06	TX	MIDLAND, CITY OF	48329C0101D	05/01/95	R6-95-04-317	02
06	TX	MIDLAND, CITY OF	48329C0101D	05/31/95	R6-95-05-254	02
06	TX	MIDLAND, CITY OF	48329C0101D	06/20/95	R6-95-06-285	02
06	TX	MIDLAND, CITY OF	48329C0103C	03/31/95	R6-95-03-355	02
06	TX	MIDLAND, CITY OF	48329C0106C	05/04/95	R6-95-05-015	02
06	TX	MISSOURI CITY, CITY OF	48157C0260H	04/12/95	R6-95-04-089	02
06	TX	MONTGOMERY COUNTY*	4804830000	02/23/95	R6-95-02-253	08
06	TX	MONTGOMERY COUNTY*	4804830055C	06/16/95	95-06-220A	01
06	TX	MONTGOMERY COUNTY*	4804830060C	02/03/95	R6-95-01-019	01
06	TX	MONTGOMERY COUNTY*	4804830085C	03/20/95	R6-95-03-228	02
06	TX	MONTGOMERY COUNTY*	4804830085C	04/13/95	R6-95-04-138	01
06	TX	MONTGOMERY COUNTY*	4804830125D	06/30/95	95-06-293A	02
06	TX	MONTGOMERY COUNTY*	4804830170D	03/09/95	95-06-151A	01
06	TX	MONTGOMERY COUNTY*	4804830170D	01/26/95	R6-94-11-185	02
06	TX	MONTGOMERY COUNTY*	4804830200D	02/23/95	R6-95-02-225	02
06	TX	MONTGOMERY COUNTY*	4804830200D	03/20/95	R6-95-03-219	02
06	TX	MONTGOMERY COUNTY*	4804830200D	04/24/95	R6-95-04-245	02
06	TX	MONTGOMERY COUNTY*	4804830205E	01/20/95	R6-95-01-109	02
06	TX	NASSAU BAY, CITY OF	48201C0385G	04/20/95	R6-95-04-223	02
06	TX	NEW BRAUNFELS, CITY OF	4854930009D	06/13/95	95-06-081P	06
06	TX	NOLANVILLE, CITY OF	4800320002B	06/05/95	R6-95-05-266	02
06	TX	NORTH RICHLAND HILLS, CITY OF	48439C0090G	03/28/95	95-06-119P	05
06	TX	NORTH RICHLAND HILLS, CITY OF	48439C0090G	03/13/95	R6-95-03-125	02
06	TX	NORTH RICHLAND HILLS, CITY OF	48439C0125G	03/28/95	95-06-119P	05
06	TX	NORTH RICHLAND HILLS, CITY OF	48439C0125G	06/05/95	R6-95-06-001	02
06	TX	NORTH RICHLAND HILLS, CITY OF	48439C0125G	06/22/95	R6-95-06-302	02
06	TX	NUECES COUNTY *	4854940485C	03/16/95	R6-95-03-162	02
06	TX	ODESSA, CITY OF	48135C0135C	04/10/95	R6-95-03-315	02
06	TX	ODESSA, CITY OF	48135C0170C	05/01/95	R6-95-04-284	02
06	TX	ODESSA, CITY OF	48135C0170C	05/04/95	R6-95-05-008	02
06	TX	PANORAMA VILLAGE, CITY OF	4812630001A	02/03/95	R6-95-02-019	02
06	TX	PARKER COUNTY *	4805200275B	05/15/95	95-06-189A	01
06	TX	PARKER COUNTY *	4805200275B	03/15/95	R6-95-03-165	01

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06	TX	PARKER COUNTY *	4805200275B	03/15/95	R6-95-03-166	01
06	TX	PARKER COUNTY *	4805200275B	05/31/95	R6-95-04-038	01
06	TX	PARKER COUNTY *	4805200275B	05/31/95	R6-95-05-022	01
06	TX	PARKER COUNTY *	4805200275B	05/17/95	R6-95-05-068	01
06	TX	PASADENA, CITY OF	48201C0000	03/06/95	R6-95-03-030	02
06	TX	PLANO, CITY OF	48085C0370E	03/30/95	94-06-365P	05
06	TX	PLANO, CITY OF	48085C0370E	05/15/95	95-06-244A	02
06	TX	PLANO, CITY OF	48085C0385E	05/30/95	95-06-009P	05
06	TX	PLANO, CITY OF	48085C0390E	01/24/95	95-06-036P	05
06	TX	PLANO, CITY OF	48085C0390E	04/27/95	95-06-166P	06
06	TX	PLANO, CITY OF	48085C0390E	03/13/95	R6-95-03-126	02
06	TX	PLANO, CITY OF	48085C0395E	05/30/95	95-06-009P	05
06	TX	PLANO, CITY OF	48085C0395E	01/26/95	R6-95-01-135	02
06	TX	PLANO, CITY OF	48085C0395E	02/14/95	R6-95-02-178	01
06	TX	PLANO, CITY OF	48085C0395E	03/22/95	R6-95-03-260	02
06	TX	PLANO, CITY OF	48085C0395E	04/13/95	R6-95-04-130	02
06	TX	PLANO, CITY OF	48085C0395E	06/01/95	R6-95-05-290	02
06	TX	PLANO, CITY OF	48085C0395E	06/28/95	R6-95-06-346	02
06	TX	RANDALL COUNTY *	4805320110B	01/26/95	R6-95-01-149	02
06	TX	RICHARDSON, CITY OF	4801840005C	06/22/95	95-06-217P	06
06	TX	RICHARDSON, CITY OF	4801840005C	05/12/95	R6-95-05-085	02
06	TX	RICHARDSON, CITY OF	4801840015C	06/06/95	R6-95-06-114	02
06	TX	RICHLAND HILLS, CITY OF	48439C0125G	04/17/95	R6-95-04-145	02
06	TX	ROCKWALL COUNTY *	4805430035B	03/28/95	R6-95-02-085	02
06	TX	ROCKWALL, CITY OF	4805470005C	03/01/95	R6-95-02-315	02
06	TX	ROCKWALL, CITY OF	4805470005C	03/01/95	R6-95-02-316	02
06	TX	ROCKWALL, CITY OF	4805470005C	03/01/95	R6-95-02-317	02
06	TX	RUSK COUNTY	4809930050B	03/30/95	R6-95-02-211	02
06	TX	SAN ANTONIO, CITY OF	4800450000	01/17/95	94-06-233A	02
06	TX	SAN ANTONIO, CITY OF	4800450000	02/10/95	94-06-301P	06
06	TX	SAN ANTONIO, CITY OF	4800450000	03/30/95	95-06-181A	01
06	TX	SAN ANTONIO, CITY OF	4800450002B	02/10/95	94-06-301P	06
06	TX	SAN ANTONIO, CITY OF	4800450006C	05/18/95	95-06-240A	02
06	TX	SAN ANTONIO, CITY OF	4800450009C	02/28/95	R6-95-02-005	02
06	TX	SAN ANTONIO, CITY OF	4800450011B	03/24/95	R6-95-03-279	02
06	TX	SAN ANTONIO, CITY OF	4800450015B	01/26/95	R6-95-01-088	02
06	TX	SAN ANTONIO, CITY OF	4800450017D	06/29/95	95-06-188A	02
06	TX	SAN ANTONIO, CITY OF	4800450021B	05/19/95	R6-95-05-220	02
06	TX	SAN ANTONIO, CITY OF	4800450023D	03/09/95	R6-95-03-109	02
06	TX	SAN ANTONIO, CITY OF	4800450023D	03/09/95	R6-95-03-109	02
06	TX	SAN ANTONIO, CITY OF	4800450039B	01/25/95	95-06-087C	01
06	TX	SEALY, CITY OF	48015C0250C	02/28/95	R6-94-10-196	02

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06	TX	SHAVANO PARK, TOWN OF	4800470001B	03/13/95	94-06-268P	05
06	TX	SMITH COUNTY *	4811850000	03/15/95	R6-95-02-020	08
06	TX	SOUTH LAKE, CITY OF	48439C0060G	06/13/95	95-06-152P	06
06	TX	SOUTH LAKE, CITY OF	48439C0060G	02/03/95	R6-95-01-157	02
06	TX	SOUTH LAKE, CITY OF	48439C0060G	02/03/95	R6-95-02-014	01
06	TX	SOUTH LAKE, CITY OF	48439C0060G	04/18/95	R6-95-04-176	01
06	TX	SOUTH LAKE, CITY OF	48439C0060G	06/19/95	R6-95-06-157	02
06	TX	TARRANT COUNTY *	48439C0080G	06/26/95	R6-95-06-329	02
06	TX	TARRANT COUNTY *	48439C0270G	04/26/95	R6-95-04-291	02
06	TX	TEMPLE, CITY OF	4800340005C	05/04/95	R6-95-05-043	02
06	TX	TOM GREEN COUNTY *	4806220000	01/26/95	R6-95-01-000	08
06	TX	TOOL, CITY OF	48213C0040C	06/29/95	R6-95-06-403	02
06	TX	TRAVIS COUNTY *	48453C0080E	03/06/95	R6-95-01-061	02
06	TX	TRAVIS COUNTY *	48453C0080E	03/06/95	R6-95-02-314	02
06	TX	TRAVIS COUNTY *	48453C0080E	03/06/95	R6-95-03-000	02
06	TX	TRAVIS COUNTY *	48453C0215E	04/05/95	95-06-123A	02
06	TX	TRAVIS COUNTY *	48453C0215E	03/31/95	R6-95-03-346	02
06	TX	TRAVIS COUNTY *	48453C0260E	05/04/95	R6-95-05-016	02
06	TX	TYLER, CITY OF	4805710014B	02/09/95	95-06-129A	01
06	TX	VAN HORN, TOWN OF	4801630003C	01/20/95	R6-95-01-087	02
06	TX	VICTORIA, CITY OF	4806380005F	06/01/95	R6-95-05-285	02
06	TX	VICTORIA, CITY OF	4806380010E	04/13/95	R6-95-04-087	02
06	TX	WALKER COUNTY *	4810420009B	04/12/95	R6-95-04-081	02
06	TX	WEBB COUNTY *	4810590730B	03/22/95	95-06-001P	06
06	TX	WICHITA FALLS, CITY OF	4806620015E	06/30/95	R6-95-06-000	08
06	TX	WILLIAMSON COUNTY *	48491C0225C	02/10/95	R6-95-01-147	02
06	TX	WILLIAMSON COUNTY *	48491C0225C	06/26/95	R6-95-06-325	02
07	IA	ADEL, CITY OF	1901030001C	04/28/95	95-07-077A	01
07	IA	ADEL, CITY OF	1901030001C	04/28/95	95-07-078A	02
07	IA	AMES, CITY OF	1902540005B	02/08/95	95-07-037P	05
07	IA	CLIVE, CITY OF	1904880005C	01/13/95	1715	08
07	IA	CLIVE, CITY OF	1904880005C	01/18/95	1727	08
07	IA	CLIVE, CITY OF	1904880005C	06/30/95	1834	02
07	IA	CLIVE, CITY OF	1904880005C	06/30/95	1834	02
07	IA	DES MOINES, CITY OF	1902270006D	01/18/95	1729	02
07	IA	HUDSON, CITY OF	1900220005B	05/09/95	1791	02
07	IA	IOWA FALLS, CITY OF	190140 B	05/17/95	1797	02
07	IA	MARION, CITY OF	1901910004B	03/13/95	95-07-059A	01
07	IA	MARSHALLTOWN, CITY OF	1902000001B	04/11/95	1772	02
07	IA	MARSHALLTOWN, CITY OF	1902000002B	02/10/95	1742	02
07	IA	TAMA, CITY OF	1902620001B	03/20/95	95-07-027P	05
07	IA	WATERLOO, CITY OF	1900250015E	03/09/95	1754	01
07	IA	WAVERLY, CITY OF	19017C0054C	05/26/95	1807	08
07	IA	WEST DES MOINES, CITY OF	1902310005B	01/04/95	94-07-224A	01
07	KS	ABILENE, CITY OF	20041C0070C	05/30/95	1808	02
07	KS	BEL AIRE, CITY OF	2008640005B	01/19/95	1730	08
07	KS	BURLINGTON, CITY OF	2000630001C	01/06/95	94-07-006P	05
07	KS	BUTLER COUNTY *	2000370170B	01/27/95	1734	02

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07	KS	DERBY, CITY OF	2003230001B	04/27/95	1793	02
07	KS	DERBY, CITY OF	2003230001B	06/02/95	1814	02
07	KS	DERBY, CITY OF	2003230001B	06/02/95	1815	02
07	KS	EL DORADO, CITY OF	2000390001C	05/05/95	95-07-082A	02
07	KS	GARDEN PLAIN, CITY OF	200498 C	06/14/95	95-07-101A	02
07	KS	HAYS, CITY OF	2000960001B	06/29/95	1811	01
07	KS	HAYS, CITY OF	2000960001B	06/29/95	1811	01
07	KS	JUNCTION CITY, CITY OF	2001120005C	01/17/95	95-07-030A	01
07	KS	LAWRENCE, CITY OF	2000900005A	04/25/95	1783	01
07	KS	LIBERAL, CITY OF	2003300020C	03/15/95	1764	02
07	KS	MCPHERSON COUNTY *	2002140075B	01/04/95	1720	02
07	KS	MCPHERSON COUNTY *	2002140200B	06/06/95		02
07	KS	MCPHERSON COUNTY *	2002140200B	06/06/95	1817	02
07	KS	MCPHERSON, CITY OF	2002170015D	04/27/95	1792	01
07	KS	MCPHERSON, CITY OF	2002170015D	06/29/95	1825	02
07	KS	MCPHERSON, CITY OF	2002170015D	02/15/95	95-07-031A	01
07	KS	MISSION, CITY OF	20091C0035D	02/01/95	94-07-294C	01
07	KS	NEWTON, CITY OF	2001330005C	01/24/95	95-07-016A	02
07	KS	NEWTON, CITY OF	2001330005C	05/18/95	95-07-091A	02
07	KS	NEWTON, CITY OF	2001330005C	06/09/95	95-07-107A	02
07	KS	OVERLAND PARK, CITY OF	20091C0085D	02/15/95	95-07-014A	01
07	KS	PARK CITY, CITY OF	2009630001A	01/03/95	1716	02
07	KS	RILEY COUNTY *	2002980090B	05/22/95	95-07-033P	06
07	KS	RILEY COUNTY *	2002980095B	05/22/95	95-07-033P	06
07	KS	SALINA, CITY OF	2003190005B	04/10/95	1767	02
07	KS	SALINA, CITY OF	2003190015B	03/08/95	1751	02
07	KS	SALINA, CITY OF	2003190015B	05/19/95	1781	02
07	KS	SALINA, CITY OF	2003190015B	04/21/95	1794	02
07	KS	SALINA, CITY OF	2003190015B	06/30/95	1833	02
07	KS	SALINE COUNTY*	2003160060B	04/25/95	1778	08
07	KS	SALINE COUNTY*	2003160070B	06/08/95	1753	02
07	KS	SEDGWICK COUNTY*	2003210050A	01/13/95	1724	02
07	KS	SEDGWICK COUNTY*	2003210125A	01/13/95	1725	02
07	KS	SEDGWICK COUNTY*	2003210125A	02/17/95	94-07-282P	05
07	KS	SEDGWICK COUNTY*	2003210125A	03/02/95	95-07-049A	01
07	KS	SEDGWICK COUNTY*	2003210125A	06/06/95	95-07-099A	01
07	KS	SEDGWICK COUNTY*	2003210150A	06/06/95	95-07-099A	01
07	KS	SEDGWICK COUNTY*	2003210250A	06/30/95	1830	01
07	KS	SEDGWICK COUNTY*	2003210300A	03/07/95	1747	02
07	KS	SEDGWICK COUNTY*	2003210300A	03/07/95	1750	01
07	KS	SEDGWICK COUNTY*	2003210300A	04/20/95	95-07-071A	02
07	KS	SHAWNEE, CITY OF	20091C0040D	03/15/95	95-07-055A	01
07	KS	SOUTH HUTCHINSON, CITY OF	20155C0295D	03/01/95	1739	01
07	KS	WAVERLY, CITY OF	200068 B	01/27/95	1736	02
07	KS	WICHITA, CITY OF	2003280005B	02/17/95	94-07-282P	05
07	KS	WICHITA, CITY OF	2003280010B	01/04/95	1707	02
07	KS	WICHITA, CITY OF	2003280015B	03/07/95	1749	02
07	KS	WICHITA, CITY OF	2003280015B	03/13/95	1803	02
07	KS	WICHITA, CITY OF	2003280015B	06/28/95	1816	02
07	KS	WICHITA, CITY OF	2003280015B	01/03/95	95-07-013A	01
07	KS	WICHITA, CITY OF	2003280020B	05/11/95	1799	02
07	KS	WICHITA, CITY OF	2003280020B	03/29/95	95-07-053A	01
07	KS	WICHITA, CITY OF	2003280025B	04/10/95	1771	02
07	KS	WICHITA, CITY OF	2003280025B	04/21/95	1777	02
07	KS	WICHITA, CITY OF	2003280025B	05/11/95	1801	02
07	KS	WICHITA, CITY OF	2003280030B	05/31/95	1810	02
07	KS	WICHITA, CITY OF	2003280030B	06/30/95	1831	08
07	KS	WICHITA, CITY OF	2003280035B	01/04/95	1706	08
07	KS	WICHITA, CITY OF	2003280035B	01/03/95	1718	08
07	KS	WICHITA, CITY OF	2003280035B	01/17/95	1726	02
07	KS	WICHITA, CITY OF	2003280035B	01/27/95	1735	02
07	KS	WICHITA, CITY OF	2003280035B	01/27/95	1737	02
07	KS	WICHITA, CITY OF	2003280035B	04/10/95	1769	02
07	KS	WICHITA, CITY OF	2003280035B	04/27/95	1789	02
07	KS	WICHITA, CITY OF	2003280035B	05/11/95	1800	02
07	KS	WINFIELD, CITY OF	2000710003B	01/18/95	1723	02
07	MO	ARNOLD, CITY OF	2901880001B	02/13/95	1746	08
07	MO	ARNOLD, CITY OF	2901880001B	03/24/95	94-07-262P	05
07	MO	ARNOLD, CITY OF	2901880002B	03/24/95	94-07-262P	05
07	MO	BOONE COUNTY *	2900340050B	03/10/95	1757	02

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
07	MO	BRANSON, CITY OF	290436 B	04/24/95	1780	02
07	MO	CAPE GIRARDEAU, CITY OF	2904580007B	03/01/95	1740	01
07	MO	CASS COUNTY *	2907830025C	05/22/95	95-07-088A	02
07	MO	CASS COUNTY *	2907830050C	04/06/95	1765	02
07	MO	CASS COUNTY *	2907830050C	03/13/95	95-07-054A	02
07	MO	CASS COUNTY *	2907830100C	05/30/95	1802	02
07	MO	CASS COUNTY *	2907830100C	04/11/95	95-07-064A	02
07	MO	CASS COUNTY *	2907830100C	04/19/95	95-07-069A	02
07	MO	CLINTON, CITY OF	2901550001B	05/26/95	1806	02
07	MO	COLUMBIA, CITY OF	2900360015C	06/06/95	95-07-009P	05
07	MO	FLORISSANT, CITY OF	2903520004C	04/21/95	1779	08
07	MO	GLENAIRE, CITY OF	290092 B	06/08/95	1822	02
07	MO	HAYTI HEIGHTS, CITY OF	2902770001A	01/06/95	94-07-145P	05
07	MO	HAYTI, CITY OF	2902760005C	01/31/95	94-07-145P	05
07	MO	JASPER COUNTY*	2908070100B	02/13/95	95-07-005A	02
07	MO	JEFFERSON COUNTY*	2908080170B	03/09/95	95-07-044A	01
07	MO	JEFFERSON COUNTY*	2908080185C	03/07/95	1748	08
07	MO	JEFFERSON COUNTY*	2908080195B	02/09/95	1738	02
07	MO	JOPLIN, CITY OF	2901830015C	06/20/95	95-07-072A	01
07	MO	LAKE ST. LOUIS, CITY OF	29183C0045D	03/09/95	1755	08
07	MO	MARYLAND HEIGHTS, CITY OF	2908890015G	03/22/95	95-07-007P	05
07	MO	O'FALLON, CITY OF	29183C0115D	06/13/95	95-07-050A	01
07	MO	O'FALLON, CITY OF	29183C0115D	03/06/95	95-07-052A	01
07	MO	O'FALLON, CITY OF	29183C0115D	04/13/95	95-07-070A	01
07	MO	PEMISCOT COUNTY *	2907790075B	01/31/95	94-07-145P	06
07	MO	PETTIS COUNTY *	2908230200B	06/12/95	95-07-089P	06
07	MO	ST. CHARLES COUNTY *	29183C0115D	04/26/95	1784	02
07	MO	ST. CHARLES COUNTY *	29183C0115D	06/22/95	95-07-104A	01
07	MO	ST. CHARLES, CITY OF	29183C0170D	05/31/95	1812	02
07	MO	ST. LOUIS COUNTY *	2903270015E	02/10/95	1744	02
07	MO	ST. LOUIS COUNTY *	2903270015E	02/03/95	95-07-040A	02
07	MO	ST. LOUIS COUNTY *	2903270085E	01/25/95	95-07-020A	01
07	MO	ST. LOUIS COUNTY *	2903270085E	01/26/95	95-07-021A	01
07	MO	ST. LOUIS COUNTY *	2903270145E	03/24/95	94-07-262P	06
07	MO	ST. PETERS, CITY OF	29183C0115D	04/21/95	95-07-063A	01
07	MO	ST. PETERS, CITY OF	29183C0120D	04/04/95	1762	02
07	MO	ST. PETERS, CITY OF	29183C0120D	04/10/95	1768	02
07	MO	ST. PETERS, CITY OF	29183C0120D	04/21/95	95-07-063A	01
07	MO	SUNSET HILLS, CITY OF	2903870002A	02/10/95	1743	02
07	MO	UNIVERSITY CITY, CITY OF	2903900005B	01/03/95	95-07-023A	01
07	MO	UNIVERSITY CITY, CITY OF	2903900005B	03/06/95	95-07-038A	01
07	MO	VALLEY PARK, CITY OF	29189C0000	05/02/95	95-07-076A	01
07	MO	WASHINGTON, CITY OF	2901380003B	03/06/95	1745	01
07	NE	COLFAX COUNTY*	3104260004B	05/19/95	1805	02
07	NE	COLFAX COUNTY*	3104260005B	03/15/95	1763	02
07	NE	COLUMBUS, CITY OF	3152720005C	04/28/95	95-07-073P	06
07	NE	COLUMBUS, CITY OF	3152720015C	04/28/95	95-07-073P	06
07	NE	CUMING COUNTY *	3104270004A	06/01/95	1813	02
07	NE	CUMING COUNTY *	3104270004A	06/29/95	1826	02
07	NE	DANNEBROG, VILLAGE OF	3101180001A	04/11/95	1774	02
07	NE	DOUGLAS COUNTY *	3100730100B	03/30/95	95-07-058P	06
07	NE	DOUGLAS COUNTY *	3100730125B	03/30/95	95-07-058P	06
07	NE	GRAND ISLAND, CITY OF	3101030005B	03/14/95	1756	08
07	NE	GRAND ISLAND, CITY OF	3101030005B	03/13/95	1761	02
07	NE	GRAND ISLAND, CITY OF	3101030005B	04/20/95	1775	02
07	NE	GRAND ISLAND, CITY OF	3101030005B	04/26/95	1786	02
07	NE	GRAND ISLAND, CITY OF	3101030005B	04/28/95	1796	02
07	NE	GRAND ISLAND, CITY OF	3101030005B	05/19/95	1804	01
07	NE	GRAND ISLAND, CITY OF	3101030010B	01/19/95	1731	02
07	NE	GRAND ISLAND, CITY OF	3101030010B	05/11/95	1798	08
07	NE	GRAND ISLAND, CITY OF	3101030015B	01/12/95	1721	02
07	NE	GRAND ISLAND, CITY OF	3101030015B	01/13/95	1722	02
07	NE	GRAND ISLAND, CITY OF	3101030015B	04/06/95	1732	02
07	NE	GRAND ISLAND, CITY OF	3101030015B	03/13/95	1758	08
07	NE	GRAND ISLAND, CITY OF	3101030015B	04/06/95	1766	02
07	NE	GRAND ISLAND, CITY OF	3101030015B	04/24/95	1782	02
07	NE	GRAND ISLAND, CITY OF	3101030015B	05/31/95	1809	02
07	NE	GRAND ISLAND, CITY OF	3101030015B	06/07/95	1818	08
07	NE	GRAND ISLAND, CITY OF	3101030015B	06/06/95	1819	08
07	NE	GRAND ISLAND, CITY OF	3101030015B	06/06/95	1820	02

LETTERS OF MAP CHANGE—Continued
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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
07	NE	GRAND ISLAND, CITY OF	3101030015B	06/08/95	1821	08
07	NE	GRAND ISLAND, CITY OF	3101030015B	06/08/95	1824	02
07	NE	GRAND ISLAND, CITY OF	3101030015B	04/26/95	1832	02
07	NE	GRAND ISLAND, CITY OF	3101030020B	02/10/95	1741	02
07	NE	GRAND ISLAND, CITY OF	3101030020B	02/09/95	95-07-047A	02
07	NE	GRAND ISLAND, CITY OF	3101030020B	06/13/95	95-07-108A	02
07	NE	HALL COUNTY*	3101000025C	06/29/95	1795	02
07	NE	HALL COUNTY*	3101000100C	02/13/95		01
07	NE	HALL COUNTY*	3101000100C	02/10/95	1673	01
07	NE	HALL COUNTY*	3101000100C	01/03/95	1693	01
07	NE	HALL COUNTY*	3101000150C	05/19/95	1770	02
07	NE	LA VISTA, CITY OF	31153C0065F	01/19/95	1717	02
07	NE	OMAHA, CITY OF	3152740020F	06/20/95	95-07-039A	01
07	NE	OMAHA, CITY OF	3152740025F	03/16/95	95-07-056A	02
07	NE	OMAHA, CITY OF	3152740045F	05/19/95	95-07-092A	02
07	NE	PAPILLION, CITY OF	31153C0065F	06/16/95	95-07-100A	01
07	NE	PLATTE COUNTY *	3104670009B	05/10/95	1787	02
07	NE	PLATTSMOUTH, CITY OF	3100330001B	03/27/95	1760	02
07	NE	SARPY COUNTY*	31153C0150F	06/29/95	1829	02
07	NE	SCHUYLER, CITY OF	3100460010B	01/17/95	95-07-029A	02
07	NE	SIDNEY, CITY OF	3100390010B	01/24/95	94-07-272P	05
08	CO	ARAPAHOE COUNTY *	08005C0095G	06/20/95	95-08-142P	05
08	CO	ARVADA, CITY OF	0850720003B	02/01/95	95-08-062A	02
08	CO	AURORA, CITY OF	0800020085D	02/09/95	95-08-063A	02
08	CO	BOULDER COUNTY *	0800230140C	05/22/95	95-08-072P	05
08	CO	BOULDER COUNTY *	08013C0269F	06/19/95	95-08-140P	05
08	CO	BOULDER COUNTY *	08013C0270F	06/19/95	95-08-140P	05
08	CO	BOULDER, CITY OF	0800240185E	04/25/95	95-08-120A	02
08	CO	BOULDER, CITY OF	0800240185E	06/14/95	95-08-129P	05
08	CO	BOULDER, CITY OF	08013C0385F	06/09/95	95-08-146A	01
08	CO	BOULDER, CITY OF	08013C0415F	06/05/95	95-08-041P	05
08	CO	BUENA VISTA, TOWN OF	0800300001C	05/03/95	95-08-135A	02
08	CO	CASTLE ROCK, TOWN OF	0800500188C	04/05/95	95-08-101P	06
08	CO	CASTLE ROCK, TOWN OF	0800500301C	03/20/95	95-08-052P	05
08	CO	COLORADO SPRINGS, CITY OF	0800600153C	05/24/95	95-08-087A	01
08	CO	COLORADO SPRINGS, CITY OF	0800600158B	01/05/95	95-08-009P	06
08	CO	DENVER, CITY AND COUNTY OF	0800460018C	01/04/95	95-08-039A	02
08	CO	DENVER, CITY AND COUNTY OF	0800460018C	01/13/95	95-08-054A	02
08	CO	DOUGLAS COUNTY*	0800490188C	04/05/95	95-08-101P	06
08	CO	DOUGLAS COUNTY*	0800490301C	03/20/95	95-08-052P	05
08	CO	EDGEWATER, CITY OF	0800890001C	03/13/95	95-08-056P	06
08	CO	EL PASO COUNTY*	0800590158B	01/05/95	95-08-009P	06
08	CO	ESTES PARK, TOWN OF	0801930001B	05/22/95	95-08-104P	06
08	CO	FORT COLLINS, CITY OF	0801020002B	02/15/95	95-08-060A	01
08	CO	FORT COLLINS, CITY OF	0801020004A	01/04/95	95-08-040A	01
08	CO	JEFFERSON COUNTY *	0800870260B	01/10/95	95-08-036A	02
08	CO	JEFFERSON COUNTY *	0800870380C	05/16/95	95-08-085P	06
08	CO	JEFFERSON COUNTY *	0800870390B	03/02/95	95-08-068A	02
08	CO	LA PLATA COUNTY *	0800970405B	06/16/95	95-08-157A	02
08	CO	LAFAYETTE, CITY OF	0800260004B	03/16/95	95-08-089A	01
08	CO	LAFAYETTE, CITY OF	08013C0576F	06/03/95	95-08-158P	06
08	CO	LAFAYETTE, CITY OF	08013C0577F	06/03/95	95-08-158P	06
08	CO	LONGMONT, CITY OF	0800270127C	06/16/95	95-08-143P	06
08	CO	LONGMONT, CITY OF	08013C0269F	06/19/95	95-08-140P	05
08	CO	LONGMONT, CITY OF	08013C0270F	06/19/95	95-08-140P	05
08	CO	LOUISVILLE, CITY OF	08013C0560F	06/29/95	95-08-177A	01
08	CO	MONTROSE COUNTY*	0801240402B	05/09/95	95-08-127A	01
08	CO	OLATHE, TOWN OF	0801280001B	03/22/95	95-08-098A	02
08	CO	PARKER, TOWN OF	0803100070C	02/21/95	95-08-008P	05
08	CO	RIDGWAY, TOWN OF	0801380001D	05/01/95	95-08-121A	01
08	CO	SEVERANCE, TOWN OF	0802660000	03/28/95	95-08-094A	01
08	CO	SEVERANCE, TOWN OF	0802660000	05/03/95	95-08-137A	01
08	CO	SEVERANCE, TOWN OF	0802660475C	05/16/95	95-08-155A	01
08	CO	SEVERANCE, TOWN OF	0802660475C	06/22/95	95-08-174A	01
08	CO	THORNTON, CITY OF	0800070010C	04/13/95	95-08-103A	02
08	MT	BEAVERHEAD COUNTY*	3000001438A	01/10/95	94-08-182A	08
08	MT	BEAVERHEAD COUNTY*	3000001438A	03/15/95	95-08-088A	02
08	MT	BEAVERHEAD COUNTY*	3000001682A	03/17/95	95-08-058A	01
08	MT	BEAVERHEAD COUNTY*	3000001684A	03/17/95	95-08-058A	01
08	MT	CASCADE COUNTY*	3000080210B	04/26/95	95-08-110A	02

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
08	MT	CHOTEAU, CITY OF	3000970001C	05/11/95	95-08-116A	01
08	MT	CHOTEAU, CITY OF	3000970001C	06/23/95	95-08-162A	01
08	MT	CULBERTSON, CITY OF	300067 B	02/24/95	95-08-031A	02
08	MT	FLATHEAD COUNTY*	3000231060C	06/06/95	95-08-163A	02
08	MT	FLATHEAD COUNTY*	3000231810C	03/03/95	95-08-051P	05
08	MT	FLATHEAD COUNTY*	3000231820E	03/03/95	95-08-051P	05
08	MT	FLATHEAD COUNTY*	3000231830D	03/03/95	95-08-051P	05
08	MT	FLATHEAD COUNTY*	3000231840D	03/03/95	95-08-051P	05
08	MT	FLATHEAD COUNTY*	3000231845D	03/03/95	95-08-051P	05
08	MT	FLATHEAD COUNTY*	3000232280D	03/03/95	95-08-051P	05
08	MT	FLATHEAD COUNTY*	3000232315D	03/02/95	95-08-079A	02
08	MT	GLENDIVE, CITY OF	3000150005B	04/11/95	95-08-111A	02
08	MT	WHITEFISH, CITY OF	3000260001B	01/04/95	95-08-047A	02
08	ND	BISMARCK, CITY OF	3801490025A	06/22/95	95-08-151A	02
08	ND	GRAND FORKS, CITY OF	3853650005D	04/13/95	95-08-105A	01
08	ND	GRAND FORKS, CITY OF	3853650010D	01/04/95	95-08-049A	01
08	ND	GRAND FORKS, CITY OF	3853650010D	02/01/95	95-08-069A	02
08	ND	GRAND FORKS, CITY OF	3853650010D	03/07/95	95-08-084A	02
08	ND	GRAND FORKS, CITY OF	3853650010D	03/22/95	95-08-097A	02
08	ND	GRAND FORKS, CITY OF	3853650010D	06/07/95	95-08-169A	02
08	ND	GRAND FORKS, CITY OF	3853650010D	06/28/95	95-08-178A	02
08	ND	GRAND FORKS, CITY OF	3853650015D	05/16/95	95-08-092A	01
08	ND	MANDAN, CITY OF	3800720020B	02/22/95	95-08-076A	02
08	ND	MANDAN, CITY OF	3800720020B	04/07/95	95-08-091A	01
08	ND	MINOT, CITY OF	3853670005B	05/23/95	95-08-144P	06
08	ND	MINOT, CITY OF	3853670011B	05/23/95	95-08-144P	06
08	ND	MINOT, CITY OF	3853670012B	05/23/95	95-08-144P	06
08	ND	MINOT, CITY OF	3853670016B	05/23/95	95-08-144P	06
08	ND	MINOT, CITY OF	3853670018B	05/23/95	95-08-144P	06
08	ND	MINOT, CITY OF	3853670019B	05/23/95	95-08-144P	06
08	ND	PLEASANT, TOWNSHIP OF	3802630025A	03/31/95	95-08-099A	01
08	ND	PLEASANT, TOWNSHIP OF	3802630025A	05/19/95	95-08-160A	01
08	ND	STANLEY, TOWNSHIP OF	3802580005B	05/15/95	95-08-134A	01
08	ND	STANLEY, TOWNSHIP OF	3802580005B	06/28/95	95-08-150A	01
08	ND	THOMPSON, CITY OF	3802080001B	04/05/95	95-08-095A	02
08	SD	ABERDEEN, CITY OF	46013C0245C	04/11/95	95-08-100A	02
08	SD	CODINGTON COUNTY*	4602600009B	03/01/95	95-08-064A	02
08	SD	NORTH SIOUX CITY, CITY OF	4600870005C	05/05/95	95-08-124A	01
08	SD	RAPID CITY, CITY OF	4654200004E	05/03/95	95-08-139A	01
08	SD	UNION COUNTY*	460242 C	05/10/95	95-08-117A	02
08	SD	WATERTOWN, CITY OF	4600160005B	03/13/95	95-08-081A	02
08	UT	FARMINGTON, CITY OF	4900440002C	03/13/95	95-08-083A	02
08	UT	LINDON, CITY OF	4902100005C	01/10/95	94-08-174P	06
08	UT	MURRAY, CITY OF	4901030003B	01/26/95	94-08-138P	05
08	UT	RIVERTON, CITY OF	4901040002C	02/07/95	94-08-171P	06
08	UT	SALT LAKE COUNTY*	4901020308B	06/16/95	95-08-148A	02
08	UT	SALT LAKE COUNTY*	4901020450B	02/07/95	94-08-171P	06
08	UT	SALT LAKE COUNTY*	4901020458C	02/24/95	95-08-082A	02
08	UT	SALT LAKE COUNTY*	4901020458C	04/11/95	95-08-118A	02
08	UT	SOUTH JORDAN, CITY OF	4901070008C	02/07/95	94-08-171P	06
08	UT	SOUTH SALT LAKE, CITY OF	4902190001B	04/19/95	95-08-055A	02
08	UT	ST. GEORGE, CITY OF	4901770017E	04/11/95	95-08-019P	06
08	WY	CASPER, CITY OF	5600370010C	02/09/95	95-08-070A	02
08	WY	LARAMIE COUNTY*	5600290520E	02/24/95	95-08-078A	02
08	WY	SHERIDAN COUNTY*	5600470020B	01/18/95	94-08-186A	02
09	AZ	BULLHEAD CITY, CITY OF	0401250005C	06/30/95	95-09-151P	08
09	AZ	CHANDLER, CITY OF	04013C2630D	06/13/95	95-09-423A	01
09	AZ	CHANDLER, CITY OF	04013C2655E	05/22/95	95-09-429A	01
09	AZ	FLAGSTAFF, CITY OF	0400200011B	06/19/95	95-09-257P	05
09	AZ	GILBERT, TOWN OF	04013C2660E	04/13/95	95-09-399A	01
09	AZ	GILBERT, TOWN OF	04013C2680F	05/05/95	95-09-472A	01
09	AZ	GLENDALE, CITY OF	04013C1620F	05/02/95	95-09-014P	06
09	AZ	GOODYEAR, CITY OF	04013C2060D	05/09/95	95-09-431A	02
09	AZ	GOODYEAR, CITY OF	04013C2060D	05/09/95	95-09-467A	02
09	AZ	MARICOPA COUNTY*	04013C0390E	06/23/95	95-09-578A	02
09	AZ	MESA, CITY OF	04013C2185E	04/19/95	95-09-410A	01
09	AZ	MESA, CITY OF	04013C2185E	05/18/95	95-09-519A	02
09	AZ	MESA, CITY OF	04013C2195E	02/01/95	95-09-208A	01
09	AZ	MESA, CITY OF	04013C2195E	02/01/95	95-09-229A	01
09	AZ	MESA, CITY OF	04013C2195E	03/16/95	95-09-300A	01

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
09	AZ	MESA, CITY OF	04013C2195E	05/01/95	95-09-411A	01
09	AZ	MESA, CITY OF	04013C2195E	06/16/95	95-09-605A	01
09	AZ	ORO VALLEY, TOWNSHIP OF	0401090010E	06/27/95	95-09-389P	05
09	AZ	PHOENIX, CITY OF	04013C1195D	01/11/95	95-09-174A	01
09	AZ	PHOENIX, CITY OF	04013C1195D	03/28/95	95-09-314A	01
09	AZ	PHOENIX, CITY OF	04013C1195D	05/09/95	95-09-475A	01
09	AZ	PHOENIX, CITY OF	04013C1215G	05/26/95	95-09-341P	05
09	AZ	PHOENIX, CITY OF	04013C1215G	05/26/95	95-09-344P	05
09	AZ	PHOENIX, CITY OF	04013C1220F	04/04/95	95-09-339A	02
09	AZ	PHOENIX, CITY OF	04013C1655G	01/24/95	95-09-059P	05
09	AZ	PHOENIX, CITY OF	04013C1660E	01/24/95	95-09-059P	05
09	AZ	PHOENIX, CITY OF	04013C1660E	01/04/95	95-09-156A	02
09	AZ	PHOENIX, CITY OF	04013C1665F	04/19/95	95-09-316P	05
09	AZ	PHOENIX, CITY OF	04013C1670D	04/19/95	95-09-308A	01
09	AZ	PHOENIX, CITY OF	04013C1680E	01/05/95	95-09-122A	02
09	AZ	PHOENIX, CITY OF	04013C1680E	01/05/95	95-09-132A	02
09	AZ	PHOENIX, CITY OF	04013C2130E	04/19/95	95-09-316P	05
09	AZ	PIMA COUNTY*	0400731025C	01/18/95	95-09-092A	02
09	AZ	PIMA COUNTY*	0400731030B	06/27/95	95-09-389P	05
09	AZ	PIMA COUNTY*	0400731035B	06/27/95	95-09-389P	05
09	AZ	PIMA COUNTY*	0400731040D	05/09/95	95-09-401A	01
09	AZ	PIMA COUNTY*	0400731645D	06/16/95	95-09-561A	02
09	AZ	PIMA COUNTY*	0400732220D	03/30/95	94-09-633P	06
09	AZ	PIMA COUNTY*	0400732220D	06/14/95	95-09-226P	05
09	AZ	PIMA COUNTY*	0400732220D	03/22/95	95-09-274P	06
09	AZ	PIMA COUNTY*	0400732225C	03/30/95	94-09-633P	06
09	AZ	PIMA COUNTY*	0400732240C	06/14/95	95-09-226P	05
09	AZ	PIMA COUNTY*	0400732810C	06/14/95	95-09-226P	05
09	AZ	PIMA COUNTY*	0400732830C	06/14/95	95-09-226P	05
09	AZ	PINAL COUNTY*	0400770514C	04/04/95	95-09-003P	06
09	AZ	PINAL COUNTY*	0400770525C	04/04/95	95-09-003P	06
09	AZ	PRESCOTT VALLEY, TOWN OF	0401210001C	04/07/95	95-09-301A	02
09	AZ	SCOTTSDALE, CITY OF	04013C1235E	05/05/95	95-09-297P	05
09	AZ	SCOTTSDALE, CITY OF	04013C1695E	03/21/95	95-09-295A	01
09	AZ	SCOTTSDALE, CITY OF	04013C2155D	01/04/95	95-09-138A	01
09	AZ	SCOTTSDALE, CITY OF	04013C2160D	03/16/95	95-09-294A	02
09	AZ	SCOTTSDALE, CITY OF	04013C2160D	04/26/95	95-09-380A	02
09	AZ	SHOW LOW, CITY OF	0400690003C	02/09/95	95-09-172A	02
09	AZ	TUCSON, CITY OF	0400760015F	06/26/95	95-09-169P	05
09	AZ	TUCSON, CITY OF	0400760020G	06/26/95	95-09-169P	05
09	AZ	TUCSON, CITY OF	0400760020G	02/09/95	95-09-209A	01
09	AZ	TUCSON, CITY OF	0400760025G	02/22/95	95-09-241A	01
09	AZ	TUCSON, CITY OF	0400760030G	04/11/95	95-09-350A	02
09	AZ	TUCSON, CITY OF	0400760045G	01/05/95	95-09-065A	02
09	AZ	TUCSON, CITY OF	0400760045G	06/28/95	95-09-310A	02
09	AZ	TUCSON, CITY OF	0400760045G	04/19/95	95-09-360A	02
09	AZ	TUCSON, CITY OF	0400760045G	05/09/95	95-09-455A	02
09	AZ	TUCSON, CITY OF	0400760045G	06/28/95	95-09-582A	02
09	AZ	TUCSON, CITY OF	0400760065F	06/13/95	95-09-226P	06
09	AZ	WICKENBURG, TOWN OF	04013C0235E	04/07/95	95-09-332A	02
09	CA	AMADOR COUNTY*	060015C	01/04/95	95-09-140A	02
09	CA	ANDERSON, CITY OF	0603590001B	06/23/95	95-09-351A	02
09	CA	ANTIOCH, CITY OF	0600260002D	05/09/95	95-09-482A	02
09	CA	ARROYO GRANDE, CITY OF	0603050001C	01/18/95	95-09-130A	02
09	CA	ARROYO GRANDE, CITY OF	0603050001C	01/18/95	95-09-199A	01
09	CA	ARROYO GRANDE, CITY OF	0603050001C	05/09/95	95-09-459A	02
09	CA	ARVIN, CITY OF	0600760005A	06/19/95	95-09-626A	08
09	CA	BELMONT, CITY OF	0650160005B	04/21/95	95-09-327P	06
09	CA	BURLINGAME, CITY OF	0650190002C	01/04/95	95-09-171A	01
09	CA	BURLINGAME, CITY OF	0650190004C	01/04/95	95-09-171A	01
09	CA	BUTTE COUNTY*	0600170205B	01/18/95	95-09-181A	02
09	CA	CHULA VISTA, CITY OF	0650210001D	02/13/95	95-09-202A	01
09	CA	CLOVIS, CITY OF	0600440005D	04/19/95	95-09-358A	01
09	CA	CLOVIS, CITY OF	0600440005D	06/05/95	95-09-594A	01
09	CA	CONCORD, CITY OF	0650220005B	04/07/95	95-09-333A	02
09	CA	CONCORD, CITY OF	0650220006B	05/02/95	95-09-365A	02
09	CA	CONTRA COSTA COUNTY*	0600250275B	03/22/95	95-09-114A	01
09	CA	CONTRA COSTA COUNTY*	0600250290B	01/27/95	94-09-784P	05
09	CA	CONTRA COSTA COUNTY*	0600250295B	01/27/95	94-09-784P	05
09	CA	CONTRA COSTA COUNTY*	0600250335B	01/06/95	95-09-016P	06

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
09	CA	CONTRA COSTA COUNTY*	0600250430B	01/27/95	94-09-784P	05
09	CA	CONTRA COSTA COUNTY*	0600250435B	01/27/95	94-09-784P	05
09	CA	CONTRA COSTA COUNTY*	0600250435B	04/19/95	95-09-368A	02
09	CA	CONTRA COSTA COUNTY*	0600250475B	04/04/95	95-09-337A	02
09	CA	CONTRA COSTA COUNTY*	0600250475B	06/16/95	95-09-438A	02
09	CA	CONTRA COSTA COUNTY*	0600250500B	02/15/95	95-09-085A	02
09	CA	CORONA, CITY OF	0602500005E	06/20/95	95-09-393P	05
09	CA	CORONA, CITY OF	0602500005E	06/28/95	95-09-552A	02
09	CA	CORONA, CITY OF	0602500010C	06/20/95	95-09-393P	05
09	CA	COSTA MESA, CITY OF	06059C0038E	01/04/95	95-09-163A	02
09	CA	COSTA MESA, CITY OF	06059C0038E	01/04/95	95-09-164A	02
09	CA	COSTA MESA, CITY OF	06059C0038E	01/04/95	95-09-165A	02
09	CA	COSTA MESA, CITY OF	06059C0038E	01/13/95	95-09-176A	01
09	CA	COSTA MESA, CITY OF	06059C0038E	02/16/95	95-09-233A	02
09	CA	COSTA MESA, CITY OF	06059C0038E	02/02/95	95-09-235A	02
09	CA	COSTA MESA, CITY OF	06059C0038E	02/16/95	95-09-236A	02
09	CA	COSTA MESA, CITY OF	06059C0038E	02/02/95	95-09-238A	02
09	CA	COSTA MESA, CITY OF	06059C0038E	03/22/95	95-09-342A	02
09	CA	COSTA MESA, CITY OF	06059C0038E	04/13/95	95-09-396A	02
09	CA	COSTA MESA, CITY OF	06059C0038E	05/16/95	95-09-505A	02
09	CA	COSTA MESA, CITY OF	06059C0038E	05/12/95	95-09-506A	02
09	CA	COSTA MESA, CITY OF	06059C0038E	05/16/95	95-09-507A	02
09	CA	CUPERTINO, CITY OF	0603390004C	06/16/95	95-09-567A	02
09	CA	DANVILLE, TOWN OF	0607070001A	03/02/95	95-09-258A	02
09	CA	DAVIS, CITY OF	0604240000	01/13/95	95-09-153A	01
09	CA	DAVIS, CITY OF	0604240000	04/11/95	95-09-323A	01
09	CA	DINUBA, CITY OF	0604030001B	01/30/95	95-09-198A	01
09	CA	DINUBA, CITY OF	0604030001B	05/02/95	95-09-421A	01
09	CA	ESCONDIDO, CITY OF	0602900001D	02/09/95	94-09-609P	05
09	CA	ESCONDIDO, CITY OF	0602900002C	06/16/95	95-09-412A	01
09	CA	FAIRFIELD, CITY OF	0603700005C	06/05/95	95-09-528A	01
09	CA	FAIRFIELD, CITY OF	0603700009D	05/18/95	95-09-127P	05
09	CA	FOUNTAIN VALLEY, CITY OF	06059C0037E	01/30/95	95-09-193A	01
09	CA	FRESNO COUNTY*	0650290625B	03/16/95	95-09-269A	02
09	CA	FRESNO COUNTY*	0650290885B	03/16/95	95-09-094A	02
09	CA	FRESNO COUNTY*	0650290890B	04/13/95	95-09-271A	02
09	CA	FRESNO COUNTY*	0650290895B	05/02/95	95-09-407A	02
09	CA	FRESNO COUNTY*	0650291185B	01/05/95	95-09-177A	02
09	CA	FRESNO, CITY OF	0600480000	03/02/95	95-09-248A	01
09	CA	FRESNO, CITY OF	0600480000	03/28/95	95-09-321A	01
09	CA	FRESNO, CITY OF	0600480010C	05/09/95	95-09-452A	01
09	CA	FRESNO, CITY OF	0600480020C	06/05/95	95-09-510A	02
09	CA	HEMET, CITY OF	0602530005C	01/04/95	95-09-160A	01
09	CA	HEMET, CITY OF	0602530005C	01/17/95	95-09-178A	01
09	CA	HEMET, CITY OF	0602530005C	02/01/95	95-09-217A	01
09	CA	HEMET, CITY OF	0602530005C	02/09/95	95-09-240A	01
09	CA	HEMET, CITY OF	0602530005C	02/22/95	95-09-246A	01
09	CA	HEMET, CITY OF	0602530005C	03/02/95	95-09-252A	01
09	CA	HEMET, CITY OF	0602530005C	03/07/95	95-09-264A	01
09	CA	HEMET, CITY OF	0602530005C	05/02/95	95-09-413A	01
09	CA	HEMET, CITY OF	0602530005C	05/02/95	95-09-414A	01
09	CA	HEMET, CITY OF	0602530005C	06/23/95	95-09-588A	01
09	CA	HEMET, CITY OF	0602530005C	06/22/95	95-09-595A	02
09	CA	HEMET, CITY OF	0602530005C	06/30/95	95-09-619A	01
09	CA	HERCULES, CITY OF	0604340000	05/02/95	95-09-363A	01
09	CA	HERCULES, CITY OF	0604340008B	05/16/95	94-09-309P	05
09	CA	HUMBOLDT COUNTY*	0600600775C	04/26/95	95-09-334A	02
09	CA	HUMBOLDT COUNTY*	0600601450B	06/16/95	95-09-553A	02
09	CA	IRVINE, CITY OF	06059C0049F	03/30/95	94-09-869P	05
09	CA	IRVINE, CITY OF	06059C0057E	03/30/95	94-09-869P	05
09	CA	KERN COUNTY	0600750585B	01/05/95	95-09-158A	02
09	CA	KERN COUNTY	0600750590C	04/13/95	95-09-296A	02
09	CA	KERN COUNTY	0600751275B	01/18/95	95-09-170A	01
09	CA	KERN COUNTY	0600751275B	03/28/95	95-09-315A	01
09	CA	KERN COUNTY	0600751555B	03/15/95	93-09-332P	05
09	CA	LAFAYETTE, CITY OF	0650370006B	01/27/95	94-09-784P	05
09	CA	LAFAYETTE, CITY OF	0650370009B	01/27/95	94-09-784P	05
09	CA	LANCASTER, CITY OF	0606720010B	05/16/95	95-09-526A	08
09	CA	LANCASTER, CITY OF	0606720020B	03/31/95	95-09-330A	02
09	CA	LANCASTER, CITY OF	0606720020B	04/12/95	95-09-345A	08

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
09	CA	LANCASTER, CITY OF	0606720020B	04/12/95	95-09-434A	08
09	CA	LARKSPUR, CITY OF	0650400001B	03/16/95	95-09-292A	02
09	CA	LEMOORE, CITY OF	0600890001A	05/09/95	95-09-449A	02
09	CA	LEMOORE, CITY OF	0600890001A	06/16/95	95-09-571A	02
09	CA	LIVERMORE, CITY OF	0600080010A	06/19/95	95-09-558P	05
09	CA	LODI, CITY OF	0603000001E	06/16/95	95-09-520A	01
09	CA	LONG BEACH, CITY OF	0601360025B	01/13/95	95-09-182A	02
09	CA	LOS ANGELES COUNTY*	0650430340B	03/01/95	94-09-716P	06
09	CA	LOS ANGELES COUNTY*	0650430345B	03/01/95	94-09-716P	06
09	CA	LOS ANGELES COUNTY*	0650430360B	05/01/95	95-09-404A	02
09	CA	LOS ANGELES COUNTY*	0650430360B	06/09/95	95-09-504A	02
09	CA	LOS ANGELES COUNTY*	0650431010B	05/08/95	95-09-405P	05
09	CA	LOS ANGELES, CITY OF	0601370000	01/12/95	94-09-793A	08
09	CA	LOS ANGELES, CITY OF	0601370072D	03/30/95	94-09-909P	06
09	CA	LOS ANGELES, CITY OF	0601370073D	03/30/95	94-09-909P	06
09	CA	LOS ANGELES, CITY OF	0601370079D	03/30/95	94-09-909P	06
09	CA	LOS ANGELES, CITY OF	0601370109D	03/16/95	95-09-272A	01
09	CA	MARIN COUNTY*	0601730257A	03/07/95	95-09-270A	02
09	CA	MENDOCINO COUNTY*	0601830794B	05/10/95	95-09-416A	02
09	CA	MENDOCINO COUNTY*	0601830794B	05/18/95	95-09-427A	02
09	CA	MENDOCINO COUNTY*	0601830813B	03/30/95	95-09-293A	02
09	CA	MERCED COUNTY*	0601880280B	02/10/95	94-09-662P	05
09	CA	MERCED COUNTY*	0601880295C	01/26/95	95-09-179A	01
09	CA	MERCED COUNTY*	0601880295C	02/09/95	95-09-218A	02
09	CA	MERCED COUNTY*	0601880295C	05/16/95	95-09-466A	01
09	CA	MERCED, CITY OF	0601910005D	02/10/95	94-09-662P	05
09	CA	MERCED, CITY OF	0601910005D	01/10/95	95-09-161A	01
09	CA	MERCED, CITY OF	0601910005D	01/18/95	95-09-194A	01
09	CA	MERCED, CITY OF	0601910005D	05/12/95	95-09-445A	01
09	CA	MERCED, CITY OF	0601910005D	06/28/95	95-09-612A	01
09	CA	MILL VALLEY, CITY OF	0601770005B	05/09/95	95-09-486A	02
09	CA	MILPITAS, CITY OF	0603440001F	02/03/95	95-09-216A	02
09	CA	MILPITAS, CITY OF	0603440001F	05/16/95	95-09-456A	01
09	CA	MONTEREY COUNTY*	0601950056D	05/05/95	95-09-415A	02
09	CA	NAPA COUNTY*	0602050345A	04/21/95	95-09-364A	02
09	CA	NAPA, CITY OF	0602070005C	05/19/95	95-09-523A	02
09	CA	NAPA, CITY OF	0602070010C	03/16/95	95-09-277A	01
09	CA	NEVADA COUNTY*	0602100484C	02/22/95	95-09-247A	02
09	CA	OCEANSIDE, CITY OF	0602940003C	02/03/95	95-09-232A	01
09	CA	OCEANSIDE, CITY OF	0602940003C	03/16/95	95-09-304A	01
09	CA	OCEANSIDE, CITY OF	0602940003C	04/19/95	95-09-378A	01
09	CA	ORANGE COUNTY*	06059C0041E	01/26/95	95-09-121A	02
09	CA	ORANGE, CITY OF	06059C0021E	03/16/95	95-09-291A	02
09	CA	ORINDA, CITY OF	0607220020A	05/31/95	95-09-395A	02
09	CA	PALM SPRINGS, CITY OF	0602570008B	05/22/95	95-09-359A	01
09	CA	PALO ALTO, CITY OF	0603480002D	04/19/95	95-09-374A	02
09	CA	PALO ALTO, CITY OF	0603480003D	03/02/95	95-09-230A	02
09	CA	PALO ALTO, CITY OF	0603480003D	04/25/95	95-09-390A	02
09	CA	PERRIS, CITY OF	0602580010D	03/16/95	95-09-309A	01
09	CA	PITTSBURG, CITY OF	0600330001D	06/16/95	95-09-473A	02
09	CA	PLACER COUNTY*	0602390477C	02/06/95	95-09-210A	02
09	CA	PLEASANTON, CITY OF	0600120003D	03/02/95	95-09-286A	02
09	CA	PLEASANTON, CITY OF	0600120003D	03/28/95	95-09-318A	02
09	CA	PLEASANTON, CITY OF	0600120003D	04/25/95	95-09-425A	02
09	CA	PLUMAS COUNTY*	060244B	04/21/95	95-09-371A	02
09	CA	PLUMAS COUNTY*	060244B	04/19/95	95-09-372A	02
09	CA	POWAY, CITY OF	0607020011B	06/05/95	95-09-540A	01
09	CA	RANCHO CUCAMONGA, CITY OF	0606710005A	03/06/95	95-09-245P	06
09	CA	RANCHO CUCAMONGA, CITY OF	0606710005A	05/22/95	95-09-402P	06
09	CA	REDDING, CITY OF	0603600010C	01/04/95	95-09-118A	02
09	CA	REDDING, CITY OF	0603600025C	01/30/95	95-09-192A	02
09	CA	REDLANDS, CITY OF	0602790010D	05/16/95	95-09-487A	02
09	CA	REDWOOD CITY, CITY OF	0603250008B	04/21/95	95-09-327P	06
09	CA	RICHMOND, CITY OF	0600350020B	03/31/95	95-09-328A	02
09	CA	RIDGECREST, CITY OF	0600810005B	01/04/95	95-09-150A	01
09	CA	RIVERSIDE COUNTY *	0602450065A	06/19/95	95-09-499P	05
09	CA	RIVERSIDE COUNTY *	0602451625B	05/16/95	94-09-749P	05
09	CA	RIVERSIDE COUNTY *	0602451625B	05/23/95	95-09-551A	08
09	CA	RIVERSIDE COUNTY *	0602452135B	04/11/95	95-09-347A	02
09	CA	RIVERSIDE COUNTY *	0602452260C	05/16/95	94-09-749P	05

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Region	State	Community	Map panel No.	Effective date	Case No.	Determination
09	CA	RIVERSIDE, CITY OF	0602600005A	06/19/95	95-09-499P	05
09	CA	ROCKLIN, CITY OF	0602420010C	04/07/95	95-09-259A	02
09	CA	ROHNERT PARK, CITY OF	0603800001B	01/04/95	93-09-475P	06
09	CA	ROSEVILLE, CITY OF	0602430008D	01/09/95	94-09-794P	06
09	CA	ROSEVILLE, CITY OF	0602430017D	05/15/95	95-09-376A	01
09	CA	SACRAMENTO COUNTY *	0602620065E	05/05/95	95-09-444A	01
09	CA	SACRAMENTO COUNTY *	0602620090D	02/22/95	95-09-244A	02
09	CA	SACRAMENTO COUNTY *	0602620095D	02/01/95	95-09-211A	02
09	CA	SACRAMENTO COUNTY *	0602620095D	04/21/95	95-09-375A	01
09	CA	SACRAMENTO COUNTY *	0602620185E	04/13/95	95-09-356A	02
09	CA	SACRAMENTO COUNTY *	0602620205D	04/25/95	95-09-385A	02
09	CA	SACRAMENTO COUNTY *	0602620205D	06/22/95	95-09-581A	02
09	CA	SACRAMENTO COUNTY *	0602620320D	05/03/95	95-09-442A	01
09	CA	SACRAMENTO COUNTY *	0602620345C	01/17/95	95-09-191A	02
09	CA	SACRAMENTO COUNTY *	0602620375C	02/01/95	95-09-219A	02
09	CA	SACRAMENTO COUNTY *	0602620375C	03/07/95	95-09-262A	02
09	CA	SACRAMENTO COUNTY *	0602620375C	03/22/95	95-09-353A	02
09	CA	SACRAMENTO, CITY OF	0602660025E	04/19/95	95-09-361A	02
09	CA	SALINAS, CITY OF	0602020003D	01/04/95	95-09-064A	02
09	CA	SAN BERNARDINO COUNTY *	0602707935B	06/28/95	95-09-618A	02
09	CA	SAN BERNARDINO COUNTY *	0602708740C	06/16/95	95-09-548A	02
09	CA	SAN BERNARDINO COUNTY *	0602708755B	01/13/95	95-09-137A	02
09	CA	SAN CARLOS, CITY OF	0603270001C	01/18/95	95-09-168A	02
09	CA	SAN CARLOS, CITY OF	0603270001C	04/26/95	95-09-377A	01
09	CA	SAN CLEMENTE, CITY OF	06059C0079F	06/16/95	95-09-555A	01
09	CA	SAN DIEGO COUNTY *	0602840812C	02/09/95	94-09-609P	06
09	CA	SAN DIEGO COUNTY *	0602841136C	01/18/95	95-09-126A	01
09	CA	SAN DIEGO COUNTY *	0602841909D	02/21/95	95-09-227A	01
09	CA	SAN JOAQUIN COUNTY*	0602990155A	04/27/95	95-09-391A	02
09	CA	SAN JOAQUIN COUNTY*	0602990430B	06/28/95	95-09-564A	02
09	CA	SAN JOSE, CITY OF	0603490000	02/09/95	95-09-214A	02
09	CA	SAN JOSE, CITY OF	0603490014E	02/01/95	95-09-207A	02
09	CA	SAN JOSE, CITY OF	0603490019E	04/25/95	95-09-379A	02
09	CA	SAN JOSE, CITY OF	0603490025D	01/30/95	95-09-031A	02
09	CA	SAN LUIS OBISPO COUNTY *	0603040732C	03/31/95	95-09-260A	02
09	CA	SAN MARCOS, CITY OF	0602960005E	04/13/95	95-09-349A	02
09	CA	SAN MARCOS, CITY OF	0602960005E	05/31/95	95-09-522A	02
09	CA	SAN RAFAEL, CITY OF	0650580015B	05/03/95	95-09-439A	02
09	CA	SAN RAFAEL, CITY OF	0650580015B	05/03/95	95-09-488A	02
09	CA	SANTA BARBARA COUNTY *	0603310100B	04/21/95	95-09-205P	05
09	CA	SANTA BARBARA COUNTY *	0603310250C	04/21/95	95-09-205P	05
09	CA	SANTA BARBARA COUNTY *	0603310755C	06/30/95	95-09-441P	05
09	CA	SANTA BARBARA COUNTY *	0603310765D	04/13/95	95-09-099P	05
09	CA	SANTA BARBARA, CITY OF	0603350004D	05/19/95	95-09-493A	02
09	CA	SANTA MARIA, CITY OF	0603360005C	04/21/95	95-09-205P	05
09	CA	SANTA MARIA, CITY OF	0603360010C	04/21/95	95-09-205P	05
09	CA	SANTA ROSA, CITY OF	0603810011B	04/19/95	95-09-348A	02
09	CA	SANTEE, CITY OF	0607030004B	02/06/95	95-09-221A	02
09	CA	SANTEE, CITY OF	0607030004B	04/11/95	95-09-302A	01
09	CA	SCOTTS VALLEY, CITY OF	0603560002B	05/09/95	95-09-464A	02
09	CA	SEBASTOPOL, CITY OF	0603820001C	06/22/95	95-09-584A	02
09	CA	SHASTA COUNTY *	0603580350B	02/03/95	95-09-222A	02
09	CA	SIMI VALLEY, CITY OF	0604210006A	06/14/95	95-09-386A	02
09	CA	SIMI VALLEY, CITY OF	0604210006A	05/03/95	95-09-443A	02
09	CA	SIMI VALLEY, CITY OF	0604210007A	03/14/95	94-09-923P	06
09	CA	SIMI VALLEY, CITY OF	0604210008A	03/14/95	94-09-923P	06
09	CA	SIMI VALLEY, CITY OF	0604210008A	05/01/95	95-09-394A	02
09	CA	SIMI VALLEY, CITY OF	0604210009A	03/14/95	94-09-923P	06
09	CA	SIMI VALLEY, CITY OF	0604210009A	03/28/95	95-09-142A	01
09	CA	SIMI VALLEY, CITY OF	0604210009A	03/15/95	95-09-223A	01
09	CA	SIMI VALLEY, CITY OF	0604210009A	04/28/95	95-09-383P	06
09	CA	SOLANO COUNTY *	0606310406B	04/04/95	95-09-255A	02
09	CA	SOLANO COUNTY *	0606310406B	04/11/95	95-09-299A	02
09	CA	SOLANO COUNTY *	0606310406B	04/11/95	95-09-331A	02
09	CA	SOLANO COUNTY *	0606310406B	05/01/95	95-09-430A	02
09	CA	SOLANO COUNTY *	0606310406B	05/09/95	95-09-432A	02
09	CA	SOLANO COUNTY *	0606310406B	05/02/95	95-09-433A	02
09	CA	SOLANO COUNTY *	0606310406B	05/18/95	95-09-469A	02
09	CA	SOLANO COUNTY *	0606310406B	06/09/95	95-09-601A	02
09	CA	SOLANO COUNTY *	0606310407B	05/18/95	95-09-127P	05

LETTERS OF MAP CHANGE—Continued
 [Effective January 1, 1995 through June 30, 1995]

Region	State	Community	Map panel No.	Effective date	Case No.	Determination
09	CA	SOLANO COUNTY *	0606310409C	05/18/95	95-09-127P	05
09	CA	SONOMA COUNTY *	0603750540B	06/02/95	95-09-460A	02
09	CA	TEHACHAPI, CITY OF	0600840002B	03/15/95	93-09-332P	05
09	CA	TULARE COUNTY*	0650660465B	03/16/95	95-09-268A	01
09	CA	TULARE COUNTY*	0650660650B	03/28/95	95-09-312A	02
09	CA	TUSTIN, CITY OF	06059C0030E	01/25/95	94-09-711P	06
09	CA	TUSTIN, CITY OF	06059C0039E	05/02/95	95-09-424A	02
09	CA	VACAVILLE, CITY OF	0603730005B	03/07/95	94-09-406P	05
09	CA	VACAVILLE, CITY OF	0603730005B	06/23/95	95-09-481A	02
09	CA	VICTORVILLE, CITY OF	065068 A	01/18/95	94-09-498P	06
09	CA	VISALIA, CITY OF	0604090005C	02/22/95	95-09-267A	01
09	CA	VISALIA, CITY OF	0604090005C	05/09/95	95-09-470A	01
09	CA	VISALIA, CITY OF	0604090010C	06/28/95	95-09-508A	02
09	CA	VISALIA, CITY OF	0604090010C	05/31/95	95-09-518A	01
09	CA	VISALIA, CITY OF	0604090010C	06/13/95	95-09-556P	06
09	CA	WALNUT CREEK, CITY OF	0650700001B	01/27/95	94-09-784P	05
09	CA	WALNUT CREEK, CITY OF	0650700003B	01/27/95	94-09-784P	05
09	CA	WILLOWS, CITY OF	0600590001C	01/18/95	95-09-189A	01
09	CA	WILLOWS, CITY OF	0600590001C	02/06/95	95-09-228A	02
09	CA	WILLOWS, CITY OF	0600590001C	04/06/95	95-09-388A	01
09	CA	WILLOWS, CITY OF	0600590001C	05/03/95	95-09-440A	01
09	CA	WINTERS, CITY OF	0604250005B	03/16/95	95-09-279A	01
09	CA	YUCAIPA, CITY OF	0602708745C	04/04/95	95-09-329A	02
09	HI	HAWAII COUNTY*	1551660713D	05/26/95	93-09-503P	06
09	HI	HAWAII COUNTY*	1551660713D	06/14/95	95-09-498P	05
09	HI	HAWAII COUNTY*	1551660860C	06/02/95	95-09-373A	02
09	HI	HAWAII COUNTY*	1551660880C	06/07/95	95-09-497A	02
09	HI	HAWAII COUNTY*	1551660890C	04/05/95	95-09-273A	01
09	HI	HAWAII COUNTY*	1551660926D	06/05/95	95-09-231A	02
09	HI	HONOLULU COUNTY*	1500010110C	03/21/95	95-09-040P	05
09	HI	HONOLULU COUNTY*	1500010130C	03/21/95	95-09-040P	05
09	HI	HONOLULU COUNTY*	1500010135C	03/21/95	95-09-040P	05
09	NV	CARSON CITY, CITY OF	3200010125C	02/27/95	95-09-206P	05
09	NV	CARSON CITY, CITY OF	3200010130C	02/27/95	95-09-206P	05
09	NV	CLARK COUNTY*	3200031000B	06/07/95	95-09-531P	06
09	NV	CLARK COUNTY*	3200031000B	06/07/95	95-09-532P	06
09	NV	CLARK COUNTY*	3200031025B	02/01/95	95-09-201A	01
09	NV	CLARK COUNTY*	3200031025B	05/18/95	95-09-419A	02
09	NV	CLARK COUNTY*	3200031025B	06/19/95	95-09-559A	01
09	NV	CLARK COUNTY*	3200031204B	01/04/95	95-09-141A	01
09	NV	CLARK COUNTY*	3200031225B	05/09/95	95-09-357P	06
09	NV	CLARK COUNTY*	3200031225B	05/16/95	95-09-447A	01
09	NV	CLARK COUNTY*	3200031225B	06/21/95	95-09-517A	01
09	NV	CLARK COUNTY*	3200031250B	06/16/95	95-09-366A	02
09	NV	CLARK COUNTY*	3200031985B	04/19/95	95-09-103P	05
09	NV	CLARK COUNTY*	3200032005B	04/19/95	95-09-103P	05
09	NV	CLARK COUNTY*	3200032015B	04/19/95	95-09-103P	05
09	NV	CLARK COUNTY*	3200032015B	05/22/95	95-09-265P	06
09	NV	DOUGLAS COUNTY*	32005C0040E	06/08/95	95-09-574A	08
09	NV	HENDERSON, CITY OF	3200050005B	04/27/95	95-09-397A	01
09	NV	HENDERSON, CITY OF	3200050005B	05/17/95	95-09-422P	06
09	NV	HENDERSON, CITY OF	3200050005B	06/23/95	95-09-503P	06
09	NV	HENDERSON, CITY OF	3200050010B	06/23/95	95-09-503P	06
09	NV	HENDERSON, CITY OF	3200050020B	03/17/95	95-09-078P	06
09	NV	HENDERSON, CITY OF	3200050020B	01/04/95	95-09-143A	01
09	NV	HENDERSON, CITY OF	3200050020B	03/07/95	95-09-251A	01
09	NV	LAS VEGAS, CITY OF	3252760015C	05/18/95	95-09-325A	01
09	NV	LAS VEGAS, CITY OF	3252760015C	05/16/95	95-09-451A	01
09	NV	LAS VEGAS, CITY OF	3252760015C	05/22/95	95-09-530P	06
09	NV	LAS VEGAS, CITY OF	3252760020C	05/04/95	95-09-052P	06
09	NV	LAS VEGAS, CITY OF	3252760025C	05/04/95	95-09-052P	06
09	NV	LAS VEGAS, CITY OF	3252760025C	01/24/95	95-09-184A	01
09	NV	LAS VEGAS, CITY OF	3252760025C	06/07/95	95-09-513A	01
09	NV	NORTH LAS VEGAS, CITY OF	3200070000	01/25/95	94-09-858P	06
09	NV	NORTH LAS VEGAS, CITY OF	3200070004C	03/13/95	95-09-243A	01
09	NV	NORTH LAS VEGAS, CITY OF	3200070006C	03/22/95	95-09-320A	02
09	NV	NORTH LAS VEGAS, CITY OF	3200070006C	04/13/95	95-09-370A	02
09	NV	NORTH LAS VEGAS, CITY OF	3200070006C	04/19/95	95-09-392A	02
09	NV	NORTH LAS VEGAS, CITY OF	3200070006C	05/23/95	95-09-543A	02
09	NV	RENO, CITY OF	32031C3170E	04/25/95	95-09-263P	06

LETTERS OF MAP CHANGE—Continued

[Effective January 1, 1995 through June 30, 1995]

Region	State	Community	Map panel No.	Effective date	Case No.	Determination
09	NV	RENO, CITY OF	32031C3186E	04/25/95	95-09-263P	06
09	NV	WASHOE COUNTY*	32031C3170E	04/25/95	95-09-263P	06
09	NV	WASHOE COUNTY*	32031C3170E	05/31/95	95-09-461A	02
09	NV	WASHOE COUNTY*	32031C3178E	04/25/95	95-09-263P	06
09	NV	WASHOE COUNTY*	32031C3186E	04/25/95	95-09-263P	06
09	NV	WASHOE COUNTY*	32031C3188E	04/25/95	95-09-263P	06
09	NV	WASHOE COUNTY*	32031C3189E	06/23/95	95-09-550A	02
10	AK	ANCHORAGE, MUNICIPALITY OF	0200050000	02/28/95	95-R10-063	02
10	AK	ANCHORAGE, MUNICIPALITY OF	0200050000	03/14/95	95-R10-075	02
10	AK	ANCHORAGE, MUNICIPALITY OF	0200050235C	02/15/95	94-10-059P	06
10	AK	ANCHORAGE, MUNICIPALITY OF	0200050510B	02/06/95	95-10-021A	02
10	AK	JUNEAU, CITY AND BOROUGH OF	0200090000	05/30/95	95-R10-124	02
10	AK	KENAI PENINSULA BOROUGH	0200120000	03/08/95	95-R10-071	02
10	AK	MATANUSKA-SUSITNA, BOROUGH OF	0200210000	05/25/95	95-R10-096	02
10	AK	MATANUSKA-SUSITNA, BOROUGH OF	0200210000	05/25/95	95-R10-118	02
10	ID	ADA COUNTY*	1600010165C	05/16/95	95-10-037A	01
10	ID	AMMON, CITY OF	1600280001B	05/02/95	95-R10-107	02
10	ID	AMMON, CITY OF	1600280001B	06/29/95	95-R10-136	02
10	ID	BINGHAM COUNTY*	1600180000	03/02/95	95-R10-067-1	02
10	ID	BINGHAM COUNTY*	1600180000	03/02/95	95-R10-067-2	02
10	ID	BINGHAM COUNTY*	1600180000	03/02/95	95-R10-067-3	02
10	ID	BINGHAM COUNTY*	1600180000	03/02/95	95-R10-067-5	02
10	ID	BINGHAM COUNTY*	1600180000	03/02/95	95-R10-067-6	02
10	ID	BINGHAM COUNTY*	1600180000	03/02/95	95-R10-067-7	02
10	ID	BINGHAM COUNTY*	1600180430B	03/02/95	95-R10-067-4	02
10	ID	BLAINE COUNTY*	1651670000	06/20/95	95-R10-137	02
10	ID	BLAINE COUNTY*	1651670859A	06/20/95	95-R10-138	02
10	ID	BOISE, CITY OF	1600020002D	01/24/95	94-10-066A	01
10	ID	BOISE, CITY OF	1600020007D	06/28/95	95-10-035A	01
10	ID	BONNER COUNTY*	1602060000	01/18/95	95-R10-008	02
10	ID	GARDEN CITY, CITY OF	1600040001F	01/30/95	95-10-014A	01
10	ID	MERIDIAN, CITY OF	1601800000	04/19/95	95-10-008A	01
10	ID	MERIDIAN, CITY OF	1601800000	06/26/95	95-10-053A	01
10	ID	MERIDIAN, CITY OF	1601800000	03/21/95	95-R10-045	02
10	ID	SPIRIT LAKE, CITY OF	1600840001A	03/27/95	95-R10-088	02
10	OR	BANDON, CITY OF	4100430000	03/13/95	95-R10-049	02
10	OR	BENTON COUNTY*	4100080000	02/22/95	95-R10-036	02
10	OR	BENTON COUNTY*	4100080000	02/22/95	95-R10-056	02
10	OR	BENTON COUNTY*	4100080000	04/24/95	95-R10-101	02
10	OR	CLACKAMAS COUNTY*	4155880000	02/16/95	95-R10-051	02
10	OR	CLACKAMAS COUNTY*	4155880000	05/01/95	95-R10-094	02
10	OR	CLATSOP COUNTY*	4100270023A	01/18/95	95-10-003A	02
10	OR	COOS BAY, CITY OF	4100440005B	05/24/95	95-10-027A	01
10	OR	CULVER, CITY OF	4102900001A	06/01/95	95-R10-128	02
10	OR	DESCHUTES COUNTY*	41017C0000	03/09/95	95-R10-057	02
10	OR	DOUGLAS COUNTY*	4100590000	03/21/95	95-R10-081	02
10	OR	EUGENE, CITY OF	4101220000	04/10/95	95-10-024P	06
10	OR	EUGENE, CITY OF	4101220001B	03/20/95	95-10-006P	06
10	OR	EUGENE, CITY OF	4101220001B	06/09/95	95-10-039A	01
10	OR	EUGENE, CITY OF	4101220002B	05/02/95	95-10-034A	01
10	OR	GRESHAM, CITY OF	4101810000	03/07/95	95-R10-070	02
10	OR	HOOD RIVER COUNTY*	4100860000	02/03/95	95-R10-037	02
10	OR	JACKSON COUNTY*	4155890000	02/28/95	95-R10-062	02
10	OR	JUNCTION CITY, CITY OF	4101240001C	02/22/95	95-R10-058	02
10	OR	LANE COUNTY*	4155910000	01/18/95	95-R10-030	02
10	OR	LANE COUNTY*	4155910000	02/16/95	95-R10-031	02
10	OR	LANE COUNTY*	4155910000	03/20/95	95-R10-077	02
10	OR	LANE COUNTY*	4155910000	05/04/95	95-R10-085	02
10	OR	LANE COUNTY*	4155910000	06/22/95	95-R10-089	02
10	OR	LANE COUNTY*	4155910000	05/26/95	95-R10-123	02
10	OR	LANE COUNTY*	4155910610C	03/16/95	95-10-002A	02
10	OR	LINCOLN COUNTY*	4101290000	01/26/95	95-R10-040	02
10	OR	MARION COUNTY*	4101540000	02/16/95	95-R10-053	02

LETTERS OF MAP CHANGE—Continued
 [Effective January 1, 1995 through June 30, 1995]

Region	State	Community	Map panel No.	Effective date	Case No.	Determination
10	OR	NORTH PLAINS, CITY OF	4102700001B	03/22/95	95-10-029A	02
10	OR	POLK COUNTY*	41053C0000	06/29/95	95-R10-106	02
10	OR	PORTLAND, CITY OF	4101830000	03/22/95	95-R10-044	02
10	OR	ROSEBURG, CITY OF	4100670005D	06/19/95	95-R10-112	02
10	OR	TUALATIN, CITY OF	4102770000	05/05/95	95-R10-109	01
10	OR	WALLOWA COUNTY*	41063C0000	01/26/95	95-R10-028	02
10	OR	WOODBURN, CITY OF	4101720001B	03/20/95	95-R10-078	02
10	WA	BELLEVUE, CITY OF	53033C0000	03/08/95	95-R10-072	02
10	WA	BONNEY LAKE, CITY OF	5302740000	03/13/95	95-R10-074	02
10	WA	BOTHELL, CITY OF	5300750005C	03/03/95	94-10-067P	05
10	WA	BOTHELL, CITY OF	5300750007C	03/03/95	94-10-053P	05
10	WA	BOTHELL, CITY OF	5300750007C	03/03/95	94-10-067P	05
10	WA	BRIER, CITY OF	5302760005A	05/26/95	95-R10-114	02
10	WA	CLARK COUNTY*	5300240000	04/17/95	94-RX-0130	02
10	WA	CLARK COUNTY*	5300240000	01/30/95	95-R10-033	02
10	WA	CLARK COUNTY*	5300240000	04/17/95	95-R10-093	02
10	WA	COWLITZ COUNTY*	5300320120D	02/13/95	95-10-012P	06
10	WA	EDMONDS, CITY OF	5301630005D	03/13/95	95-R10-047	02
10	WA	FERNDALE, TOWN OF	5302010005B	02/02/95	95-R10-035	02
10	WA	GRAYS HARBOR COUNTY*	5300570000	01/05/95	95-R10-026	02
10	WA	GRAYS HARBOR COUNTY*	5300570000	02/16/95	95-R10-055	02
10	WA	HOQUIAM, CITY OF	5300610005B	01/04/95	95-10-010A	01
10	WA	JEFFERSON COUNTY*	5300690410B	06/21/95	95-R10-115	02
10	WA	KING COUNTY*	53033C0000	02/02/95	94-RX-0165	02
10	WA	KING COUNTY*	53033C0000	01/20/95	95-R10-034	02
10	WA	KING COUNTY*	53033C0000	01/26/95	95-R10-039	02
10	WA	KING COUNTY*	53033C0000	03/24/95	95-R10-076	02
10	WA	KING COUNTY*	53033C0000	03/29/95	95-R10-092	02
10	WA	KING COUNTY*	53033C0000	05/12/95	95-R10-111	02
10	WA	KING COUNTY*	53033C0000	06/29/95	95-R10-154	02
10	WA	KING COUNTY*	53033C0680F	06/23/95	95-R10-144	02
10	WA	KING COUNTY*	53033C0925F	06/29/95	95-R10-153	02
10	WA	KING COUNTY*	53033C1250F	06/23/95	95-R10-146	02
10	WA	KITSAP COUNTY*	5300920000	01/17/95	95-R10-029	02
10	WA	KITSAP COUNTY*	5300920000	05/12/95	95-R10-105	02
10	WA	LA CONNER, TOWN OF	5301560001B	02/16/95	95-R10-054	02
10	WA	LINCOLN COUNTY*	53043C0000	05/25/95	95-R10-117	02
10	WA	NORTH BEND, CITY OF	53033C0000	03/22/95	95-R10-084	02
10	WA	OAK HARBOR, CITY OF	5300680005C	02/27/95	95-R10-061	02
10	WA	OKANOGAN COUNTY*	5301170000	06/29/95	95-R10-148	02
10	WA	OKANOGAN COUNTY*	5301170150B	06/29/95	95-R10-150	02
10	WA	PEND OREILLE COUNTY*	530131 B	03/03/95	95-R10-048	02
10	WA	PEND OREILLE COUNTY*	530131 B	05/31/95	95-R10-083	02
10	WA	PIERCE COUNTY*	5301380000	01/23/95	95-R10-038	02
10	WA	PIERCE COUNTY*	5301380000	02/16/95	95-R10-050	02
10	WA	RENTON, CITY OF	53033C0329D	01/17/95	95-10-017P	05
10	WA	SEATTLE, CITY OF	53033C0000	05/20/95	95-R10-110	02
10	WA	SKAGIT COUNTY*	5301510000	02/14/95	94-10-061P	12
10	WA	SKAGIT COUNTY*	5301510000	01/27/95	95-R10-041	02
10	WA	SKAGIT COUNTY*	5301510000	03/20/95	95-R10-079	02
10	WA	SKAGIT COUNTY*	5301510000	03/28/95	95-R10-090	02
10	WA	SKAGIT COUNTY*	5301510000	05/04/95	95-R10-090	02
10	WA	SKAGIT COUNTY*	5301510000	04/24/95	95-R10-102	02
10	WA	SKAGIT COUNTY*	5301510000	05/25/95	95-R10-116	02
10	WA	SKAGIT COUNTY*	5301510000	06/29/95	95-R10-149	02
10	WA	SNOHOMISH COUNTY*	5355340000	02/01/95	9-R10-043	02
10	WA	SNOHOMISH COUNTY*	5355340000	01/05/95	95-R10-025	02
10	WA	SNOHOMISH COUNTY*	5355340000	01/06/95	95-R10-027	02
10	WA	SNOHOMISH COUNTY*	5355340000	06/02/95	95-R10-103	02
10	WA	SNOHOMISH COUNTY*	5355340000	05/31/95	95-R10-126	02
10	WA	SPANGLE, TOWN OF	5301820001B	03/14/95	95-R10-065	02
10	WA	SPOKANE COUNTY*	5301740000	01/30/95	95-R10-043	02
10	WA	SPOKANE COUNTY*	5301740000	02/22/95	95-R10-059	02
10	WA	SPOKANE COUNTY*	5301740000	03/02/95	95-R10-066	02
10	WA	SPOKANE COUNTY*	5301740000	03/03/95	95-R10-069	02
10	WA	SPOKANE COUNTY*	5301740000	03/24/95	95-R10-086	02
10	WA	SPOKANE COUNTY*	5301740277B	06/29/95	95-R10-155	02
10	WA	THURSTON COUNTY*	5301880000	03/24/95	95-R10-087	02
10	WA	THURSTON COUNTY*	5301880191C	06/22/95	95-R10-140	02
10	WA	THURSTON COUNTY*	5301880355C	04/19/95	95-10-033A	02

LETTERS OF MAP CHANGE—Continued

[Effective January 1, 1995 through June 30, 1995]

Region	State	Community	Map panel No.	Effective date	Case No.	Determination
10	WA	THURSTON COUNTY*	5301880365C	04/19/95	95-10-033A	02
10	WA	YAKIMA COUNTY*	5302170000	03/29/95	95-RX-070A	02
10	WA	YAKIMA COUNTY*	5302171029B	05/12/95	95-10-030A	02
10	WA	YAKIMA COUNTY*	5302171033B	05/12/95	95-10-030A	02

[FR Doc. 95-21534 Filed 8-30-95; 8:45 am]

BILLING CODE 6718-03-P

FEDERAL RESERVE SYSTEM**Camden National Corporation; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company**

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) 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 acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these 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 September 25, 1995.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. Camden National Corporation, Camden, Maine; to acquire 100 percent of the voting shares and to merge with UNITEDCORP, Bangor, Maine, and thereby indirectly acquire United Bank, Bangor, Maine.

In connection with this application, Camden National Corporation also has applied to acquire Trust Company of Maine, Inc., Bangor, Maine, and thereby engage in nondepository trust company activities pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 25, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-21618 Filed 8-30-95; 8:45 am]

BILLING CODE 6210-01-F

Thomas Graves Lane, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board

of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 15, 1995.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Thomas Graves Lane, Lakeside, Ohio; to acquire .240 percent, for a total of 15.170 percent, of the voting shares of The Marblehead Bank, Marblehead, Ohio.

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. James Lee Clayton, Knoxville, Tennessee; to acquire 93.2 percent, for a total of 100 percent, of the voting shares of Smoky Mountain Bancorp., Inc., Gatlinburg, Tennessee, and thereby indirectly acquire First National Bank of Gatlinburg, Gatlinburg, Tennessee.

Board of Governors of the Federal Reserve System, August 25, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-21627 Filed 8-30-95; 8:45 am]

BILLING CODE 6210-01-F

National Westminster Bank PLC, 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 25, 1995.

A. Federal Reserve Bank of New York (William L. Rutledge, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. *National Westminster Bank PLC*, London, England; *Natwest Holdings Inc.*, New York, New York; *National Westminster Bancorp Inc.*, Jersey City, New Jersey; and *National Westminster Bancorp NJ*, Jersey City, New Jersey; to acquire 100 percent of the voting shares of *Natwest Bank National Association*, Scranton, Pennsylvania, a *de novo* bank.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *BancMidwest Corporation*, St. Paul, Minnesota; to acquire 100 percent of the voting shares of *South St. Paul Bancshares, Inc.*, South St. Paul, Minnesota, and thereby indirectly acquire *Southview Bank*, South St. Paul, Minnesota.

2. *Lake Elmo Bancshares, Inc.*, Lake Elmo, Minnesota; to become a bank holding company by acquiring at least 70.57 percent of the voting shares of *Lake Elmo Bancorp, Inc.*, Lake Elmo, Minnesota, and thereby indirectly acquire *Lake Elmo Bank*, Lake Elmo, Minnesota.

C. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. *First Commercial Bank*, Taipei, Taiwan; to become a bank holding company by acquiring 100 percent of the voting shares of *FCB Taiwan California Bank*, Alhambra, California (in organization).

Board of Governors of the Federal Reserve System, August 28, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-21683 Filed 8-30-95; 8:45 am]

BILLING CODE 6210-01-F

Richard D. Schneider; Change in Bank Control Notice

Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice 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 indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than September 15, 1995.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Richard D. Schneider*, Excelsior, Minnesota; to acquire an additional 7.26 percent, for a total of 27.26 percent, of the voting shares of *Dean Financial Services, Inc.*, St. Paul, Minnesota, and thereby indirectly acquire *Princeton Bank*, Princeton, Minnesota.

Board of Governors of the Federal Reserve System, August 28, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-21685 Filed 8-30-95; 8:45 am]

BILLING CODE 6210-01-F

United Security Bancorporation; 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 September 15, 1995.

A. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. *United Security Bancorporation*, Spokane, Washington; to engage *de novo* through its subsidiary, *USB Leasing, Inc.*, Spokane, Washington, in leasing activities, pursuant to § 225.25(b)(5) of the Board's Regulation Y; and in factoring services, pursuant to § 225.25(b)(1)(v) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 28, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-21684 Filed 8-30-95; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Availability of CDC Bacterial Isolates for Evaluating Bacterial Identification Devices

AGENCY: Centers for Disease Control and Prevention (CDC), Public Health Service, HHS.

ACTION: Notice of availability.

SUMMARY: Gram-negative bacterial isolates for quality control of bacterial identification devices are available from CDC. Charges are listed under supplementary information.

EFFECTIVE DATE: September 1, 1995.

FOR FURTHER INFORMATION CONTACT: J. Michael Miller, Ph.D., or Caroline O'Hara, Diagnostic Microbiology Section, Mailstop C16, Centers for Disease Control and Prevention (CDC), Atlanta, GA 30333, telephone 404-639-3029 or 404-639-2316, facsimile 404-639-3241.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the availability from CDC of a set of gram-negative bacterial isolates with known biochemical characteristics. These organisms can be used by manufacturers to fulfill the requirements for testing bacterial identification devices as part of Food and Drug Administration 510(k) or pre-market approval (PMA) submissions. Biochemical characterization test results will be sent with each set.

The charge for the set of 115 gram-negative fermentative organisms will be \$2000.00. These charges were derived from the cost of materials and labor required by CDC to acquire, test, maintain, and prepare each set for shipment.

The catalog number for the set is GN-0115. This set can be obtained by writing to Connie Flowers, Scientific Resources Program, Technical Services Branch (C21), Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Atlanta, GA 30333. Orders may also be sent by facsimile to: 404-639-3296. Telephone orders will not be accepted. No individual organisms or partial sets will be made available. The sets will be sent frozen on dry ice by overnight express shipping.

Orders for sets should include the purchase order number, catalog number, the name and account number of the company's overnight express shipping service, the name and telephone number of the contact person who will receive the isolates, and the company's shipping and billing addresses. The materials will be shipped only after the company executes a Non-disclosure Agreement which will be provided by CDC. Companies will be billed the month after the isolates are shipped.

Dated: August 25, 1995.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95-21622 Filed 8-30-95; 8:45 am]

BILLING CODE 4163-18-P

Health Care Financing Administration

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 approved collection; *Title of Information Collection:* Medicare Uniform; *Form No.:* HCFA-1450 (UB-92); *Use:* This form is the standardized form used in the Medicare/Medicaid program to apply for reimbursement for covered services by all providers that accept Medicare/Medicaid assigned claims. It will reduce costs and administrative burdens associated with claims since only one coding system is used and maintained. *Frequency:* Annually; *Affected Public:* Federal Government, State, local, or tribal government, business or other for profit, not-for-profit institutions; *Number of Respondents:* 123,432,041; *Total Annual Hours:* 1,890,490.

To request copies of the proposed paperwork collection 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 24, 1995.

Kathleen B. Larson,

Director, Management Planning and Analysis Staff.

[FR Doc. 95-21646 Filed 8-30-95; 8:45 am]

BILLING CODE 4120-03-P

Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB) for Clearance

AGENCY: Health Care Financing Administration, HHS.

The Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to OMB the following

proposals for the collection of information in compliance with the Paperwork Reduction Act (Pub. L. 96-511).

1. *Type of Request:* Revision of a currently approved collection; *Title of Information Collection:* Annual Report on Home and Community-Based Waivers; *Form No.:* HCFA-372, HCFA-372(S); *Use:* States with an approved waiver under section 1915(c) of the Act are required to submit the HCFA-372 or HCFA-372(S) annually in order for HCFA to: (1) Verify that State assurances regarding waiver cost-neutrality are met, and (2) determine the waiver's impact on the type, amount and cost of services provided under the State plan and health and welfare of recipients. *Frequency:* Annually; *Affected Public:* State, local, or tribal government; *Number of Respondents:* 49; *Total Annual Hours:* 18,000.

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: Linda Mansfield, Room C2-26-17, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Dated: August 23, 1995.

Kathleen B. Larson,

Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 95-21647 Filed 8-30-95; 8:45 am]

BILLING CODE 4120-03-P

National Institutes of Health

Office of AIDS Research; Amended Notice of Meeting

Notice is hereby given to amend the notice of the meeting of the NIH AIDS Research Program Evaluation Working Group that was published in the **Federal Register** on August 24, 1995 (60 FR 44039) to provide additional background information about the meeting and to establish specific guidelines for presentations by public participants. The open portion of the meeting will be held on September 13, 1995 at the Omni Shoreham Hotel, 2500 Calvert Street NW., Washington, DC, from 10:30 a.m. until 5 p.m.

The NIH Revitalization Act of 1993 authorizes the Office of AIDS Research

(OAR) to evaluate the AIDS research activities of the NIH. The NIH AIDS Research Program Evaluation Working Group was established by the OAR to carry out this major evaluation initiative, reviewing and assessing each of the components of the NIH AIDS research endeavor to determine whether those components are appropriately designed and coordinated to answer the critical scientific questions to lead to better treatments, prevention, and a cure for AIDS. Six Area Review Panels were also established to address the following research areas: Natural History and Epidemiology; Etiology and Pathogenesis; Clinical Trials; Drug Development; Vaccine Research; and Behavioral and Social Sciences Research.

The purpose of the meeting is to review the status of efforts of each of the six Area Review Panels and to seek input from individuals and organizations interested in the evaluation of AIDS research.

During the session from 10:30 until 12:30 p.m., each of the Chairs of the Area Review Panels will present reports on the efforts of the Panels. The afternoon session from 1:30 until 5:00 will be devoted to presentations from the public. These sessions are open to the public; however, attendance may be limited by seat availability.

Comments should be confined to statements related to the current status of NIH AIDS Research and recommendations for consideration by the panel in assessing and reviewing the major biomedical and behavioral research components.

Only one representative of an organization may present oral comments. Each speaker will be permitted 5 minutes for their presentation. Interested individuals and representatives of organizations must submit a letter of intent to present comments and three (3) typewritten copies of the presentation, along with a brief description of the organization represented, to the attention of: Dr. Robert Eisinger, Office of AIDS Research, NIH, 31 Center Drive, MSC 2340, Building 31, Room 4B62, Bethesda, Maryland 20892-2340; telephone: 301-402-8655; FAX: 301-402-8638. Letters of intent and copies of presentations must be received no later than 5:00 p.m. edt on September 8, 1995.

Individuals wishing to provide only written statements must send three (3) typewritten copies of their comments, including a brief description of their organization, to the above address no later than 5 p.m. edt on September 8, 1995. Statements submitted after that

date will be accepted, but may not be available to the Evaluation Working Group prior to the meeting.

Dated: August 25, 1995.

Margery G. Grubb,

Senior Committee Management Specialist.

[FR Doc. 95-21604 Filed 8-30-95; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute; Notice of a 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 Heart, Lung, and Blood Special Emphasis Panel (SEP) meeting:

Name of SEP: The Multicenter Study of Hydroxyurea in Sickle Cell Anemia (MSH) Patients' Follow-up (Telephone Conference Call).

Date: September 13, 1995.

Time: 10:00 a.m.

Place: Rockledge II, Conference Room I, 7th Floor, Bethesda, Maryland.

Contact Person: Anthony M. Coelho, Jr., Ph.D., Rockledge II, Room 7182, 6701 Rockledge Drive, Bethesda, Maryland 20892-7924, (301) 435-0277.

Purpose/Agenda: To review and evaluate contract proposals.

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 Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: August 25, 1995.

Margery G. Grubb,

Senior Committee Management Specialist,

NIH.

[FR Doc. 95-21605 Filed 8-30-95; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Agency Forms Undergoing Paperwork Reduction Act Review

Periodically, the Public Health Service (PHS) publishes a list of information collection requests under review, in compliance with the Paperwork Reduction Act (44 U.S.C.

Chapter 35). To request a copy of these requests, call the PHS Reports Clearance Office on (202) 690-7100.

The following request has been submitted for review since the list was last published on Friday, August 25.

1. A Study of the Dissemination of the Maternal and Child Assistance Programs Model Application Form—New—A telephone survey will be conducted of representatives of governors' offices and state and local-level maternal and child assistance programs. The survey will provide data on the dissemination, use, and impact of the Model Application Form, a consolidated application form developed for use by maternal and child assistance programs.

Title	Number of respondents	Number of responses per respondent	Average burden per response (hours)
Survey of Governors' Offices	59	1	.5
Survey of State Programs	236	1	.5
Survey of Local Programs	50	1	.5

Estimated Total Annual Burden: 173 hours.

Written comments and recommendations concerning the proposed information collections should be sent within 30 days of this notice to: Allison Eydt, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: August 28, 1995.

James Scanlon,

Director, Data Policy Staff, Office of the Assistant Secretary for Health and PHS Reports Clearance Officer.

[FR Doc. 95-21625 Filed 8-30-95; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-962-1410-00-P]

Notice for Publication; AA-6695-C, AA-6695-D, AA-6695-B2; Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Section 14(a) of the Alaska Native

Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to the Port Graham Corporation for approximately 42,101.88 acres. The lands involved are in the vicinity of Port Graham, Alaska.

Seward Meridian, Alaska

T. 3 S., R. 2 W.;
T. 3 S., R. 3 W.;
T. 5 S., R. 4 W.;
T. 6 S., R. 4 W.;
T. 6 S., R. 5 W.;
T. 7 S., R. 5 W.;
T. 7 S., R. 6 W.;
T. 8 S., R. 6 W.;
T. 7 S., R. 7 W.;
T. 8 S., R. 7 W.;
T. 7 S., R. 8 W.;
T. 8 S., R. 8 W.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Anchorage Daily News. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until October 2, 1995, to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR Part 4, Subpart E, shall be deemed to have waived their rights.

Linda J. Resseguie,

Acting Chief, Branch of Gulf Rim Adjudication.

[FR Doc. 95-21621 Filed 8-30-95; 8:45 am]

BILLING CODE 4310-JA-M

[OR-110-1220; G5-205]

Emergency Closure and Restriction on Public Lands Near West Fork of Williams Creek

AGENCY: Bureau of Land Management, Medford District, Grants Pass Resource Area.

ACTION: Public notice.

SUMMARY: Pursuant to regulations contained in Title 43 CFR 8364-1(a) and for the purpose of protecting persons, property and public lands, the Bureau of Land Management is closing entry to and prohibiting physical presence upon all lands, roads and trails, within the

following areas: All Bureau of Land Management administered lands within: Township 39 South, Range 6 West, Willamette Meridian; Sections 25 and 26; Township 39 South, Range 5 West, Willamette Meridian; Sections 29, 30, 31 and 32.

The following persons are exempt from this order:

1. Persons with a permit authorizing the otherwise prohibited act.
2. Any Federal, State or local officer or employee in the performance of an official duty.

DATES: This closure shall be in effect immediately, August 31, 1995, and shall remain in effect until rescinded by the authorized officer.

PENALTIES: Violators are subject to fines not to exceed \$1000.00 and/or imprisonment not to exceed 12 months.

FOR FURTHER INFORMATION CONTACT: David Jones, District Manager, Medford District, 3040 Biddle Road, Medford, Oregon 97501 or telephone (503) 770-2200.

Dated: August 23, 1995.

David A. Jones,

District Manager.

[FR Doc. 95-21375 Filed 8-30-95; 8:45 am]

BILLING CODE 4310-33-M

[WY-030-94-5101-00-K014; WYW-130382]

Kenetech Windpower, Wyoming Wind Energy Project, Availability of Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of final environmental impact statement (FEIS) for the Kenetech Windpower, Wyoming Wind Energy Project, Carbon County, Wyoming.

SUMMARY: The Bureau of Land Management (BLM), Wyoming State Office announces the availability of the FEIS for the Kenetech/PacifiCorp Windpower Project. A total of 1,390 wind turbines and associated facilities (including approximately 29 miles of 230 kV powerline) would be constructed on 60,619 acres of private, Federal, and State lands, over a 10 to 12 year development period, in Carbon County, Wyoming. BLM will issue a right-of-way grant under Section 501 of the Federal Land Policy and Management Act of 1976 for the wind energy facilities and powerline.

The U.S. Bonneville Power Administration (BPA) is a cooperating agency for this project. BPA will base a decision to purchase 25 megawatts

(Mw) of power from the project under Public Law 96-501 upon this analysis.

DATES: BLM and BPA will accept comments on the FEIS for 30 days following the date that the Environmental Protection Agency (EPA) publishes their Notice of Availability in the **Federal Register**. The EPA notice is expected to be published September 1, 1995.

ADDRESSES: Comments should be sent to Bureau of Land Management, Rawlins District Office, Walter E. George, Project Leader, 1300 3rd Street, Rawlins, WY 82301 or Bonneville Power Administration, Richard Stone, Environmental Specialist (ECN-3), P.O. Box 3621, Portland, OR 97208.

SUPPLEMENTARY INFORMATION: The Environmental Impact Statement (EIS) assesses the environmental consequences of the Federal approval of Kenetech's proposal to construct a 500 Mw windplant at two sites in east central Carbon County, Wyoming, in a phased approach, over a 10 to 12 year period. The FEIS is a supplement to the Draft Environmental Impact Statement (DEIS), published on January 13, 1995, and contains the following material:

- Incorporates by reference most of the material presented in the DEIS and identifies the charges to the DEIS required as a result of additional information.
- Public comments subsequent to publishing of the DEIS.
- The corrections and additions to the DEIS.
- Comments received on the DEIS.
- Responses to the comments.

Forty-seven comments were received by the BLM on the DEIS. Twenty-two supported the project, 9 provided information and did not state a position on the project, 3 were concerned with a potential conflict with coal resources, 1 expressed concern with the economic rationale for the project, and 13 opposed the project. The EPA, based on procedures they use to evaluate the adequacy of the information in an EIS, gave the DEIS a rating of EC-2 (Environmental Concern, Insufficient Information).

No substantive changes were made to the proposed action. BLM has agreed to evaluate all subsequent phases under complete NEPA procedures. BLM also proposes the creation of a technical review committee whose function will be to review monitoring data and make recommendation to the BLM authorized officer on further studies and modification to windplant facilities regarding impacts to birds and other wildlife.

Dated: August 24, 1995.

Alan R. Pierson,

State Director.

[FR Doc. 95-21617 Filed 8-30-95; 8:45 am]

BILLING CODE 4310-22-M

[AZ-933-05-1430-01; AZA 29195]

Arizona, Conveyance of Federally-Owned Mineral Interests; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction.

SUMMARY: In notice document 95-18507 beginning on page 38852 in the issue of Friday, July 28, 1995, make the following correction: On page 38852 in the first column, the mineral interests for Douglas Land Company, L.L.C. (AZA 29195) will be segregated from the mining and the mineral leasing laws from the date of receipt of the application (July 13, 1995) instead of the date of publication. The segregation for AZA 29195 will expire upon issuance of a patent, upon final rejection of the application, or July 12, 1997, whichever occurs first.

Dated: August 22, 1995.

Mary Jo Yoas,

Chief, Lands and Minerals Operations Section.

[FR Doc. 95-21639 Filed 8-30-95; 8:45 am]

BILLING CODE 4310-32-P

[AZ-024-04-4210-05; AZA-12731]

Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification; Arizona

AGENCY: Bureau of Land Management.

ACTION: Correction.

SUMMARY: In notice document published Friday, July 14, 1995, (Volume 60, No. 135), make the following correction: On page 36302 in the third column, the legal land description should be corrected to read as follows:

Gila and Salt River Meridian, Arizona

T. 5 N., R. 3 E.,

Sec. 5, lots 6, 7, 11, 14, 15, 16, 18, 19,
NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.

All other details of the notice remain as originally published.

Dated: August 23, 1995.

David J. Miller,

Associate District Manager.

[FR Doc. 95-21641 Filed 8-30-95; 8:45 am]

BILLING CODE 4310-32-M

[NV-030-1430-01; NVN 58492]

Notice of Realty Action; Recreation and Public Purposes Act Classification; Douglas County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following described land, comprising 40.00 acres, has been examined and is determined to be suitable for classification for lease or conveyance pursuant to the authority in the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*):

Mt. Diablo Meridian, Nevada

T. 12 N., R. 21 E.

Sec. 18, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Containing 40.00 acres.

SUPPLEMENTARY INFORMATION: The public land is located southeast of Gardnerville in Douglas County. The land is not needed for Federal purposes. Lease or conveyance is consistent with current BLM land use planning and would be in the public interest. Douglas County has expressed an interest in constructing a public shooting range on the site. The lease/patent, when issued will be subject to the provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior, and the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

2. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits from the same under applicable law and regulations to be established by the Secretary of the Interior.

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 but not the mineral leasing laws, the material disposal laws, or the Geothermal Steam Act. The segregation shall terminate upon issuance of a conveyance document or publication in the **Federal Register** of an order specifying the date and time of opening. **DATES:** By no later than October 16, 1995, interested parties may submit comments.

ADDRESSES: Written comments should be sent to: Walker Resource Area Manager, Bureau of Land Management, 1535 Hot Springs Road, Carson City, NV 89706-0638. 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**.

FOR FURTHER INFORMATION CONTACT:

Charles J. Kihm, Walker Area Realty Specialist, Bureau of Land Management, 1535 Hot Springs Road, Carson City, NV 89706-0638; (702) 885-6000.

Dated: August 22, 1995.

John Matthiessen,

Walker Resource Area Manager.

[FR Doc. 95-21581 Filed 8-30-95; 8:45 am]

BILLING CODE 4310-HC-M

[NM-950-05-1420-00]

Notice of Filing of Plats of Survey; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey described below are scheduled to be officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, on September 20, 1995.

New Mexico Principal Meridian, New Mexico

T. 13 N., R. 3 E., Accepted July 7, 1995, for Group 926 NM.

T. 20 N., R. 10 E., Accepted July 6, 1995, for Group 781 NM.

T. 23 N., R. 10 E., Accepted July 5, 1995, for Group 769 NM.

Texas and Pacific Railway Block 67, T. 1, Texas, for Group 1 Texas, Accepted July 6, 1995.

If a protest against survey, as shown on any of the above plats is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, a notice that they wish to protest prior to the proposed official filing date given above.

A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the protest is filed.

The above-listed plats represent dependent resurveys, surveys, and subdivisions.

These plats will be in the open files of the New Mexico State Office, Bureau

of Land Management, P.O. Box 27115, Santa Fe, New Mexico 87502-0115. Copies may be obtained from this office upon payment of \$1.10 per sheet.

Dated: August 11, 1995.

John P. Bennett,

*Team Leader, Branch of Cadastral Survey/
Geo Sciences.*

[FR Doc. 95-21670 Filed 8-30-95; 8:45 am]

BILLING CODE 4310-FB-M

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT-805771

Applicant: Department of Biology, University of California, La Jolla, CA.

The applicant requests a permit to import hairs from captive-held and captive-born bonobo (*Pan paniscus*) and chimpanzee (*Pan troglodytes*) from zoos worldwide for the purpose of genetic research in support of conservation efforts.

PRT-805772

Applicant: Department of Biology, University of California, La Jolla, CA.

The applicant requests a permit to import blood samples from ranched populations of Siamese crocodile (*Crocodylus siamensis*), saltwater crocodile (*Crocodylus porosus*) and Siamese/saltwater crocodile hybrids (*C. porosus* X *C. siamensis*) from Dr. Ratanakorn, Kasetsart University, Bangkok, Thailand, for the purpose of genetic research in support of international conservation efforts.

PRT-805773

Applicant: Department of Biology, University of California, La Jolla, CA.

The applicant requests a permit to import small samples of ivory with attached tissue from legally confiscated tusks of Asian elephant (*Elephas maximus*) from the Royal Forest Department, Thailand for the purpose of genetic research in support of international and national conservation efforts.

PRT-805792

Applicant: Gerald McVeigh, Fortville, IN.

The applicant requests a permit to purchase in interstate commerce one galapagos tortoise (*Geochelone niger*) from Central Florida Tortoise Farm,

Cocoa, FL, for the purpose of enhancement of the survival of the species through propagation.

PRT-805733

Applicant: Duke University Primate Center, Durham, NC.

The applicant requests a permit to export a pair of captive born crowned lemurs (*Eulemur coronatus*) to the Johannesburg Zoological Gardens, Johannesburg, South Africa, for the purpose of enhancement of the survival of the species through propagation.

PRT-805900

Applicant: Sedgwick County Zoo, Wichita, KS.

The applicant request a permit to import one captive born male Amur leopard (*Panthera pardus orientalis*) from the Assiniboine Park Zoo, Manitoba, Canada for the purpose of enhancement of the survival of the species through propagation.

PRT-805303

Applicant: Zoological Society of San Diego, San Diego, CA.

The applicant requests an amendment to their permit application previously published in the August 9, 1995 **Federal Register** to import scent samples from wild, captive-held and captive-born giant panda (*Ailuropoda melanoleuca*) from worldwide sources for the purpose of scientific research.

PRT-805998

Applicant: Duke University Primate Center, Durham, NC.

The applicant requests a permit to export a pair of captive born collared lemurs (*Eulemur fulvus collaris*) to the Sri Chamarajendra Zoological Gardens (Mysore Zoo), Karnataka, India, for the purpose of enhancement of the survival of the species through propagation.

PRT-805720

Applicant: U.S. Fish and Wildlife Service, Anchorage, AK.

The applicant requests a permit to export Aleutian shield fern (*Polystichum aleuticum*) to the Royal Botanical Gardens, United Kingdom, to enhance the propagation and survival of the species. This notification covers activities conducted by the applicant for a five year period.

PRT-805543

Applicant: Herbert Atkinson, Roswell, NM.

The applicant requests a permit to import the sport-hunted trophy of one bontebok (*Damaliscus pygargus dorcas*) culled from the captive herd maintained by Mr. F.W.M. Bowker, Jr, Thorn Kloof, Grahamstown, Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT-805532

Applicant: Arizona State University, Tempe, AZ.

The applicant requests a permit to import DNA samples from 53 wild Arabian oryx (*Oryx leucoryx*) from the University of Cambridge for the purpose of enhancement of the survival of the species through scientific research.

PRT-700877

Applicant: Bernice P. Bishop Museum, Honolulu, HI.

The applicant requests a permit to export and re-import non-living museum specimens of endangered and threatened species of plants and animals previously accessioned into the permittee's collection for scientific research. The applicant also request to take (salvage) dead specimens of endangered and threatened species of wildlife within the Hawaiian Islands for accessioning into their collection.

PRT-805531

Applicant: Wayne State University, Detroit, MI.

The applicant requests a permit to import samples of DNA extracted from blood from three of each of the following individuals: Goeldi's monkey (*Callimico goeldii*), Red uakari (*Cacajao calvus calvus*), Black headed uakari (*Cacajao melanocephalus*), Woolly spider monkey (*Brachyteles arachnoides*), Pied tamarin (*Saguinus bicolor*), Golden headed lion tamarin (*Leontopithecus chrysomela*), Black lion tamarin (*Leontopithecus chrysopygus*), Golden lion tamarin (*Leontopithecus rosalia*) for the purpose of enhancement of the survival of the species through scientific research.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: August 25, 1995.

Caroline Anderson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 95-21565 Filed 8-30-95; 8:45 am]

BILLING CODE 4310-55-P

National Park Service

Cape Cod National Seashore, South Wellfleet, Massachusetts, Cape Cod National Seashore Advisory Commission; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. 1, section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, September 22, 1995.

The Commission was reestablished pursuant to Public Law 99-349, Amendment 24. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of the Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The Commission members will meet at 1 p.m. at Park Headquarters, Marconi Station for their regular business meeting which will be held for the following reasons:

1. Welcome Superintendent Burks and new Commission members
2. Adoption of Agenda
3. Approval of Minutes of the previous meeting (205th dated 11-04-94)
4. Election of Vice Chair and Secretary
5. Report of Superintendent, Status of General Management Plan, Highland Light, North Truro Air Force Station
6. Reauthorization of Commission Charter
7. New Business
8. Agenda for Next Meeting
9. Date for Next Meeting
10. Public Comment
11. Adjournment

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to the Commission members.

Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting. Further information concerning the meeting may be obtained from the Superintendent, Cape Cod

National Seashore, So. Wellfleet, MA 02663.

Robert W. McIntosh,

Associate Field Director, Research, Planning, and Resource Stewardship.

[FR Doc. 95-21575 Filed 8-30-95; 8:45 am]

BILLING CODE 4310-70-P

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-3 (Sub-No. 126X)]

Missouri Pacific Railroad Co.; Abandonment Exemption; Caddo Parish, LA

Missouri Pacific Railroad Company (MP) has filed a verified notice under 49 CFR Part 1152 Subpart F; Exempt Abandonments to abandon a portion of the Good Roads Lead from milepost 8.68 to the end of the line at milepost 9.4 near Shreveport, a distance of approximately 0.72-miles in Caddo Parish, LA.

MP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in complainant's favor within the last 2 years; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), and 1152.50(d)(1) (notice to government agencies), and 49 CFR 1105.12 (newspaper publication) 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 employees are adequately protected, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

This exemption will be effective September 30, 1995, unless stayed or a statement of intent to file an offer of financial assistance (OFA) is filed. Petitions to stay that do not involve environmental issues,¹ statements of

¹The Commission will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Commission in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Commission may take appropriate action before the exemption's effective date.

intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29³ must be filed by September 11, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by September 20, 1995. An original and 10 copies of any such filing must be sent to the Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423. In addition, one copy must be served on Joseph D. Anthofer, 1416 Dodge Street #830, Omaha, NE 68179.

If the notice of exemption contains false or misleading information, the exemption is void ab initio.

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Commission's Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by September 5, 1995. A copy of the EA may be obtained by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: August 25, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95-21638 Filed 8-30-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-57 (Sub-No. 38X)]

Soo Line Railroad Company; Abandonment Exemption; Dakota County, MN

Soo Line Railroad Company (Soo) has filed a notice of exemption under 49 CFR Part 1152 Subpart F; *Exempt Abandonments* to abandon its approximately 0.25-mile rail line (known as the "Vermillion River Bridge Trackage") between milepost 390.92 north of the Vermillion River and milepost 391.17 south of the Vermillion River and north of East 21st Street,

²See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

³The Commission will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

including the Vermillion River Bridge, at Hastings, in Dakota County, MN.

Soo has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) overhead traffic has been rerouted over other lines; (3) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental 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.¹

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on September 30, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking statements under 49 CFR 1152.29 must be filed by September 11, 1995.⁴ Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by September 20,

1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423-2191.

A copy of any petition filed with the Commission should be sent to applicant's representative: Larry D. Starns, 1000 Soo Line Building, 105 South 5th Street, Minneapolis, MN 55402.

If the notice of exemption contains false or misleading information, the exemption is void ab initio.

Soo 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 September 5, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or other trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: August 23, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 95-21636 Filed 8-30-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-411 (Sub-No. 1X)]

**Union Railroad of Oregon;
Abandonment Exemption; Union
County, OR**

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10505, the Commission exempts from the regulatory requirements of 49 U.S.C. 10903-04 the abandonment by Union Railroad of Oregon of 2.4 miles of rail line between milepost 0.0 at Union Junction and milepost 2.4 at Union in Union County, OR.

DATES: The exemption will be effective September 30, 1995 unless stayed or a statement of intent to file an offer of financial assistance (OFA) is filed. Statements of intent to file an OFA under 49 CFR 1152.27(c)(2), requests for a notice of interim trail use/rail banking under 49 CFR 1152.29 and petitions to

stay must be filed by September 11, 1995, requests for a public use condition under 49 CFR 1152.28 and petitions to reopen must be filed by September 20, 1995.

ADDRESSES: Send pleadings referring to Docket No. AB-411 (Sub-No. 1X) to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue NW., Washington, D.C. 20423, and (2) Edward Immel, State Rail Planner, Statewide Mobility Unit, 325 13th St., NE, Room 501 Salem, OR 97310.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue NW., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: August 17, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,
Secretary.

[FR Doc. 95-21637 Filed 8-30-95; 8:45 am]

BILLING CODE 7035-01-P

DEPARTMENT OF JUSTICE

**Notice of Lodging a Final Judgment by
Consent Pursuant to the Clean Air Act,
Clean Water Act, and Resource
Conservation and Recovery Act**

Notice is hereby given that on August 23, 1995, a proposed consent decree in *United States and Commonwealth of Pennsylvania v. Horsehead Industries, Inc., et al.*, Civ. A. No. 1: CV-92-0008, was lodged in the United States District Court for the Middle District of Pennsylvania. The complaint in this action seeks civil penalty and injunctive relief under the Clean Air Act (CAA), 42 U.S.C. 7401 *et seq.*, the Clean Water Act (CWA), 33 U.S.C. 1251 *et seq.*, and the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 *et seq.*, for alleged violations of these Acts at defendants' Palmerton, Pennsylvania facility.

Under the proposed decree, Horsehead Industries, Inc. and Horsehead Resource Development Company (collectively, Horseheads),

¹ The Railway Labor Executives' Association (RLEA) filed comments opposing the proposed abandonment and requesting that we conduct an investigation, hold oral hearings, and modify the standard labor protective conditions we routinely impose in abandonment exemptions. Because the Commission does not normally consider comments prior to the publication of a notice of exemption under 49 CFR 1152.50(b), RLEA can file a petition to stay and/or a petition to reopen or revoke on or before the dates specified in this notice.

² The Commission will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Commission in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for stay should be filed as soon as possible so that the Commission may take appropriate action before the exemption's effective date.

³ See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

⁴ The Commission will accept a late-filed trail use request so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

recyclers of electric arc furnace dust, have agreed to pay the United States and the Commonwealth a civil penalty of \$5.6 million, and to invest in extensive capital improvements and operational changes at the Palmerton facility to minimize the release of contaminants such as lead, cadmium and zinc. Under the decree Horseheads will upgrade operations to limit dust and visible emissions from their processing equipment, and construct buildings to hold materials containing hazardous substances which are awaiting processing. Horseheads has also agreed to apply for a recycling permit from the Commonwealth to govern its hazardous waste recycling activities in Palmerton. Horseheads will also implement pollution reduction technologies designed to reduce the contact of waters that are discharged into Acquishicola Creek and Lehigh River from the facility with soils contaminated with metals. In return, upon payment of the penalty, Horseheads will receive a covenant not to sue for enforcement actions under RCRA, CWA and CAA seeking civil penalties and/or injunctive relief for the specific violations alleged in the Complaint occurring between January 1987 and the date of lodging of the Decree.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044, and should refer to *United States and Commonwealth of Pennsylvania v. Horsehead Industries, Inc., et al.*, DOJ Reference No. 90-7-1-353.

The proposed consent decree may be examined at the Office of the United States Attorney for the Middle District of Pennsylvania, Federal Building, 228 Walnut Street, Suite 1152, Harrisburg, Pa. 17154; Region III Office of the Environmental Protection Agency, 841 Chestnut Street, Philadelphia, Pa.; and at the Consent Decree Library, 1120 "G" Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624-0892. A copy of the proposed decree may be obtained in person or by mail from the Consent Decree Library at the address listed above. In requesting a copy, please refer to the referenced case and number, and enclose a check in the amount of \$41.00 (\$82.00 with appendices) (25 cents per

page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Acting Chief, Environmental Enforcement Section.

[FR Doc. 95-21645 Filed 8-30-95; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting Notice

Pursuant to the provisions of the Federal Advisory Committee Act (P.L. 92-463 as amended), notice is hereby given of a meeting of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, Time and Place: September 20, 1995, 10 am-12 noon, U.S. Department of Labor, Room S-1011, 200 Constitution Ave., NW, Washington, D.C. 20210.

Purpose: The meeting will include a review and discussion of current issues which influence U.S. trade policy. Potential U.S. negotiating objectives and bargaining positions in current and anticipated trade negotiations will be discussed. Pursuant to section 9(B) of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(9)(B), it has been determined that the meeting will be concerned with matters the disclosure of which would seriously compromise the Government's negotiating objectives or bargaining positions. Accordingly, the meeting will be closed to the public.

For Further Information Contact: Fernand Lavallee, Director, Trade Advisory Group, Phone: (202) 219-4752.

Signed at Washington, D.C. this 25th day of August, 1995.

Andrew Samet,

Associate Deputy Under Secretary, International Affairs.

[FR Doc. 95-21635 Filed 8-30-95; 8:45 am]

BILLING CODE 4510-28-M

Employment and Training Administration

[TA-W-31,256]

Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In the matter of EIS Brake Part Division, Berlin, Connecticut.

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on August 8, 1995, applicable to all workers at EIS Brake Parts Division located in Berlin, Connecticut. The

notice will soon be published in the **Federal Register**.

The State agency and the company requested that the Department review its certification for workers of the subject firm. Information supplied by the company shows that only the workers involved in the production of brake wheel cylinders were adversely affected by increased imports. Accordingly, the Department is limiting its certification to only those workers at EIS Brake Parts Division engaged in employment related to the production of brake wheel cylinders, and revoking the certification for all workers.

The intent of the Department's certification is to include only those workers of EIS Brake Parts Division who were adversely affected by imports.

The amended notice applicable to TA-W-31,256 is hereby issued as follows:

"All workers of EIS Brake Parts Division, Berlin, Connecticut engaged in employment related to the production of brake wheel cylinders who became totally or partially separated from employment on or after June 27, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C. this 23rd day of August 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95-21630 Filed 8-30-95; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-31,037]

Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In the matter of Fioretti Incorporated, A/K/A Fioretti, USA Ltd., Pittston, Pennsylvania.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 5, 1995, applicable to all workers of Fioretti, Incorporated located in Pittston, Pennsylvania. The notice was published in the **Federal Register** on July 7, 1995 (60 FR 35435).

New information received from the petitioners shows that some of the workers at Fioretti had their unemployment insurance (UI) taxes paid to Fioretti, USA Ltd. Accordingly, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of

the subject firm who were adversely affected by increased imports.

The amended notice applicable to TA-W-31,037 is hereby issued as follows:

"All workers of Fioretti Incorporated, a/k/a Fioretti, USA Ltd., Pittston, Pennsylvania who become totally or partially separated from employment on or after May 5, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, DC this 23rd day of August 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95-21629 Filed 8-30-95; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-30,834]

Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of Sonat Exploration Company, Houston, Texas and Shreveport, Louisiana TA-W-30,834A; Oklahoma City, Oklahoma TA-W-30,834B; Fort Smith, Arkansas TA-W-30,834C; Tyler, Texas TA-W-30,834D; Franklin, Louisiana TA-W-30,834E; Spearman, Texas TA-W-30,834F.

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on April 26, 1995, applicable to all workers of Sonat Exploration Company located in Houston, Texas. The notice was published in the **Federal Register** on May 9, 1995 (60 FR 24653).

Company officials report that worker separations have occurred at other Sonat crude oil and dry natural gas production operations in Louisiana, Oklahoma, Arkansas and Texas.

The intent of the Department's certification is to include all workers of Sonat Exploration Company who were adversely affected by increased imports.

The amended notice applicable to TA-W-30,834 is hereby issued as follows:

"All workers of Sonat Exploration Company, Houston, Texas (TA-W-30,834); Shreveport, Louisiana (TA-W-30,834A); Oklahoma City, Oklahoma (TA-W-30,834B); Fort Smith, Arkansas (TA-W-30,834C); Tyler, Texas (TA-W-30,834D); Franklin, Louisiana (TA-W-30,834E); and Spearman, Texas (TA-W-30,834F) who became totally or partially separated from employment on or after February 22, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, D.C. this 23rd day of August 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95-21631 Filed 8-31-95; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-31,119]

Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In the matter of Wirekraft Industries, Incorporated, Burcliff Industries Division, Cardington, Ohio and TA-W-31,119A, Wirekraft Industries, Incorporated, Burcliff Industries Division, South Bend, Indiana.

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility To Apply for Worker Adjustment Assistance on August 9, 1995, applicable to all workers of the subject firm. The notice will soon be published in the **Federal Register**.

New information received from the company reveals that worker separations have occurred at the corporate headquarters in South Bend, Indiana.

The intent of the Department's certification is to include all workers of Wirekraft Industries adversely affected by imports.

The amended notice applicable to TA-W-31,119 is hereby issued as follows:

"All workers of the Burcliff Industries Division of Wirekraft Industries, Incorporated, Cardington, Ohio (TA-W-31,119), and South Bend, Indiana (TA-W-31,119A) who became totally or partially separated from employment on or after May 26, 1994 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

Signed at Washington, DC, this 18th day of August 1995.

Arlene O'Connor,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95-21633 Filed 8-30-95; 8:45 am]

BILLING CODE 4510-30-M

[NAFTA-00507]

Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In the matter of Blue Eagle Exploration, Incorporated, Headquartered in Salisbury, North Carolina and Operating in Various Locations in the Following States: Colorado

NAFTA-00507A; Idaho NAFTA-00507B; Nevada NAFTA-00507C; Wyoming NAFTA-00507D; Wisconsin NAFTA-00507E.

In accordance with section 250(a), subchapter D, chapter 2, title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), the Department of Labor issued a Notice of Certification of Eligibility to Apply for NAFTA Transitional Adjustment Assistance on August 4, 1995, applicable to all workers at the subject firm. The notice will soon be published in the **Federal Register**.

The Department's review of the case shows that Blue Eagle's operating facilities in various states were inadvertently omitted from the decision document.

It is the Department's intent to provide coverage to all workers of Blue Eagle Exploration, Incorporated, adversely affected by increased imports. Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to NAFTA-00507 is hereby issued as follows:

"All workers of Blue Eagle Exploration, Incorporated, headquartered in Salisbury, North Carolina (NAFTA-00507), and operating in various locations within the States of Colorado (NAFTA-00507A); Idaho (NAFTA-00507B); Nevada (NAFTA-00507C); Wyoming (NAFTA-00507D); and Wisconsin (NAFTA-00507E) who became totally or partially separated from employment on or after June 21, 1994, are eligible to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974."

Signed at Washington, D.C. this 17th day of August 1995.

Arlene O'Connor,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95-21634 Filed 8-30-95; 8:45 am]

BILLING CODE 4510-30-M

Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In the matter of NAFTA-00293 Wirekraft Industries, Inc., Mishawaka, Indiana; NAFTA-00293A Wirekraft Industries, Inc., Burcliff Industries, Marion, Ohio; NAFTA-00293B, Wirekraft Industries, Inc., Burcliff Industries, Lakeville, Indiana; NAFTA-00293C, Wirekraft Industries, Inc., Burcliff Industries, Cardington, Ohio; NAFTA-00293D, Wirekraft Industries, Inc., Burcliff Industries, South Bend, Indiana; NAFTA-00293E, Wirekraft Industries, Inc., Burcliff Industries, Fort Smith, Arkansas.

In accordance with section 250(a), Subchapter D, Chapter 2, title II, of the Trade Act of 1974, as amended (19

U.S.C. 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on December 29, 1994, applicable to all workers at the subject firm. The notice was published in the **Federal Register** on January 20, 1995 (60 FR 4196).

The certification was subsequently amended to include other locations.

New information received from the company reveals that worker separations have occurred at the corporate headquarters in South Bend, Indiana. Further information shows that Wirekraft employees producing electrical wiring harnesses at the Fort Smith, Arkansas location have received layoff notices.

The intent of the Department's certification is to include all workers who were adversely affected by increased imports.

Accordingly, the Department is amending the certification to include the Wirekraft workers in South Bend, Indiana, and Fort Smith, Arkansas.

The amended notice applicable to NAFTA—00293 is hereby issued as follows:

"All workers of Wirekraft Industries, Inc., Mishawaka, Indiana and Wirekraft Industries' Burcliff Industries, in Marion, Ohio; Lakeville, Indiana; Cardington, Ohio; South Bend, Indiana; and Fort Smith, Arkansas who became totally or partially separated from employment on or after December 8, 1993 are eligible to apply for NAFTA—TAA Section 250 of the Trade Act of 1974."

Signed at Washington, D.C. this 18th day of August 1995.

Arlene O'Connor,

Acting Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95-21632 Filed 8-30-95; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (95-082)]

NASA Advisory Council, Earth Systems Science and Applications Advisory Committee (ESSAAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Earth Systems Science and Applications Advisory Committee.

DATES: September 21, 1995, 8:30 a.m. to 5:30 p.m.; and September 22, 1995, 8:30 a.m. to 5:30 p.m.

ADDRESSES: National Aeronautics and Space Administration, MIC-5 Conference Room, 300 E Street, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Robert A. Schiffer, Code YS, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358-1876.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The provisional agenda for the meeting is as follows:

- Review of Previous ESSAAC and NASA Advisory Council Recommendations
- Overview of National Research Council/Board on Sustainable Development Summer Study Recommendations
- Progress on Mission to Planet Earth Strategic Planning
- Scientific Priorities and Design of Small Satellite Missions
- Global Observing System Planning
- Status of Metsat Convergence
- NASA Restructuring: Impact on Mission to Planet Earth
- Committee Discussion
- Findings, Conclusions, and Recommendations

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 28, 1995.

Danalee Green,

Chief, Management Controls Office.

[FR Doc. 95-21655 Filed 8-30-95; 8:45 am]

BILLING CODE 7510-01-M

[Notice (95-083)]

NASA Advisory Council, Earth Systems Science and Applications Advisory Committee (ESSAAC), Earth Observing System Data and Information System Advisory Subcommittee (ESDAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Earth Systems, Science and Applications Advisory Committee.

DATES: September 20, 1995, 8:30 a.m. to 5:30 p.m.

ADDRESSES: National Aeronautics and Space Administration, MIC-7 Conference Room, 300 E Street, S.W., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: James L. Harris, Code YD, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358-2234.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The provisional agenda for the meeting is as follows:

- Description of Current System and Development Schedules
- Summary of Comments from External Reviews
- Responses to Stakeholder Concerns
- Committee Discussion
- Findings, Conclusions, and Recommendations

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: August 28, 1995.

Danalee Green,

Chief, Management Controls Office.

[FR Doc. 95-21656 Filed 8-30-95; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

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 22, 1995; 8:30 a.m.-5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 630, 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 28, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95-21663 Filed 8-30-95; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—#1194.

Date and Time: September 21, 1995, 8 a.m.–5 p.m.

Place: Room 365, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Ritchie Coryell, Program Director, SBIR Office, (703) 306-1390 or Pius Egbelu, Program Director, DMII, (703) 306-1328.

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 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 28, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95-21657 Filed 8-30-95; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—#1194.

Date and Time: September 21, 1995, 8 a.m.–5 p.m.

Place: Rooms 530, 580 and 680, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Ritchie Coryell, Program Director, SBIR Office, (703) 306-1390 or Warren Devries, Program Director, DMII, (703) 306-1328.

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 28, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95-21658 Filed 8-30-95; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—#1194.

Date and Time: September 18, 19, & 20, 1995, 8 a.m.–5 p.m., each day.

Place: Room 565, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Charles Hauer, Program Director, SBIR Office, (703) 306-1390.

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 28, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95-21659 Filed 8-30-95; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Notice of 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 (1194) will be holding panel meetings for the purpose of reviewing proposals submitted to the Phase I Small Business Innovation Research Program in the area of Chemical and Thermal Systems, and Bioengineering and Environmental Systems. In order to review the large volume of proposals, panel meetings will be held on September 19 and 20, 1995 in rooms 310, 320, 580 and 530. 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, SBIR Office, (703) 306-1390, Robert Wellek, Program Director, CTS, and Farley Fisher, Program Director, CTS, (703) 306-1370, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

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 28, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95-21660 Filed 8-30-95; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Notice of 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 (1194) will be holding panel meetings for the purpose of reviewing proposals submitted to the Phase I Small Business Innovation Research Program in the areas of Geosciences, Dynamic Systems Control and Math Science. In order to review the large volume of proposals, panel meetings will be held on September 18, 1995 in rooms 310, 320, 340, 360, and 530. 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: Anthony Centodocati, Charles Hauer, and Darryl Gorman, SBIR Office, (703) 306-1390, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

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.

Date: August 28, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95-21661 Filed 8-30-95; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Design, Manufacture, and Industrial Innovation—#1194.

Date and Time: September 21, 1995.

Place: Room 340, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: G. Patrick Johnson, Program Director, SBIR Office, (703) 306-1390 or Ben Snively, MPS, (703) 306-1828, 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 28, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95-21662 Filed 8-30-95; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Design, Manufacture, and Industrial Innovation; Notice of 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 (1194) will be holding panel meetings for the purpose of reviewing proposals submitted to the Phase I Small Business Innovation Research Program in the areas of Combustion and Thermal Systems, Computer and Information Science and Engineering, Education and Human Resources. In order to review the large volume of proposals, panel meetings will be held on September 22-23, 1995 in rooms 310, 320, 340, 360, 365, 530, 580, 565, and 1150.

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: Sara Nerlove, Charles Hauer, Anthony Centodocati, SBIR Office, (703) 306-1390, and Mary Kohlerman, Program Director, EHR/HRD, (703) 306-1636, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

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 28, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95-21667 Filed 8-30-95; 8:45 am]

BILLING CODE 7555-01-M

Ad Hoc Task Force on the Future of the NSF Supercomputer Centers Program; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

Name: Ad Hoc Task Force on the Future of the NSF Supercomputer Centers Program (#1982).

Date and Time: September 14, 1995 9 am-5 pm, September 15, 1995 9 am-3 pm.

Place: Room 1120, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Open.

Contact Person: Dr. Robert Borchers, Director, Division of Advanced Scientific Computing, Directorate for Computer and Information Science and Engineering, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, 703/306-1970.

Minutes: May be obtained from the contact person listed above.

Meeting Purpose: The objective of the Task Force is to advise the NSF on the future of its Supercomputing Centers Program considering the changing nature of

computing and information science and technology. Its scope will be limited to NSF's support for advanced computational science. This meeting is to approve draft sections of the final report and decide on the Task Force's recommendations.

Agenda:

Thursday, September 14, 1995 (9 am-5 pm)

Discussion of Task Force Report and Public Comments with NSF Management and Staff.

12:00-1:30—Lunch

5:00—Adjourn

Friday, September 15, 1995 (9 am-3 pm)

Discussion of Task Force Report and Public Comments with NSF Management and Staff.

12:00-1:30—Lunch

3:00—Adjourn

Reason for Late Notice: It was determined that an additional meeting was needed for the Task Force to discuss its final report.

Dated: August 28, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95-21666 Filed 8-30-95; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Instrumentation and Instrument Development; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

Name and Committee Code: Advisory Panel for Instrumentation & Instrument Development (#1215).

Date and Time: September 20-21, 1995, 8:30 a.m.-5 p.m.

Place: NSF, 4201 Wilson Boulevard, Arlington, VA, Rm. 310.

Type of Meeting: Closed.

Contact Person: John Cross, Program Director, Biological Instrumentation and Instrument Development, Room 615, National Science Foundation, Telephone: (703) 306-1472.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Instrumentation and Instrument Development proposals for Instrument Development for Biological Research as part of the selection process for award.

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 28, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95-21665 Filed 8-30-95; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Polar Programs; 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 and Committee Code: Special Emphasis Panel in Polar Programs (#1209).

Date and Time: September 18-20, 1995, 9 AM-5 PM.

Place: 9/18 Room 380, 9/19 Room 390, 9/20 Room 320, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Scott Borg, Polar Earth Sciences Manager, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306-1033.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Polar Earth Sciences Antarctic 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 28, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95-21664 Filed 8-30-95; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Company; Zion Nuclear Power Station, Unit 1 and Unit 2 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of exemptions from certain requirements of 10 CFR Part 50, Appendix J, Paragraph III, Leakage Testing Requirements, to Commonwealth Edison Company (the licensee), for operation of Zion Nuclear Power Station, Unit Nos. 1 and 2, located in Lake County, Illinois, in accordance with Facility Operating License Nos. DPR-39 and DPR-48.

Environmental Assessment

Identification of the Proposed Action

This Environmental Assessment has been prepared to address potential

environmental issues related to the licensee's application dated August 16, 1995. The proposed action would exempt the licensee from the requirements of 10 CFR Part 50, Appendix J, which were discussed in the licensee's request for enforcement discretion dated August 15, 1995. These exemptions are: (1) Paragraph III.B and III.D.2.(a), to the extent that a one-time schedular exemption would permit deferral of certain Type B and C tests for Zion Nuclear Power Station, Unit 2, until September 15, 1995; (2) Paragraph III.B and III.D.2.(a), to the extent that a one-time schedular extension would permit deferral of certain Type B and C tests that can only be performed with the unit shutdown for Zion Nuclear Power Station, Units 1 and 2, until the next cold shutdown of sufficient duration to perform the tests, but in any case, prior to the end of the next refueling outage on each unit, currently planned for the fall of 1995 (Unit 1) and the fall of 1996 (Unit 2); and (3) Paragraph III.C and III.D, to the extent that permanent exemptions would be granted due to system and penetration design.

The Need for the Proposed Action

The current Type B containment leak rate test requirements for Zion Nuclear Power Station, pursuant to 10 CFR Part 50, Appendix J, Section III.B and III.D.2.(a) are that local leak rate periodic tests shall be performed during reactor shutdown for refueling, or other convenient intervals, but in no case at intervals greater than 2 years. The current Type C containment leak rate test requirements for Zion Nuclear Power Station, pursuant to 10 CFR Part 50, Appendix J, Section III.C and III.D.3 are that local leak rate periodic tests shall be performed during reactor shutdown for refueling, or other convenient intervals, but in no case at intervals greater than 2 years. These requirements are reflected in the Zion Technical Specifications (TS), Paragraph 4.10.1.A.2, as requirements to perform Type B and C containment leak rate testing in accordance with 10 CFR Part 50, Appendix J and approved exemptions. The required tests have not been performed on the penetrations and valves that form the basis for this exemption request. If a separate forced outage were imposed to perform the Type B and C testing and operation then resumed until the scheduled refueling outages, ComEd would be subject to undue hardship or other costs that result from increased radiological exposure and unit thermal cycling. If the exemptions the licensee requested in its letter dated August 16, 1995, are

granted, the tests would be performed during the upcoming fall 1995 Unit 1 refueling outage, or during power operation on Unit 2 prior to September 15, 1995, or during the Unit 2 refueling outage in the fall of 1996, or during any outage of sufficient duration. Permanent exemptions from the requirement to perform the tests would be granted for others. The exemptions are needed to allow the licensee to schedule and perform certain tests and to be permanently exempt from performing others, which will result in a considerable cost savings, less radiological exposure and fewer unit thermal cycles with no adverse impact on public health and safety.

Environmental Impacts of the Proposed Action

The proposed exemptions would not increase the probability or consequences of accidents previously analyzed and would not affect facility radiation levels or facility radiological effluents. The licensee has analyzed the possible leak paths, availability of isolation valve seal water and penetration pressurization systems, prior Type A leak test results as they are impacted by leaks from the types of penetrations and valves in question and the probability of the sequences of events necessary for significant leakage to occur through the identified pathways. The licensee discussed these as its basis for concluding that in spite of the proposed one time and permanent exemptions the containment leak rates would still be maintained within acceptable limits. The staff has evaluated the licensee's justification, and agrees that the combination of the small leak paths and the presence of the isolation valve seal water system and penetration pressurization system minimize the probability of a large leak from the types of penetrations and valves in question and this is shown by the fact that prior Type A leak tests have not been impacted by leaks from these types of valves and penetrations. In addition, the staff finds that the likelihood of occurrence of the sequence of events necessary to cause leaks from the penetrations and valves is very low. Accordingly, the Commission has concluded that the exemptions do not result in a significant increase in the amounts of any effluents that may be released nor do they result in a significant increase in individual or cumulative occupational radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed exemption.

With regard to potential nonradiological impacts, the proposed exemption only involves Type B and C testing of the containment. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to this action would be to deny the request for exemption. Such action would not reduce the environmental impacts of plant operations.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the Nuclear Regulatory Commission's Final Environmental Statement dated December 1972, related to the operation of the Zion Nuclear Power Station, Units 1 and 2.

Agencies and Persons Consulted

In accordance with its stated policy, on August 18, 1995, the NRC staff consulted with the Illinois State Official, Mr. Frank Niziolek; Head, Reactor Safety Section; Division of Engineering; Illinois Department of Nuclear Safety; 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 August 16, 1995, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Waukegan Public Library, 128 N. County Street, Waukegan, Illinois.

Dated at Rockville, Maryland, this 25th day of August 1995.

For the Nuclear Regulatory Commission.

George F. Dick,

Acting Director, Project Directorate III-2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95-21619 Filed 8-30-95; 8:45 am]

BILLING CODE 7590-01-P

PENSION BENEFIT GUARANTY CORPORATION

Request for Extension of Approval Under the Paperwork Reduction Act; Collection of Information Under 29 CFR Part 2643, Variances for Sale of Assets

AGENCY: Pension Benefit Corporation.

ACTION: Notice of request for extension of OMB approval.

SUMMARY: This notice advises the public that the Pension Benefit Guaranty Corporation has requested extension of approval by the Office of Management and Budget for a currently approved collection of information (OMB control number 1212-0021) contained in its regulation on Variances for Sale of Assets (29 CFR part 2643).

ADDRESSES: All written comments should be addressed to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, Washington, DC 20503. The request for extension will be available for public inspection at the PBGC Communications and Public Affairs Department, Suite 240, 1200 K Street, NW., Washington, DC 20005, between the hours of 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202-326-4024 (202-326-4173 for TTY and TDD).

SUPPLEMENTARY INFORMATION: This collection of information is contained in the Pension Benefit Guaranty Corporation's regulation on Variances for Sale of Assets, 29 CFR part 2643.

Under Part 1 of subtitle E of Title IV of the Employee Retirement Income Security Act of 1974, as amended (sections 4201-4225), if an employer's covered operations or obligation to contribute under a multiemployer plan ceases, the employer is generally liable to pay withdrawal liability to the plan. Section 4204 of ERISA provides an exception when the cessation results from a sale of assets if certain conditions are met. Among other things, the buyer must furnish a bond or escrow, and the

sale contract must provide that the seller will be secondarily liable if the buyer withdraws within a specified period after the sale and fails to pay withdrawal liability (section 4204(a)(1) (B) and (C)). Section 4204(c) authorizes the PBGC to vary the bond/escrow and sale-contract requirements by regulation if the variance would "more effectively or equitably carry out the purposes of [Title IV]" and to grant individual or class variances or exemptions from those requirements when warranted.

Pursuant to this authority, the PBGC has issued its regulation on Variances for Sale of Assets (29 CFR part 2643). Subpart A of the regulation establishes procedures for requesting individual variances of the bond/escrow and sale-contract requirements from the PBGC. Subpart B of the regulation establishes general variances of those requirements and authorizes plans to determine whether the variances apply in particular cases. Section 2643.2 (d) and (e) and § 2643.11(c) describe, respectively, the information that must be submitted with a request to the PBGC or to a plan. This collection of information is needed to give PBGC and plans adequate information to determine whether variance requests meet the applicable statutory and regulatory standards.

Based on past experience, the PBGC estimates that employers submit 5 variance requests per year to plans and 5 requests per year to the PBGC. The PBGC estimates that each request takes about two hours to complete, for an aggregate annual burden on the public of 20 hours.

Issued at Washington, D.C., this 28th day of August, 1995.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 95-21686 Filed 8-30-95; 8:45 am]

BILLING CODE 7708-01-M

Request for Extension of Approval Under the Paperwork Reduction Act; Collection of Information Under 29 CFR Part 2648, Redetermination of Withdrawal Liability Upon Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval.

SUMMARY: This notice advises the public that the Pension Benefit Guaranty Corporation has requested extension of approval by the Office of Management and Budget for a currently approved collection of information (1212-0034)

contained in its regulation on Redetermination of Withdrawal Liability Upon Mass Withdrawal (29 CFR Part 2648).

ADDRESSES: All written comments should be addressed to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, Washington, DC 20503. The request for extension will be available for public inspection at the PBGC

Communications and Public Affairs Department, Suite 240, 1200 K Street, N.W., Washington, DC 20005-4026, between the hours of 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel, Suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, N.W., Washington, DC 20005-4026, 202-326-4024 (202-326-4179 for TTY and TDD).

SUPPLEMENTARY INFORMATION: This collection of information is contained in the Pension Benefit Guaranty Corporation's regulation on Redetermination of Withdrawal Liability Upon Mass Withdrawal (29 CFR Part 2648).

The regulation on Redetermination of Withdrawal Liability Upon Mass Withdrawal is issued pursuant to section 4219(c)(1)(D) of the Employee Retirement Income Security Act of 1974, which provides for the allocation of a multiemployer plan's total unfunded vested benefits in the event of a "mass withdrawal," *i.e.*, either (1) a plan termination due to the withdrawal of every employer or (2) a withdrawal of substantially all employers pursuant to an agreement or arrangement to withdraw. The regulation also provides rules under ERISA section 4209(c), dealing with employer liability for *de minimis* amounts in a "substantial withdrawal," *i.e.*, a withdrawal of substantially all employers within one year.

The regulation requires a plan to report to the PBGC when it experiences a "mass withdrawal" or "substantial withdrawal" and certify that liability has been determined and assessed to employers as required. This enables the PBGC to monitor compliance with ERISA and the regulation and thus guard against the increased risk of plan insolvency (with resulting benefit losses to participants and claims against the insurance program) caused by the "mass withdrawal" or "substantial withdrawal."

The PBGC estimates the reporting burden under the regulation on the assumption that there is one "mass

withdrawal" and one "substantial withdrawal" each year. (Such events actually occur less often.) The estimated reporting burden for each "mass withdrawal" is: 40 minutes for a notice of mass withdrawal to the PBGC; 30 minutes each for two certifications to the PBGC regarding determination and assessment of liability; 8 hours and 40 minutes for notices of mass withdrawal to employers; and 8 hours and 50 minutes for two notices of withdrawal liability to employers. The estimated reporting burden for each "substantial withdrawal" is: 1 hour for a combined notice and certification to the PBGC; 8 hours and 40 minutes for notices of withdrawal to employers; and 8 hours and 50 minutes for notices of liability to employers. Accordingly, the estimated total annual burden of reporting under the regulation is 46 hours and 30 minutes.

Issued at Washington, D.C., this 28th day of August 1995.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 95-21687 Filed 8-30-95; 8:45 am]

BILLING CODE 7708-01-M

Request for Extension of Approval Under the Paperwork Reduction Act; Collection of Information Under 29 CFR Part 2674, Notice of Insolvency

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval.

SUMMARY: This notice advises the public that the Pension Benefit Guaranty Corporation has requested extension of approval by the Office of Management and Budget for a currently approved collection of information (1212-0033) contained in its regulation on Notice of Insolvency (29 CFR Part 2674). The collection of information involves notices that must be given by the plan sponsor of a multiemployer pension plan under certain adverse financial circumstances described in the regulation.

ADDRESSES: All written comments should be addressed to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, Washington, DC 20503. The request for extension will be available for public inspection at the PBGC

Communications and Public Affairs Department, Suite 240, 1200 K Street, N.W., Washington, DC 20006, between

the hours of 9 a.m. and 4 p.m. on business days.

FOR FURTHER INFORMATION CONTACT:

Deborah C. Murphy, Attorney, Office of the General Counsel, Suite 340, Pension Benefit Guaranty Corporation, 1200 K Street, N.W., Washington, DC 20006, 202-326-4024 (202-326-4179 for TTY and TDD).

SUPPLEMENTARY INFORMATION: This collection of information is contained in the Pension Benefit Guaranty Corporation's regulation on Notice of Insolvency (29 CFR part 2674).

Section 4245(e) of the Employee Retirement Income Security Act of 1974 requires that the sponsor of a multiemployer pension plan that is in reorganization notify the Secretary of the Treasury, the PBGC, and certain third parties (*i.e.*, contributing employers, employee organizations representing participants, and plan participants and beneficiaries) whenever the plan is or may become "insolvent" for a plan year (that is, unable to pay full benefits when due during that plan year). The plan sponsor must also notify the same parties of the level of benefits that will be paid during each insolvency year. Section 4245(e)(4) provides that these notices (except for the notices to the Secretary of the Treasury) are to be given in accordance with rules promulgated by the PBGC. The Notice of Insolvency regulation prescribes the contents of these notices, the manner in which they must be given, and the time limits for their issuance. The PBGC uses the information it receives to estimate cash needs for financial assistance to troubled plans.

The PBGC has requested extension of approval by the Office of Management and Budget for this collection of information (1212-0033). The PBGC estimates that an average of ten plans will be affected by this regulation each year and will spend an average of 31.15 hours each preparing the required notices. This amounts to an annual burden on the public of 311.5 hours.

Issued at Washington, DC, this 28th day of August 1995.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 95-21688 Filed 8-30-95; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-36154; File No. SR-NASD-95-34]

Self-Regulatory Organizations; Notice of Proposed Rule Change by the National Association of Securities Dealers, Inc. To Extend for Four Months the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature

August 25, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on August 11, 1995, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD proposes to extend, until January 31, 1996, the effectiveness of certain rules governing the operation of The Nasdaq Stock Market, Inc.'s ("Nasdaq") Small Order Execution System ("SOES"). Specifically, these SOES rules, which were previously approved by the Commission on a pilot basis on December 23, 1993² and recently extended through October 2, 1995,³ provide for: (1) A reduction in the minimum exposure limit for unpreferred SOES orders from five times the maximum order size to two times the maximum order size, and for the elimination of exposure limits for preferred orders ("SOES Minimum Exposure Limit Rule"); and (2) implementation of an automated function for updating market maker quotations when the market maker's exposure limit has been exhausted ("SOES Automated Quotation Update Feature"). These rules are part of a set of SOES rules approved by the SEC on a pilot basis known as the Interim SOES Rules.⁴

¹ 15 U.S.C. 78s(b)(1) (1988).

² See Securities Exchange Act Release No. 33377 (December 23, 1993), 58 FR 69419 (December 30, 1993) ("Interim SOES Rules Approval Order").

³ See Securities Exchange Act Release No. 35535 (March 27, 1995), 60 FR 16690 (March 31, 1995) ("Interim SOES Rules Extension Order").

⁴ As first approved by the Commission on December 23, 1993, the Interim SOES Rules had four components: (1) the SOES Minimum Exposure

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Commission originally approved the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature on a one-year pilot basis in December 1993, along with two other SOES rules which have since lapsed.⁵ Since December 1993, the SEC has approved two NASD proposals to extend the effectiveness of the rules, with the most recent approval extending the rules through October 2, 1995.⁶ With this filing the NASD proposes to extend further the effectiveness of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature until January 31, 1996, so that the rules can continue on an uninterrupted basis until the SEC has had an opportunity to consider the NASD's proposed N-Aqcess system.⁷

As described in more detail below, because the NASD believes implementation of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature have been associated with positive developments in the markets for Nasdaq securities and clearly have not had any negative effects on market quality, the NASD believes it is appropriate and consistent with the maintenance of fair and orderly markets and the protection of investors for the Commission to

Limit; (2) the Automated Quotation Update; (3) a reduction in the maximum size order eligible for execution through SOES from 1,000 shares to 500 shares ("SOES Maximum Order Size"); and (4) the prohibition of short sales through SOES. The SOES Maximum Order Size Rule lapsed effective March 28, 1995 and the rule prohibiting the execution of short sales through SOES lapsed effective January 26, 1995.

⁵ See Interim SOES Rules Approval Order, *supra* note 1.

⁶ See Interim SOES Rules Extension Order, *supra* note 2, and Securities Exchange Act Release No. 35275 (Jan. 25, 1995), 60 FR 6327 (Feb. 1, 1995).

⁷ See Special NASD Notice to Members 95-60 (July 27, 1995).

approve a further limited extension of the effectiveness of these rules. The SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature reflect a reasoned approach by the NASD to address the adverse effects on market liquidity attributable to active intraday trading activity through SOES, while at the same time not compromising the ability of small, retail investors to receive immediate executions through SOES. Specifically, these rules are designed to address concerns that concentrated, aggressive use of SOES by a growing number of order entry firms has resulted in increased volatility in quotations and transaction prices, wider spreads, and the loss of liquidity for individual and institutional investor orders.

The NASD believes that the arguments and justifications made by the NASD in support of approval of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature and two extensions of these rules are just as compelling today as they were when the SEC relied on them to initially approve the rules. In sum, the NASD continues to believe that concentrated bursts of SOES activity by active order-entry firms contribute to increased short-term volatility, wider spreads, and less market liquidity on Nasdaq and that the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature are an effective means to minimize these adverse market impacts. In addition, given the increased utilization of SOES since the SOES Maximum Order Size Rule lapsed at the end of March 1995, the NASD believes it is even more imperative that the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature remain in effect to help to ensure the integrity of the Nasdaq market and prevent waves of SOES orders from a handful of SOES order-entry firms from degrading market liquidity and contributing to excessive short-term market volatility. The NASD notes that the SEC made specific findings in the Interim SOES Rules Approval Order that the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature were consistent with the Act. In particular, the SEC stated in its approval order that:

a. Because the benefits for market quality of restricting SOES usage outweigh any potential decrease in pricing efficiency, the Commission concludes that the net effect of the proposal is to remove impediments to the mechanism of a free and open market and a national market system, and to protect investors and the public interest, and that the proposed rule changes are designed to

produce accurate quotations, consistent with Sections 15A(b)(6) and 15A(b)(11) of the Act. In addition, the Commission concludes that the benefits of the proposal in terms of preserving market quality and preserving the operational efficiencies of SOES for the processing of small size retail orders outweigh any potential burden on competition or costs to customers or broker-dealers affected adversely by the proposal. Thus, the Commission concludes that the proposal is consistent with Section 15A(b)(9) of the Act in that it does not impose a burden on competition which is not necessary or appropriate in furtherance of the purposes of the Act.⁸

b. The Commission also concludes that the proposal advances the objectives of Section 11A of the Act. Section 11A provides that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure economically efficient execution of securities, transactions, fair competition among market participants, and the practicality of brokers executing orders in the best market. The Commission concludes that the proposal furthers these objectives by preserving the operational efficiencies of SOES for the processing of small orders from retail investors.⁹

c. The Commission believes that it is appropriate to restrict trading practices through SOES that impose excessive risks and costs on market makers and jeopardize market quality, and which do not provide significant contributions to liquidity or pricing efficiency. * * * The Commission believes that it is more important to ensure that investors seeking to establish or liquidate an inventory position have ready access to a liquid Nasdaq market and SOES than to protect the ability of customers to use SOES for intra-day trading strategies.¹⁰

d. The Commission believes that there are increased costs associated with active intra-day trading activity through SOES that undermine Nasdaq market quality. * * * Active intra-day trading activity through SOES can also contribute to instability in the market.¹¹

e. In addition, these waves of executions can make it difficult to maintain orderly markets. Given the increased volatility associated with these waves of intra-day trading activity, market makers are subject to increased risks that concentrated waves of orders will cause the market to move away. As a result, individual market makers may be unwilling to narrow the current spread and commit additional capital to the market by raising the bid or lowering the offer. When market makers commit less capital and quote less competitive markets, prices can be expected to deteriorate more rapidly. Accordingly, the Commission believes that it is appropriate for the NASD to take measured steps to redress the economic incentives for frequent intra-day trading inherent in SOES to prevent SOES activity from having a

negative effect on market prices and volatility.¹²

f. The Commission does not believe that intra-day trading strategies through SOES contribute significantly to market efficiency in the sense of causing prices to reflect information more accurately.¹³

g. The Commission has evaluated each of the proposed modifications to SOES, and concludes that each of the modifications reduces the adverse effects of active trading through SOES and better enables market makers to manage risk while maintaining continuous participation in SOES. In addition, the Commission does not believe that any of the modifications will have a significant negative effect on market quality. To the extent that any of the modifications may result in a potential loss of liquidity for small investor orders, the Commission believes that these reductions are marginal and are outweighed by the benefits of preserving market maker participation in SOES and increasing the quality of executions for public and institutional orders as a result of the modifications.¹⁴

h. The Commission * * * has determined that the instant modifications to SOES further objectives of investor protection and fair and orderly markets, and that these goals, on balance, outweigh any marginal effects on liquidity for small retail orders, and any anti-competitive effects on order entry firms and their customers. The Commission concludes that the ability of active traders to place trades through a system designed for retail investors can impair market efficiency and jeopardize the level of market making capital devoted to Nasdaq issues. The Commission believes that the rule change is an appropriate response to active trading through SOES, and that the modifications will reduce the effects of concentrated intra-day SOES activity on the market.¹⁵

The NASD believes these significant statutory findings by the SEC regarding the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature and the SEC's assessment of the likely benefits to the marketplace that would result from the rules have been confirmed and substantiated by econometric studies on the effectiveness of the Interim SOES Rules conducted by the NASD's Economic Research Department¹⁶ and an independent economist commissioned by the NASD.¹⁷ When the SEC approved the Interim SOES Rules, it stated that "[a]ny further action

the NASD seeks with respect to SOES—extension of these modifications upon expiration, or introduction of other changes—will require independent consideration under Section 19 of the Act."¹⁸ In addition, the SEC stated that, should the NASD desire to extend these SOES changes or modify SOES, the Commission would expect, "the NASD to monitor the quality of its markets and assess the effects of [the approved SOES] changes on market quality for Nasdaq securities." Also, if feasible, the SEC instructed the NASD to provide a quantitative and statistical assessment of the effects of the SOES changes on market quality; or, if an assessment is not feasible, the SEC stated that the NASD should provide a reasoned explanation supporting that determination.

In sum, the NASD's study found that:

- Since the SOES changes went into effect in January 1994, the statistical evidence indicated that when average daily volume, stock price, and stock price volatility are held constant through regression techniques, quoted percentage spreads in Nasdaq securities experienced a decline in the immediate period following implementation of the changes and have continued to decline since then. The statistical evidence also showed that the narrowing of quoted percentage spreads became more pronounced and robust the longer the Interim SOES Rules were in effect. In particular, quoted spreads in cents per share for the 500 largest Nasdaq National Market securities experienced a sharp decline from April 28 to May 12 and from June 23 to July 18;¹⁹

- With the exception of a brief, market-wide period of volatility experienced by stocks traded on Nasdaq, the New York Stock Exchange, and the American Stock Exchange during the Spring, the volatility of Nasdaq securities appears to be unchanged in the period following implementation of the changes; and

- A smaller percentage of Nasdaq stocks experienced extreme relative price volatility after implementation of the rules and that these modifications,

¹⁸ Interim SOES Rules Approval Order, *supra* note 1, 59 FR at 69429.

¹⁹ Some press reports have attributed the recent decline in spreads for Nasdaq stocks to the publication, on May 26 and 27, 1994, of newspaper articles in *The Wall Street Journal*, *The Los Angeles Times* and other publications reporting the results of an economic study conducted by two academicians that illustrated the lack of odd-eighth quotes for active Nasdaq stocks. Contrary to these press reports, this study shows that spreads had indeed narrowed before publication of these articles (from April 28 to May 12), stabilized at these narrower levels from mid-May until June 23, and declined again from June 23 to July 18.

¹² *Id.* at 69425–26.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* at 69429.

¹⁶ See letter from Gene Finn, Vice President & Chief Economist, NASD, to Katherine England, Assistant Director, National Market System & OTC Regulation, SEC, dated October 24, 1994 (letter submitted in connection with the NASD's N-PROVE filing, SR-NASD-94-13).

¹⁷ See *The Association Between the Interim SOES Rules and Nasdaq Market Quality*, Dean Furbush, Ph.D., Economists, Inc., Washington D.C., December 30, 1994 ("Furbush Study").

⁸ Interim SOES Rules Approval Order, *supra* note 1, 58 FR at 69423.

⁹ *Id.*

¹⁰ *Id.* at 69424–25.

¹¹ *Id.*

in turn, suggest a reduction in relative volatilities since the rules were put into effect.

The Furbush Study found that there was a statistically significant improvement in effective spreads for the top 100 Nasdaq stocks (based on dollar volume) during the three month period following implementation of the rules. Moreover, the study also found that the most significant improvement in effective spreads for the top 100 stocks occurred for trade sizes between 501 and 1,000 shares, precisely the level that was made ineligible for SOES trading by the Interim SOES Rules. In addition, the study found that the average number of market makers for the top ten Nasdaq-listed stocks increased from 44.3 to 46.0, or 3.8 percent, and from 30.2 to 30.9 for the top 100 stocks, or 2.3 percent. Although correlation does not necessarily imply causation, as noted by the SEC when it approved the Interim SOES Rules, the NASD believes that positive market developments clearly have been associated with implementation of the Interim SOES Rules.

The NASD also believes that these studies of the effectiveness of the Interim SOES Rules lend credence to another NASD study that was submitted to the SEC in support of approval of the Interim SOES Rules.²⁰ In the May 1993 SOES Study, the NASD found that concentrated waves of orders entered into SOES by active order-entry firms resulted in discernible degradation to the quality of the Nasdaq market. Specifically, the study found, among other things, that: (1) Bursts of orders entered into SOES by active order entry firms frequently result in a decline in the bid price and a widening of the bid-ask spread; (2) that there is a significant positive relationship between increases in spreads and volume attributable to active order-entry firms as it related to total SOES volume per security; and (3) activity by active order-entry firms resulted in higher price volatility and less liquidity—higher price changes are associated with high active trading firm volume, even after controlling for normal price fluctuations.

The NASD also believes market activity since the SOES Maximum Order Size Rule lapsed on March 28, 1995, provides further support for the effectiveness of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature

²⁰ See NASD Department of Economic Research: Impact of SOES Active Trading Firms on Nasdaq Market Quality (May 12, 1993) ("May 1993 SOES Study"). See also Securities Exchange Act Release No. 32313 (May 17, 1993), 58 FR 29647 (publication of the study for comment).

and the NASD's economic rationale for these rules. In particular, an analysis prepared by the NASD's Economic Research Department clearly illustrates that there has been a dramatic increase in SOES volume since the SOES Maximum Order Size Rule lapsed and that many market maker positions have been abandoned. These two phenomena appear to be linked. Those Nasdaq stocks that have experienced the greatest decline in the number of market makers are the ones that have experienced the greatest increase in SOES volume since the rule lapsed.²¹ The NASD believes these figures indicate that the relaxation of one of the Interim SOES Rules may have contributed to some of the adverse market developments that the NASD was seeking to avoid through implementation of the Interim SOES Rules (e.g., degradation in market maker participation and market liquidity).²² Accordingly, the NASD believes that any further relaxation of the Interim SOES Rules by permitting the SOES Minimum Exposure Limit Rule or the SOES Automated Quotation Update Feature to lapse would further harm the Nasdaq market. In light of the significance of these figures and their indicated adverse ramifications upon the Nasdaq market, the NASD also believes that SEC reconsideration of its position with respect to the entry of 1,000-share orders into SOES is warranted.

In addition, the Interim SOES Rules Extension Order, an order approving a proposal identical to the NASD's instant proposal, the SEC found that the continued effectiveness of the SOES Minimum Exposure Limit Rule "provides customers fair access to the Nasdaq market and reasonable assurance of timely executions."²³ With respect to the SOES Automated Quotation Update Feature, the SEC also stated that it believes "that extending the automated update feature is consistent with the Firm Quote Rule. The update function provides market makers the opportunity to update automatically their quotations after executions through SOES; under the Commission's Firm Quote Rule, market makers are entitled to update their

²¹ See Letter from Richard G. Ketchum, Executive Vice President & Chief Operating Officer, NASD, to Brandon Becker, Director, Division of Market Regulation, SEC, dated August 1, 1995 (copy attached as Exhibit 2 to this filing).

²² The NASD believes that elimination of the ban against short sales through SOES did not have a dramatic negative market effect because the NASD's short sale rule was approved during the time that the ban was in effect.

²³ Interim SOES Rules Extension Order, *supra* note 2, 60 FR at 16692.

quotations following an execution and prior to accepting a second order at their published quotes."²⁴

Therefore, in light of the above-cited statutory findings made by the SEC when it first approved the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature and extensions of these rules, coupled with the NASD's findings that these rules have been associated with positive market developments in terms of lower spreads on Nasdaq and less stocks with extreme relative price volatility, the NASD believes it would be consistent with the Act for the Commission to extend the effectiveness of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature for a four-month period. Moreover, even if the Commission is unwilling to find positive significance in the NASD's statistical analyses, at the very least, these studies indicate that the market has not been harmed by implementation of these rules.²⁵

The NASD believes that the proposed rule change is consistent with Sections 15A(b)(6), 15A(b)(9), 15A(b)(11) and 11A(a)(1)(C) of the Act. Among other things, Section 15A(b)(6) requires that the rules of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and in general to protect investors and the public interest. Specifically, the NASD is proposing to extend the effectiveness of the SOES

²⁴ *Id.* (footnotes omitted).

²⁵ Even if the Commission concludes that the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature have had no impact on market quality, the NASD believes the Commission's approval of New York Stock Exchange ("NYSE") Rule 80A on a permanent basis illustrates that the Commission would still have a sufficient basis to approve an extension of the rules for a four-month period. In particular, the SEC's discussion of the statutory basis for approval of NYSE Rule 80A focused in large part on the fact that Rule 80A did not have any adverse impacts on market quality on the NYSE and that, as a result, the NYSE should be given the latitude to take reasonable steps to address excessive volatility in its marketplace. See Securities Exchange Act Release No. 29854 (October 24, 1994), 56 FR 55963 (October 30, 1994). Accordingly, the NASD believes the SEC should afford the NASD the same regulatory flexibility that it afforded the NYSE to implement rules reasonably designed to enhance the quality of Nasdaq and minimize the effects of potentially disruptive trading practices.

Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature for four months because of concerns that concentrated, aggressive use of SOES by a growing number of order entry firms has resulted in increased volatility in quotations and transaction prices, wider spreads, and the loss of liquidity for individual and institutional investor orders, all to the detriment of public investors and the public interest. The NASD believes the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature have operated to rectify this situation while continuing to provide an effective opportunity for the prompt, reliable execution of small orders received from the investing public. Accordingly, in order to protect investors and the public interest, the NASD believes the SEC should approve an additional four-month extension of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature through January 31, 1996, so that small investors' orders will continue to receive the fair and efficient executions that SOES was designed to provide.

Section 15A(b)(9) provides that the rules of the Association may not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature apply across the board and do not target any particular user or participant, as all dealers may set their exposure limits at two times the tier size and all dealers may elect to utilize the automated quote update feature. Accordingly, the NASD believes that these rule changes are not anti-competitive, as they are uniform in application and they seek to preserve the ability of SOES to provide fair and efficient automated executions for small investor orders, while preserving market maker participation in SOES and market liquidity.

Section 15A(b)(11) empowers the NASD to adopt rules governing the form and content of quotations relating to securities in the Nasdaq market. Such rules must be designed to produce fair and informative quotations, prevent fictitious and misleading quotations and promote orderly procedures for collecting and distributing quotations. The NASD is seeking to continue the effectiveness of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature so that SOES activity may not result in misleading quotations in the Nasdaq market. Market makers place quotes in the Nasdaq system and these quotes

comprise the inside market and define the execution parameters of SOES. When volatility in the SOES environment causes market makers to widen spreads or to change quotes in anticipation of waves of SOES orders, quotes in the Nasdaq market become more volatile and may be misleading to the investing public. Accordingly, absent continuation of the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature, the quotations published by Nasdaq may not reflect the true market in a security and, as a result, there may be short-term volatility and loss of liquidity in Nasdaq securities, to the detriment of the investing public. Further, the continuation of the automated refresh feature will ensure that a market maker's quotation is updated after an exposure limit is exhausted. Uninterrupted use of this function will maintain continuous quotations in Nasdaq as market makers exhausting their exposure limits in SOES will not be subject to a "closed quote" condition or an unexcused withdrawal from the market. Finally, the NASD believes that the proposed rule change is consistent with significant national market system objectives contained in Section 11A(a)(1)(C) of the Act. This provision states it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure, among other things, (i) economically efficient execution of securities transactions; (ii) fair competition among brokers and dealers; and (iii) the practicality of brokers executing investor orders in the best market. Specifically, the SOES Minimum Exposure Limit Rule and the SOES Automated Quotation Update Feature advance each of these objectives by preserving the operational efficiencies of SOES for the processing of small investors' orders, by maintaining current levels of market maker participation through reduced financial exposure from unpreferred orders, and by reducing price volatility and the widening of market makers' spreads in response to the practices of order entry firms active in SOES.

In addition, for the same reasons provided by the SEC when it approved the Interim SOES Rules that are cited above in the text accompanying footnotes 6 through 13, the NASD believes that the proposed rule change is consistent with Sections 15A(b)(6), 15A(b)(9), 15A(b)(11) and 11A(a)(1)(C) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal 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 NASD consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File Number SR-NASD-95-34 and should be submitted by September 21, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.²⁶

²⁶ 17 CFR 200.30-3(a)(12) (1994).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95-21623 Filed 8-30-95; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-36153; File No. SR-NASD-95-36]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Schedule B to the NASD By-Laws

August 25, 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 August 22, 1995, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing to amend Schedule B to the NASD By-Laws¹ to delete information text on the number of members of the NASD Board of Governors ("Board") elected from each district. Below is the text of the proposed rule change. Proposed deletions are in brackets.

Schedules to the By-Laws

Schedule B

The number and territorial boundaries of the several districts established as provided in Section 1 of Article VIII [and the number of Governors elected from the several districts established as provided in Section 4(b) of Article VII of the By-Laws of the Corporation] are as follows:

District No. 1 State of Hawaii; in the State of California, the Counties of Monterey, San Benito, Fresno and Inyo, and the remainder of the State North or West of such Counties; and in the State of Nevada, the Counties of Esmeralda and Nye, and the remainder of the State North or West of such Counties.

[One Governor shall be elected from and by the members of the Corporation eligible to vote in District No. 1.]

District No. 2 In the State of California, that part of the State South

or East of the Counties of Monterey, San Benito, Fresno and Inyo; and, in the State of Nevada, that part of the State South or East of the Counties of Esmeralda and Nye, and all Pacific possessions and territories of the United States.

[One Governor shall be elected from and by the members of the Corporation eligible to vote in District No 2.]

District No. 3 States of Alaska, Arizona, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, Washington and Wyoming.

[One Governor shall be elected from and by the members of the Corporation eligible to vote in District No. 3.]

District No. 4 States of Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota and South Dakota.

[One Governor shall be elected from and by the members of the Corporation eligible to vote in District No. 4.]

District No. 5 States of Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Oklahoma and Tennessee.

[One Governor shall be elected from and by the members of the Corporation eligible to vote in District No. 5.]

District No. 6 State of Texas.

[One Governor shall be elected from and by the members of the Corporation eligible to vote in District No. 6.]

District No. 7 States of Florida, Georgia, North Carolina, and South Carolina, Puerto Rico, Canal Zone and the Virgin Islands.

[Two Governors shall be elected from and by the members of the Corporation eligible to vote in District No. 7.]

District No. 8 States of Illinois, Indiana, Michigan, Ohio and Wisconsin, and, in the State of New York, the Counties of Monroe, Livingston and Steuben, and the remainder of the State West of such Counties.

[Two Governors shall be elected from and by the members of the Corporation eligible to vote in District No. 8.]

District No. 9 The District of Columbia, and the States of Delaware, Maryland, Pennsylvania, Virginia and West Virginia, and, in the State of New Jersey, the Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean and Salem.

[One Governor shall be elected from and by the members of the Corporation eligible to vote in District No. 9.]

District No. 10 In the State of New York, the Counties of Nassau, Orange, Putnam, Rockland, Suffolk, Westchester, and the five Boroughs of New York City, and the State of New

Jersey (except for the Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Ocean and Salem).

[Three Governors shall be elected from and by the members of the Corporation eligible to vote in District No. 10.]

District No. 11 States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont and New York (except for the Counties of Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester; the Counties of Monroe, Livingston and Steuben, and the remainder of the State West of such Counties; and the five Boroughs of New York City).

[One Governor shall be elected from and by the members of the Corporation eligible to vote in District No. 11.]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Schedule B to the NASD By-Laws includes information on the boundaries of each district office of the NASD and on the number of members of the Board elected from each district. The NASD is proposing to amend Schedule B to the NASD By-Laws to delete provisions that specify the number of members of the Board currently approved to be elected from each district. The inclusion of the text regarding district representation on the Board in Schedule B to the NASD By-Laws was intended to be informational only. The operative rule with respect to the election of district representatives to the Board, however, is Article VII, Section 4(b) of the By-Laws which requires that each district shall elect one Board member, authorizes the Board to determine which districts, if any, shall elect more than one Governor, and—in general—authorizes the Board to make appropriate changes in the number or boundaries of the districts or the number of Governors elected by each district to provide fair

¹ NASD Manual, Schedules to the By-Laws, Schedule B (CCH) ¶ 1772.

representation of members and districts. The NASD believes that the informational language in Schedule B to the NASD By-Laws specifying the number of Governors from each district unnecessarily limits the ability of the Board to act under Section 4(b) to make changes in the composition of the Board. The NASD is proposing, therefore, to eliminate the inclusion of rule language regarding district representation on the Board in Schedule B to the NASD By-Laws in order to ensure that the Board has flexibility to act with respect to the composition of the Board of Governors.

The NASD has requested that the SEC approve the proposed rule change on or before September 30, 1995 in order that the new rule may be effective with respect to the NASD's election procedures which commence on October 1, 1995 with respect to Board membership in 1996.

(b) The NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(4) of the Act,² which require that the rules of the Association provide for the fair representation of its members in the selection of its directors and administration of its affairs in that the proposed rule change is intended to eliminate rule language regarding district representation on the Board in Schedule B to the NASD By-Laws which unnecessarily limits the ability of the Board of Governors under Article VII, Section 4(b) of the NASD By-Laws to make changes in the composition of the Board.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or

(ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by September 21, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95-21624 Filed 8-30-95; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-36149; File No. SR-OCC-95-10]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change Relating to the Enhancement of Saturday Expiration Date Processing Procedures

August 23, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on July 11, 1995, The Options Clearing Corporation ("OCC") 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 OCC. The

Commission is publishing this notice to solicit comments from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will allow OCC to replace its present preliminary and final processing cycles for Saturday expiration options with a single real-time processing procedure.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.²

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Under the proposed rule change, OCC will enhance its Saturday expiration processing cycles by instituting a single real-time procedure for the updating of expiring positions of its clearing members. OCC's current Saturday expiration processing procedure for index and equity options does not provide real-time updates to clearing members on their expiring positions. Accordingly, two processing cycles, a preliminary and a final cycle, are necessary to reflect the results of post-trade activity (e.g., reconciliation of unmatched trades) affecting expiring positions and to give clearing members the opportunity to edit their preliminary exercise instructions in response to updated reports from OCC.

OCC previously has implemented an expiration processing system for options expiring on business days³ that provides real-time updates to clearing members on their expiring positions thus eliminating the need for a preliminary and final processing cycle. OCC proposes to employ this same real-time system for its Saturday expirations

² The Commission has modified the language in these sections.

³ Some examples of such options include flexibly structured options, Quarterly-Index Expiration Options or QIXs, and foreign currency option contracts.

¹ 15 U.S.C. 78o-3.

¹ 15 U.S.C. 78s(b)(1) (1988).

in order to reduce Saturday expiration processing to one cycle.

To accomplish the proposed enhancement to Saturday expiration processing, certain changes to OCC's by-laws and rules are necessary. Generally, the proposed changes will eliminate references to preliminary and final processing cycles and reports. The proposed changes also will amend OCC's by-laws and rules to reflect that the expiration exercise procedure is carried out utilizing an on-line transmission of instructions and reports to and from clearing members instead of physical delivery of hard copy reports. Additionally, article VI, section 18 of the by-laws, which provides for emergency situations, will be revised (i) to make it clear that expiration processing cannot be extended beyond the normal expiration time except where the following day is not a business day and (ii) to provide for emergency automatic exercises not only when OCC is unable to issue Expiration Exercise Reports but also when it is unable to receive exercise instructions properly submitted by clearing members.

Article I, Section 1 of OCC's by-laws will be amended to add a new defined term, "Expiration Exercise Report," which will refer to the on-line exercise reports (including intraday updates) that OCC will make available to its clearing members. Technical and conforming changes will be made to Interpretations and Policies .02 under article VI, section 1.

A number of changes are proposed to be made to Article VI, Section 18. First, the proposed rule change will allow exercise processing to continue into the day after the expiration date only when that day is not a business day. This limitation is not new. It was imposed when options expiring on business days were first introduced.⁴ The purpose was to avoid the abuses that might result from allowing post-expiration exercise instructions to be given at times when U.S. markets were open. It was deleted as part of a number of related rule changes in 1993.⁵ OCC has now concluded that it should not have been deleted and proposes to restore the rule.

⁴ Securities Exchange Act Release No. 23004 (March 19, 1986), 51 FR 9563 [File No. SR-OCC-85-18] (order approving amendments to OCC by-laws and rules to accommodate the issuance, clearance, and settlement of European-style Treasury bill options).

⁵ Securities Exchange Act Release No. 33158 (November 4, 1993), 58 FR 60229 [File No. SR-OCC-93-8] (order approving amendments to OCC by-laws and rules to accommodate the clearance and settlement of Quarterly-Index Expiration Options to be traded on the New York Stock Exchange).

Section (a) also will be amended to require a clearing member to submit exercise instructions to OCC within such times as OCC shall prescribe. Currently, a clearing member must respond within two hours of receiving a report.

Section (b) of article VI, section 18 provides a "backstop" automatic exercise procedure in cases where OCC is unable to produce the reports required for expiration exercise processing within applicable deadlines. The proposed rule change will provide for automatic exercise not only in those cases but also in cases where OCC is unable to receive properly submitted exercise instructions within applicable deadlines. Cases of the latter type are currently covered by section (c), which is not well adapted to an on-line environment.⁶ OCC believes that an inability to receive exercise instructions should be treated in the same way as an inability to issue exercise reports and therefore proposes to delete section (c) and correspondingly expand the coverage of sections (a) (providing time frames for any delays) and (b) (providing for automatic exercise).

Rule 805, which specifies the exercise processing procedures for Saturday expirations, will be revised to provide expressly for on-line processing and to cover weekday as well as Saturday expirations. The rule will be amended to eliminate references to preliminary and final exercise reports. Instead, OCC will make on-line exercise settlement reports available to clearing members utilizing OCC's on-line C/MACS system.⁷ The expiration exercise report will list all of the clearing member's expiring positions. Once the expiration exercise report is made available, clearing members can submit exercise instructions in response to such report on separate C/MACS report screens. The response screens will be updated on a real-time basis.

Paragraph (b) of rule 805 will be amended to reflect a change in the deadline for submitting exercise instructions. Currently, responses to the preliminary exercise report must be

⁶ Section (c) of Article VI, Section 18 currently provides that if a preliminary or final exercise report is made available by OCC to a clearing member and if OCC cannot keep any of its offices open until the time prescribed for the return of such report, OCC will reopen its offices to receive such report which shall then be deemed to have been filed on a timely basis.

⁷ OCC will specify in its Operations Manual the deadline for making expiration exercise reports available to clearing members. Initially, OCC proposes to specify as the deadline 7:00 a.m. Central Time on the expiration date, which is the current deadline for issuing preliminary exercise reports.

submitted by 9 a.m. central time and responses to the final report must be submitted by 4 p.m. central time. Under the proposed system, clearing members will be required to submit exercise instructions in response to the expiration exercise report before such time as OCC shall specify.⁸

Paragraphs (c) and (d) of rule 805 will be deleted because a final report will no longer be distributed. Paragraphs (e) through (h) and (j) through (l) of rule 805 and the interpretations thereto will be amended to eliminate references to preliminary and final reports and to clarify that exercise instructions must be submitted using the on-line system rather than by hard copy reports. In addition, OCC is proposing to further amend paragraph (h) to allow OCC to prescribe alternative exercise procedures if unusual or unforeseen conditions prevent OCC from making expiration exercise reports available on a timely basis or prevent clearing members from submitting timely on-line responses. As is presently the case, however, OCC will not extend the deadline for submitting exercise instructions beyond the expiration time except pursuant to Article VI, Section 8 of OCC's by-laws.

Paragraph (i) of rule 805 will be eliminated because the on-line system will not permit clearing members to submit untimely exercise instructions. Instead, clearing members desiring to submit late exercise instructions will have to tender written exercise notices pursuant to paragraph (c) of rule 805. Rule 805 also will be relettered to reflect the deletion of paragraphs.

Rule 805 will be deleted because there will no longer be a need for separate exercise processing procedures for options that expire on weekdays. The procedures prescribed by rule 805 will apply to all expiring options, regardless of expiration date. Finally, rules 801, 802, 1304, 1404, 1504, 1603, 1702, 1804, 2103, 2302, and 2403 will be amended to reflect the relettering of the paragraphs of rule 805 and the elimination of rule 806.

OCC believes the proposed rule change is consistent with the requirements of section 17A of the Act⁹ and the rules and regulations thereunder because the proposal will

⁸ OCC will specify this deadline in its Operations Manual. Initially, the deadline will be 1:00 p.m. central time. This new cut-off time will allow OCC to begin its critical expiration processing earlier and should reduce the amount of time clearing members will be required to maintain staff on expiration Saturdays.

⁹ 15 U.S.C. 78q-1 (1988).

enhance exercise processing for expiring options positions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC believes that no burden will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments have been solicited or received. OCC will notify the Commission of any written comments received by OCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety 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 OCC consents, the Commission will:

- (a) By order approve such proposed rule change or
- (b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to the file number SR-OCC-95-10 and should be submitted by September 21, 1995.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.¹⁰

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95-21577 Filed 8-30-95; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-36146; File No. SR-PSE-95-18]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Stock Exchange, Inc. Relating to Position Limits on the PSE Technology Index

August 23, 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 August 21, 1995, the Pacific Stock Exchange, Inc. ("PSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PSE proposes to amend its existing rules to increase the existing position and exercise limits for options on the PSE Technology Index ("Index"). In addition, the Exchange is proposing to change the terms of option contracts on the Index from p.m. settled to a.m. settled.

The text of the proposed rule change is available at the Office of the Secretary, PSE 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 PSE 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 PSE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On November 26, 1991, the Commission approved an exchange proposal to re-classify the PSE Technology Index as a broad-based index.¹ The Index is a price-weighted, European-style² index comprised of 100 stocks that are intended to represent a broad spectrum of companies principally engaged in manufacturing and service-related products within advanced technology fields. Position and exercise limits for options on the Index are governed by PSE rules 7.6 and 7.7, and are set at 15,000 contracts on the same side of the market.

The Exchange is proposing to set new positions and exercise limits for options on the Index at 37,500 contracts on the same side of the market, with no more than 22,500 of such contracts in the series with the nearest expiration date. The Exchange has compared the Index with similar indexes traded on other exchanges and believes, based on such data, that the proposed position and exercise limits are consistent with the existing limits for broad-based index option contracts traded at the other exchanges.³

The Exchange is also proposing that options on the Index be a.m. settled instead of p.m. settled as originally approved. Accordingly, the last day of trading for options on the index shall be the business day preceding the last day of trading in the underlying securities prior to expiration. The current index value at the expiration of an a.m. settled index option shall be determined on the last day of trading in the underlying securities prior to expiration (*i.e.*, the Friday immediately preceding the third Saturday of the month). The current index value shall, for such purposes, be determined by reference to the reported level of such index as derived from first reported sale (opening) prices of the underlying securities on such day, except that the last reported sale price of such a security shall be used in any case where the security does not open for trading on that day.

¹ Securities Exchange Act Release No. 29994, 56 FR 63536 (Dec. 4, 1991). The Commission initially approved options trading on the Index in November 1983. See Securities Exchange Act Release Nos. 20424, 48 FR 54557 (Dec. 5, 1983); and 20499, 48 FR 58880 (Dec. 23, 1983).

² A European-style option may only be exercised during a specified period prior to expiration.

³ The Exchange has compared the Index to the following indexes: Russell 2000 Index, S&P 400 Index, S&P 600 Index, Wilshire Small-Cap Index and National Over the Counter Index.

¹⁰ 17 CFR 200.30-3(a)(12) (1994).

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b)(5) in particular in that it is designed to prevent fraudulent and manipulative acts and practices and 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

The Exchange believes the proposed rule change will impose no 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 other 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 PSE. All submissions should refer to File No. SR-PSE-95-18 and should be submitted by September 21, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁴

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95-21578 Filed 8-30-95; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice No. 2246]

Advisory Committee on International Communications and Information Policy; Public Meeting

The Department of State is holding the second meeting of its Advisory Committee on International Communications and Information Policy. The Committee was reestablished on August 11, 1994, in order to provide a formal channel for regular consultation and coordination on major economic, social and legal issues and problems in international communications and information policy, especially as these issues and problems involve users of information and communication services, providers of such services, technology research and development, foreign industrial and regulatory policy, the activities of international organizations with regard to communications and information, and developing country interests.

The 27-person committee was appointed by Ambassador Vonya B. McCann, United States Coordinator for International Communications and Information Policy, U.S. Department of State, and serves under the Chairmanship of Edward Black, President, Computer and Communications Industry Association.

The purpose of this meeting will be to review the contributions and suggestions of the members for establishing the future direction and work plan of the committee. The members will look at the substantive issues on which the committee should focus, as well as specific countries and regions of interest to the committee.

The committee will follow the procedures prescribed by the Federal Advisory Committee Act (FACA). Meetings will be open to the public unless a determination is made in accordance with the FACA Section 10(d), 5 U.S.C. 552b(c) (1) and (4) that

a meeting or a portion of the meeting should be closed to the public.

This meeting will be held on Thursday, September 28, 1995, from 10 a.m.-12:30 p.m. in the Loy Henderson Conference Room of the Main Building of the U.S. Department of State, located at 2201 "C" Street, NW., Washington, DC 20520. While the meeting is open to the public, admittance to the State Department Building is only by means of a pre-arranged clearance list. In order to be placed on the pre-clearance list, please provide your name, title, company, social security number, and date of birth to Celia Arrington at (202) 647-5212 or by fax at (202) 647-5957. All attendees must use the "C" Street entrance. One of the following valid ID's will be required for admittance: any U.S. driver's license with photo, a passport, or a U.S. Government agency ID.

For further information, contact the Executive Secretary of the committee, at (202) 647-5385.

Dated: August 22, 1995.

Timothy C. Finton,

Executive Secretary, Advisory Committee for International Communications and Information Policy.

[FR Doc. 95-21644 Filed 8-30-95; 8:45 am]

BILLING CODE 4710-45-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Audrain, Monroe, Pike and Ralls Counties, MO

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed project in northeast Missouri.

FOR FURTHER INFORMATION CONTACT: Mr. Donald L. Neumann, Programs Engineer, Federal Highway Administration, P.O. Box 1787, Jefferson City, Missouri 65102, Telephone Number 314-636-7104; or Mr. Bob Sfredo, Design Engineer, Missouri Highway and Transportation Department, P.O. Box 270, Jefferson City, Missouri 65102, Telephone Number 314-751-2876.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Missouri Highway and Transportation Department (MHTD), will prepare an environmental impact statement (EIS) on a proposal to reconstruct and expand

⁴ 17 CFR 200.30-3(a)(12) (1994).

Routes 54, 19 and 107 in Audrain, Monroe, Pike, and Ralls counties, Missouri, a distance of approximately 113 kilometers (70 miles). The study area is roughly bounded by Bowling Green, New London, Mark Twain Lake and Mexico.

The expansion of Routes 54, 19, and 107 is being considered to provide additional capacity for future traffic volumes, preserve land for a future transportation corridor, and meet the state's commitment to connect communities of at least 5,000 population with a four-lane roadway.

Alternatives under consideration include (1) no build, (2) widen Routes 54 and 19 to four lanes along their present alignments and new alignment, (3) extend Route 107 to the south as a two-lane roadway, and (4) bypass the cities of Perry, Curryville, Center, Vandalia, Laddonia, and Farber.

Information 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, or would have an interest in the proposal. As part of the scoping process, an interagency coordination meeting will be held. A series of public meetings and workshops will be held throughout project development. In addition, a public hearing will be held. Public notices will be issued to notify citizens of the public meetings and hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the EIS should be directed to the FHWA or the MHTD at the addresses provided above.

Issued on: August 24, 1995.

Donald L. Neumann,

Programs Engineer, Jefferson City.

[FR Doc. 95-21642 Filed 8-30-95; 8:45 am]

BILLING CODE 4910-22-M

UNITED STATES INFORMATION AGENCY

Educational Advising Program for International Students and Scholars From the Middle East and North Africa

ACTION: Notice—Request for Proposals.

SUMMARY: The Advising and Student Services Branch of the United States Information Agency's Bureau of

Educational and Cultural Affairs announces an open competition for an assistance award. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c)(3)-1 may apply to develop educational advising centers in the following locations in the Middle East and North Africa: Cairo and Alexandria, Egypt; Amman, Jordan; Antelias and Ras Beirut, Lebanon; Rabat, Morocco; Damascus, Syria; Tunis, Tunisia; Sana'a, Yemen; East Jerusalem, and Jabriya, Kuwait. These centers will facilitate international educational exchange through overseas educational advising, orientation, and information services for foreign students and scholars seeking information on opportunities in U.S. higher education. The assistance award will also include the provision of regional educational advising consultancy services, to be based in an appropriate location within the region.

Overview

The purpose of this grant is to provide overseas educational advising, orientation and information services for foreign students and scholars in the Middle East and North Africa concerning opportunities in U.S. higher education, and to coordinate services to advising centers through a regional consultancy. This program supports international educational exchange between countries of these regions and the U.S. through direct, field-based services. Consistent with the Agency's interest in reducing administrative layers and hierarchical structure, this program should primarily focus on providing advising services abroad.

Guidelines

Proposals should be presented in four parts. The first should contain a brief overview of the organization, its history and purpose. Evidence of previous experience with advising or educational exchange of international students and scholars should also be included. The overview should indicate the total amount of funding requested and a justification for the request as well as a budget presentation outlining the total project costs.

A listing of names, titles, addresses, and telephone number of the executive officer(s) of the organization and of the person(s) ultimately responsible for the project must be included in the proposal. Resumes or vitae of key personnel must be provided. USIA also recommends the inclusion of brochures and general information concerning the organization, e.g., organization charts, job descriptions, the names of board

members (or similar group), the number of employees, etc.

The second part of the proposal should contain individual subsections that describe in detail each advising center, its proposed location and hours of operation, a proposed staffing pattern (including the percentage of time each employee will devote to advising activities and a description of their functions and responsibilities), an estimated budget for each office, and information delineating the services that will be provided by each center. A resume or brief narrative explaining the qualifications of the person or persons who would have primary responsibility for conducting advising and/or providing oversight of the advising center should also be included. Each appropriate subsection should describe any special language capability or area expertise possessed by potential advising center staff. Proposals should demonstrate each center's ability to provide the following educational advising services to international students and scholars:

1. Information and guidance on U.S. educational institutions, systems, tuition and related costs, fields of study, specialized training, etc.;

2. Information and advising on U.S. standardized tests, e.g., TOEFL, GRE, GMAT, USMLE, etc., to include the provision of registration application forms, bulletins and testing schedules;

3. Information and research on short-term institutional training in technical and professional fields;

4. Information on English language training programs in the U.S.;

5. Group and individual advising sessions, pre-departure orientation and re-entry programs, as appropriate for the location.

6. Student access to comprehensive university catalogs in print, microfiche and/or electronic format and current references on U.S. educational institutions and programs.

7. To the extent possible, each advising center should be equipped with equipment for students' use, such as videocassette players with appropriate videotapes and computers with appropriate software.

USIA expects the recipient organization to provide appropriate supervision of and administrative support to its advisers and staff in the field. The third part of the proposal should address the extent to which the headquarters office will support its advising centers abroad. This support may include financial and administrative oversight and direction, and where appropriate, resources development to support the work of the

regional educational advising consultancy.

The fourth part of the proposal should demonstrate how the applicant organization plans to implement the Regional Educational Advising Consultancy (REAC). This consultancy will provide support, training, and regional coordination among advising centers located throughout the Middle East and North African region. Responsibilities of the REAC include: Responding to individual queries from advisers; developing a regional newsletter; coordinating regional professional development activities such as workshops; facilitating communication between advising centers, posts, and USIA offices; sharing of information including materials developed by centers within the region, outside of the region, and other REACs; following trends in U.S.-Middle East/North African exchange; disseminating information on the latest developments in technology; and providing direct guidance to advisers through site visits, internships, training and in-country workshops. The REAC should serve as an expert resource for other advisers to locate information that is not easily accessible, and should have the capability to secure such information from sources available within the REAC office as well as from other appropriate sources, e.g., academic institutions and professional organizations. The REAC should place special emphasis on training advisers to seek a variety of sources of funding to support their centers. The REAC position must be held by one person only, and should serve advising centers in the following countries and areas: Bahrain, Egypt, Jordan, Kuwait, Lebanon, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Emirates, West Bank, and Yemen. A more complete description of the duties and responsibilities of the REAC is available upon request from the USIA program office.

Proposed Budget

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. For better understanding or further clarification, applicants should provide separate sub-budgets for each program component, phase, location, or activity in order to facilitate USIA decisions on funding. Applicants must submit a comprehensive line item budget at two funding levels, based on the specific guidance in the Solicitation Package. At

the first level, USIA grant assistance will not exceed \$570,000. Of this amount, not more than \$180,000 may be attributed to overhead expenses. The overall and overhead amounts for the second level are \$510,000 and \$160,000 respectively. At the second level, the recipient organization will not be required to provide advising services in Rabat, Morocco and Tunis, Tunisia. At either level, funding for the Regional Educational Advising Consultancy should not exceed \$50,000 and funding for headquarters support should not exceed \$60,000. The total award amount is expected to constitute only a portion of total project funding. Because cost sharing is required, proposals should list other anticipated sources of support. USIA encourages charging reasonable fees for services; consult the Program Specific Guidelines for further information. All grant applications should demonstrate financial and in-kind support. Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to \$60,000.

Proposals must include:

1. A budget outlining the total project costs;
2. A budget for each of the eleven centers;
3. A budget reflecting the costs for headquarters research and resource support;
4. A budget for the Regional Educational Advising Consultancy; and
5. A listing of advising center locations, if any, that would not be operated at the second level of funding.

Each budget should be presented in a multi-column format that clearly identified the following categories: Line item, amount of USIA support, amount of in-kind support/amount provided by other funding sources. Any relevant budgetary notes or explanations should be included.

Allowable costs for the program include the following:

- (1) Salaries and fringe benefits; travel and per diem;
- (2) Other direct costs, inclusive of rent, utilities, etc.;
- (3) Overhead expenses, auditing costs, subject to limits outlined above.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. Eligible

proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will be reviewed by the Agency contracts office, as well as the USIA Office of North African, Near Eastern, and South Asian Affairs and the USIA posts overseas, where appropriate. Proposals may also be reviewed by the Office of the General Counsel or by other Agency elements. Funding decisions are at the discretion of the USIA Associate Director for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the USIA grants officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *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.

2. *Institutional Capacity and Record:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals, including responsible fiscal management and full compliance with all reporting requirements. The Agency will consider the past performance of prior recipients and the demonstrated potential of new applicants.

3. *Project Monitoring and Evaluation:* Proposals should include a plan to monitor the program and to evaluate its achievements. USIA recommends that the proposal include a draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives. The recipient organization will be expected to submit intermediate reports after each project component is concluded or quarterly, whichever is less frequent.

4. *Cost-effectiveness:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. The program should emphasize field-based services.

5. *Cost-sharing:* Proposals should maximize cost-sharing through other private sector support, as well as through institutional direct funding contributions, including charging fees for services.

6. *Demonstrated ability* to work with foreign educational institutions and governmental entities as well as with

other sponsors of education and training programs. Ability to operate advising centers and a Regional Educational Advising Consultancy in each of the aforementioned locations as of the starting date of the grant. This includes demonstration of ability to acquire any and all legal documentation permitting the organization to function in countries mentioned above by the starting date of the grant.

7. Support of Diversity: Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities).

Authorization

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Pub. L. 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." Programs and projects must conform with Agency requirements and guidelines outlined in the Solicitation Package. USIA projects and programs are subject to the availability of funds.

Announcement Title and Number

All communications with USIA concerning this announcement should refer to the above title and reference number E/ASA-96-06.

Deadline for Proposals

All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time on Monday, October 16, 1995. Faxed documents will not be accepted, nor will documents postmarked October 16, 1995 but received at a later date. It is the responsibility of each applicant to ensure that proposals are received by the above deadline. Grants should begin no earlier than January 1, 1996 and end no later than December 31, 1996.

FOR FURTHER INFORMATION CONTACT:

Advising and Student Services Branch,

E/ASA, Room 349, Office of Academic Programs, U.S. Information Agency, 301 4th Street, SW., Washington, DC 20547, telephone 202-619-5434, fax 202-401-1433, e-mail advise@usia.gov. Potential applicants are encouraged to contact the program office and confirm understanding of the terms of this Request for Proposals before requesting a Solicitation Package, which includes more detailed award criteria; all application forms; and guidelines for preparing proposals, including specific criteria for preparation of the proposal budget. Please specify USIA Program Officer Amy Forest on all inquiries and correspondences. Interested applicants should read the complete **Federal Register** announcement before addressing inquiries to the Advising and Student Services Branch or submitting their proposals. Once the RFP deadline has passed, the Advising and Student Services Branch may not discuss this competition in any way with applicants until the Bureau proposal review process has been completed.

Submissions

Applicants must follow all instructions given in the Solicitation Package. The original and ten copies of the complete application, plus one extra copy of the cover sheet, should be sent to: U.S. Information Agency, Ref.: E/ASA-96-06, Office of Grants Management, E/XE, Room 326, 301 4th Street, SW., Washington, DC 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 USIS posts overseas for their review, with the goal of reducing the time it takes to get overseas posts' comments for the Agency's grants review process.

Diversity Guidelines

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 ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle, both in program administration and in program content. Please refer to the review criteria under the "Support for

Diversity" section for specific suggestions on incorporating diversity into the overall proposal.

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 December 11, 1995. Awards made will be subject to periodic reporting and evaluation requirements.

Dated: August 18, 1995.

Dell Pendergrast,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 95-21217 Filed 8-30-95; 8:45 am]

BILLING CODE 8230-01-M

Winter Institute for the Study of the U.S.: Focus on American Literature

ACTION: Notice—Request for proposals.

SUMMARY: The Branch of the Study of the U.S. of the Office of Academic Programs of the United States Information Agency's Bureau of Educational and Cultural Affairs announces an open competition for an assistance award program for the Winter Institute for the Study of the U.S.: Focus on American Literature. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c)(3)-1 may apply to develop a six-week graduate-level program designed for a group of 18 foreign university educators from around the world, in order to deepen their understanding of the United States and to give them further grounding in the field of American literature so that curricula and courses in foreign universities will benefit.

USIA is seeking detailed proposals from colleges, universities, consortia of colleges and universities, and other not-for-profit academic organizations that have an established reputation in the discipline of American Studies and/or American Literature and the related

subdiscipline, and can demonstrate expertise in conducting graduate-level programs for foreign educators. Applicant institutions *must have a minimum of four years' experience in conducting international exchange programs*. The project director or one of the key program staff responsible for the academic program must have an advanced degree in American Studies or American Literature. Staff escorts traveling under the USIA cooperative agreement support must be U.S. citizens with demonstrated qualifications for this service.

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Pub. L. 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." Programs and projects must conform with Agency requirements and guidelines outlined in the Solicitation Package. USIA projects and programs are subject to the availability of funds.

ANNOUNCEMENT NAME AND NUMBER: All communications with USIA concerning this announcement should refer to the above title and reference number E/AAS-96-01.

DEADLINE FOR PROPOSALS: All copies must be received at the U.S. Information Agency by 5 p.m. Washington DC time on Tuesday, October 10, 1995. Faxed documents will not be accepted, nor will documents postmarked October 10, 1995 but received at a later date. It is the responsibility of each applicant to ensure that proposal submissions arrive by the deadline. The actual program will begin on January 13, 1996 and last until February 24, 1996.

FOR FURTHER INFORMATION CONTACT: To request a Solicitation Package, which includes more detailed award criteria; all application forms; and guidelines for preparing proposals, including specific criteria for preparation of the proposal budget, applicants should contact: U.S. Information Agency, Office of Academic Programs, Branch of the Study of the United States, E/AAS, Room 256, 301 4th Street, SW., Washington, DC 20547, Attn: Program Officer Ilaya Rome;

telephone number (202) 619-4557; fax number (202) 619-6790; internet address irome@usia.gov. Please specify USIA Program Officer on all inquiries and correspondence. Interested applicants should read the complete **Federal Register** announcement before addressing inquiries to the office listed above or submitting their proposals. Once the RFP deadline has passed, USIA staff may not discuss this competition in any way with applicants until after the Bureau proposal review process has been completed.

SUBMISSIONS: Applicants must read and follow all instructions given in the RFP and the complete Solicitation Package. Proposals must be structured in accordance with these instructions. The original and 12 copies of the complete application should be sent to: U.S. Information Agency, Ref.: E/AAS-96-01, Office of Grants Management, E/XE, Room 326, 301 4th Street, SW., Washington, DC 20547.

DIVERSITY GUIDELINES: Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character, and should be balanced and representative of the diversity and broad range of responsible views present in American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the "Support for Diversity" section for specific suggestions on incorporating diversity into the total proposal.

SUPPLEMENTARY INFORMATION:

Overview

The Winter Institute for the Study of the U.S.: Focus on American Literature is intended to provide foreign university teachers of American studies and/or American literature with opportunities to deepen their understanding of the U.S., especially its society and culture, through an in-depth examination of American literature. This will be accomplished through a six-week residency at a college or university campus in the United States (and an optional study tour segment), where participants are involved in a specially-designed program of lectures, presentations, discussions, and research opportunities focusing on American studies and American literature. The equivalent of one day a week should be

available to participants to pursue individual research interests in American literature, curriculum development projects, or to do assigned readings. The Winter Institute should provide access to leading American scholars and research resources (libraries, archives, databases, etc.). Participants should be paired with faculty mentors. An essential element of the Institute is the exposure to and accumulation of scholarly materials, primary texts and supplementary works, curricular materials and teaching ideas (including Internet and computer resources training). The Winter Institute must provide participants with such materials to take back to their home countries which will be used to contribute to the development of new courses and programs and the modification of existing ones that draw from American Studies and American literature.

Institute Objectives

- to conduct an intensive, academically stimulating program that presents a multi-dimensional view of the United States, using American literature as the focus;
- to draw from a variety of academic disciplines to enhance the program design in such a way as to deepen participants' understanding of the complexity of U.S. society, culture and institutions, in both a historical and contemporary sense;
- and, to enhance teaching about the U.S., and of American literature in particular, in foreign universities by making appropriate scholarly resources, pedagogical materials, and ideas available to participants.

Guidelines

The institute should be specifically designed for experienced foreign university-level teachers and should not duplicate courses designed for American graduate-degree candidates. Although it is important that the topics and readings of the institute be clearly organized, the institute should not simply replicate a lecture course or a graduate seminar. Through a combination of lectures, discussions, and faculty presentations, it should facilitate the development of a collegial atmosphere in which institute faculty and participants discuss relevant concepts, issues and texts in American studies and American literature. Themes and issues prevalent in the U.S. that have relevance to other societies contribute to the mutual understanding facilitated through this type of program. Please keep in mind that pluralism and issues reflecting the diversity of the

United States are important to the Agency, and their incorporation into the proposal submission will make it more competitive.

At the outset, the program should review the recent history and current status of American literature as an academic discipline, surveying major schools of interpretation and examining the current debates within American literature and literary studies generally. The program should also explore how American literature has informed and been informed by the interdisciplinary and multi-disciplinary approaches to the study of the U.S. represented by the field of American Studies.

While the structure of the institute is entirely the responsibility of the organizers, a thematic approach would help to focus the main body of the program, American Literature, an enormously heterogeneous field. The best proposals will express a high level of thematic articulation in addition to demonstrating clearly the means by which these themes will be concretely communicated to participants for discussion and reflection. It is extremely important for the institute organizers to devise a way to integrate all aspects of the program, from the assigned reading, to lectures, discussions, and field trips. Throughout the program there should be exposure to the many facets of the United States, such as history, society, demographics, and institutions (political, cultural, educational, media). Readings should serve as examples to illustrate broader themes in American civilization. There should be a balanced mix of traditional and contemporary approaches. Please refer to the Solicitation Package for further elaboration of the thematic approach.

Other Guidelines to Consider

The institute program should ideally bring in outside presenters (representatives from academia, community organizations, media, government) in addition to the core faculty of the host institution. Presenters must be fully briefed about the institute, its goals, general themes, readings, and especially the background and needs of the participants themselves. Information about presenters and how they will be utilized should be included in the proposal submission.

A residential program of a minimum of four weeks on a college/university campus is mandatory. A minimum of two to three days in Washington, D.C. should also be included in the program. This should include a half-day session at the United States Information Agency. If a study tour is arranged in addition to the residential and

Washington, DC segment, it must be directly supportive of the academic program content. Day trips to various locations (historical sites, classrooms, community centers) are also encouraged if such trips will further enhance understanding and enrich the participants' experience. The selected grantee organization will be asked to consult closely with USIA in the planning of the Washington itinerary.

Details of the academic and tour programs may be modified in consultation with USIA's Branch for the Study of the U.S. following the grant award.

The selected grant organization will be responsible for most arrangements associated with this program. This includes the organization of a coherent progression of activities, arrangement of all domestic travel, lodging, subsistence, and ground transportation for participants, orientation and briefing of participants, preparation of any necessary support materials (including a pre-program mailing to participants), and working with program presenters to achieve maximum program effectiveness. Participants will be nominated by U.S. Information Service posts abroad, and selected by the staff of USIA's Branch of the Study of the U.S. in Washington, DC. USIA will cover all international travel costs directly.

Participants

The majority of participants selected will be university teachers, administrators, department chairs, curriculum developers and textbook writers who are interested in using American literature as a means to further the understanding of the U.S. in their countries. Nominees will demonstrate a willingness and ability to use American literature and other topics of the institute in their teaching and professional work. Candidates from the Southern Hemisphere will be given the highest priority, in order to accommodate their reverse academic calendar.

Additional Information

Confirmation letters from U.S. co-sponsors noting their intention to participate in the program will enhance a proposal. Proposals incorporating participant/observer site visits will be more competitive if letters committing prospective host institutions to support these efforts are provided.

Visa/Insurance/Tax Requirements

Programs must comply with J-1 visa regulations. Visas will be issued by USIS posts abroad. USIA insurance will

be provided to all participants, unless otherwise indicated in the proposal submission. Grantee organization will be responsible for enrolling Winter Institute participants in the chosen insurance plan. Please indicate in the proposal if host institutions have any special tax withholding requirements on participant or staff escort stipends or allowances.

Proposed Budget

Budget award may not exceed \$160,000. Administrative costs should be as low as possible and should not exceed \$47,000. The U.S. recipient should try to maximize cost-sharing in all facets of the program and to stimulate U.S. private sector (foundation and corporate) support. Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as a breakdown reflecting both the administrative budget and the program budget. For better understanding or further clarification, applicants may provide separate sub-budgets for each program component, phase, location, or activity in order to facilitate USIA decisions on funding. Please refer to the Solicitation Package for complete budget guidelines and formatting instructions for the Winter Institute.

Review Process

The USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the Agency contracts office, as well as the USIA Area Offices and the USIA post overseas, where appropriate. Proposals may also be reviewed by the Office of the General Counsel or by other Agency elements. Funding decisions are at the discretion of the USIA Associate Director for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the USIA grants officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered, and all carry equal weight in the proposal evaluation:

1. Overall quality.
 - A. The content, significance, definition, organization and academic rigor of the proposed program (including the follow-on tour, if

selected) and its appropriateness to program objectives.

B. Evidence of careful planning.

C. The program should be representative of current expert knowledge in the field, and should be consistent with the requirements of the Bureau's legislative charter, meeting the highest professional qualitative standards of achievement.

2. Institutional capacity and adequacy of proposed resources.

Faculty, library and other research and scholarly resources, housing, transportation, meal facilities, access to media resources, and other institutional support should be adequate, accessible, and appropriate, and should promote a collegial setting.

3. Support of Diversity.

Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (program venue, program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities).

4. Experience.

Experience of professionals and staff assigned to the program with foreign educators; institution's tract record with international exchange programs.

5. Evaluation and follow-up.

A. Adequacy of plans for evaluation during and after the institute by the grantee institution.

B. Adequacy of provisions made for "multiplier effect," i.e., future follow-up and networking between grantees and the host institution or other appropriate U.S. scholars or scholarly organizations.

6. Administration and Management. Evidence of strong on-site administrative and managerial capabilities (with specific discussion of how managerial and logistical arrangements will be undertaken).

7. Resources. Availability of local and state resources for the orientation, academic program segment, and follow-on tour.

8. Cost effectiveness. The overhead and administrative components of grants, as well as salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. In-kind contributions and cost-sharing should be maximized.

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 December 1, 1995. Awards made will be subject to periodic reporting and evaluation requirements.

Dated: August 22, 1995.

Dell Pendergrast,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 95-21291 Filed 8-30-95; 8:45 am]

BILLING CODE 8230-01-M

DEPARTMENT OF VETERANS AFFAIRS

Information Collections Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

OMB Number: 2900-0013

Title and Form Number: Application for United States Flag for Burial Purposes, VA Form 2008.

Type of Information Collection: Reinstatement, with change, of a previously approved collection for which approval has expired.

Needs and Uses: The form is used by the public to obtain a burial flag for a deceased veteran.

Affected Public: Individuals or households—State, Local or Tribal Government.

Estimated Annual Burden: 125,000 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 500,000 respondents.

OMB Number: 2900-0059

Title and Form Number: Statement of Person Claiming to Have Stood in Relation of Parent, VA Form 21-524.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to secure information about the relationship of a claimant to the veteran in claims for Pension Dependency and Indemnity Compensation.

Affected Public: Individuals or households.

Estimated Annual Burden: 4,000 hours.

Estimated Average Burden Per Respondent: 2 hours.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,000 respondents.

OMB Number: 2900-0077

Title and Form Number: Court-Appointed Fiduciary's Account, VA Form 27-4706c.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to provide the court appointed fiduciary of a VA beneficiary an acceptable format for providing accountings to the appointing court. The information is used to determine whether VA benefits have been properly managed.

Affected Public: Individuals or households—State, Local or Tribal Government

Estimated Annual Burden: 10,633 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 5,616 respondents.

OMB Number: 2900-0107

Title and Form Number: Certificate as to Securities, VA Form 27-4709.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to verify the existence of savings bonds or other securities listed as assets on an accounting required by State or Federal law or regulation.

Affected Public: Individuals or households—Business or other for-profit—Not-for-profit institutions—State, Local or Tribal Government

Estimated Annual Burden: 2,450 hours (2,100 annual reporting hours and 350 annual recordkeeping hours).

Estimated Average Burden Per Respondent: 13 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 4,316 respondents.

OMB Number: 2900-0115

Title and Form Number: Supporting Statement Regarding Marriage, VA Form 21-4171.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to obtain information from individuals who know, as the result of personal observation, the relationship which existed between the parties, in those cases in which a common law marriage is claimed. The information is used to determine if the marital relationship is established and benefits are payable based on relationship.

Affected Public: Individuals or households.

Estimated Annual Burden: 800 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,400 respondents.

OMB Number: 2900-0121

Title and Form Number: Obtaining Supplemental Information From Hospital or Doctor, VA Form Letter 29-551B.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form letter is used to request medical information from the insured's doctor or hospital in connection with disability insurance benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 61 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 244 respondents.

OMB Number: 2900-0255

Title and Form Number: Application for Dependency and Indemnity Compensation or Death Pension (Including Accrued Benefits and Death Compensation Where Applicable) From the Department of Veterans Affairs, VA Form 21-4182.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to gather the necessary information from the survivor to determine initial eligibility for accrued, dependency and indemnity compensation, death compensation and/or death pension benefits when an applicant applies for Social Security benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,500 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents:

14,000 respondents.

OMB Number: 2900-0404

Title and Form Number: Veteran's Application for Increased Compensation Based on Unemployability, VA Form 21-8940.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used by veterans when making a claim for increased VA disability compensation based on unemployability.

Affected Public: Individuals or households.

Estimated Annual Burden: 18,000 hours.

Estimated Average Burden Per Respondent: 45 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 24,000 respondents.

OMB Number: 2900-0138

Title and Form Number: Request for Details of Expenses, VA Form 21-8049.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to obtain the necessary information to determine the amount of any deductible expenses paid by the claimant and/or commercial life insurance received to calculate the appropriate rate of pension benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 5,700 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 22,800 respondents.

ADDRESSES: Copies of these submissions may be obtained from Trish Fineran, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-6886.

Comments and recommendations concerning the submissions should be directed to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-4650. Do not send requests for benefits to this address.

DATES: Comments on the information collections should be directed to the OMB Desk Officer on or before October 2, 1995.

FOR FURTHER INFORMATION CONTACT: Ron Taylor, VA Clearance Officer (045A4), (202) 565-4412.

Dated: August 21, 1995.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service
[FR Doc. 95-21589 Filed 8-30-95; 8:45 am]
BILLING CODE 8320-01-P

Information Collections Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

OMB Number: 2900-0083.

Title and Form Number: Blood Donor Registration, VA Form 10-2420.

Type of Information Collection:

Reinstatement, with change, of a previously approved collection for which approval has expired.

Needs and Uses: The information is used to determine if a prospective volunteer blood donor is free from illnesses that might cause harm to a VA patient if transfused with the donor's blood.

Affected Public: Individuals or households.

Estimated Annual Burden: 6,000 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 36,000 respondents.

OMB Number: 2900-0188.

Titles: Prescription, Authorization, Application, Procurement, Repair and Loan of Prosthetic Items.

Form Numbers:

- VA Form Letter 10-426, Loan Follow-up Letter.
- VA Form 10-2421; Prosthetic Authorization for Items or Services.
- VA Form 10-2914; Prescription and Authorization for Eyeglasses.
- VA Form 10-2520; Prosthetic Service Card Invoice.
- VA Form Letter 10-90, Request to Submit Estimate.
- Form Letter 10-1394, Application for Adaptive Equipment Motor Vehicle.

Type of Information Collection:

Reinstatement, without change, of a previously approved collection for which approval has expired.

Needs and Uses: The forms and form letters are used to determine eligibility, prescribe, and authorize

prosthetic devices; obtain repair estimates and allow for the direct purchase of prosthetic devices; and obtain follow-up information on loaned items.

Affected Public: Business or other for-profit—Individuals or households.

Estimated Annual Burden: 36,496 total hours.

- a. VA Form Letter 10-426—242 hours.
- b. VA Form 10-2421—16,667 hours.
- c. VA Form 10-2914—11,667 hours.
- d. VA Form 10-2520—3,334 hours.
- e. VA Form Letter 10-90—1,875 hours.
- f. VA Form Letter 10-1394—2,711 hours.

Estimated Average Burden Per Respondent:

- a. VA Form Letter 10-426—1 minute.
- b. VA Form 10-2421—4 minutes.
- c. VA Form 10-2914—4 minutes.
- d. VA Form 10-2520—5 minutes.
- e. VA Form Letter 10-9—5 minutes.
- f. VA Form Letter 10-1394—15 minutes.

Frequency of Response: On occasion.
Estimated Number of Respondents: 512,844 total respondents.

- a. VA Form Letter 10-426—14,500 respondents.
- b. VA Form 10-2421—250,000 respondents.
- c. VA Form 10-2914—175,000 respondents.
- d. VA Form 10-2520—40 respondents.
- e. VA Form Letter 10-9—22,500 respondents.
- f. VA Form Letter 10-1394—10,844 respondents.

OMB Number: 2900-0205.

Title: Application for Employment and Appraisal of Applicant for Title 38 Positions.

Form Numbers:

- a. VA Form 10-2850, Application for Physicians, Dentists, and Optometrists.
- b. VA Form 10-2850a, Application for Nurses and Nurse Anesthetists.
- c. VA Form 10-2850b, Application for Residency.
- d. VA Form 10-2850c, Application for Associated Health Occupations Appointments.
- e. VA Form Letter 10-341a, Appraisal of Applicant.

Types of Information Collection:

Reinstatement, without change, of a previously approved collection for which approval has expired.

Needs and Uses: The forms are completed by individuals applying for Title 38 position. VA Form Letter 10-341a is sent to educational institutions, organizations and individuals indicated by the applicant

on the employment application form to elicit prior education and/or performance information. The information provided to VHA is used to determine eligibility for employment, and the appropriate grade and step rate.

Affected Public: Individuals or households—Business or other for-profit—Not-for-profit institutions—State, Local or Tribal Government.

Estimated Annual Burden: 68,630 hours.

Estimated Average Burden Per Respondent:

- a. VA Form 10-2850—30 minutes.
- b. VA Form 10-2850a—30 minutes.
- c. VA Form 10-2850b—30 minutes.
- d. VA Form 10-2850c—30 minutes.
- e. VA Form Letter 10-341a—20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 150,700 total respondents.

- a. VA Form 10-2850—12,900 respondents.
- b. VA Form 10-2850a—51,600 respondents.
- c. VA Form 10-2850b—27,000 respondents.
- d. VA Form 10-2850c—17,200 respondents.
- e. VA Form Letter 10341a—42,500 respondents.

OMB Number: 2900-0227

Title: Customer Feedback Surveys.

Form Numbers:

- a. VA Form 10-0142B, Prosthetic Patient Satisfaction Survey.
- b. VA Form 10-0142C, Semiannual Prosthetic Patient Satisfaction Program Report.
- c. VA Form 10-1465 (series), The customer Feedback Survey.
- d. VA Form 10-5387, Dietetic Service Survey.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: These surveys evaluate VA patient's satisfaction with the health care they receive. The information will be used by VHA to assure that VA maintains a high level of care to the nation's veterans.

Affected Public: Individuals or households.

Estimated Annual Burden: 58,634 total hours.

- a. VA Form 10-0142 (Series)—1,557 hours.
- b. VA Form 10-1465 (Series)—52,490 hours.
- c. VA Form 10-5387—4,587 hours.

Estimated Average Burden Per Respondent:

- a. VA Form 10-0142 (Series)—3 minutes.

b. VA Form 10-1465 (Series)—15 minutes.

c. VA Form 10-5387—2 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents:

378,706 total respondents.

- a. VA Form 10-0142 (Series)—31,146 respondents.
- b. VA Form 10-1465 (Series)—209,960 respondents.
- c. VA Form 10-5387—137,600 respondents.

OMB Number: 2900-0529

Title and Form Number: Study of Reproductive Health Outcomes Among Women Vietnam Veterans, VA Form 10-20992(NR).

Type of Information Collection:

Reinstatement, without change, of a previously approved collection for which approval has expired.

Needs and Uses: The purpose of the study is to determine the association of military service in Vietnam with any adverse reproductive health outcomes. The reproductive outcomes to be studied are infertility, spontaneous abortions, still births, congenital anomalies, neonatal death, birth weights, pre-term deliveries and number of children. In addition, the relative risk malignant tumors in female reproductive organs will be evaluated.

Affected Public: Individuals or households.

Estimated Annual Burden: 5,667 hours.

Estimated Average Burden Per Respondent: 50 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 6,800 respondents.

OMB Number: 2900-0554

Title and Form Number: Application and Evaluation for VA Homeless Providers Grants and Per Diem Program, VA Form 10-0362(Series).

Type of Information Collection:

Revision of a currently approved collection.

Needs and Uses: The forms will be used by public and non-profit entities to apply for Federal aid to establish supportive services or supportive housing programs that benefit homeless veterans. The information will be used by VA to determine the most qualified to receive grant payments and to evaluate the program.

Affected Public: State, Local or Tribal Governments—Not-for-profit institutions.

Estimated Annual Burden: 63,654 hours.

Estimated Average Burden Per Respondent: 50 hours.

Frequency of Response: On occasion.

Estimated Number of Respondents:

4,235 respondents.

ADDRESSES: Copies of these submissions may be obtained from Ann Bickoff, Veterans Health Administration (161B4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 565-7407.

Comments and recommendations concerning the submissions should be directed to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-4650. Do not send requests for benefits to this address.

DATES: Comments on the information collections should be directed to the OMB Desk Officer within 30 days of this notice.

FOR FURTHER INFORMATION CONTACT: Ron Taylor, VA Clearance Officer (045A4), (202) 565-4412.

Dated: August 21, 1995.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.
[FR Doc. 95-21590 Filed 8-30-95; 8:45 am]

BILLING CODE 8320-01-M

Information Collections Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

OMB Number: 2900-0265

Titles and Form Number: Application for Counseling, VA Form 28-8832.

Types of Information Collection:

Extension of a current approved collection.

Needs and Uses: The form advises veterans and other eligible persons of the counseling services that the VBA's Vocational Rehabilitation and Counseling Division can provide. It also serves as an application for such counseling.

Affected Public: Individuals or households.

Estimated Annual Burden: 417 hours.

Estimated Average Burden Per

Respondent: 5 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 5,000 respondents.

OMB Number: 2900-0321

Titles and Form Number: Appointment of Veterans Service Organization as Claimant's Representative, VA Form 21-22.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used by VA beneficiaries to appoint any one of a number of recognized services organizations to represent them in the prosecution of their VA claims.

Affected Public: Individuals or households.

Estimated Annual Burden: 54,166 hours.

Estimated Average Burden Per

Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 325,000 respondents.

OMB Number: 2900-0405

Title and Form Number: REPS Annual Eligibility Report, VA Form 21-8941.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used by Restored Entitlement for Survivors (REPS) beneficiaries to furnish evidence of current and continuing entitlement to REPS benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 550 hours.

Estimated Average Burden Per

Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 2,200 respondents.

OMB Number: 2900-0458

Titles and Form Number: Certification of School Attendance or Termination, VA Form 21-8960.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to verify continued school attendance in those cases where benefits are paid for dependent children based on school attendance.

Affected Public: Individuals or households.

Estimated Annual Burden: 11,667 hours.

Estimated Average Burden Per

Respondent: 10 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 70,000 respondents.

OMB Number: 2900-0466

Titles and Form Number: Certification of Balance on Deposit, VA Form 27-4718a.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used by fiduciaries who are required to account for VA benefits they receive as third-party payees for the purpose of verifying reported fund balances on deposit at financial institutions.

Affected Public: Individuals or households—Not-for-profit institutions—State, Local or Tribal Government.

Estimated Annual Burden: 1,800 hours.

Estimated Average Burden Per

Respondent: 3 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 27,116 respondents.

ADDRESSES: Copies of these submissions may be obtained from Trish Fineran, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-6886.

Comments and recommendations concerning the submissions should be directed to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-4650. Do not send requests for benefits to this address.

DATES: Comments on the information collections should be directed to the OMB Desk Officer on or before October 2, 1995.

FOR FURTHER INFORMATION CONTACT: Ron Taylor, VA Clearance Officer (045A4), (202) 565-4412.

Dated: August 24, 1995.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.
[FR Doc. 95-21591 Filed 8-30-95; 8:45 am]

BILLING CODE 8320-01-M

Information Collections Under OMB Review

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration (VHA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

OMB Number: None Assigned.

Title and Form Number: Study on Environmental Health and Persian Gulf War Syndrome, VA Form 10-20989(NR).

Type of Information Collection: New collection.

Needs and Uses: This is a case controlled study designed to describe and elucidate the causes of Gulf War Syndrome. The participants will be veterans of the Persian Gulf War who currently reside in Oregon and Washington.

Affected Public: Individuals or households.

Estimated Annual Burden: 2,833 hours.

Estimated Average Burden Per Respondent: 1 hour and 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 2,000 respondents.

OMB Number: None Assigned.

Title and Form Number: Gulf Registry Questionnaire, VA Form 10-20988(NR).

Type of Information Collection: New Collection.

Needs and Uses: Previous participants in the VA Persian Gulf Registry Health Program will be given the opportunity to report additional information on potential exposures during Persian Gulf service and their reproductive health since serving in Desert Shield and Desert Storm.

Affected Public: Individuals or households.

Estimated Annual Burden: 12,500 hours.

Estimated Average Burden Per Respondent: 15 Minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 50,000 respondents.

ADDRESSES: Copies of these submissions may be obtained from Ann Bickoff, Veterans Health Administration (161B4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 565-7407.

Comments and recommendations concerning the submissions should be directed to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-4650. Do not send requests for benefits to this address.

DATES: Comments on the information collections should be directed to the OMB Desk Officer on or before October 2, 1995.

FOR FURTHER INFORMATION CONTACT: Ron Taylor, VA Clearance Office (045A4), (202) 565-4412.

Dated: August, 24, 1995.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.
[FR Doc. 95-21592 Filed 8-30-95; 8:45 am]

BILLING CODE 8320-01-M

Information Collections Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

OMB Number: 2900-0507.

Title and Form Number: Medical Information for Reinstatement, VA Form Letter, 29-762.

Type of Information Collection: Extension of a currently approved collection.

Needs and Uses: The form letter is used by the veteran's attending physicians to supply medical information that is required to determine eligibility for reinstatement of insurance and/or total disability income provision. The information is used to determine eligibility of the veteran for the purpose of reinstatement.

Affected Public: Individuals or households.

Estimated Annual Burden: 240 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 480 respondents.

OMB Number: 2900-0503.

Title and Form Number: Veterans Mortgage Life Insurance Change of Address Statement, VA Form 29-0563.

Type of Information Collection: Extension of a currently approved collection.

Needs and Uses: The form is used to inquire about a veteran's continued ownership of the property issued under Veterans Mortgage Life Insurance when an address change for the veteran is received. The information is used to determine continuing eligibility for Veterans Mortgage Life Insurance.

Affected Public: Individuals or households.

Estimated Annual Burden: 20 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 240 respondents.

OMB Number: 2900-0545.

Title and Form Number: Report of Medical, Legal, and Other Expenses

Incident to Recovery for Injury or Death, VA Form 21-8416b.

Type of Information Collection:

Reinstatement, without change, of a previously approved collection for which approval has expired.

Needs and Uses: The form is used to report expenses incident to a monetary recovery for injury or death by a beneficiary of one of VA's income-based benefit programs.

Affected Public: Individuals or households.

Estimated Annual Burden: 7,500 hours.

Estimated Average Burden Per Respondent: 45 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 10,000 respondents.

ADDRESSES: Copies of these submissions may be obtained from Trish Fineran, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-6886.

Comments and recommendations concerning the submissions should be directed to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-4650. Do not send requests for benefits to this address.

DATES: Comments on the information collections should be directed to the OMB Desk Officer on or before October 2, 1995.

FOR FURTHER INFORMATION CONTACT: Ron Taylor, VA Clearance Officer (045A4), (202) 565-4412.

Dated: August 24, 1995.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 95-21593 Filed 8-30-95; 8:45 am]

BILLING CODE 8320-01-M

Information Collections Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

OMB Number: 2900-0108

Title and Form Number: Report of Income from Property or Business, VA Form 21-4185.

Type of Information Collection:

Reinstatement, without change, of a previously approved collection for which approval has expired.

Needs and Uses: The form is used by veterans and survivors who are receiving income-based benefits to report business and/or property income and expenses. The information is used to determine eligibility for benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 29,750 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 59,500 respondents.

OMB Number: 2900-0116

Title and Form Number: Notice to Department of Veterans Affairs of Veteran or Beneficiary Incarcerated in Penal Institution, VA Form 21-4193.

Type of Information Collection: Extension of a currently approved collection.

Needs and Uses: The form is used to secure the necessary information from penal institution incarcerated veterans or beneficiaries. The information is used to determine if VA compensation or pension benefits should be terminated or reduced.

Affected Public: State, Local or Tribal Governments.

Estimated Annual Burden: 416 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 416 respondents.

OMB Number: 2900-0119

Title and Form Number: Report of Treatment in Hospital, VA Form letter 29-551.

Type of Information Collection: Extension of a currently approved collection.

Needs and Uses: The form letter is used to collect information from the insured's hospital to determine his/her eligibility for a claim for disability insurance benefits.

Affected Public: Business or other for-profit—Individuals or households.

Estimated Annual Burden: 4,055 hours.

Estimated Average Burden Per Respondent: 12 minutes.

Frequency of Response: On time.

Estimated Number of Respondents: 20,277 respondents.

OMB Number: 2900-0148

Title and Form Number: Notice of Past Due Payment, VA Form 29-389e.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used by veterans who have applied for National Service Life Insurance as a temporary measure to restore continuous protection until a final decision is made on his/her application for insurance. The information is used to determine the insured's eligibility for continued protection.

Affected Public: Individuals or households.

Estimated Annual Burden: 484 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,936 respondents.

OMB Number: 2900-0161

Title and Form Number: Medical Expense Report, VA Form 21-8416.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to collect information on the medical expenses paid in connection with claims for pension or other income-based benefits. The information is used in determining the proper rate of VA benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 19,280 hours.

Estimated Average Burden Per Respondent: 12 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 96,400 respondents.

ADDRESSES: Copies of these submissions may be obtained from Trish Fineran, Veteran Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-6886.

Comments and recommendations concerning the submissions should be directed to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395-4650. Do not send requests for benefits to this address.

DATES: Comments on the information collections should be directed to the OMB Desk Officer on or before October 2, 1995.

FOR FURTHER INFORMATION CONTACT: Ron Taylor, VA Clearance Officer (045A4), (202) 565-4412.

Dated: August 24, 1995.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 95-21594 Filed 8-30-95; 8:45 am]

BILLING CODE 8320-01-M

Information Collections Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

OMB Number: 2900-0065

Title and Form Number: Request for Employment Information in Connection with Claim for Disability Benefits, VA Form 21-4192.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to gather the necessary information about employment of the veteran-applicant to determine the extent of disability affecting employment.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 15,000 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 60,000 respondents.

OMB Number: 2900-0075

Title and Form Number: Statement in Support of Claim, VA Form 21-4138.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used by the claimant to provide self-certified statements in support of various types of claims processed by VBA.

Affected Public: Individuals or households.

Estimated Annual Burden: 188,000 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 752,000 respondents.

OMB Number: 2900-0076

Title and Form Number: Request to Creditor Regarding Applicant's Indebtedness, VA Form Letter 26-250.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is completed by creditors of veteran-applicants who are applying for a home loan. The information is used to determine the applicant's credit worthiness.

Affected Public: Business or other for-profit—Individuals or households.
Estimated Annual Burden: 10,833 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 65,000 respondents.

OMB Number: 2900-0089

Title and Form Number: Statement of Dependency of Parent(s), VA Form 21-509.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to gather income and dependency information from applicants who are seeking payment of benefits as or for a dependent parent. The information is used to determine dependency of the parent.

Affected Public: Individuals or households.

Estimated Annual Burden: 20,000 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 40,000 respondents.

OMB Number: 2900-0095

Title and Form Number: Pension Claim Questionnaire for Farm Income, VA Form 21-4165.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to develop the necessary income and asset information peculiar to farm operations. The information is used to determine whether the claimant is eligible for VA benefits and, if eligibility exists, it is used to determine the proper rate of benefits.

Affected Public: Farms—Individuals or households.

Estimated Annual Burden: 12,500 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 25,000 respondents.

ADDRESSES: Copies of these submissions may be obtained from Trish Fineran, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-6886.

Comments and recommendations concerning the submissions should be directed to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235,

Washington, DC 20503, (202) 395-4650. Do not send requests for benefits to this address.

DATES: Comments on the information collections should be directed to the OMB Desk Officer on or before October 2, 1995.

FOR FURTHER INFORMATION CONTACT: Ron Taylor, VA Clearance Officer (045A4), (202) 565-4412.

Dated: August 24, 1995.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 95-21595 Filed 8-30-95; 8:45 am]

BILLING CODE 8320-01-M

Information Collections Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

OMB Number: 2900-0036

Title and Form Number: Statement of Disappearance, VA Form 21-1775.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to gather the necessary information to determine if a decision of presumptive death can be made for benefit payment purposes. The information is used to authorize death benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 5,500 hours.

Estimated Average Burden Per

Respondent: 2 hours and 45 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 2,000 respondents.

OMB Number: 2900-0038

Title and Form Number: Information from Remarried Widow/er, VA Form 21-4102.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to gather the necessary information to determine if a child of a surviving remarried spouse of a deceased veteran meets the requirements for pension. The information is used to determine entitlement this benefit.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,000 hours.

Estimated Average Burden Per

Respondent: 20 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 9,000 respondents.

OMB Number: 2900-0049

Title and Form Number: Request for Approval of School Attendance, VA Forms 21-674 and 21-674c.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The forms are used to gather the necessary information to determine continued entitlement to benefits for a child between the ages of 18 and 23 who is attending school.

Affected Public: Individuals or households.

Estimated Annual Burden: 34,500 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 138,000 respondents.

OMB Number: 2900-0052

Title and Form Number: Report of Medical Examination for Disability Evaluation, VA Form 21-2545.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to gather the necessary information from a claimant prior to undergoing a VA examination and to record the findings of the examining physician.

Affected Public: Individuals or households.

Estimated Annual Burden: 45,000 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 339,000 respondents.

OMB Number: 2900-0064

Title and Form Number: Application for Amounts Due Estate of Person Entitled to Benefits, VA Form 21-609.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to gather the necessary information to determine the individual(s) who may be entitled to accrued benefits of deceased beneficiaries. The information is used to determine the proper payee for certain accrued benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 375 hours.

Estimated Average Burden Per Respondent: 30 minutes.
Frequency of Response: One time.
Estimated Number of Respondents: 750 respondents.

ADDRESSES: Copies of these submissions may be obtained from Trish Fineran, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-6886.

Comments and recommendations concerning the submissions should be directed to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-4650. Do not send requests for benefits to this address.

DATES: Comments on the information collections should be directed to the OMB Desk Officer on or before October 2, 1995.

FOR FURTHER INFORMATION CONTACT: Ron Taylor, VA Clearance Officer (045A4), (202) 565-4412.

Dated: August 24, 1995.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 95-21596 Filed 8-30-95; 8:45 am]

BILLING CODE 8320-01-M

Information Collections Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

OMB Number: 2900-0001

Titles and Form Number: Veteran's Application for Compensation or Pension, VA Form 21-526.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to gather the necessary information to determine the veteran's eligibility, dependency, and income, as applicable, for the compensation and/or pension sought. The information is used to determine eligibility.

Affected Public: Individuals or households.

Estimated Annual Burden: 372,426 hours.

Estimated Average Burden Per Respondent: 90 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 248,284 respondents.

OMB Number: 2900-0002

Title and Form Number: Income-Net Worth and Employment Statement, VA Form 21-527.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used by the claimant to submit a supplemental claim for disability pension or disability compensation based on individual unemployment. The information is used to determine eligibility to these benefits.

Affected Public: Individuals or households,

Estimated Annual Burden: 104,440 hours.

Estimated Average Burden Per Respondent: 60 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 104,440 respondents.

OMB Number: 2900-0004

Title and Form Number: Application for Dependency and Indemnity Compensation, Death Pension and Accrued Benefits by a Surviving Spouse or Child (Including Death Compensation if Applicable), VA Form 21-534.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to gather the necessary information to determine the spouse's and/or children's eligibility, dependency and income, as applicable, for the death benefits sought. The information is used to determine eligibility.

Affected Public: Individuals or households,

Estimated Annual Burden: 83,462 hours.

Estimated Average Burden Per Respondent: 75 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 66,770 respondents.

OMB Number: 2900-0014

Title and Form Number: Authorization and Certification of Entrance or Reentrance into Rehabilitation and Certification of Status, VA Form 28-1905.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to authorize and to certify pursuit and attendance for any Chapter 31, title 38, U.S.C., rehabilitation or Chapter

35 special restorative or specialized vocational training program.

Affected Public: Not-for-profit institutions—Individuals or households—Business or other for-profit—Farms—State, Local or Tribal Government.

Estimated Annual Burden: 2,917 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 35,000 respondents.

OMB Number: 2900-0027

Title and Form Number: Application for Accrued Benefits by Veteran's Surviving Spouse, Child, or Dependent Parent, VA Form 21-551.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to determine a claimant's entitlement to accrued benefits withheld during a veteran's hospitalization or domiciliary care. The information is used to determine entitlement to accrued benefits.

Affected Public: Individuals or households,

Estimated Annual Burden: 1,000 hours.

Estimated Average Burden Per Respondent: 20 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 3,000 respondents.

ADDRESSES: Copies of these submissions may be obtained from Trish Fineran, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-6886.

Comments and recommendations concerning the submissions should be directed to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-4650. Do not send requests for benefits to this address.

DATES: Comments on the information collections should be directed to the OMB Desk Officer on or before October 2, 1995.

FOR FURTHER INFORMATION CONTACT: Ron Taylor, VA Clearance Officer (045A4), (202) 565-4412.

Dated: August 24, 1995.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 95-21597 Filed 8-30-95; 8:45 am]

BILLING CODE 8320-01-M

Information Collections Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

OMB Number: 2900-0061

Title and Form Number: Request for Supplies, VA Form 1905m.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used to inform VA of supplies the veteran needs to continue his or her vocational rehabilitation program and to certify that the supplies are required, not merely desired, by the veteran.

Affected Public: Individuals or households—Business or other for-profit—Not-for-profit institutions.

Estimated Annual Burden: 1,000 hours.

Estimated Average Burden Per Respondent: 60 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,000 respondents.

OMB Number: 2900-0079

Titles and Form Numbers: Employment Questionnaire, VA Forms 21-4140, 21-4140-1, and 21-4140a.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The forms are used to gather continuing unemployability information to determine continued eligibility for 100 percent compensation based on individual unemployability.

Affected Public: Individuals or households.

Estimated Annual Burden: 3,790 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 45,480 respondents.

OMB Number: 2900-0129

Title and Form Number: Supplemental Disability Report, VA Form Letter 29-30a.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form letter is used by the insured to supply information

required to process a claim for disability benefits.

Affected Public: Individuals or households.

Estimated Annual Burden: 548 hours.

Estimated Average Burden Per Respondent: 5 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 6,570 respondents.

OMB Number: 2900-0266

Title and Form Number: Application for Reimbursement of Headstone or Marker Expenses, VA Form 21-8834.

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The form is used by the person who paid for a deceased veteran's or service person's headstone, marker or additional engraving, to claim reimbursement in lieu of a Government furnished headstone.

Affected Public: Individuals or households.

Estimated Annual Burden: 167 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 1,000 respondents.

OMB Number: 2900-0518

Title and Form Numbers: Income Verification, VA Forms 21-0161 and 0161a.

Needs and Uses: The forms are used to verify a beneficiary's income-dependent benefits in connection with the administration of veterans benefits. The information is used to accurately adjust pension benefits payments and avoid overpayments.

Affected Public: Business or other for-profit—Individuals or households—Not-for-profit institutions—Farms—State, Local or Tribal Government.

Estimated Annual Burden: 114,000 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 228,000 respondents.

ADDRESSES: Copies of these submissions may be obtained from Trish Fineran, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-6886.

Comments and recommendations concerning the submissions should be directed to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-4650. Do not send requests for benefits to this address.

DATES: Comments on the information collections should be directed to the OMB Desk Officer on or before October 2, 1995.

FOR FURTHER INFORMATION CONTACT: Ron Taylor, VA Clearance Officer (045A4), (202) 565-4412.

Dated: August 24, 1995.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 95-21598 Filed 8-30-95; 8:45 am]

BILLING CODE 8320-01-M

Information Collections Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

OMB Number: 2900-0017

Titles and Form Numbers: Fiduciary Account Book, VA Form 27-418; and Accounting, VA Form 27-4706.

Type of Information Collection:

Revision of a currently approved collection.

Needs and Uses: These forms are used by VA Fiduciary and Field Examination Program personnel to provide fiduciaries of VA beneficiaries acceptable formats to collect data to be report in accountings and an acceptable form to submit the collected data to the appointing State court. These accountings are usually required by State law.

Affected Public: Individuals or households—Business or other for-profit—Not-for-profit institutions—State, Local or Tribal Government.

Estimated Annual Burden: 32,675 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 9,424 respondents.

OMB Number: 2900-0324

Titles and Form Number: Supplemental Physical Examination Report, VA Form 29-8100 (Series).

Type of Information Collection:

Extension of a currently approved collection.

Needs and Uses: The forms are used to obtain complete information as to the

physical and/or mental condition of a veteran who has submitted an application for insurance or reinstatement. The information is used to process the insured's request.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,080 hours.

Estimated Average Burden Per

Respondent: 45 minutes.

Frequency of Response: One time.

Estimated Number of Respondents:

1,440 respondents.

OMB Number: 2900-0353

Title and Form Number: Certificate of Lessons Completed, VA Forms 22-6553b and 22-6553b-1.

Type of Information Collection:

Revision of a currently approved collection.

Needs and Uses: The forms are used by veterans and other eligible persons to report the number of lessons completed and by schools to report the number of lessons serviced by them. The information is used to ensure that training programs meet the statutory requirements for continued approval for the payment of benefits.

Affected Public: Individuals or households—Business or other for-profit.

Estimated Annual Burden: 3,186 hours.

Estimated Average Burden Per

Respondent: 10 minutes.

Frequency of Response: Quarterly.

Estimated Number of Respondents:

6,330 respondents.

OMB Number: 2900-0396

Title and Form Number: Certification of Training (Under the Service Members Occupational Conversion and Training Act), VA Form 22-8929.

Type of Information Collection:

Revision of a currently approved collection.

Needs and Uses: The information collected on the form is used to pay the employer for training the veteran under the Service Members Occupational Conversion and Training Act.

Affected Public: Business or other for-profit—Not-for-profit institutions—Individuals or households—State, Local or Tribal Government.

Estimated Annual Burden: 21,000 hours (18,000 reporting hours and 3,000 recordkeeping hours).

Estimated Average Burden Per

Respondent: 30 minutes reporting and 1 hour recordkeeping.

Frequency of Response: On occasion.

Estimated Number of Respondents:

36,000 respondents.

ADDRESSES: Copies of these submissions may be obtained from Trish Fineran, Veterans Benefits Administration (20M30), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-6886.

Comments and recommendations concerning the submissions should be directed to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-4650. DO NOT send requests for benefits to this address.

DATES: Comments on the information collections should be directed to the OMB Desk Officer on or before October 2, 1995.

FOR FURTHER INFORMATION CONTACT:

Ron Taylor, VA Clearance Office (045A4), (202) 565-4412.

Dated: August 24, 1995.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 95-21599 Filed 8-30-95; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 60, No. 169

Thursday, August 31, 1995

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

BROADCASTING BOARD OF GOVERNORS

DATE AND TIME: September 6, 1995; 11:00 a.m.

PLACE: Cohen Building, 330 Independence Avenue, S.W., "C" Street Entrance, Suite 3300 (Conference Room), Washington, D.C. 20547.

OPEN MEETING: The members of the Broadcasting Board of Governors (BBG) will meet in open session to conduct their first meeting. This meeting will focus on organizational topics including, but not limited to, the following matters: 1) resolutions needed for the conduct of business; 2) subjects for discussion at future meetings; and 3) the date and time of the next meeting.

CLOSED MEETING: It may be necessary to close small portions of the BBG meeting to discuss either sensitive foreign policy issues arising from broadcasting into other countries, or to discuss solely internal personnel matters and practices which could also contain personal privacy information relating to staff. These portions of the meetings would be closed because if open they likely would: 1) disclose matters that would be properly classified to be kept secret in the interest of foreign policy under the appropriate executive order (5 U.S.C. 552b(c)(1)); 2) relate solely to the internal personnel rules and practices of an agency (5 U.S.C. 552b.(c)(2)); and/or 3) disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b.(c)(6)). There also will be a closed meeting of the members of the Board of Directors of RFE/RL, Inc., a private nonprofit corporation.

CONTACT PERSON FOR MORE INFORMATION: Persons interested in attending the meeting or in obtaining more information should contact Joshua Fouts at (202) 619-3375.

Dated: August 29, 1995.

David W. Burke,
Chairman.

[FR Doc. 95-21803 Filed 8-29-95; 3:23 pm]

BILLING CODE 6155-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

INSTITUTE OF MUSEUM SERVICES

Notice of Meeting

SUMMARY: This notice sets forth the agenda of a forthcoming meeting of the National Museum Services Board. This notice also describes the functions of the Board. Notice of this meeting is required under the Government through the Sunshine Act (Public Law 94-409) and regulations of the Institute of Museum Services, 45 CFR 1180.84.

TIME/DATE: 9:00 a.m.-12:00 p.m.- Tuesday, September 12, 1995.

STATUS: Open.

ADDRESS: The New Orleans Museum of Art, One Collins Diboll Circle, Board Room, New Orleans, LA 70124, 504/483-2666.

FOR FURTHER INFORMATION CONTACT: Elsa Mezvinsky, Special Assistant to the Director, Institute of Museum Services, 1100 Pennsylvania Avenue, N.W., Room 510, Washington, D.C. 20506—(202) 606-8536.

SUPPLEMENTARY INFORMATION: The National Museum Services Board is established under the Museum Services Act, Title II of the Arts, Humanities, and Cultural Affairs Act of 1976, Public Law 94-462. The Board has responsibility for the general policies with respect to the powers, duties, and authorities vested in the Institute under the Museum Services Act.

The meeting of Tuesday, September 12 will be open to the public.

If you need special accommodations due to a disability, please contact: Institute of Museum Services, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506—(202) 606-8536—TDD (202) 606-8636 at least seven (7) days prior to the meeting date.

64th Meeting of the National Museum Services Board, Tuesday, September 12, 1995, 9:00 a.m.-12:00 p.m.

Agenda

- I. Chairman's Welcome and Approval of Minutes
- II. Director's Report
- III. Appropriations Report
- IV. Legislative/Public Affairs Report
- V. IMS Programs—Action Items
 - A. General Operating Support (GOS)
 - B. Professional Services Program (PSP)
 - C. Technical Assistance Grant (TAG)
- VI. Twentieth Anniversary Report
- VII. National Award for Museum Service (NAMS) Committee Report

Dated: August 28, 1995.

Linda Bell,

Director of Policy, Planning and Budget, National Foundation on the Arts and the Humanities, Institute of Museum Services.

[FR Doc. 95-21733 Filed 8-29-95; 1:59 pm]

BILLING CODE 7036-01-M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of a Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 C.F.R. Section 7.5) and the Government in the Sunshine Act (5 U.S.C. Section 552b), hereby gives notice that it intends to hold a meeting at 9:00 a.m. on Monday, September 11, 1995, and at 8:30 a.m. on Tuesday, September 12, 1995, in Washington, DC

The September 11 meeting is closed to the public. (See 60 FR 40226, August 7, 1995.) The September 12 meeting is open to the public and will be held at U.S. Postal Service Headquarters, 475 L'Enfant Plaza, SW., in the Benjamin Franklin Room. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary for the Board, David F. Harris, at (202) 268-4800.

Agenda

Monday Session

September 11-9:00 a.m. (Closed)

1. Consideration of the Acquisition of Leased Postal Facilities. (Rudolph K. Umscheid, Vice President, Facilities.)

Tuesday Session

September 12-8:30 a.m. (Open)

1. Minutes of the Previous Meeting, July 31-August 1, 1995.
2. Remarks of the Postmaster General/Chief Executive Officer. (Marvin Runyon.)
3. Postal Rate Commission FY 1996 Budget. (Vice Chairman del Junco.)
4. Consideration of Contract for Outside Audit Services. (Vice Chairman del Junco.)
5. Fiscal Year 1996 Operating Budget. (Michael J. Riley, Chief Financial Officer.)
6. Fiscal Year 1996 Financing Plan. (Mr. Riley.)
7. Tentative FY 1997 Appropriation Request. (Mr. Riley.)

8. Tentative Agenda for the October 2-3, 1995, meeting in San Juan, Puerto Rico.

David F. Harris,

Secretary.

[FR Doc. 95-21837 Filed 8-29-95; 3:24 pm]

BILLING CODE 7710-12-M

Corrections

Federal Register

Vol. 60, No. 169

Thursday, August 31, 1995

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

48 CFR Part 939

RIN 1991-AA81

Acquisition Regulation, Acquisition of Federal Information Processing Resources by Contracting

Correction

In rule document 95-19010 beginning on page 39871 in the issue of Friday, August 4, 1995 make the following correction:

On page 39873, in the second column, in the table of contents, "**Subparts 939.2 through 939.54 [Reserved]**" should read "**Subparts 939.2 through 939.5 [Reserved]**".

BILLING CODE 1505-01-D

GENERAL SERVICES ADMINISTRATION

48 CFR Part 552

[APD 2800.12A CHGE 61]

General Services Administration Acquisition Regulation; Implementation of Industrial Funding for Federal Supply Schedules

Correction

In rule document 95-9353 beginning on page 19360 in the issue of Tuesday, April 18, 1995 make the following correction:

552.238-77 [Corrected]

On page 19362, in 552.238-77(b)(1), in the second line "should" should read "shall".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 151

RIN 1076-AC51

Land Acquisitions (Nongaming)

Correction

In rule document 95-15215 beginning on page 32874 in the issue of Friday,

June 23, 1995, make the following corrections:

1. On page 32876, in the second column, under the heading *Section 151.11(b) Acquisitions in Non-Indian Communities*, in the line 14th line, "even though he" should read "even though the".

2. On page 32877, in the first column, in the fourth line, "*Seciton 151.11(d) Ordinances*" should read "*Section 151.11(d) Ordinances*".

3. On the same page, in the same column, under *Comment*., in the sixth line "specifically, ti" should read "specifically, it".

BILLING CODE 1505-01-D

NUCLEAR REGULATORY COMMISSION

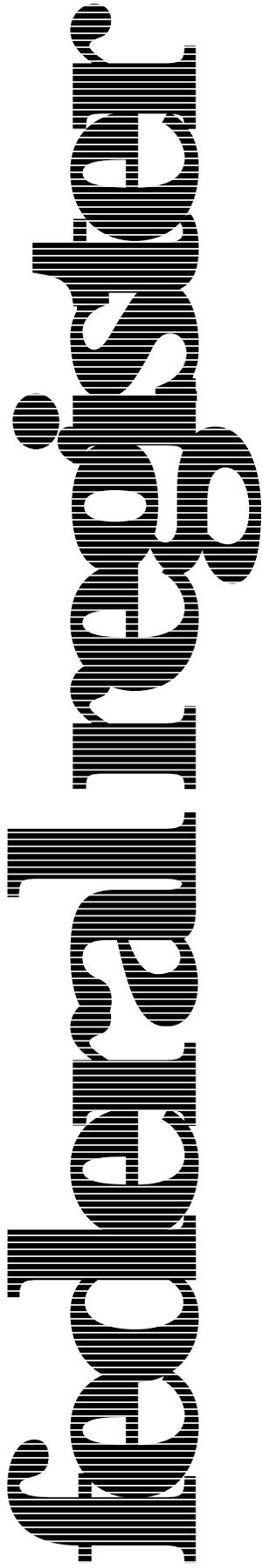
Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

Correction

In notice document 95-20640, appearing on page 43479, in the issue of Monday, August 21, 1995, make the following correction:

In the third column, in the third line, "September 17, 18," should read "September 27, 28,".

BILLING CODE 1505-01-D



Thursday
August 31, 1995

Part II

**Environmental
Protection Agency**

40 CFR Part 51 et al.
Operating Permits Program and Federal
Operating Permits Program; Proposed
Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51, 70, and 71

[FRL-5285-9]

RIN 2060-AF70

Operating Permits Program and Federal Operating Permits Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is today proposing new streamlined procedures for revising stationary source operating permits issued by State and local permitting authorities or EPA under title V of the Clean Air Act (Act). This proposal is a supplement to actions published in the *Federal Register* on August 29, 1994 and on April 27, 1995 as they relate to permit revisions. In addition, today's action proposes changes to the certification that responsible officials of permitted sources are required to submit and the emergency defense available for violations of permit terms. It also clarifies the application of title I and title V permitting requirements to non-major research and development (R&D) facilities that are located with sources that are major under the Act. Finally, it proposes to revise the procedural requirements applicable to minor new source review (NSR) permitting under title I of the Act to clarify the flexibility States possess in providing adequate process for minor NSR actions.

Several concerns over complexity and burden of the previously proposed permit revision system were raised in response to these actions. As a result, the Agency today is proposing to establish a system for revising operating permits that is simpler, more flexible, and easier to implement than that proposed in the prior notices.

Implementation of today's proposal would benefit the environment primarily through enhanced implementation of, and compliance with, air quality control requirements. The extent of benefit would be nationwide and could potentially include all requirements of the Act applicable to part 70 sources.

DATES: Comments on the proposed regulatory changes must be received by October 30, 1995. Comments on the revised Information Collection Request (ICR) for the revised part 70 must be received by October 30, 1995.

ADDRESSES: Comments on the proposed revisions to 40 CFR part 70 must be mailed (in duplicate if possible) to: EPA Air Docket (LE-131), Attn: Docket No.

A-93-50, room M-1500, Waterside Mall, 401 M Street SW, Washington, DC 20460. Comments regarding the 40 CFR part 71 Federal operating permits program must be mailed to the same address, Attn: Docket No. A-93-51. Please identify comments as pertaining to today's proposal by date and FR cite. Comments on the draft ICR for the revised part 70 are to be submitted as per instructions in Section VI. E., *Paperwork Reduction Act*, of this preamble.

Docket: Supporting information used in developing the proposed regulatory revisions to part 70 and part 71 are contained in Docket Nos. A-93-50 and A-93-51 respectively, at the preceding address. This docket is available for public inspection and copying between 8:30 a.m. and 3:30 p.m. Monday through Friday. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:

Regarding proposed revisions to parts 51 and 70, Michael Trutna (919/541-5345), Ray Vogel (919/541-3153), or Roger Powell (919/541-5331), mail drop 12, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Information Transfer and Program Integration Division, Research Triangle Park, North Carolina 27711. Regarding proposed revisions to part 71, Candace Carraway (919/541-3189) or Kirt Cox (919/541-5399) at the same address.

SUPPLEMENTARY INFORMATION: Today's proposal reflects the principles articulated in the President's and the Vice President's March 16, 1995 report, "Reinventing Environmental Regulation." That report establishes as goals for environmental regulation building partnerships between EPA and State and local agencies, minimizing costs, providing flexibility in implementing programs, tailoring solutions to the problem, and shifting responsibilities to State and local agencies. The Agency believes that today's proposal meets the goals of the report.

Public Comments

If possible, comments should be sent in both paper and computerized form. Two paper copies of each set of comments are requested. Comments generated on computer should also be sent on an IBM-compatible, 3½-inch diskette and clearly labeled. Please identify comments as pertaining to today's proposal by date and FR cite.

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I. Background

A. Operating Permits Regulations

Title V requires that EPA develop regulations which set minimum standards for State operating permits programs. Those regulations, codified in part 70 of chapter I of title 40 of the Code of Federal Regulations, were originally promulgated on July 21, 1992 (57 FR 32250). On August 29, 1994, EPA proposed a number of revisions to the part 70 regulations as a result of negotiations with litigants who petitioned for review of part 70 after its promulgation. The August 1994 proposal included new provisions governing permit revision processes. Today's proposal supplements that part of the August 1994 proposal and defines a simpler approach to revising permits designed to build upon existing State permitting programs.

Title V also requires that States submit their operating permit programs for EPA approval and that EPA promulgate and administer a Federal operating permits program for States that have not obtained EPA approval by November 15, 1995. The EPA's proposed regulations, to be codified at part 71, for the Federal operating permits program were published on April 27, 1995 (60 FR 20804). In large part the proposed regulations were modeled on the original part 70.

However, the permit revision procedures for proposed part 71 were based on the August 1994 proposal for part 70 permit revisions. Today EPA is proposing an alternative permit revision process for part 71 that is based on today's proposal for part 70 permit revision procedures.

B. Proposed Permit Revision System

The August 1994 notice proposed to revise § 70.7 of part 70 to set out a four-track system for revising operating permits. Comments received at the October 19, 1994 public hearing and comments submitted to the docket indicate that the proposed four-track system was widely perceived as too complicated, prescriptive, and disruptive to existing State programs. In response to those concerns, EPA sought further input from representatives of State and local permitting agencies, industry, and environmental groups to learn more directly of their implementation concerns. The EPA received thoughtful ideas from these groups about how the process for permit revisions might be accomplished in a more streamlined fashion. The docket for today's action contains some specific alternative permit revision approaches recommended by these commenters.

Representatives of the various groups were in general agreement on a number of issues. First, any permit revision system would need to be far simpler to implement than that laid out in the August 1994 proposal. Second, it should be as streamlined and expeditious as possible so as not to impede unduly a source's ability to respond to changes in market conditions. Third, it should provide public process commensurate with the environmental significance of the change. Fourth, for changes subject to a State preconstruction review program established pursuant to the Act (e.g., NSR), public, affected State, and EPA review of the more environmentally significant changes should occur during the underlying process, instead of a subsequent part 70 permit revision process. Finally, the process should maximize State and local agency flexibility.

As discussed in Section II of this preamble, today's alternative proposal satisfies all of these criteria by building on underlying State review programs. After considering comments received on today's proposal, EPA intends to promulgate final rules regarding permit revisions along with the other issues addressed in the August 1994 and April 1995 proposals.

C. Other Proposed Revisions in Today's Notice

Today's notice also proposes additional rule revisions to address other issues raised by litigants in their petitions for review of part 70. These issues involve the current rule's provisions regarding responsible official certifications, the emergency defense for violations of some types of permit terms, section 302(j) rulemaking regarding inclusion of fugitive emissions in the definition of major source, and the definition of title I modification. It also proposes to clarify the public review requirements of title I and title V applicable to minor NSR permits and their subsequent incorporation into part 70 permits. The EPA currently expects to complete rulemaking on these issues at the same time it takes final action on the other issues addressed in the August 1994 proposal. Proposed actions regarding responsible official certifications, the emergency defense, and the definitions of major source and title I modification are also included in today's notice with respect to the part 71 Federal operating permits program provisions.

Finally, in today's notice EPA is clarifying that non-major R&D activities located with a source that is major under sections 112 or 302(j) of the Act or parts C or D of title I of the Act need not be considered part of that major source. Depending on the extent to which a non-major R&D facility contributes to the activity of the major source, the R&D facility need not be subject to permitting under title I or title V.

A number of revisions to the definitions in § 70.2 are included in today's notice to be consistent with the proposed revisions. Other definitions are proposed to be added where needed for clarity.

D. Environmental Benefits

The operating permits program provides a uniform vehicle for State and local agencies to administer other titles of the Act; not only the requirements for attainment and maintenance of the national ambient air quality standards (NAAQS) but of other provisions such as those to protect the public from

harmful effects of HAPs. It is through an efficient permit program that many of the environmental benefits of these programs are realized.

Part 70 helps achieve these benefits by giving company officials the opportunity to be fully knowledgeable about their compliance obligations and creates strong incentives for assuring that compliance is maintained. This will in turn result in improved air quality for the public, and States will not have to adopt new regulations to meet air quality standards to make up for noncompliance with existing rules. In the process of developing permit applications for part 70 programs, companies have discovered new uncontrolled emission points or air pollution requirements that applied to them but of which they were not previously aware. As a result, these facilities are taking steps to comply with those requirements. The vast majority of businesses in this country want to comply with environmental regulations. The part 70 program clarifies their obligations while avoiding possibly costly litigation.

Implementation of today's proposal will facilitate accomplishing the described environmental benefits. The proposed revisions would focus public and EPA review on, and ensure that resources will be targeted to reviewing, changes with the most environmentally significant impacts. In addition, the proposed streamlined permit revision system assures that permits are speedily revised to include all Act obligations for a source while avoiding unnecessary procedural delays and opportunity costs. This will assure certainty of compliance obligations for all parties.

Implementation of today's proposal also will help achieve environmental benefits through its requirements for flexible permits. In particular, the flexible permit provisions of today's proposal would allow more options for sources in designing their title V permits to meet environmental obligations. This increased flexibility would allow sources to rely on emissions trading to meet pollution control requirements and to use pollution prevention approaches which can achieve additional emissions reductions.

E. August 1994 Proposed Revisions

The August 1994 proposal is not being withdrawn, but is instead being supplemented by today's proposal. Today's proposal primarily addresses provisions in § 70.7 for revising permits, which was also the primary focus of the August 1994 notice. There were, however, many proposed revisions to

part 70 in the August 1994 notice that addressed other portions of part 70. These proposed changes, which are described in the next several paragraphs, are still being considered for promulgation after review of comments. The period of comment has closed for the August 1994 notice; however, EPA will consider additional comments on any of the August 1994 proposed provisions to the extent they would be affected by the proposed revisions in today's notice.

In § 70.2, revisions were proposed in the August 1994 notice for the definitions of "Applicable requirement," "Major source," "Potential to emit," and "Responsible official." The notice proposed new definitions for "Major NSR" and "Minor NSR" and proposed to delete the definition of "Section 502(b)(10) changes." Proposed revisions to § 70.3 would exempt sources from part 70 applicability if they were subject solely because of being major for a section 112(r)-only pollutant and would add to the list of sources subject to part 70 those sources subject to parts C and D of the Act.

Proposed revisions to § 70.4 included consolidating provisions for program modification in paragraph (i)(1), changing the maximum period for judicial review from 90 days to 125 days, changing the time period for acting on early reductions permits from 9 to 12 months, revising the interim approval criteria for part 70 programs, and adding a provision that EPA can continue to issue phase II acid rain permits.

For § 70.5, the August 1994 proposal included provisions for deleting the 12-month deferral for permit application submittals except for new major sources, provisions for flexibility in submitting acid rain permit applications, clarification of the information needed for a permit application to be deemed complete, clarification that emissions may not be discounted when determining major source status, and addition of the requirement for applications to identify units eligible for emissions trading.

Section 70.6 was proposed to be revised to add provisions for defining "prompt" with respect to reporting deviations from the permit and for defining "upset conditions" and to require weekly reporting if the source switched to a new alternative scenario unless the type of monitoring indicated the switch.

Changes proposed to § 70.7 other than for permit revisions included provisions for accommodating changes that occur during permit issuance, changing the

time period for acting on early reductions permits from 9 months to 12 months, and adding a provision for notifying the public of sources covered under general permits.

Section 70.8 was proposed to be revised to include a provision that the public would be notified of the end of EPA's 45-day review period. A clarification was proposed for § 70.9 that periodic updates of the permit fee demonstration were necessary as required by EPA. Section 70.10 was proposed to be revised to specify the application of sanctions for failure to submit a program or obtain program approval and operation of a Federal program. Finally, § 70.11 was proposed to be revised to allow mental state to be considered for penalties assessed above \$10,000.

II. Alternative Proposal for Part 70 Permit Revision System

A. Overview

Pursuant to the Act, States have adopted programs for reviewing and potentially regulating the air quality impacts of constructing or modifying sources of air pollution (e.g., NSR). States will also adopt programs for reviewing changes to sources of toxic air emissions prior to their operation under certain circumstances. (For the sake of brevity, these programs will be generally referred to as "State review programs."¹)

Today's proposal for revising part 70 permits builds on these State review programs by providing for automatic incorporation into part 70 permits of all changes subject to those programs. It makes use of the procedural requirements already applicable to those programs to provide adequate public review of the part 70 permit revisions occasioned by those changes. For the more environmentally significant changes reviewed by State programs, the public, affected States, and EPA would have a 30-day review opportunity during the State review process. For all other changes subject to a State review program, States would have broad discretion to use procedures that are commensurate with the environmental

¹ By using the term "State review programs," however, EPA does not mean to imply that such programs necessarily subject all changes governed by the program to prior permitting authority review and approval. As discussed later in this notice, at least several existing State review programs do not require such review for some categories of changes but instead subject those changes to general rules or permits. To make this type of change for purposes of the State review program, a source need not obtain affirmative permitting authority review and approval but need only comply with the applicable requirement set forth in the general rule or permit.

significance of the change. De minimis changes (as defined by the State and approved by EPA in the State's part 70 program) could be processed without public, affected State, or EPA review. Further, changes subject to an applicable requirement that do not conflict with existing permit terms could generally be made immediately upon notice of the change by the source.

Since most State preconstruction review programs govern nearly all source changes requiring a part 70 permit revision, EPA expects the vast majority of changes would qualify for this automatic incorporation process. However, for changes that are not subject to a State review program, the proposal would provide for a separate part 70 process. The more significant changes of this type would get public process consistent with the procedures required for initial permit issuance. For other changes, States would have discretion to devise procedures that match the amount and timing of public process to the environmental significance of the change. Changes that a State defines and EPA approves as de minimis could be processed without public, affected State, or EPA review. Indeed, certain changes that render a source subject to a newly applicable requirement could be incorporated into the part 70 permit by means of a notice submitted by the permittee, so long as the change did not conflict with existing permit terms and no source-specific determinations need be made in applying the requirement to the source. States would have to provide for periodic notification to the public of all part 70 permit revisions and for public access to decisions.

The Agency's opportunity to object to a permit revision would generally be limited to the relatively small group of more environmentally significant changes. Even for these changes, EPA would be required to object before the State took final action on the proposed change for all defects that are reasonably apparent at that time. For de minimis changes, EPA would waive its opportunity to object until permit renewal. For all other less environmentally significant changes, EPA would waive its opportunity to object for a 5-year period after approval of a program except in response to a citizen's meritorious petition where the error in the permit revision would have a significant adverse environmental effect. During this 5-year period, EPA would audit State program implementation to ascertain whether its waiver of its review should be suspended or extended for one or more States.

The fundamental premise of this proposal is that the section 502(b)(6) requirement for adequate, streamlined, and reasonable permit revision procedures is best met by building on State review programs established pursuant to the Act. The Federal regulations governing these underlying State programs address most of the procedural requirements of title V. For example, Federal NSR regulations generally address the need for, and extent of, opportunities for public participation in NSR permitting (§§ 51.160–161). (The EPA is also proposing revisions to its NSR regulations to clarify the extent of States' discretion in providing public process for minor NSR permit actions.) Section 502(b)(6) does not require more public process than the regulations governing these programs require. To the extent a State program meets the requirements of applicable Federal regulations, the public procedures afforded by the State program are sufficient for title V purposes as well.

In those few instances where the applicable Federal regulations or the State programs themselves do not address title V requirements (such as those in § 70.6 requiring sufficient permit conditions to assure compliance with all applicable requirements), States would have to augment either their underlying program or their part 70 program so as to avoid the need for a part 70 revision process subsequent to the State review process. By building on State review programs in this way, title V permit revision procedures would be more streamlined than those afforded by the current part 70 rule and at the same time provide public review of the more significant changes *prior* to the change being made, when public comments can have the most effect. Only where a change is not subject to a State review program would the proposal call for a separate title V process to be provided.

Another central tenet of today's proposal is that EPA should not prescribe for State part 70 programs detailed revision procedures for all or even most potential source changes. As a result of States' differing circumstances, State air programs vary widely in scope and the type and stringency of controls they impose. The diversity of State requirements is not susceptible to precise or simple categorization, so nationally prescribed procedures run the risk of being complicated and/or ill-suited to at least some types of changes. The Agency therefore believes that States should be afforded broad discretion to determine permit revision procedures, including

the amount and timing of public review, for all but the most significant changes.

While today's proposal does specify minimum requirements for permit revision procedures, it also provides that States may obtain part 70 program approval by adopting substantially equivalent alternative procedures. States would thus have additional flexibility to craft procedures that vary somewhat from the specified minima but that achieve substantially equivalent results.

B. When Is a Permit Revision Required

As a starting point, it is necessary to know when a permit revision is needed. In the August 1994 notice, EPA proposed to amend the regulations to make clear that permit revisions are needed for changes that (1) cannot be operated without violating the existing part 70 permit or (2) render the source newly subject to an applicable requirement. Today's proposal maintains that approach to defining when a permit revision is needed.

The Agency would like to reiterate that the applicable requirements resulting from minor or major NSR are the terms and conditions of an NSR permit. Simply triggering NSR at a source with an existing part 70 permit does not in and of itself require a part 70 permit revision. A part 70 permit revision would be necessary only to add any new or different NSR permit terms that result from the review and any additional provisions to assure compliance with them.

Even changes that would result in application of a minor NSR or other requirement might not require a permit revision to the extent the permit has been crafted to accommodate the change. For example, a State may create an "advance" NSR provision or include a minor NSR standard exemption in a source's part 70 permit. Both of these provisions would define the minor NSR requirement applicable to a particular change or changes such that the source could undertake the changes without an approval process, provided that the terms of the advance NSR provisions were met. In essence, the change would already be authorized by the permit as long as it met the requirements (including any necessary conditions) already in the permit. A change meeting these conditions, therefore, would not trigger a part 70 permit revision unless the change contravened a permit term or triggered some other applicable requirement not provided for in the permit.

As another example, if a source installs a piece of equipment that is subject to a reasonably available control technology (RACT) requirement, the

installation would not require a permit revision if the RACT requirement was already adequately described in the permit. A permit revision would be needed only if the installation would contravene the permit or trigger some other applicable requirement not addressed by the permit. The source would, however, likely need to provide notice to the permitting authority describing the equipment being installed and the applicable requirement to which it is subject.

The August 1994 notice proposed to narrow, but not eliminate, the current rule's "off-permit" provisions. Under those provisions, a change that a source can operate without violating its permit but that renders the source newly subject to an applicable requirement may be incorporated into the part 70 permit after the change is operated, if the State's program provides the off-permit mechanism. Today's proposal, however, would require a permit revision by the time the change is operated. Since under today's proposal all changes that undergo a State review program would be immediately incorporated into the part 70 permit on completion of that review, the need for the off-permit mechanism would be substantially reduced. For changes that do not undergo such review but are subject to applicable requirements the terms of which do not vary from source to source, today's proposal would allow the source to revise the permit, and thus operate the change, upon notifying the permitting authority, provided the change can be operated without violating any existing permit terms. (See Section II. D. of this preamble, *Incorporation of Changes Not Subject to State Review Programs*.) Today's proposed approach would thus ensure that the part 70 permit is a contemporaneous and comprehensive summary of all applicable Act requirements, an approach most consistent with the statutory purposes of title V and favored by many State permitting authorities. Consequently, EPA is proposing to eliminate the off-permit provision of the current rule if it adopts today's proposed permit revision system.

At the same time, the Agency is interested in receiving comment on whether changes that are expressly exempted from minor NSR but are nevertheless subject to an applicable requirement such as new source performance standards (NSPS) or RACT should be allowed to remain off-permit until permit renewal. As explained elsewhere in today's notice, EPA is proposing a streamlined means of incorporating such requirements into

permits that would maintain the comprehensiveness of the permit. The Agency solicits comment on whether its proposed revision procedures appropriately balance the need for source flexibility and a comprehensive permit with regard to these changes or whether these changes should only be incorporated into the permit at permit renewal.

It is worth pointing out that today's notice also supplements the August 1994 notice's proposed revisions of the part 70 regulations implementing section 502(b)(10) of the Act. Under the August 1994 proposal, part 70 would implement section 502(b)(10) by providing for the establishment of emissions caps in part 70 permits and for emissions trading under such caps. Today's notice provides a further explanation in §§ 70.2 and 70.4 of the utility of emissions caps and how such caps may be implemented. It further proposes regulatory changes to codify relevant definitions and program elements.

C. Automatic Incorporation for Changes Subject to State Review Programs

1. Scope

As indicated above, today's proposal would establish two basic categories of changes for permit revision purposes. The first category would include all changes that are subject to State review programs established pursuant to the Act. These changes would be automatically incorporated into a part 70 permit upon completion of that review or, where the State review program does not require prior permitting authority review and approval, upon submission by the source of a notice describing the change and identifying the requirement applicable to the change. The second category would include all other changes that require a permit revision, and States would have broad discretion to design a part 70 permit review process for these changes.

Under today's proposal, the first category of changes would include all changes that are subject to major or minor NSR or regulations implementing section 112(g) and changes that entail a source-specific revision of the State's implementation plan (SIP). The process afforded by these State review programs would (1) have to include an adequate opportunity for public participation and affected State and EPA review, and (2) have to define revisions needed to the part 70 permit as a result of the change.

Under some State minor NSR programs, not all changes subject to minor NSR requirements get case-by-

case permitting authority review and approval. Instead, some types of changes are subject to general rules, and the source may make such a change without prior permitting authority approval so long as it complies with the applicable requirements. These changes would be included in the first category even though they individually do not receive affirmative permitting authority review and approval. In the case of such changes, the State has determined that particular categories of changes do not require case-by-case review and may be adequately controlled by application of general requirements. (Changes subject to general rules are typically changes that occur frequently enough and are defined and understood well enough that a generic approach to their control is both efficient and effective.) Presumably there would also be no need for permitting authority review upon incorporation of the change into the part 70 permit, unless the change would require revision of an existing part 70 permit term. The Agency thus believes that part 70 permits may be revised to reflect such changes by means of a notice submitted by the source describing the change and the Act requirements newly applicable to the source as a result of the change, provided the change can be made without violating an existing part 70 permit term. As explained further below, a permit revision made in this way (i.e., without prior permitting authority review and approval) would not shield a source against enforcement action for failing to comply with the requirements actually applicable to change.

As also described in more detail below, what constitutes an adequate opportunity for public participation and affected State and EPA review would vary with the environmental significance of the change. Briefly, for the more environmentally significant changes, the full process required by the Federal regulations applicable to the State review program would be required. For instance, for changes subject to major NSR, a 30-day prior public comment period would be required (§§ 51.160–166). For less environmentally significant changes, States would have discretion to vary the amount and timing of public process provided with the environmental significance of the change. The State could exempt those *de minimis* categories of changes subject to minor NSR from prior public, affected State, and EPA review altogether based on its determination approved by EPA that subjecting such changes to review

would yield a gain of trivial or no value (*Alabama Power Co. v. Costle*, 626 F. 2d 323 (D.C.Cir. 1979)).² As EPA is making clear in today's proposed revisions to the regulations governing NSR, States already have discretion to provide public review for minor NSR actions commensurate with the environmental impact of the change, including exempting *de minimis* changes from public process entirely.

Process aside, part 70 includes permit content requirements not all of which are necessarily addressed by current State programs. To gain part 70 program approval, States would have to impose these requirements pursuant to State regulations governing either the underlying program(s) or the part 70 program.

Changes subject to a State review program may affect a part 70 permit limit not governed by the review program or render a source subject to Act requirements in addition to those imposed by the review program itself. For example, a change subject to minor NSR may also render the source subject to a maximum achievable control technology (MACT) standard. For such "combination changes" the question arises as to what revision process applies. With the exception of establishing new monitoring approaches, the general rule would be that a combination change (i.e., a change that renders a source subject to two or more applicable requirements, not all of which are imposed pursuant to a State review program) can be processed together using the automatic incorporation process, provided the change receives public or EPA review in the State process as appropriate for the different applicable requirements triggered. For example, where an emissions increase is subject to minor NSR and section 112(j) of the Act, the change could be processed using the State's minor NSR program, but the process provided would have to meet the procedural requirements applicable to section 112(j) determinations. As explained in Section II. D. of this preamble regarding changes not reviewed under a State review program, section 112(j) determinations would be included in the category of more environmentally significant changes and would thus be subject to a required 30-

² Use of the term "de minimis" should not be confused with use of that term in the August 1994 notice proposing a permit revision system that included a track entitled "de minimis permit revisions." Today's proposal would replace the permit revision system proposed in the August 1994 notice and use the term "de minimis" only to describe changes at sources that meet the *de minimis* criteria set forth in the *Alabama Power* case.

day opportunity for prior public, affected State, and EPA review.

Under today's proposal, a change would be included in the first category of changes and be automatically incorporated into a part 70 permit if it is subject to a State review program. Several groups have suggested that RACT and MACT requirements that do not entail source-specific determinations be eligible for automatic incorporation even if the change triggering the RACT or MACT requirement is *not* subject to a State review program. The EPA agrees with the basic premise of this suggestion that incorporation of such requirements into part 70 permits warrants little or no review, provided they do not conflict with any existing part 70 permit term. Where RACT and MACT are so specifically defined that little or no judgement need be exercised in applying the requirement to the source, there is little to be gained from reviewing the source's judgement that the requirement applies. Instead, it should be enough for the source to submit a notice to the permitting authority upon making the change stating that the source is consequently subject to the MACT or RACT requirement and that the notice is attached to the source's permit. Under such a process, the source would not be shielded from enforcement action if it were mistaken as to the scope or nature of the Act requirements applicable to the change.

The EPA is proposing that such requirements, when triggered by a change that is *not* subject to a State review program, be included in the second category of changes but nevertheless get the benefit of an automatic incorporation process (see Section II. D. of this preamble). Eligible requirements would be those that do not require interpretation as to applicability and do not require creation of source-specific permit terms or conditions. The justification for automatic incorporation of these types of requirements is that their application is so straightforward that little is to be gained from additional process.

The EPA is proposing to place these requirements in the second category. However, the Agency is not now in a position to say that no RACT or MACT requirement warrants additional process or to catalog which requirements warrant additional process and which do not. While most RACT requirements and some MACT requirements now appear candidates for automatic incorporation, a determination would have to be made for specific requirements whether further process is

warranted. In the case of MACT, EPA could make that determination when it issues new MACT standards, and as the Agency indicated in the August 1994 proposal, MACT compliance schedules could be automatically incorporated into a permit. As for RACT and other SIP requirements, States are in the best position to judge whether specific requirements are appropriate for automatic incorporation. States could make such judgments for SIP-based requirements and provide for automatic incorporation of those it deemed appropriate, as well as for those MACT requirements that EPA has determined are eligible for automatic incorporation.

To the extent they must be incorporated into part 70 permits at all, title VI requirements (relating to stratospheric ozone protection) may also be candidates for automatic incorporation where they entail few if any source-specific determinations. The Agency solicits comment on what title VI requirements would be appropriately processed in this way.

2. Automatic Incorporation Process

For changes that are reviewed by a State review program, the permitting authority would automatically incorporate the change into the part 70 permit immediately on completion of the review. The permitting authority could accomplish this by simply attaching the results of the review to the part 70 permit. The source could operate the change upon completion of the review process. For changes regulated by a State review program through a general rule, the source would submit a notice describing the change and the applicable requirements that attach as a result of the change. As part of the notice, the source would have to certify that it could operate the change without violating any existing permit terms and supply any additional permit terms required by part 70 (i.e., periodic reporting requirements). The source could operate the change upon submitting the notice.

Preconstruction permits in many cases impose new applicable requirements or alter existing ones. These new or altered requirements and other terms and conditions of the new preconstruction permit would be applicable requirements for incorporation into the part 70 permit. Any existing terms and conditions of the part 70 permit that no longer applied or were revised as a result of the preconstruction permitting action would need to be either replaced by the new terms and conditions, declared no longer applicable, or revised as part of the permit issued pursuant to

preconstruction review. The permitting authority would then attach this permit upon issuance to the part 70 permit.

Under the proposed system, it would be important for the permitting authority to identify during the preconstruction review process which terms of the existing part 70 permit would be changed or eliminated because they would no longer be relevant. For instance, during consideration of a minor NSR permit for a replacement emissions unit, the public notice would need to include information about any part 70 permit terms affected by the change. The permitting authority would also have to specify in the final NSR action which terms and conditions of the operating permit were being revised by the automatic incorporation process. One way for the permitting authority to do this would be to prepare an attachment to the permit identifying which terms of the part 70 permit were replaced or revised.

The mechanism for automatically incorporating a change would also have to ensure that the part 70 permit content requirements of §§ 70.6(a) and (c) of the current rule are addressed. Many of these requirements could be included in the original part 70 permit as boilerplate conditions, so as to cover any subsequent permit revisions. Requirements relating to reporting, annual certification, and inspection and entry should translate well to boilerplate conditions. Since new requirements established in a prior review could be attached to the part 70 permit, the original part 70 permit would have to ensure that the boilerplate conditions applied to any new requirements attached to the permit as well. On the other hand, some requirements are often created or revised on a unit-by-unit basis. In such cases, these requirements would have to be explicitly addressed by the State pursuant to its review program. The permitting authority would also have to approve as part of that review the adequacy of any associated changes to previously approved conditions.

Under a unitary permit program permitting authorities need not attach new or different applicable requirements to the permit, provided the unitary permit has already incorporated them and contains sufficient terms or conditions to assure compliance with any new or different applicable requirements consistent with § 70.6. For purposes of part 70, a unitary permit means a single permit which contains all terms and conditions needed to meet the requirements of part 70 and the requirements of major or

minor NSR or actions requiring review under regulations implementing section 112(g) of the Act.

3. Criteria for State Review Programs

Background. As noted earlier, State review programs are generally governed by Federal regulations. These regulations address procedural requirements, including the provision of an opportunity for public participation. In the case of major NSR, EPA believes that all State programs meet the applicable Federal procedural requirements, which call for prior public notice and a 30-day public comment period. Regulations governing section 112(g) are not yet final, but States will presumably establish programs that comply with the requirements of those regulations.

Under the applicable Federal regulations, States have broad discretion to determine the scope of their minor NSR programs as needed to attain and maintain the national ambient air quality standards. Indeed, States may exempt categories of changes from minor NSR altogether on de minimis grounds (i.e., the change is trivial in size and of no importance in safeguarding ambient standards). States have exercised this discretion to subject some or many, but generally not all, minor source changes to their minor NSR programs. The EPA does not intend to revisit the scope of State minor NSR programs as part of the review process for approving State part 70 programs.

Just as States may exclude some categories of sources or changes from minor NSR, they have also exempted at least some from public procedures. The EPA recognizes that States may also structure their minor NSR program to limit the public process afforded during preconstruction review consistent with the environmental significance of the change. Elsewhere in today's notice, EPA is proposing to revise the Federal regulations governing minor NSR at § 51.161 to clarify the scope of State discretion in affording public process for minor NSR actions.

As discussed in the August 1994 preamble (59 FR 44478-79), the circumstances surrounding some of the exemptions from public process in minor NSR programs may have changed since they were adopted and thus the basis for these exemptions warrant review. The EPA, however, believes that the majority of State minor NSR programs generally afford adequate public process for the less environmentally significant changes, as EPA is proposing to define them in today's notice, for both title I and title V purposes. Indeed, EPA is proposing to

revise § 51.161 to make clear the considerable flexibility States have to fashion public participation requirements to the environmental significance of changes subject to minor NSR. The Agency also believes that States are in the best position to make an initial assessment of the continuing adequacy of their procedures. As further explained subsequently in this preamble, if a State's procedures should be found in need of some changes, the changes could be accomplished through revisions of either the State's minor NSR program or its part 70 program. States would thus have flexibility to make changes in the context they found most appropriate.

Beyond public process requirements, State programs do not necessarily address all of part 70's permit content requirements, since some of those requirements are not found in the Federal regulations governing the State preconstruction programs. Thus, for States to provide automatic incorporation for changes that undergo a State review program, States may need to revise their regulations governing either their part 70 program or preconstruction review programs, to ensure that all of part 70's permit content requirements are addressed.

More Environmentally Significant Changes Reviewed by States. For purposes of establishing the adequacy of a State review program, today's proposal would divide changes subject to such review into two categories, those that are more environmentally significant and those that are less environmentally significant. The Agency proposes to include in the category of changes that are more environmentally significant the following:

- Any change subject to major NSR;
- Any physical change or change in the method of operation of a part 70 source associated with a project where the prospective emissions increases from such changes, considered by themselves, would be a significant emissions increase of any pollutant subject to regulation under part C or D of the Act;
- Any change subject to review as a modification under the regulations implementing section 112(g) of the Act; and
- Any other change determined by the permitting authority to have a similarly significant environmental impact.

The Agency has identified the types of changes listed above as being more environmentally significant because they either have been specifically identified in the Act for preconstruction or pre-operation review (i.e., major NSR

under parts C and D or prior review under section 112(g) of the Act) or involve difficult judgments which affect whether construction activity would be subject to one or more of the reviews prescribed by Congress (i.e., minor NSR governing net-outs).

While all major NSR actions have been included in the category of more environmentally significant changes, EPA recognizes that in an extreme ozone nonattainment area any change at a major stationary source which results in any increase in emissions of nitrogen oxides (NO_x) or volatile organic compounds (VOC) from a discrete operation, unit, or other pollutant emitting activity is a modification subject to major NSR. In the South Coast Air Quality Management District (SCAQMD) of California, the only extreme ozone nonattainment area, potentially several hundred, if not several thousand, major modifications can occur each year under applicable definitions of major source (10 tons per year (tpy)) and major modification (any increase, as described above). As a comparison, in most areas of the country, a major modification does not occur unless there is an increase of 40 tpy or more of VOC.

Today's proposal would require that all changes in the more environmentally significant category meet the full public process requirements specified by the Federal regulations governing the underlying State review program. Thus, for all major NSR changes, including major modifications, the State permitting authority would have to provide (as is currently required) prior public notice and a 30-day public comment period. The Agency is concerned, however, that full NSR procedures may be unworkable for extreme ozone nonattainment areas in light of the "any increase" threshold for triggering major NSR for modifications in those areas. Some relief from the full NSR procedural requirements may thus be appropriate for smaller major NSR actions in extreme nonattainment areas. The Agency is considering a proposal to revise the Federal major NSR requirements to allow States to devise more streamlined public procedures for smaller actions in extreme ozone nonattainment areas, and it solicits comment on whether and how to provide such relief.

The Agency is proposing to include one category of minor NSR changes, i.e., certain net outs, in the more environmentally significant category. Net-outs are minor NSR actions which allow a source to avoid major NSR where the prospective emissions increases from changes associated with

a project considered by themselves would require major NSR except that the source makes a contemporaneous emissions decrease at the same site sufficient to keep the net increase below the major NSR applicability threshold. Netting transactions often involve some of the most complicated analyses undertaken by permitting authorities. They are also among the most important minor NSR decisions permitting authorities make, since they shield changes which significantly increase emissions from the control requirements of major NSR. The EPA is concerned about the number of net-outs that might be subject to today's proposal and the possible burden of requiring 30-day public review. The Agency solicits information from States on the number of net-outs that would fall within the proposed category of net-outs and the relative difficulty and complexity these net-out determinations would typically require. The EPA is also interested in learning from the experience of States and industry as to what percentage of net-outs involve a project where the prospective emissions increase from a single physical change or change in the method of operation is greater than the significance levels (as opposed to projects comprised of small changes that individually do not exceed the significance level but do exceed the levels when summed).

In including net-out transactions in the more environmentally significant category, EPA proposes to cover those changes where emissions increases from changes associated with a project, considered by themselves, would exceed major source thresholds or modification levels before including decreases at the source. In a moderate ozone nonattainment area, for example, where the major modification threshold is 40 tpy for VOC, a 50 tpy VOC increase that is offset by an 11 tpy decrease (net 39 tpy increase) would be classified as a more environmentally significant change, but a 35 tpy increase would not. In keeping with section 182(c)(6) of the Act, the definition of covered net outs would also include individual changes whose emission increases exceed cumulative major NSR applicability thresholds (e.g., 25 tpy over 5 years in severe and serious ozone nonattainment areas).

The Agency considered including in the category of more environmentally significant changes minor NSR limits that a source undertakes to keep its potential emissions below major NSR thresholds. These limits on emissions which create so-called "synthetic minor" sources or modifications account for many minor NSR permit

actions, and play a critical role in shielding large sources or source modifications from major NSR.

The types of controls used to establish synthetic minors vary widely among States and sources. Many are straightforward in terms of the limit's effect on emissions and its enforceability. However, others are unique to a source and involve assessments of source-specific operational limits. Synthetic minor controls also vary in terms of their net effect on a source's emissions.

The Agency has decided not to propose inclusion of synthetic minor actions in the category of more environmentally significant changes, largely because of the difficulty of formulating a national definition of those synthetic minors that merit full public review procedures. Instead, it is proposing to include all synthetic minors in the less environmentally significant category of changes that undergo prior review. As subsequently explained in more detail, States have broad discretion to fashion revision procedures for this category that match public process to the environmental significance of the change. In light of the potential environmental significance of synthetic minor controls, however, EPA expects each State to identify the more significant types of synthetic minor actions it issues and afford these a substantial opportunity for public and affected State review prior to the State's final action in the minor NSR process.

Several factors would be relevant in identifying the more significant synthetic minors. One is the size of the source or modification before the synthetic minor control is applied. In some cases, the source or modification far exceeds the applicable major NSR threshold without the control. Another is the use of synthetic minor controls to reduce a source's emissions to just below the applicable major NSR threshold. In these cases, the control leaves little margin for error. A third factor to consider is whether the synthetic minor control entails the application of technology or other control measures whose effect on emissions is not well or easily established. In these situations, the permitting authority is required to exercise considerable judgment in determining the efficacy of the control. Depending on a State's situation and experience, synthetic minor actions meeting any one of these criteria may warrant providing prior public review. Where an action meets more than one of the criteria, e.g., where the source without controls is very large and the effect of proposed controls is not well

established, an increased opportunity for prior public review and comment may be in order.

Finally, EPA is proposing that States have discretion to designate other types of actions for inclusion in the more environmentally significant category. As explained earlier, minor NSR controls vary by State in scope, type, stringency, and significance, and States may thus find it appropriate to include other types of minor NSR actions in the more environmentally significant category.

Adequate Review for the More Environmentally Significant Changes. For the more environmentally significant changes, permitting actions by a State would have to follow the full public procedures required by existing regulations (or in the case of section 112(g) of the Act, those defined in EPA's final implementing regulations) with respect to public (including affected States) and EPA notice and opportunity to comment. (As discussed earlier, for smaller major NSR changes in extreme ozone nonattainment areas, EPA is considering the need to revise the Federal NSR regulations to provide for less than full process for such changes.) In the case of minor NSR, the Agency is today proposing changes to the Federal regulations governing that program to clarify States' discretion in affording adequate public process. For net-outs, the only category of minor NSR changes that would be included in the more environmentally significant category, the proposed revisions of § 51.161 would clarify that such actions are subject to the full procedures set forth in the existing regulations.

The public process requirements for the more environmentally significant changes would include prior notice and a 30-day opportunity to comment on the permitting authority's proposed action on the source's application for the change. Affected States and EPA would also have to be notified and afforded the same opportunity to comment. Because the State review process would have to address any part 70 permit revision, the public notice of the change would have to contain draft part 70 permit terms as needed to revise the existing part 70 permit and to meet the part 70 permit content requirements of §§ 70.6(a) and (c).

Finally, EPA recognizes that in some situations part 70 permit terms based on decisions made in the preconstruction review process may require revision before the source can operate the change. In many of these instances, such changes arise from a shakedown period which the source undergoes prior to full scale operation. The Agency believes that, in general, shakedown changes are

being adequately addressed in the day-to-day implementation of State NSR programs, and that the State procedures afforded these changes should typically suffice for part 70 permit revision purposes. As with the change before shakedown, EPA would expect States to match the type and amount of additional review to the significance of the shakedown change. Only where a second major NSR process is necessary to review the change (i.e., the change would involve substantially new emissions or represent a fundamental departure from the previously approved project) would a full opportunity for public, affected State, and EPA review of the change be required.

Less Environmentally Significant Changes Subject to a State Review Program.

All changes that are subject to a State review program other than those designated more environmentally significant would be included in a second ("less environmentally significant") category. The changes in this second category would range from significant synthetic minor actions that shield sources from major NSR requirements to changes with minimal environmental impact. States would have the flexibility to vary the process provided for the changes in this second category with the relative environmental significance of the change. A State may designate certain categories of minor NSR changes, subject to EPA approval, as de minimis based upon its determination approved by EPA that meets the test prescribed by the *Alabama Power* case. For changes that fall in these de minimis categories, the State may forego prior public, affected State, or EPA review altogether.

As noted previously, most States already exempt at least some minor NSR actions from public process. In evaluating what changes may be considered de minimis, many factors are potentially relevant and will vary to some extent with States' varying situations. The scope of the de minimis category is properly determined on a State-by-State basis as permitting authorities develop program revisions to meet the revised part 70 requirements. In determining the coverage of the de minimis category, the State should examine the relevant factors in the context of the State's situation, subject its proposed findings to public review, and base its final determination on the relevant record. The State may accomplish this as part of the rulemaking to revise its program to conform with EPA's revised part 70 rule or in a separate rulemaking.

The most important factor for States to consider in identifying de minimis

changes is the air quality in an area. Changes that are important in a nonattainment area may be of considerably less interest to the public (or EPA) in an attainment area. Due to differences in the nature of the air quality problems in different nonattainment areas, the need for or appropriateness of EPA and public involvement may also vary.

Another important factor is the emissions impact of the types of changes being considered for the de minimis category. In this context, the size of any emissions increase and the type of emissions involved are relevant. Smaller increases of relatively less harmful pollutants are more likely candidates for de minimis categorization.

Also relevant is the nature of applicable controls. Changes which are typically addressed by the application of well established control technology are not likely to require public scrutiny. Registration requirements pursuant to which sources must report, but not necessarily mitigate, emission increases below a specified threshold would in many States warrant an exemption from public review. On the other hand, public review may be appropriate for changes which require unfamiliar control technologies or source-specific determinations of control levels.

A State's prior experience with public interest in permitting decisions for particular types of changes is another factor the State may weigh. A State which does not now provide public notice and opportunity to comment on permit revisions for many or all changes could not use the lack of past public involvement in the permitting actions for those changes to establish a lack of public interest in them. On the other hand, if a State's experience shows the public does not comment or express interest in certain types of changes, the State could well conclude that such changes are de minimis. The public's response to the State's rulemaking to determine the scope of the de minimis category is similarly pertinent. The general compliance status of sources in the relevant jurisdiction may also suggest that more or less public oversight of permitting actions would be appropriate.

The factors described above are not mutually exclusive; for example, the size, complexity, and track record of particular types of changes, when considered together, may establish that de minimis categorization is or is not appropriate. The Agency further recognizes that other factors may also be relevant, and solicits comment on whether other circumstances should

also be considered by States in determining the scope of the de minimis category.

In view of the nature and number of the factors described above, EPA anticipates that States' determination of de minimis changes will justifiably differ, even to a significant extent. In States with relatively extensive minor NSR programs, EPA would expect that the de minimis category could be established such that the majority of changes would be processed as de minimis but the bulk of total emission increases governed by minor NSR would be subject to public review. This is because, in the case of extensive programs, many or even most minor NSR changes typically involve very small emissions increases. The Agency is aware of one State, for example, in which 90 per cent of minor NSR changes involve emissions units of less than 5 tpy, and those changes together account for only about 10 per cent of total emissions increases governed by the program. In this State, defining a de minimis category at or below 5 tpy would mean that only 10 per cent of the changes by number would go through public and affected State review, but that review would cover 90 per cent of total emissions increases. Such an approach would be acceptable under today's proposal and would be an appropriate way to minimize the burden of the permitting program on sources and permitting authorities without compromising citizens' opportunity to participate in decisionmaking regarding the bulk of emissions increases.

By providing the above example, EPA does not mean to suggest that States need conduct the type of analysis described to determine an appropriate de minimis category. It is merely one example of an acceptable approach to defining de minimis changes. The Agency expects States to consider their particular situations and make determinations that are appropriate for their situations, in light of the relevant factors. In States with less extensive minor NSR programs and less significant air quality problems, for example, de minimis changes might be appropriately defined to include changes that increase emissions by as much as 25 tons. The Agency believes States are in the best position to weigh the relevant factors in determining what changes may be exempt from public review. A de minimis change category developed based on the factors discussed above would be granted substantial deference in EPA's review of States' part 70 program revisions.

Adequate Process for Less Environmentally Significant Changes.

For minor NSR actions not in the more environmentally significant category, States would have considerable discretion to match the amount and timing of process to the environmental significance of the change. In reviewing State programs, EPA would recognize States' need for flexibility in devising procedures that take into account the relevant factors for a particular State, including existing air quality levels and the scope and complexity of its minor NSR controls. States would have to afford an adequate opportunity for public participation for all changes other than de minimis changes, but could use various methods including prior or after-the-fact notice and comment periods, batch processing, and the use of general permits or permits by rule. For the least significant changes, States could provide little public process beyond a notice in some manner to the public, which could be after the change occurred. Notice could be given by means other than newspapers where alternative methods, such as State registers or computer bulletin boards, are generally accessible by interested persons. States should require prior notice and comment where actions involve larger emissions that warrant greater scrutiny because of their environmental significance, although comment periods need not be 30 days where a shorter period such as 15 days or less would likely be sufficient in view of the significance or complexity of the change.

All minor NSR actions (including those de minimis changes exempted from public and EPA review) would have to be reviewed by the permitting authority to assure that the change met all applicable requirements and the part 70 permit requirements of §§ 70.6(a) and (c). In particular, changes to monitoring methods in part 70 permits would have to be specifically approved by the permitting authority as adequate for determining compliance with applicable requirements and part 70 permit terms prior to revising the permit.

Program Revisions for NSR Changes. States could revise their regulations as needed to provide for adequate review of minor NSR changes in two ways: (1) Revise their minor NSR regulations as necessary to meet the requirements outlined above, or (2) revise their part 70 program regulations to provide that those requirements be met in the context of the NSR review process. Either approach would ensure that adequate process is provided, so a State may be given the flexibility to decide which approach would be most suitable for it.

Comparison of Proposed Approach and Current Part 70 for Minor NSR Changes. Before describing the proposed approach for changes not subject to a State review program, the Agency would like to compare its treatment under today's proposal of minor NSR changes to what is currently required under part 70. The minor NSR process is the origin of the vast majority of changes occurring at part 70 sources which cause the need for a part 70 permit revision. It is therefore helpful to compare these two regulatory approaches to understand the relative effectiveness of the proposal in accomplishing streamlining. This discussion addresses, in order, minor NSR changes that would be considered more environmentally significant, synthetic minors, other minor NSR changes that conflict with the part 70 permit, and finally other minor NSR changes that do not conflict with the part 70 permit.

For minor NSR changes which would be classified as more environmentally significant changes under today's proposal (i.e., major net-outs), both the current and proposed part 70 would subject the change to a full public and EPA review process involving a 30-day public comment period. Today's proposal, however, would impose this requirement in conjunction with the otherwise occurring State minor NSR process. This is a much faster and more efficient process than under the current part 70 where the sequential significant permit modification process would be imposed (possibly for up to 18 months) after the NSR process has been completed (unless the State chooses to enhance its minor NSR process)³.

Whereas part 70 imposes the significant permit modification process for synthetic minors, these would be considered in the less environmentally significant category and subject under today's proposal to a more streamlined combined process matched to the environmental significance of the changes. In addition to shortening greatly the time to complete permit revisions via combination of the part 70 process with other State review processes, today's proposal would also

³ Where a part 70 permit revision is needed, part 70 currently allows the State to enhance its minor NSR process with additional substance (e.g., other requirements where applicable and part 70 duties to certify compliance and report every 6 months) and process (e.g., additional EPA and public review as necessary to meet § 70.7(e)) to meet the part 70 permit revision requirements and thus revise the part 70 permit concurrent with the NSR process. This optional "enhanced NSR" approach closely resembles the approach in today's proposal for the required integration of part 70 review with the minor or major NSR process (as applicable).

limit EPA's review role for less environmentally significant changes during the first 5 years after program approval. This would add greater certainty to the critical initial implementation of the program.

Other types of minor NSR changes that conflict with the terms of the part 70 permit would be required to be adopted as a permit revision before operation under both today's proposal and the current part 70. Under today's proposal, EPA expects States to treat these either as de minimis, for which no public or EPA review would be required, or as being within the category of less environmentally significant changes for which process would be matched to environmental significance of the change. For the least significant of these changes (other than de minimis), States could provide little public process beyond a notice in some manner to the public, which could be after the change occurred. The only EPA review for any of the less environmentally significant changes over the first 5 years after program approval would be in the event of a citizen petition. Under the current part 70, most of these changes, (including those considered de minimis under today's proposal), would be processed as minor permit modifications. For minor permit modifications, even though the change may be made immediately upon sending a notice to the permitting authority and there is no public review, the uncertainty resulting from EPA's 45-day review period and possible objection after-the-fact is a significant concern to sources making changes under this process. Thus, under today's proposal, a key benefit for these changes is the 5-year waiver of EPA's objection (except in response to citizen's petitions) and the exclusion of public, affected State, and EPA review for de minimis changes.

Today's proposal does not differentiate between those minor NSR changes that conflict with the terms of the part 70 permit and those that do not. The current part 70 does allow States to make this distinction. Specifically, source changes reviewed under minor NSR that do not conflict with the terms of an existing part 70 permit may be treated under the current part 70 as off-permit, meaning the terms and conditions of any resulting minor NSR permits need not be incorporated into the part 70 permit until renewal. For changes that qualify for off-permit treatment, the source must provide contemporaneous notice to both EPA and the permitting authority. This notice requirement is in addition to the review process required under the

State's minor NSR program. The requirements of § 70.6 would of course not attach until the off-permit change is incorporated into the part 70 permit at renewal. A change that is not off-permit (either because it conflicts with the existing part 70 permit or because the State has chosen not to allow for off-permit) and that is neither a net-out nor a synthetic minor could be treated as a minor permit modification.

D. Incorporation of Changes Not Subject to State Review Programs

The EPA expects that the great majority of changes requiring a part 70 permit revision would qualify for automatic incorporation because they are subject to a State program such as minor NSR. However, for changes that are not subject to such review, States would have to provide for a revision process at the part 70 permitting stage. Depending on the scope of the State's minor NSR program, such processing would be needed for changes that trigger RACT, MACT, or other applicable Act requirements but not minor NSR, or for changes to terms that were established only through the part 70 permit process. As for changes that are subject to State review programs as previously described, full public, affected State, and EPA review would be required only for the more environmentally significant of these changes. For less environmentally significant changes that are not subject to State review programs, States could develop revision procedures that match the process to the environmental significance of the change.

More Environmentally Significant Changes Not Subject to State Review Programs. Under today's proposal, opportunity for public, affected State, and EPA review equivalent to that provided for permit issuance or renewal must be afforded for the more environmentally significant changes before the part 70 permit is revised and the change is operated. For changes that are not subject to State review programs, EPA proposes to define the more environmentally significant category as including the establishment or revision of the following:

- (1) MACT determinations made under section 112(j) of the Act;
- (2) Alternative emission limits to meet section 112(i)(5) of the Act (early reductions);
- (3) Alternative limits established pursuant to § 70.6(a)(1)(iii) including any to implement RACT as authorized by the SIP or any substitute section 112 standards established pursuant to a program approved by EPA under section 112(l) of the Act;
- (4) New or alternative monitoring methods that have not been authorized for adequacy under major or minor NSR or under

regulations implementing section 112(g) of the Act;

(5) (Establishment only) Emissions limits restricting the potential to emit (PTE) of an entire source, including the establishment of any plantwide applicability limit (PAL) for defining applicability of NSR or of regulations implementing section 112(g) of the Act.

In revising part 70 permits to establish or change (except for PTE limits) any of the above permit conditions, the State's part 70 program would have to provide public, affected State, and EPA process focused on the change equivalent to that afforded for initial permit issuance. The permitting authority would also have to design and implement this process so as to complete review of the majority of these types of permit revisions within 6 months of receipt of an application for such a revision. The requested change could only be made as allowed by the underlying applicable requirement(s). The EPA is proposing to reduce the processing time for the majority of these changes from the 9-month period specified in the current rule to 6 months to promote necessary streamlining and to minimize undue delays. The Agency, however, solicits comment on the feasibility of a 6-month turn-around time and on other time periods which might better accomplish these objectives.

The proposed list of the more environmentally significant changes not otherwise subject to State review focusses the most extensive review procedures on a relatively manageable number of changes that involve actions that have, or potentially have, the greatest environmental consequences. Congress clearly intended that the limits associated with section 112(j) MACT decisions and early reductions be determined in the context of the title V program. Section 112(j) targets implementation after the effective date of the title V program, requires applicable sources to file a permit application, and requires the MACT limit be placed in a title V permit. Similarly, Congress in section 112(i)(5) required the title V permitting authority to establish in a title V permit an enforceable emissions limitation for hazardous air pollutants (HAPs) reflecting the early reduction which qualifies the source for an alternative emission limitation exemption from MACT.

The EPA is also proposing to include in the more environmentally significant list alternative emission limits as authorized by an approved SIP or program under section 112(l) of the Act. Limits such as alternative RACT or MACT are analogous to the two

preceding types of limits identified by Congress for title V implementation. Accordingly, they warrant extensive review to assure that general criteria contained in a SIP or a plan approved pursuant to section 112(l) of the Act are applied in a reasonable and enforceable fashion to a particular source change. Moreover, as explained subsequently, EPA's objection opportunity under today's proposal would fully extend only to the more environmentally significant categories of changes. Since under section 110 of the Act EPA must be able to object to alternative SIP limits for them to qualify as such, it is important to include alternative SIP limits in the more environmentally significant category of changes. The EPA solicits comment on whether full public, affected State, and EPA review are necessary for alternative MACT standards established under a section 112(l) program or whether a lesser degree of public, affected State, and EPA review would be adequate.

The establishment of limits on the PTE for an entire source or plantwide emissions caps (see below) also warrants a similarly high level of review. Development of such limits involves a comprehensive review of a source's emissions to restrict a source's emissions to below major source thresholds. Because of the extensive nature of these reviews, the Agency believes that a 30-day public review period is warranted for establishing such caps. While proposing these actions as being more environmentally significant, the Agency does solicit comment as to whether the establishment of (as well as revisions to) PTE limits can be classified as less environmentally significant, particularly for limits related to the applicability of minor NSR.

Finally, the Agency believes that changes involving shifts to new or alternative monitoring approaches not otherwise matched to the source (e.g., through a prior review) can often have potentially large environmental impacts, because a new or different monitoring regime could inadvertently allow emissions to increase without causing a violation of the applicable requirements. The process reserved for more environmentally significant changes is appropriate to safeguard the integrity of the compliance conditions of the permit unless another prior review serves this function (e.g., major or minor NSR under today's proposal). Permitting authorities could approve such changes only where the new or alternative monitoring or recordkeeping method was determined adequate to assure

compliance with the applicable requirement.

The EPA solicits comment on whether any other changes not subject to State review programs should be designated for inclusion in the more environmentally significant category.

Other Changes Not Subject to State Review Programs. For all other categories of changes for which a part 70 permit revision is required but that are not otherwise subject to State review, a State could develop a process that matches the review to the environmental significance of the change. These categories of changes include, but are not limited to:

(1) Revisions to emission limits restricting the PTE of an entire source or any emissions unit, including any PALs for defining applicability of NSR, or of regulations implementing section 112(g) of the Act;

(2) Restrictions on the PTE of any emissions unit;

(3) Unique limits designed to meet an applicable requirement;

(4) New alternative operating scenarios;

(5) Changes within the same monitoring method, or "intra-monitoring changes;"

(6) Incorporation of MACT compliance details, including applicability and compliance parameter level decisions; and

(7) Emissions averaging restrictions made pursuant to a standard under section 112(d) of the Act.

For these changes, States again might use various methods to provide adequate public participation, including prior or after-the-fact notice and comment periods. As noted earlier, sources often take limits on the PTE of an entire source to avoid being subject to more stringent requirements that otherwise apply. Sources even more frequently take limits on an emissions unit at the source to keep the unit below major modification thresholds. Revising plantwide caps or establishing or revising PTE limits for an emissions unit involve making judgments regarding the sufficiency and practical enforceability of a limit on maximum allowable emissions which, if exceeded, would trigger the applicability of more environmentally significant requirements. For this reason and as with significant synthetic minor NSR actions, EPA would expect States to provide relatively more public process for significant changes to PTE limits or caps. It would make little sense to require full process to establish such plantwide limits or caps if they could be revised with little or no process. Also, the relative environmental significance of MACT applicability and compliance parameter decisions can vary with the particular MACT standard involved. The EPA, in promulgating individual MACT standards, will provide guidance

whenever it believes States should provide public or EPA review during the permit process.

For those categories of changes that are determined by the permitting authority to be de minimis, States may incorporate these changes into part 70 permits without prior review by the public, affected States, or EPA or an opportunity for EPA objection or for citizens to petition EPA to object. The previously described considerations relevant to identifying de minimis changes subject to State review programs are also relevant in determining that categories of changes *not* otherwise subject to State review are de minimis. States could also exempt from public and EPA review on de minimis grounds changes that qualify for administrative amendment treatment under section 70.7(d) of the current part 70 rule. These include changes which correct typographical errors, require more frequent monitoring or reporting by the permittee, or alter ownership or operational control of a source. The State would also identify other inconsequential changes as de minimis and submit a list of those changes to EPA when submitting part 70 program revisions for approval. Either the permittee or the permitting authority could initiate the incorporation of any such change into the permit by issuing a notice describing what information in the part 70 permit is affected and sending the notice to the permitting authority or the permittee as appropriate. The notice would identify the terms of the existing part 70 permit being changed and any new terms needed to meet part 70 permit content requirements. The notice would revise the permit upon its mailing by the source to the permitting authority through certified mail. No affirmative authorization by the permitting authority would be required if the permittee initiates the change.

Under today's proposal, the State part 70 program could also provide that changes need not undergo State, EPA, or public review before they are incorporated into the part 70 permit, provided that (1) they can be operated in compliance with all applicable requirements and the federally-enforceable terms of the existing part 70 permit, and (2) the applicable requirements they trigger do not entail source-specific determinations in applying the requirement to the source.

As previously noted, many minor NSR programs exempt from minor NSR altogether changes that do not increase emissions above a certain amount, or that are of a particular type or category. These changes may nonetheless still be

subject to applicable requirements such as NSPS or SIP requirements. A small storage tank, for example, may be exempt from NSR in certain States, but still may be subject to RACT or NSPS requirements.

To the extent these changes do not conflict with the part 70 permit and do not trigger requirements that entail source-specific tailoring, EPA is proposing that they may be exempt from any additional public, affected State, or EPA review in the part 70 process. The State part 70 program could provide that the source may operate the change upon submitting a notice, provided that the change can be operated in compliance with the existing part 70 permit. In the notice, the source would describe the change, describe any new permit terms needed to assure compliance with all applicable requirements and relevant part 70 requirements, and certify that the change is eligible for this process. The part 70 permit would be revised upon mailing of the notice by the source to the permitting authority by certified mail. No permit shield would attach to changes so incorporated into permits, since not even the permitting authority would have reviewed whether the source correctly identified all of the Act requirements applicable to the change.

E. Opportunity for EPA to Object and Permit Shield

Under section 505 of the Act, the Administrator is to receive and review copies of permit applications, including applications for permit revisions, and to object to the issuance of any permit which contains provisions that are determined by the Administrator as not in compliance with the applicable requirements of the Act, including title V requirements. If the Administrator does not object to a permit within the 45-day review period specified by the statute, any person may petition the Administrator to do so within 60 days of the expiration of the 45-day review period. Under the Act, the Administrator may waive the requirements for receipt and review of permits for any category of sources covered by the part 70 program other than major sources.

In fulfilling its review role with respect to permit revisions, EPA will consider whether (1) all applicable requirements and part 70 requirements to which the source is subject as a result of the change are contained in the permit revision, (2) the new or revised permit terms and conditions are enforceable as a practical matter, and (3) significant procedural requirements relating to adequate public participation

and development of a supporting record have been met.

At the same time, EPA wants to minimize the potential for Agency review to lengthen unduly the permit revision process. The Agency is thus proposing to limit its review and objection opportunity in several ways that will focus EPA's limited resources on providing a timely reaction to the more environmentally significant permit revisions.

First, for the more environmentally significant changes (including those that are subject to a State review program and those that are not), EPA is proposing that the Agency would be required prior to the permitting authority taking final action on the change to raise any objections to the proposed change for any defect that was reasonably apparent during the public review period. Failure by the Agency to raise a timely objection would bar it from objecting to issuance of the permit revision, except in response to a citizen's petition under section 505(c). The Agency could still reopen the permit for cause under section 505(e) of the Act and § 70.7(g) of the current rule.

Second, changes which the State proposed and EPA approved as *de minimis* under the *Alabama Power* test would not be subject to any EPA review or objection opportunity or citizen petition opportunity prior to renewal of the part 70 permit. Changes which meet the *Alabama Power de minimis* test are by definition environmentally insignificant, and EPA is therefore proposing to exercise its inherent administrative authority to exempt such changes from the public, affected State, and EPA review and objection opportunities that otherwise apply prior to permit renewal. To the extent *de minimis* changes are improperly made or incorporated into the permit, corrections can be made by reopening the permit or when the permit is renewed with little or no cost to the environment, provided the changes are in fact *de minimis*.

Third, for the less environmentally significant changes that do not qualify as *de minimis*, EPA is proposing to limit its review and objection opportunities for at least the first 5 years following program approval. For such changes, EPA would object to a change only in response to a citizen's meritorious petition under section 505(c) where the permit revision at issue would likely lead to significant adverse environmental consequences. During the 5-year period, the Agency would rely on consultation with State officials and audits of State programs to assist and monitor implementation of the

permit revision process with respect to changes in the less environmentally significant category. Depending on what the audits reveal, the Agency would revise as appropriate the time period or scope of the above-described limit on its objection authority. The EPA contemplates extending the waiver in States where the audit reveals no significant problems due to the waiver, and reinstating the objection opportunity in States where the audit shows otherwise.

For changes in the more environmentally significant category, EPA would maintain its full authority to review and object to permits on its own and in response to a citizen's petition. While the Agency does not plan to routinely review all or even most of these changes, EPA believes it should retain its authority to do so in light of the potentially large emission increases such changes entail.

The Agency believes today's proposed approach to exercising its review and objection authority would facilitate efficient implementation of the proposed changes to the part 70 permit revision process. Other aspects of today's proposal would improve the integrity of part 70 permit revisions by ensuring public participation commensurate with the environmental significance of the change and public access to all permit revision decisions. To the extent that potential public involvement increases, there is less need for regular EPA oversight. The Agency also recognizes that the first years of implementing any new or revised program are the most challenging. States will need time and flexibility to work through the many new issues that will inevitably arise as they begin to implement a revised permit revision system. States are more apt to seek out EPA's help in addressing difficult issues of first impression if EPA is in the role of colleague rather than overseer.

Beyond that, EPA's own resources are limited. The Agency believes that its resources would be best used to focus on the more environmentally significant changes and to assist and audit States' implementation of their programs. The Agency could, as an exercise of its enforcement discretion, simply refrain from objecting to less environmentally significant changes. The Agency believes, however, that to realize the full benefits of its proposed approach to exercising its objection authority, a regulatory limit is necessary. Regulations specifying EPA's role in the permit revision process would best inform the public, States, and sources as to what to expect and allow them to

plan accordingly. Particularly in the first critical years of program implementation, a regulatory limit would provide an important measure of certainty and stability at a time when all affected groups are learning the new system.

The EPA is proposing a limit on its authority that would coincide with States' early efforts to implement the revised program. The limit on its authority would start upon approval of each revised State program that implements these revisions to part 70 and would continue for 5 years.

During the 5-year period, EPA would work with States to facilitate a smooth transition to the revised program. Once State program revisions were up and running, the Agency would also conduct audits to determine States' performance in meeting minimum program requirements. In conducting its audits, EPA would make use of the applications for permit revisions that States are required by section 505(a) of the Act and § 70.8 of the current rule to send to EPA. Based on the results of these audits, EPA would decide whether to revise the regulations to suspend or extend the limit on its objection authority for particular States or States in general.

An important safeguard in EPA's proposed approach is the ability of citizens to petition the Agency to object to a permit revision under section 505(c). If a citizen's petition brings to EPA's attention a permit revision that allegedly fails to fully or accurately incorporate all applicable requirements, including title V requirements, or for which required opportunities for public review were not provided, the Agency would review the revision for possible objection. Where its review revealed an environmentally significant error in the permit revision, EPA would object. For instance, an EPA objection would be warranted in the case of a permit revision that purported to establish or revise limits on a source's potential to emit to avoid application of major NSR if the permit revision would in fact allow increases above major NSR thresholds. On the other hand, errors that did not have an adverse environmental effect would not warrant an EPA objection. Correction of such errors could await permit renewal with little or no cost to the environment and with significant potential savings to the source.

As a further safeguard, a permit shield would *not* be available for permit revisions to incorporate changes in the less environmentally significant category unless they were revised and approved by EPA in response to a

citizen's petition. In other words, if EPA were to find that a source was not complying with an Act requirement that became applicable to the source as a result of such a change, the Agency could take enforcement action against the source for its non-compliance. The chance that a permit revision would somehow incorrectly incorporate applicable requirements due to a lack of EPA review would thus be offset by the prospect of EPA enforcement of underlying applicable requirements.

In summary, EPA believes that the benefits of limiting its objection authority with respect to the less environmentally significant changes outweigh the potential risk of the limitations, particularly in view of citizens' petition opportunity. The Agency solicits comment on its proposed limitations and on its legal authority to establish them.

Several parties have asked EPA to clarify how it would implement EPA's objection opportunity for changes that have previously undergone major NSR or minor NSR where a citizen petitions for an EPA objection and the alleged error would have a significant environmental affect. Section 505(b) of the Act provides for an objection if the permit "contains provisions . . . not in compliance with the applicable requirements of this Act, including the requirements of an applicable implementation plan." To assure that the permit contains provisions that are in compliance with all applicable requirements of the Act, including SIP requirements, EPA would review a change resulting from a NSR action to see if the terms of the NSR permit were properly incorporated into the part 70 permit, if the terms are enforceable, and if the applicable substantive and procedural requirements for public review and development of supporting documentation were followed. For major NSR, EPA would review the process followed by the permitting authority in determining best available control technology (BACT) or lowest achievable emission rate (LAER) to assure that the required SIP procedures (including public participation opportunities) were substantially met⁴ and that any determination by the permitting authority was properly

⁴The Agency would only object to a part 70 permit for procedural errors where EPA determined that the process required by the SIP was not followed and, as a result, "the errors were so serious and related to matters of such central relevance to the rule that there is a substantial likelihood that the [permit] would have been significantly changed if such errors had not been made." This is the same standard courts are to apply in reviewing Agency procedural mistakes under the Act (see section 307(d)(8) of the Act).

supported, described in enforceable terms, and consistent with all applicable requirements.

The EPA's purpose in reviewing whether an NSR action was consistent with all applicable requirements would be to assure that any BACT requirements were at least as stringent as any other applicable requirements such as an NSPS and that any minimum control requirements specifically articulated in the SIP were met. The EPA would not second-guess case-by-case technology determinations that meet the minimum criteria set forth above. For more environmentally significant changes subject to minor NSR, EPA would also examine the calculations used to base any decision that minor rather than major NSR was applicable to the change.

At the discretion of the permitting authority, the permit shield would be available for changes in the more environmentally significant category, in view of the public, affected State, and EPA review opportunities provided for those changes. For all other changes, the permit shield would be available only for terms that are reviewed, revised, or added by EPA in response to a citizen's petition.

For permit revisions other than those for de minimis changes, citizens would have 60 days after the expiration of any EPA opportunity to object, or from the time the permitting authority notified the public as to its approval of the permit revision, to petition the Administrator to make such objection. As in the current part 70, any petition would (1) have to be based only on objections to the permit which were raised with reasonable specificity during any prior opportunity for public comment (unless the petitioner demonstrates that it was impractical to raise such objections at that time); (2) have to be based on germane and non-frivolous grounds; and (3) have to raise issues related to the incorporation of or correctness of applicable requirements, enforceability, or procedural requirements concerning public review consistent with EPA's ability to object.

The EPA would like to avoid unnecessary petitions wherever possible. Accordingly, the Agency suggests that concerned citizens work with EPA early on in the process to resolve as many concerns as possible before they rise to the level of a formal petition.

The Agency is aware of industry concerns that uncertainty is created by allowing citizens to petition EPA to object to less environmentally significant changes. Because such changes by their nature are less

environmentally significant, industry has suggested that the opportunity for citizens' petitions be postponed until permit renewal. The EPA believes that such postponement conflicts with the explicit provisions of section 505(b)(2). Moreover, as explained previously, at least some type of changes in the less environmentally significant category have large potential environmental consequences because they shield a source from more stringent environmental controls. The Agency has attempted to address industry concerns by allowing States to notify the public of permit revisions on a batched basis where sources must make changes frequently (see following Section II. F. *Flexible Permits*). The EPA also solicits comment on whether there is a legal basis for postponing the opportunity for citizen petitions on less environmentally significant changes until permit renewal.

F. *Flexible Permits*

Aside from providing streamlined permit revision procedures, a permit system can promote source flexibility by providing opportunities to design a permit which will minimize the need for permit revisions. Many ways have been identified to achieve this, including use of worst case limits and alternative scenarios (56 FR 21748-49, May 10, 1991). In addition, as the July 21, 1992 preamble to the final part 70 rulemaking stated, there are no limitations on changes which do not trigger any applicable requirements and which are not prohibited or addressed by the permit.

Section 502(b)(10) of the Act requires States to design their title V programs to allow changes to be made at a source without revising the source's title V permit so long as the change does not exceed the emissions allowable under the permit and does not constitute a "modification under any provision of [title I of the Act]." The current rule implements section 502(b)(10) by providing sources with a potential means of establishing emissions caps in part 70 permits. Caps may be designed such that changes can be made at a source without triggering reviews which can produce additional applicable requirements (e.g., NSR or section 112(g) requirements), and thus the need for a permit revision, provided emissions do not exceed the cap. The current rule further provides that sources granted such a cap may comply with the cap through emissions trading as provided by the terms of the cap.

As discussed in the August 1994 proposal, EPA believes that the flexibility afforded by section 502(b)(10)

is a mandatory minimum element of State permit programs. In that notice, the Agency proposed to revise the current rule to require States to establish a cap in a source's permit at the source's request, so long as the source proposed a cap that met the terms of section 502(b)(10) (as well as the enforceability requirements set forth in § 70.6). In addition, the Agency proposal would require the permit applicant to include in its application proposed replicable procedures and permit terms that ensure the emissions cap is enforceable and trades pursuant to it are quantifiable and enforceable. Any permit terms and conditions establishing such a cap or allowing such trading could be established only in a full permit issuance process. The permitting authority would not be required to include in the cap or emissions trading provisions any emissions units where the permitting authority determined that the emissions were not quantifiable or where it determined that there were no replicable procedures or practical means to enforce the emissions trades. The permit shield described in § 70.6(f) could extend to terms and conditions that allowed such increases and decreases in emissions.

As discussed in the July 1992 preamble (57 FR 32267-8) and in the August 1994 preamble (59 FR 44471-2), EPA encourages the development of trading provisions in part 70 permits consistent with section 502(b)(10). As allowed in the SIP, the Agency believes that an important option for flexibility can be established through part 70 trading conditions which are specific enough so that any source authorized to use them has a clear method of demonstrating compliance through the trading program without the need for a permit revision. As described in more detail in the July 1992 preamble, the trading procedures approved into the SIP must assure that each trade is quantifiable, accountable, enforceable, and based on replicable procedures and meets the underlying requirements. One example of the type of trading program which could provide such flexibility is the open market trading system proposed on August 3, 1995 (60 FR 39668). Under this approach, EPA intends to allow sources to engage in trading of "discrete emissions reductions" to achieve compliance with those applicable requirements authorized for such compliance in the SIP and in the permit. Another example would be the "emissions budget" program, such as the acid rain program for sulfur dioxide, under which sources can use allowances to meet the

underlying requirements. It is currently envisioned that the part 70 permit need only contain a generic trading provision requiring that sufficient discrete emissions reductions be held to meet those applicable requirements which are open for trading. Permit revisions would not be needed to implement any trades, but the trading rule may mandate that the part 70 permit contain certain reporting and recordkeeping obligations to assure the integrity of the trades themselves.

Another option for flexibility described in the August 1994 proposal allows the part 70 permit to contain "advance NSR" provisions to the extent compatible with State NSR requirements. Such advance NSR provisions provide for including the result of the preconstruction review process up front in the operating permit, including any part 70 permit terms needed to address such future change(s). Such a provision, however, must be compatible with the constraints of the applicable requirements (e.g., limits on the term of a BACT determination) and be developed with its implications of those requirements in mind (e.g., possible consumption of the PSD increment). Many States should immediately be able to rely on this provision to avoid the need for a separate NSR permit or an operating permit revision to be issued when the source actually makes the change. Even where the issuance of a preconstruction permit is required, the need for a part 70 permit revision can still be avoided unless the NSR process results in new or different terms that must be placed in the part 70 permit.

Several questions have arisen regarding the practicality of such caps and advance NSR provisions. Concerns have been raised that these opportunities would be severely limited by section 502(b)(10) of the Act. While allowing certain changes at a source to occur without a permit revision, this provision excludes title I modifications from this relief and subjects eligible changes to a 7-day advance notification requirement.

The EPA believes that section 502(b)(10) was enacted by Congress to provide additional flexibility to sources and not to restrict any flexibility that already may be available under the regulations governing applicable requirements. For example, section 502(b)(10) would not preclude the incorporation into a part 70 permit of an NSR permit which defines how future changes at a source could occur in a manner that would meet the relevant NSR requirement. The part 70 permit itself may also define the scope of future

NSR obligations for the source so long as this is allowed under the State's permitting program. No NSR requirements are circumvented under such an approach. Rather, compliance is determined beforehand so that the source may operate the pre-approved change without first obtaining a permit revision. The source would effectively have a blueprint analogous to a type of alternative scenario under which to operate if any of the pre-approved NSR changes were to occur.

The exact design of an emissions cap to meet § 70.4(b)(12)(i) of the August 1994 proposal and section 502(b)(10) will depend on the nature of the prospective source operation and the scope of the relevant applicable requirements, including the State's NSR programs and of regulations implementing section 112(g). For example, in one State it may be possible to define a PAL (or series of PALs) which defines when such requirements would be triggered. In other situations (e.g., where minor NSR applies and requires a case-by-case technology review whenever new capacity would be established), the PAL or series of PALs would need to be coupled with an advance NSR provision to address all NSR situations including those requiring an advance technology review of any changes for which pre-authorization was sought under the PAL.

Concerns have been raised that the 7-day advance notice provision of section 502(b)(10) could hinder a source's ability to respond quickly to changing market conditions by making changes already authorized under a cap. The Agency believes that the section 502(b)(10) notification requirement can be met by a generic notice describing a class of trades authorized by the permit and the source's intent to engage in such trades during a specified period of time. This notice must be sent at least 7 days prior to initiating trading of emissions under the cap, which incidentally could require notification during permit issuance where a facility intends to trade as soon as it receives its permit.

Concerns have also been raised that caps created pursuant to the regulations at § 70.4(b)(12) implementing section 502(b)(10) would be severely limited if the Agency were to interpret the title I modification limitation in 502(b)(10) to include changes subject to minor NSR. As discussed in the next section of this preamble, (see Section II. G. *Title I Modifications*), the Agency is proposing to add regulatory language that defines the scope of title I modification to clearly exclude modifications subject to States' minor NSR programs. This action

would directly resolve these concerns. Thus, under today's proposal, this definition of title I modification will enhance the ability of sources to design emissions cap permits pursuant to section 502(b)(10).

To promote greater certainty in implementing caps under section 502(b)(10), the Agency proposes to codify into the part 70 regulations the previous clarifications regarding emissions caps and advance NSR provisions. Under today's proposal, EPA would build upon its August 1994 proposal by defining in § 70.2 advance NSR, alternative scenarios, emissions cap permits, and PALs. The Agency further proposes to add to § 70.4(b)(3) the obligation to issue emissions cap permits pursuant to § 70.4(b)(12)(i) (regarding the mandatory nature of emissions caps) as the Agency proposed to revise it in the August 1994 proposal. This would require a permitting authority to accept enforceable permit conditions proposed by a part 70 source that (1) establish limits that keep the source from being subject to requirements that apply above the limit and (2) assure compliance with requirements applicable to future operations in which the source may engage so as to avoid permit revisions. These conditions would be established during permit issuance or permit revision procedures for the more environmentally significant changes.

To illustrate the type of flexibility that is available using a part 70 created cap incorporating advance NSR, the Agency refers readers to a draft permit providing a plant-wide emission limit for a semiconductor facility. A copy of this permit is available in the docket for this rulemaking. This permit, when final, will include terms that allow the source to undertake process changes without a permit revision by combining an emissions cap on HAPs that renders the source a synthetic minor and an emissions cap on criteria pollutants with an advance NSR provision authorizing certain types of changes involving VOCs and specific exemptions for insignificant activities and emissions. Under this draft permit, the source's routine changes will not trigger a part 70 permit revision obligation so long as: (1) Each change complies with applicable RACT and SIP requirements; (2) each change triggers no newly applicable requirement; and (3) total emissions do not exceed an aggregate emission limit for VOCs. This permit also incorporates additional conditions for pollution prevention planning, reporting, and training to assure compliance with the emissions cap. The final permit will also contain

monitoring and other conditions sufficient to demonstrate compliance with the VOC emission limit.

While this permit is not yet final, EPA considers the basic approach used in this permit as acceptable and appropriate under part 70 and anticipates that it will serve as a useful model which offers operational flexibility in an environmentally protective framework. When a final decision is made on the specific permit, it will be placed in the docket for today's rulemaking.

The EPA encourages the use of the approach employed in the draft permit by permitting authorities seeking to minimize administrative burdens and maximize the flexibility of regulated facilities, particularly those which make frequent process changes that have a relatively small impact on emissions. The EPA does note, however, that the terms and conditions needed to meet minor NSR in advance may well vary from State to State. In particular, States with case-by-case control requirements approved as part of their minor NSR programs may require more specific conditions to allow sources to qualify for advance NSR. The EPA solicits comment on the acceptability and effectiveness of this approach.

Concerns have also been raised regarding the vast quantity of trivial changes that can occur each year at certain sources, including those in the electronics sector. These changes are peripheral to the core processes of a source and often do not affect emissions. In these cases, other types of advance NSR conditions are potentially useful. In particular, the part 70 permit can define in advance a list of activities which the permitting authority acknowledges are not physical changes or changes in the method of operation and therefore do not trigger minor NSR. Such changes when they subsequently occur would not precipitate the need for a part 70 permit revision, since they would not trigger minor NSR. The list of these activities developed by the Oregon Department of Environmental Quality which EPA has placed in the docket serves as an example of what might be defined in individual permits.

Finally, the Agency would like to clarify that NSR registration provisions under an EPA-approved minor NSR program that only require reporting of changes in emissions levels, provided total emissions stay below certain prescribed limits, could often be treated in the part 70 permit as a generic requirement which requires any necessary reporting or notification by the source to the permitting authority but does not require a revision to the

permit. Alternatively, implementation of such NSR registration rules would be eligible for permit revision by source notice (see the previous discussion, *Other Changes Not Otherwise Reviewed by States*) where the applicable requirement itself allows for updating the permit through a notification procedure. Where neither of these approaches to SIP-required NSR registration can be implemented (e.g., State requires individual permit revisions for each transaction), the Agency solicits comment on the ability to allow permitting authorities to collect and batch process changes over a month's time period and conduct one part 70 permit revision at that time. This option would be available only for those changes that were defined by the program as being individually eligible for this treatment and that did not conflict with the part 70 permit.

G. Title I Modifications

The meaning of the section 502(b)(10) limitation, "modifications under any provision of title I," has been disputed since the rule's promulgation. In its proposed rule to revise the criteria for granting State programs interim approval (59 FR 44572 (August 29, 1994)), EPA proposed that the phrase "modifications under any provision of title I" would include not only changes subject to the major NSR requirements of parts C and D of title I but also those subject to minor NSR programs established by the States pursuant to section 110(a)(2)(C), which is also in title I. Based on that reading, EPA in August 1994 proposed in part to interpret the title I modification language of the current rule (which is found in the provisions governing minor permit modification procedures and off-permit as well as those implementing section 502(b)(10)) to include minor as well as major NSR.

In response to the August 1994 proposal, EPA received many comments from industry and States strongly contending that the proper interpretation of the title I modification limitation of the current rule should be read to exclude minor NSR. These commenters noted that EPA had itself effectively defined the term to exclude minor NSR in the preamble to the May 1991 proposed rule (56 FR 21746-47 and footnote 6). They argued that commenters on the May 1991 proposed rule relied on that definition, that EPA did not change the definition in promulgating the final rule in July 1992, and therefore that EPA was not free to change its interpretation without undertaking further rulemaking. Many comments also pointed out that EPA's

August 1994 proposal to include minor NSR in the scope of title I modifications would have the effect of greatly reducing, and in some cases virtually eliminating, the relief that Congress sought to provide sources under section 502(b)(10) (i.e., to avoid permit revisions for changes that do not increase allowable emissions and are not title I modifications).

Most small changes at sources, if they are subject to any Act requirements, are subject to minor NSR. Conversely, if they are not subject to minor NSR, they are generally not subject to any other Act requirements. Since changes that are not subject to any Act requirement and not otherwise barred by the permit may be made without revising the permit, limiting the scope of section 502(b)(10) to changes that are not subject to either minor or major NSR or section 112(g) would limit the relief provided by that section to a relatively small number of changes in most States. Only changes below the threshold for minor NSR set by the State would be eligible as a section 502(b)(10) change. In States with extensive minor NSR programs (e.g., those with low thresholds or those where any increase in emissions is considered a modification and therefore subject to minor NSR), virtually no changes would be eligible for section 502(b)(10) treatment. Depending on the State, interpreting title I modifications to include minor NSR would thus mean that few if any source changes could be accomplished under section 502(b)(10), and would thereby frustrate Congress's intent in enacting section 502(b)(10) to minimize the need for a permit revision.

Many commenters to the August 1994 proposal suggested that in using the phrase "a modification under any provision" of title I Congress was referring to those modifications which title I itself defines, generally by means of an emissions level above which specified control requirements apply. Parts C and D of title I and section 112(g) all specifically define the term "modification" for purposes of those provisions. By contrast, section 110(a)(2)(C), the basis for State minor NSR programs, does not define the term "modification." What constitutes a modification for minor NSR purposes is a matter for each State to decide in fashioning its minor NSR program, and under the statute and applicable regulations, States have broad authority to determine the scope of their minor NSR programs. Many commenters contended that Congress, by limiting the scope of section 502(b)(10) to changes that are not title I modifications, intended to establish size thresholds for

those changes that could be made using the flexibility afforded by that section and that the intended size thresholds are those contained in the provisions of title I itself.

The EPA believes that the term title I modification should be read in the context of section 502(b)(10) as *not* including minor NSR. While the statutory term, "modifications under any provision of title I," is arguably broad on its face, giving the term its broadest meaning would largely (and in the case of some States, almost entirely) frustrate Congress' clear intent that sources be afforded flexibility under States' title V programs to make some changes that do not require a permit revision. As commenters noted, virtually no changes would be eligible for section 502(b)(10) treatment in States with extensive minor NSR programs if EPA adopted the broadest interpretation.

The House Report on the Clean Air Act Amendments of 1990 indicates that the drafters of title V were interested in establishing minimum criteria for State programs to afford some measure of national uniformity in title V permitting. H.R. Report 101-490, 103 Cong., 1st Sess., p 343. Those minimum criteria are spelled out in section 502(b), including in section 502(b)(10). In light of the legislative history, EPA believes that it would be inappropriate to define the title I modification limitation on the flexibility afforded by section 502(b)(10) in a way that could and does vary widely, depending on the scope of a State's minor NSR program. The obvious sizing purpose of the title I modification limitation also strongly suggests that Congress had in mind the thresholds it established elsewhere in title I, not the thresholds that States are free to set in fashioning their minor NSR programs.

To interpret the title I modification limitation to include minor NSR might also have the counterproductive effect of creating an incentive for States to scale back the scope of their minor NSR programs. If title I modification were interpreted to include minor NSR, States interested in allowing their sources to take more advantage of the flexibility offered by section 502(b)(10) might find it necessary to narrow the scope of their minor NSR programs (e.g., set higher threshold levels) so that more changes would escape being classified a title I modification. But the 1990 Amendments to the Act are Congress' testament that more, not less, needs to be done to clean up the nation's air. States with extensive minor NSR programs are generally those States which face the stiffest challenge in

meeting and maintaining national air quality standards. It would be counterproductive if States were pressured to cut back their air pollution control programs for new or modified sources to take advantage of title V permitting flexibility when those programs are needed more than ever to achieve clean air.

As previously noted, the issue of the proper interpretation of the term title I modification is also relevant to the scope of the current rule's minor permit modification provisions. Those provisions allow any change that meets specified criteria, including *not* being "a modification under any provision of title I," to be incorporated into a title V permit using streamlined procedures which do not include an opportunity for public participation. In the case of these provisions, the title I modification criterion is not derived from the statute but was promulgated by EPA as a means of sizing changes eligible for minor permit modification procedures. Here, too, the phrase used by the Agency to describe the limitation is broad on its face. However, EPA acknowledges that it effectively characterized the scope of that term in its explanation in the May 1991 proposed rulemaking preamble and that States and sources have relied on that explanation. The Agency thus believes that the term should be interpreted in that manner for purposes of the current rule.

Today's notice is a proposal, and EPA thus intends to codify in regulatory language the interpretation of title I modification described above at the same time it takes final action on the other issues it is addressing in this and the August 29th proposal to revise the part 70 rule. As indicated above, the Agency believes that the term title I modification as it appears in section 502(b)(10) and the current rule should be read to exclude changes subject to minor NSR. Consequently, EPA intends to promulgate the regulatory language defining title I modification as proposed in the August 1994 **Federal Register**, except that the definition *would not* include the reference to section 110(a)(2) of the Act.

H. EPA Issuance of PSD Permits

Under today's proposal, the permitting authority would be required to revise immediately the part 70 permit upon issuance of a PSD permit to accomplish the streamlining intended for changes with prior process. In States that do not have a PSD program approved into the SIP, however, the previous discussion regarding the automatic incorporation into part 70 permits of changes with State review

requires clarification in States without approved PSD programs, several situations are possible: (1) EPA issues the PSD permit as the issuing agency, (2) EPA signs the PSD permit in a PSD program partially delegated to the State, or (3) the State issues the permit acting as EPA's agent under a fully delegated, but not SIP-approved, PSD program.

A State with an approved part 70 program should always be able to enforce a PSD permit that is attached to a part 70 permit (even if the EPA issues the PSD permit). Where the PSD permit does not meet the requirements of part 70, the State may need to create a separate part 70 permit revision (EPA cannot revise the part 70 permit because it is not the part 70 permitting authority) to supply the terms necessary to meet the requirements of §§ 70.6(a) and (c). Other applicable requirements (e.g., MACT standards) that apply to the source but that are not included in the PSD permit would need to be included as well in the part 70 permit revision. Close coordination between the State and EPA could allow the part 70 permit revision and the PSD permit to be issued using the same public and EPA review process, if that is desired. Once the PSD permit is issued by EPA and the supplemental part 70 revision is completed by the State, the State would automatically incorporate both the PSD permit and the part 70 permit revision into the existing part 70 permit by attaching them to the existing part 70 permit.

In the case where the State permitting authority must also issue its own preconstruction approval under minor NSR (e.g., to cover additional pollutants and/or requirements) before construction of a PSD source or modification can proceed, the permitting authority would have to develop any additional part 70 permit terms to meet part 70 and place these into the minor NSR permit. Most often, the minor NSR permit should also contain the provisions of the part 70 revision (previously described). Upon issuance, the State NSR permit could be automatically incorporated along with any independent PSD permit into the existing part 70 permit although the incorporation of these documents does not necessarily have to occur simultaneously.

The Agency solicits comment on this approach to accomplishing streamlined permit revisions for incorporation of PSD permits. In particular, EPA solicits comment on whether permitting authorities which do not have adequate authority to issue PSD permits directly should be afforded additional time to

incorporate those permits satisfactorily into relevant part 70 permits.

I. Rulemaking Under Section 302(j)

The current definition of major source in part 70 requires sources to count fugitive emissions in determining major source status for PSD and nonattainment NSR purposes when the source category is subject to a standard promulgated under section 111 or 112 of the Act, regardless of when the standard was established. As discussed in the August 1994 proposal notice, EPA agrees that it did not follow the procedural steps necessary under section 302(j) to expand the scope of source categories in the current part 70 regulations for which fugitives must be counted in making NSR major source determinations (59 FR 44514). In that notice, EPA proposed to change paragraph (2)(xxvii) of the definition of major source such that only a source belonging to a source category subject to a section 111 or 112 standard promulgated as of August 7, 1980 would be required to count fugitive emissions of the pollutant regulated by that standard in determining if it were major for NSR purposes. The EPA no longer believes that revising this category as was proposed is the appropriate approach. Rather, EPA believes that this paragraph needs to be revised to allow for future affirmative actions under section 302(j) to avoid the need for subsequent revisions to State part 70 programs and to be consistent with the NSR program.

In a notice of proposed rulemaking to revise NSR regulations implementing parts C and D of title I of the Act that will be published in the near future, the Agency will solicit comment on amending the listed source categories for which fugitive emissions must be counted in determining whether a source is major. This rulemaking action is being taken to satisfy the requirements of section 302(j) which requires that fugitive emissions be included in major source determinations only “. . . as determined by rule by the Administrator.”

Under EPA's longstanding interpretation, section 302(j) involves a two-step rulemaking process. The EPA will propose to list a source category if emissions from that category have a potential for significant air quality deterioration, and will make a final listing unless commenters demonstrate that the social and economic costs of regulation would be unreasonable in comparison to the benefits (see e.g., 49 FR 43202, 43208 (1984)). The EPA's interpretation has been upheld on

judicial review (*NRDC v. EPA*, 937 F.2d 641, 643 (D.C. Cir. 1991)).

Because EPA will be undertaking the future section 302(j) rulemaking, EPA no longer believes that it would be appropriate for parts 70 and 71 to definitely refer to the August 7, 1980 date provided in the August 1994 part 70 proposal and the April 1995 part 71 proposal. Until EPA promulgates this future section 302(j) rulemaking, EPA believes that fugitives should not be counted for source categories subject to section 111 or 112 standards promulgated after August 7, 1980. Consequently, to facilitate ongoing consistency with whatever affirmative section 302(j) determination the Administrator has made at any point in time, EPA proposes to revise parts 70 and 71 to require that fugitive emissions be included for source categories subject to standards promulgated under sections 111 or 112 for which the Administrator has made an affirmative determination under section 302(j).

The result of this approach would be that source categories currently subject to section 111 or 112 standards promulgated after August 7, 1980 would not have to count fugitives unless and until EPA completes this section 302(j) rulemaking to require that fugitives for these source categories be counted. Moreover, once this section 302(j) rulemaking has been completed, this approach would result in fugitive emissions from any source categories listed through a section 302(j) determination being counted for purposes of the title V definition of major source as well.

Finally, when new section 111 or 112 standards are promulgated and contain affirmative section 302(j) determinations, those determinations would carry over for purposes of title V. This approach would ultimately avoid any need to revise parts 70 and 71 every time a new section 302(j) rulemaking is conducted and would relieve State and local agencies from having to submit revised part 70 programs for EPA approval solely because the Administrator has made an affirmative section 302(j) determination. The EPA solicits comment on this approach.

In addition, EPA is proposing to delete the language in paragraph (2)(xxvii) of the major source definition in the current part 70 regulations, the August 1994 part 70 proposal, and the April 1995 part 71 proposal which reads: “. . . but only with respect to those air pollutants that have been regulated for that category; . . .” The EPA believes that this revision is necessary to make the parts 70 and 71 definitions of major source consistent

with the definitions of major source in parts 51 and 52. While the corresponding language in the NSR rules would require that sources in these categories consider fugitive emissions of all air pollutants in determining whether they are major, the current part 70 regulations, the August 1994 part 70 proposal, and the April 1995 part 71 proposal would exclude emissions not directly regulated by the 111 or 112 standard for that category. This could result in sources being major for purposes of NSR, but not being major for purposes of title V. This is inconsistent with the section 501(2) definition of major source which requires any stationary source to be considered major under title V if it is a major source under section 112 or a major stationary source under section 302 or part D of title I.

Finally, EPA proposes to modify paragraph (2)(viii) of the major source definition in the current part 70 regulations, the August 1994 part 70 proposal, and the April 1995 part 71 proposal which reads: "Municipal incinerators capable of charging more than 250 tons of refuse per day; . . ." This paragraph needs to be modified to read: "Municipal incinerators (or combinations thereof) capable of charging more than 50 tons of refuse per day; . . ." This correction needs to be made to be consistent with the NSPS for incinerators promulgated at § 60.50 in 1977 and which applies to incinerators with a charge rate of more than 50 tons per day. This proposed revision is also consistent with the list of major stationary sources in section 169(1) of the Act.

The EPA proposes to clarify that, for municipal incinerators, the capacity threshold for tons of refuse fired per day is for the combination of all municipal incinerator units at a source. For example, a municipal incinerator source which has two incinerator units, each unit capable of firing 40 tons of refuse per day, has a total firing capability at the source of 80 tons of refuse per day, which is more than the 50 tons per day capacity threshold.

J. Revisions to Section 51.161

Several States have asked whether the public participation requirements for minor NSR as codified at §§ 51.160-161 would also meet the title V public participation requirements set forth in today's proposal. For the reasons subsequently described, EPA believes that they would. Today's proposed part 70 permit revision procedures are intended to meet the requirements of section 502(b)(6) of the Act that such procedures be adequate, streamlined,

and reasonable. The proposal presumes that the public participation process required for specified types of minor NSR changes by the regulations governing those changes is sufficient for title V purposes as well.

Application of public participation procedures to new and modified sources under minor NSR programs must be consistent with the statutory and regulatory purposes of those programs, and EPA believes that tailoring this application to the environmental significance of new or modified sources on a categorical or individual basis is consistent with these purposes. To demonstrate this, the purposes of minor NSR programs are set forth below, followed by a discussion of the tailoring issue.

Section 110(a)(2)(C) of the Act requires every SIP to "include a program for the . . . regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved." The EPA's regulations now codified at §§ 51.160-164 have since the early 1970s required a NSR program, and one is included in every SIP. This requirement predates and is separate from the requirement also set forth in section 110(a)(2)(C) (as well as §§ 165(a)(1) and 172(a)(5)) that States have "major" NSR permitting programs under part C (PSD) and part D (nonattainment NSR) of title I.

In their early years, the original NSR programs served primarily as a means to insure that new source growth would be consistent with maintenance of the NAAQS. In response to a lawsuit challenging the adequacy of the original round of SIP's approved by EPA in 1972, EPA determined that the original NSR program and other SIP measures were inadequate to maintain air quality. Consequently, EPA expanded the NSR regulations in 1973 to require public participation and to require that States explain the basis for any exemptions from the program (38 FR 15834, 15836 (1973) (citing *NRDC v. EPA*, No. 72-1522 (D.C. Cir.)); 38 FR 6279 (1973)). The 1973 regulations are substantively unchanged today. They do not on their face distinguish between major and minor sources, nor did the Clean Air Act prior to 1977.

With the adoption in the 1977 Amendments of parts C and D applicable to "major" new and modified sources, Congress created significant economic incentives for sources to take steps to be classified as minor and therefore avoid these more stringent major source requirements. Consequently, after 1977, a principal

focus of States' pre-existing (now referred to as "minor") NSR programs became the use of limitations on hours of operation and rates of production, short-term emission limits, and (following the decision in *Alabama Power Co. v. Costle*, 636 F.2d 323 (D.C. Cir. 1979)) pollution control equipment that restricted sources' potential to emit to levels below applicable major source thresholds. Different terms are used to describe the various forms that these restrictions can take.¹⁵ Since by definition a major new or modified source that fails to undergo NSR under part C or D would threaten the achievement of air quality goals, a "necessary" purpose of minor NSR programs that are used as a federally-enforceable mechanism to avoid major status is that they function in a way that reasonably assures that synthetic minor sources and netting transactions will in fact restrict potential to emit to minor source levels.

Section 51.160(e) requires States in their NSR programs to identify types and sizes of facilities, buildings, structures, or installations which will be subject to preconstruction review, and requires the State to discuss in its SIP submission the basis for that determination of the program scope. States may exempt from minor NSR those changes that are not environmentally significant, consistent with the de minimis exemption criteria set forth in *Alabama Power*. Given their environmental significance, however, EPA believes that it is unlikely that synthetic minor sources and netting transactions could qualify as de minimis changes. Since States may exempt de minimis changes from minor NSR altogether, it follows that they may provide a partial or full exemption from the full public process requirements of § 51.160(e), consistent with the environmental significance of the change.

As previously explained, the statutory purposes of section 502(b)(6) are met

¹⁵The term "synthetic minor" is generally used to describe such restrictions taken at a new source or at a new or modified emissions unit at an existing source to avoid major source status. "Net out" is the term used at a modified source when the restrictions are adopted at a unit or units other than the one(s) undertaking the change(s) that trigger the applicability review such that emissions reductions at the restricted units offset emissions increases at the new or modified units and the net emissions increase remains below the levels at which PSD or major NSR applies. A "plantwide applicability limit" or "PAL" is a form of net out whereby a range of future changes at a source is determined beforehand not to result in a net emissions increase, such that these changes may occur without triggering major NSR requirements if they are otherwise consistent with the requirements of section 110(a)(2)(C).

with respect to changes reviewed by State programs governed by Federal regulations by compliance with the procedural requirements set forth in those regulations. For minor NSR, that means compliance with the regulations at §§ 51.160–161. For the reasons stated above, EPA believes that the NSR regulations allow the tailoring of public participation process as envisioned by today's proposal for less environmentally significant changes, consistent with de minimis exemption criteria. Thus, procedural requirements for less environmentally significant changes can be the same for minor NSR and part 70 programs, allowing their consolidation. Of course, tailoring of process under either program must be reasonable and adequate for the purpose of the program.

To codify these understandings, EPA proposes to revise § 51.161 to reserve its current 30-day public notice and comment requirements for any construction or modification that is subject to major NSR or section 112(g) and for any minor NSR action (including establishment of a PAL) that would allow a part 70 source to net out of major NSR. A new paragraph (c) consistent with § 70.7(e)(2)(vi) is proposed at § 51.161 to clarify that, for other minor NSR transactions at part 70 sources, the permitting authority may match the public participation process to the environmental significance of the changes.

As discussed earlier in this notice, certain minor NSR actions are more environmentally significant because they allow a part 70 source to net-out of major NSR controls. They thus warrant a 30-day prior opportunity for public comment. Other minor NSR actions create synthetic minor sources or modifications which also have the effect of shielding the source or modification from major NSR controls. Actions creating synthetic minors can be environmentally significant, and States must consider the factors discussed earlier in identifying those types of synthetic minors that present greater risks of potentially allowing emission increases in excess of major source or modification thresholds. For these actions, a substantial opportunity for prior public participation is warranted. Other types of synthetic minors may be relatively less significant and a lesser degree of public participation would be acceptable. The permitting authority may also designate certain categories of changes, subject to EPA approval, as de minimis based upon its determination approved by EPA that meets the test prescribed by the *Alabama power* case. For these categories of changes, the

State may forego altogether prior review by the public and EPA.

Paragraph (d) of § 51.161 is proposed to require availability of the public notice, rather than copies, to be provided to EPA and affected States. This change is intended to allow the permitting authority the opportunity to provide the required information through other avenues such as computer bulletin boards instead of solely by hard copy.

A new § 51.161(e) would be added to confirm that a State could, as needed to meet the public participation requirements for minor NSR changes at part 70 sources, either revise its NSR or part 70 program to include those provisions.

In addition, today's proposal would delete an obsolete grandfathering provision at § 51.161(c) applicable in limited circumstances. It enabled States to adopt a comment period shorter than would otherwise be required to be consistent with requirements in State programs for acting on requests for permission to construct. That provision was adopted in 1973 to avoid undue disruption to existing State programs. The EPA is not aware of any State program that currently falls within the scope of the grandfathering provision. Beyond that, given the changed purposes of minor NSR programs since that time and the flexibility under today's proposal to enable States to match public process with environmental significance, including the use of public comment periods less than 30 days where appropriate, EPA believes it is no longer necessary or appropriate to retain this grandfathering provision.

Finally, a new § 51.160(e) clarifies that all of the terms used in §§ 51.160–164 have the same meaning as provided elsewhere in subpart I of part 51, or in the Act. None of the terms in these sections have meanings different from those used in other sections of the NSR regulations or in the Act, and it is simpler to clarify this through a single cross-referencing provision rather than to repeat those terms here.

K. Incorporation of MACT Standards

The EPA proposed in the August 1994 notice to allow States to incorporate MACT standards into operating permits using a 2-step process. The first step provided for administrative incorporation of certain conditions into the permit at the time a source submits the initial notification that it is subject to the MACT standard. These conditions would outline the steps which the source would take to demonstrate compliance with the MACT standard. In

the case of newly issued MACT standards, this first step would be in lieu of the reopening procedures otherwise applicable, which require full public and EPA review. The second step would require use of the proposed minor permit revision procedures to define final compliance parameter limits and unit applicability decisions, unless the source chose options such as emissions averaging, in which case significant permit revision procedures would be required.

Today's proposal would provide an analogous system but would afford States more discretion in providing adequate process for the second step of MACT incorporation. The first step of incorporating the MACT compliance plan could occur upon the permitting authority's receipt of a notice from the source that the source is subject to the MACT standard. The second step of defining source-specific compliance details would occur through the permit revision process for changes that do not undergo a State review program. As described previously, States would have broad discretion to determine the process for such changes which do not meet the proposed definition of more environmentally significant changes. The EPA is proposing *not* to include decisions regarding MACT compliance terms in the more environmentally significant category; States would thus have flexibility in providing process for these determinations in conjunction with State review programs, if the State so desires.

At the same time, as the author of MACT standards, EPA is in a particularly good position to judge the extent to which it would be appropriate to provide for public participation in decisionmaking about particular MACT compliance terms. The Agency thus expects to provide guidance to States in this regard, probably in the context of promulgating the MACT standards themselves. As a general matter, though, States should provide more public process for decisions regarding MACT compliance terms that entail the exercise of substantial discretion or judgment by the permitting authority or that could have a large impact on allowable emissions. Emissions averaging customized to the source, for example, should be subject to a substantial opportunity for prior public review.

It should be noted that not all MACT standards will require a two-step process for incorporating them into part 70 permits. As explained earlier in this notice, for MACT standards whose application does not vary from source to source in any significant way, the State

may provide for incorporation without any permitting authority or public review.

If EPA adopts this proposed approach in the final part 70 rule, States will be faced with a transition period during which State rules adopted pursuant to the current EPA rule require reopening using the same process as required for issuance of the initial permit. At this same time, the State would be in the process of developing and submitting for EPA approval a revision to their part 70 program responding to the revised EPA rule which would allow for a more streamlined process. Some States have requested EPA to allow States to use the more streamlined 2-step process for incorporating MACT standards during this transition period.

In response, EPA solicits comment on whether permits could be issued containing standard conditions pertaining to specific MACT standards in such a way as to avoid the first step of reopening. Under this approach, a permit issued prior to promulgation of a MACT standard would contain the conditions which outline the steps a source must take to demonstrate compliance (i.e., step one conditions) with the MACT standard promulgated subsequently. That is, analogous to the first of the two steps proposed on August 29, 1994 for incorporating MACT standards, the requisite compliance schedule would be initially established in the permit.

The EPA recognizes that for this approach to work, a minimum amount of information would need to be known at the time of permit issuance. Enough information would need to be known to satisfy the requirements of § 70.7(e)(5) of the August 1994 proposal. Those requirements include a statement of whether the section 112 requirement is an applicable requirement, a schedule of compliance, a requirement to submit reports required under the standard, and a requirement to apply for a subsequent permit revision by the deadline for the compliance statement under the MACT standard. To the extent these permit conditions can be expressed as standard conditions (e.g., "compliance shall be achieved no later than 3 years after promulgation of the section 112 standard"), this approach may eliminate the need to revise the permit before the second step in the proposed MACT incorporation process. The EPA solicits comments, especially from States, as to whether such an approach would be effective in addressing their transition concerns and how it could best be implemented. In addition, the Agency solicits comment on the legal ability for States to issue such standard conditions

before undergoing a rule adoption and/or delegation process to acquire any necessary additional legal authority.

L. Clarification for Section 112(r)

On March 13, 1995, EPA published a supplemental proposal on the requirements of section 112(r) of the Act, including how these requirements would be implemented in title V permits. In part, the proposal set forth standard part 70 permit conditions concerning the development and implementation of the risk management plan required under section 112(r)(7). The EPA indicated in the March 13 notice that permits issued with such conditions would satisfy the part 70 requirement to "assure compliance" with all applicable requirements.

During development of that proposal, several States commented that EPA should propose a narrower definition of the term "applicable requirement" in part 70. This suggestion was intended to reduce potential liabilities of permitting authorities and sources that might result from a more expansive reading of part 70 to require more with respect to permit content than that required under proposed 40 CFR part 68 to implement section 112(r).

In considering these comments, EPA recognizes the need to clarify part 70 to limit the potential for reading in unintended requirements. The Agency therefore proposes to add a paragraph (iv) to § 70.6(a)(1), which would state: "(W)ith respect to applicable requirements under section 112(r)(7) of the Act, the inclusion of permit conditions in accordance with regulations promulgated under section 112(r) shall satisfy the requirements of paragraph (a)(1) of this section." This would clarify that permits containing the standard permit conditions that EPA expects to promulgate under part 68 would be considered in compliance with the requirements of § 70.6(a)(1), and that no other obligations on the source or the permitting authority with respect to requirements of 112(r) are to be implied from this language of part 70.

The August 1994 proposal responded to various concerns over the relevance of section 112(r) to the part 70 program by proposing a change to § 70.3(a). That proposal would have provided that a source would be exempted from the requirement to obtain a part 70 permit if it would be classified as major solely on the basis of its emissions of a section 112(r) pollutant. Based on the public comment and further analysis of this issue, EPA is today proposing a revision to the definition of "regulated air pollutant" contained in § 70.2 that deletes being listed pursuant to section

112(r) as a criterion for conferring the status of regulated air pollutant. This action should be more effective in meeting the goals of the proposal, while being more consistent with the general applicability structure of title V.

Because of its central role in Act implementation, the title V program addresses a wide range of air pollutants regulated by the programs within the Act. For example, in rewriting section 112, the 1990 Act amendments assign the title V permit program a key implementation role. Accordingly, the definition of regulated air pollutant, which governs some core program functions such as which pollutant emissions are addressed by the permit application, is an important one. With these goals in mind, EPA promulgated a definition of regulated air pollutant that encompassed all pollutants regulated under section 112, including substances listed pursuant to section 112(r).

The section 112(r) program governs the prevention of accidental releases, and had no predecessor in the Act. Although this program does not expressly apply to the routine emissions of air pollutants, EPA elected not to prejudice its relevance to air quality management issues. Accordingly, EPA promulgated a definition of regulated air pollutant that included the substances listed pursuant to section 112(r)(3). It should be noted that section 112(r)(3), in mandating that EPA develop this list of substances, specified several compounds for inclusion on this list. Most of these substances are pollutants that could be of concern to air quality management programs at some time and several of them are also classified as HAPs pursuant to section 112(b).

Since that time, EPA has proceeded with developing the section 112(r) program requirements, such as the risk management plan provisions of section 112(r)(7). The EPA has also promulgated a considerable list of substances pursuant to section 112(r)(3), including the explosive substances listed by the Department of Transportation as Division 1.1 in 49 CFR 172.101. Although this list includes a wide range of substances, some of which might eventually be addressed by air pollution control requirements, the list contains many other substances. Examples of the latter group include dynamite and nuclear warheads; substances of obvious interest to the risk management program, but equally obviously not an aspect of air quality management programs. The development of the section 112(r) risk management program confirms that the focus of this program is not the regulation of "emissions" of

“air pollutants” and that its requirements, although important to public safety, are not significantly relevant to the broader issues of air quality management.

Some significant benefits arise from today's action. Because the section 112(r) pollutants at issue are generally not subject to air pollution control program requirements, there is only limited expertise available for evaluating their emissions from industrial facilities. Several parties have expressed concern that it would be quite difficult, technically, for businesses to meet the part 70 requirement that permit applicants describe their emissions of the section 112(r) pollutants. As a result of today's proposal, permit applicants would no longer be required to consider the broad class of substances listed pursuant to section 112(r) in preparing their emissions estimations. It should also be noted that this action is consistent with the section 112(r)(7)(f) provision that sources not be made subject to the requirement to apply for a part 70 permit solely because they are subject to section 112(r).

The following points should be understood in implementing this provision. First, it must be stressed that this action would solely address how part 70 requirements are implemented; it would in no way affect section 112(r) program provisions or the fact that section 112(r) is an applicable requirement of the Act for part 70 purposes. Second, because today's action means that the listing of a substance pursuant to section 112(r) would no longer have any relevance to the definition of regulated air pollutant, it should be clear that the *inclusion* of a pollutant on the section 112(r) list in no way affects the status of a pollutant that is classified as a regulated air pollutant because of its regulation pursuant to other programs. Finally, today's action does not affect the approvability or continuing adequacy of State part 70 permit fee programs.

M. Solicitation of Input

The Agency solicits comment on all aspects of today's proposal to accomplish permit revisions in a streamlined and more efficient manner. It is also interested in receiving comment on the final structure of the regulatory revisions and how they might be improved and/or how States might develop substantially equivalent provisions.

III. Part 70 Program Revisions

Title V and the current rule require States and local agencies to submit

operating permit programs for EPA approval by November 15, 1993. This deadline has not changed and is not affected by the Agency's proposals to revise part 70. Most States and local agencies have submitted programs for approval, and EPA has proposed or taken final action on many of them. Until EPA promulgates final part 70 revisions, State program development and EPA approval will continue to be governed by the current rule. States that have yet to submit a program or receive program approval should thus be aware that their programs will be judged against the current rule until the revised rule is in place. As EPA explained in the August 1994 proposal, the Agency intends to provide a transition period following the promulgation of the part 70 revisions during which States may choose which rule EPA is to apply in reviewing the State program, the originally promulgated rule or the rule as revised.

Once EPA promulgates final part 70 revisions, States that receive program approval under the originally promulgated rule will be required to revise their programs as needed to comply with the revised rule. Under the current rule, States have at least 180 days from EPA's promulgation to make conforming changes to their programs or as much as 2 years if State legislation is needed to authorize the changes. At the same time, many State programs are being approved on an interim basis under the current rule. Title V and the current rule authorize EPA to grant a State program interim approval if it largely, but not entirely, meets the requirements for full approval. Under the statute and rule, however, States receiving interim approval must revise their programs as needed in time to gain full approval within 2 years of receiving interim approval. Consequently, States that receive interim approval may be faced with having to undertake two rounds of program revisions, the first to gain full approval and the second to comply with a revised part 70.

Depending on when it receives interim approval and when EPA promulgates final part 70 revisions, a State may be able to revise its program by means of a single rulemaking in the time frames allowed by the current rule. The Agency is very concerned, however, that the timing of these events for many and even most States will not be so fortuitous, consigning States to multiple rounds of rulemaking. More generally, EPA wants to minimize the potential disruption to State programs that rule revisions cause. The Agency is thus proposing to provide more time for States to submit program revisions. The

Agency is also interested in extending the time period under which States may operate programs that have received interim approval to enable all States to revise their part 70 programs once instead of twice.

As noted above, the current rule calls for State program revisions in response to EPA rule revisions within specified time frames that vary according to whether State legislation is required. The Agency then has up to 1 year to approve States' submissions. The August 1994 notice proposed to revise § 70.4(i) of the current rule to specify that States would have 12 months to revise their programs if regulatory changes were needed. It further proposed to allow the Administrator to vary the time period provided for State program revisions as the Administrator deemed appropriate (proposed § 70.4(i)(1)(iv)).

The Agency is today proposing to exercise its discretion under proposed § 70.4(i)(1)(iv) to provide States 2 years to submit program revisions in response to the proposed part 70 revisions, regardless of whether State regulatory or legislative changes are required. The Agency believes this would be an appropriate exercise of its discretion in light of the fact that these part 70 revisions will be promulgated in the beginning years of most State part 70 programs. In these early years, the demands on States will be particularly heavy. The statute and regulations require States to complete the task of issuing permits to all sources subject to the program within 3 years of program approval. At the same time, States will have to address the many implementation issues that invariably arise when a new program is inaugurated. In light of the challenges States already face, EPA believes it is only fair and appropriate to provide them with 2 full years to submit program revisions.

The Agency further recognizes the possibility that some States may find it difficult to make all of the changes required by the part 70 revisions within the 2-year time period. In particular, today's proposal calls for States to rely on State preconstruction permitting programs to provide public review and certain permit content provisions for purposes of part 70. To the extent that these State review programs require supplementation to account for title V process and permit content requirements, EPA would allow States to revise either their part 70 regulations or the regulations governing their underlying programs. The Agency is aware, however, that supplementing the process of existing State programs may

pose additional implementation issues. To minimize any disruption of underlying State programs EPA is proposing to amend the current rule at § 70.4(d)(3)(iv) to allow the Agency to grant interim approval to State program submittals even if they do not meet the public participation requirements of the revised rule with respect to changes processed pursuant to State review programs.

States receiving interim approval would have an additional 2 years to make the changes needed to gain full EPA approval of their programs. In total, States would have up to 5 years from promulgation of the final part 70 revisions to put in place any additional procedures in conjunction with State review programs as needed to gain full approval of their part 70 programs (i.e., 2 years to submit program revisions sufficient to gain interim approval, 1 year for EPA to grant interim approval, and 2 years to gain full approval).

As previously noted, many States will have received interim approval of their part 70 programs under the current rule by the time these revisions are promulgated. The EPA is concerned about the potentially adverse effects of the part 70 revisions on these States, particularly those which submitted their part 70 programs by, or close to, the statutory submittal date (November 15, 1993) and therefore received the earliest interim approvals for their programs. Under the current rule, States granted interim approval for their programs must submit program revisions necessary to receive full approval at least 6 months prior to expiration of the interim approval. Under section 502(g), an interim approval can be granted for a period not to exceed 2 years and cannot be extended.

States which received the earliest interim approval may have less than 1 year after promulgation of the final part 70 revisions to develop and submit combined program revisions addressing both the deficiencies which caused interim approval as well as EPA's revisions to part 70. Many States have indicated that it would be extremely burdensome to undertake multiple program revisions, especially where legislative action would be necessary. Moreover, States might well be compelled to do multiple corrections for the same area of deficiency, once to correct the problem for which they received interim approval under the current part 70 and again to correct it in accordance with the revisions to part 70. This would be a seemingly pointless diversion of resources which are otherwise critically needed to issue permits under the approved program in

such States. In addition, it would be confusing to permitting authorities, sources, and others involved in the implementation of the part 70 program to deal with "moving targets."

One approach for providing relief would be to require States to correct program deficiencies identified in the interim approval under the current part 70 only in those areas which are not proposed to be revised. That is, EPA would not require program revisions in areas of deficiency affected by the part 70 revisions, but would require them on the timeframe provided to respond to the part 70 revisions. This would provide relief by reducing the scope of the corrective actions needed by the State in response to EPA's interim approval actions. The relief, however, would be only partial to the extent that there are significant program deficiencies that are not affected by the part 70 revisions.

Instead, EPA believes that States with early interim approvals should be allowed more time to submit program correction revisions needed to receive full approval, regardless of what program provisions were determined to be deficient in the interim approval notice. That is, these States should be allowed to delay the submittal of any program revisions to address program deficiencies previously listed in their notice of interim approval until the deadline to submit other changes required by the proposed revisions to part 70. To accommodate this extension of the period to submit program revisions to address interim approval deficiencies, the duration of the interim approval granted to these States should be extended as necessary.

The Agency believes that such a policy is necessary to avoid penalizing those States which submitted their part 70 program on a more timely basis, while rewarding States with late submittals who would have considerably more time to synchronize their future program revisions. In light of the inequities which would result, the Agency believes that providing such a transition period is appropriate. The Agency solicits comment on the appropriate legal basis for granting such relief.

IV. Proposal for the Federal Operating Permits Program

A. Overview

In today's notice, EPA proposes a new system for part 71 for revising permits which is modeled after the system proposed today for part 70 permit revisions. This action is intended to supplement the April 27, 1995 proposal

on part 71 regulations in this regard. Although proposed regulations to implement the new system have not been developed, EPA proposes to promulgate regulations to finalize the part 71 rulemaking that are consistent with the concepts and procedures discussed in today's proposal. The Agency believes that the subsequent discussion in today's preamble describes the new system with sufficient detail to allow the public to understand and offer informed comments on the proposal.

To the extent possible, EPA intends to model part 71 permit revision procedures after those proposed for part 70 to ensure that sources are not faced with substantially different programs when EPA, as opposed to a State, is the permitting authority. Since most part 71 programs are likely to be of limited duration, consistency with part 70 will enable smooth transition between Federal and State programs, encourage States to take delegation of administration of part 71 programs, help States that have not obtained part 70 approval to phase into the title V program, promote uniformity in public and affected State participation, and provide greater certainty and consistency for sources.

Following proposed part 70, today's part 71 proposal would establish two basic categories of changes for permit revision purposes. The first category would include all changes that are subject to State review programs established pursuant to the Act which review the change for title V purposes as well. Qualifying changes would be automatically incorporated into a title V permit (i.e., a part 70 or part 71 permit, as applicable) under a part 71 program upon completion of that review. The second category would include all other changes that are not subject to State review programs, and today's proposal describes a part 71 permit review process for these changes.

B. Changes Subject to State Review Programs

Applicability. As in the case of the part 70 program, today's proposal notice for revising part 71 permits builds on existing State review programs to provide for automatic incorporation into part 71 permits for all changes subject to the State review program which are also evaluated for title V purposes in this review. There are two criteria for a change to qualify. The first is that the State permitting authority must have reviewed the change and provided an adequate opportunity for public participation and affected State and EPA review commensurate with the

environmental significance of the change (see footnote number 1). For the more environmentally significant changes as defined under proposed part 70 (i.e., major NSR, 112(g), and net-outs) a 30-day prior public comment period and a 45-day opportunity for EPA review and objection must be required in the State review process for it to qualify. If a State review program did not provide a 30-day public review period or an adequate EPA review opportunity for these changes, EPA (or the delegate agency) would provide them as needed in a part 71 process as the part 71 permitting authority before issuing the part 71 permit.

Under part 70, EPA would give a State discretion, for the less environmentally significant changes, to match the amount of public review to the environmental significance of the change. Under today's proposal for part 71, EPA would accept the amount and timing of public process under the State's current NSR program, at least during the first 5 years following the effective date of a part 71 program in a State. The EPA expects no part 71 programs for States to last for more than this time duration. This approach is consistent with EPA's approach for reviewing minor NSR programs set forth in today's part 70 proposal. Under part 70, a State would be given interim approval even if its program did not meet the public participation requirements of the proposed part 70 for changes subject to State review programs (see section III of today's preamble).

The second criterion for inclusion in the first category requires that the change subject to the State review process would need to address the permit content requirements of proposed § 71.6. The EPA believes that many of these requirements could be included in the original title V permit as boilerplate or standard conditions, and would not require much additional effort to address part 71 permit content requirements for subsequent permit revisions. For example, the existing title V permit would already contain requirements regarding permit fees, periodic reporting, annual certification, and inspection and entry. If the existing title V permit ensures that these boilerplate conditions apply to the requirements attached to the permit (e.g., the revised NSR permit or 112(g) determination), it would not be necessary to revisit these requirements when the title V permit is revised.

Consistent with these criteria, the first category of changes would include changes that are subject to major or minor NSR or regulations implementing

section 112(g) and changes that entail a source-specific revision of the SIP.

The Agency is also proposing that certain changes subject to a State review program could qualify even though they do not receive prior permitting authority review and approval. Under some State minor NSR programs, for example, not all changes subject to minor NSR requirements get case-by-case State review and approval. Instead, some types of changes are subject to general rules, and the source may make such a change without prior State approval so long as it complies with the applicable requirements (i.e., the general rules). These changes would still be included in the first category.

As set forth under proposed § 70.7(e)(2)(viii), EPA is proposing that such requirements, when triggered by a change that is subject to specified requirements, but is *not* required to receive affirmative State approval under the State's review program, be included in the first category (i.e., changes subject to a State review program) for part 71 purposes and get the benefit of an automatic incorporation process (see Section II. C. of this preamble). Eligible requirements would be those that do not conflict with the existing title V permit, do not require interpretation as to applicability, and do not require creation of source-specific permit terms or conditions. These would include general rules or general permits. The justification for automatic incorporation of these types of requirements is the same as under part 70 (i.e., their application is so straightforward that little is to be gained from additional process).

Any change which was subject to a State review process which was inadequate from a title V standpoint must be processed as a minor or significant permit revision (see discussion below), depending on the environmental significance of the change. More environmentally significant changes require the significant permit revision process while less environmentally significant changes could be processed as minor permit revisions. The Agency, however, is concerned that parts of the prior State review process in some circumstances might unnecessarily be repeated under such an approach and solicits comment on how the part 71 permit revision process might be authorized to add only the elements missing from the State review process, rather than repeat all the elements of the prior State review process.

Automatic Incorporation Process. All changes that are subject to a qualifying State review program (except for those

qualifying under a general rule approach), the part 71 permitting authority (either EPA or the delegate agency) would automatically incorporate the change into the title V permit immediately on completion of the State review process. The source could operate the change upon completion of the State review process and the automatic incorporation. As proposed today for part 70, EPA would similarly waive for part 71 purposes its objection opportunity for less environmentally significant changes subject to State review programs for at least 5 years.

To accomplish the permit revision, the permitting authority would not generate a new permit but would attach the document from the State review process, such as the revised NSR permit or the 112(g) MACT determination, to the existing title V permit. This process could be used provided all of the applicable requirements triggered by the change were addressed in the document attached to the permit.

For part 71, the permitting authority would use the same procedure for incorporating the results of the State review process into the title V permit as States would use under today's proposal for part 70. Since a new title V permit would not be issued under this process, the permitting authority would prepare an errata sheet identifying which terms of the title V permit were being replaced by which terms of the State permit or which terms were being removed as no longer relevant.

Where the change involved adding new applicable requirements to the title V permit, but did not require changing existing terms or conditions of the permit, the permit revision would be accomplished by attaching to a source's title V permit a copy of the State preconstruction permit or section 112(g) determination or the documentation containing the new requirement and permit terms that reflect the change.

Process for Incorporating Changes Subject to General Rules. As in the case of proposed part 70, for changes regulated by a State review program through a general rule, the source would submit a notice describing the change and the applicable requirements that attach as a result of the change. As part of the notice, the source would have to certify that it could operate the change without violating any existing permit terms and supply any additional permit terms required by title V (i.e., periodic reporting requirements). The title V permit would be revised and the source could operate the change upon submitting the notice.

C. Changes Not Subject to State Review Programs

Under today's proposal, the second basic category of changes for permit revision purposes includes all changes not subject to adequate State review programs.

Notice-and-Go. Part 71 would follow part 70 in proposing that changes that render a source subject to a newly applicable requirement but that are not subject to a State review program could be incorporated into the title V permit by means of a notice submitted by the permittee, provided that the change would not conflict with existing permit terms and no source-specific determination would need to be made in applying the requirement to the source. The justification for automatic incorporation of such revisions is the same as for part 70. The new applicable requirements to which these changes are subject should not require any interpretation regarding the applicability of the new requirements, or any case-by-case determination of source-specific permit terms or conditions. When EPA implements a part 71 program in a State, it will work with the State to determine which requirements for which changes can qualify for the notice-and-go procedure. For each such State, EPA will publish an informational notice that communicates to the regulated community and the general public the outcome of the EPA/State discussions. During implementation of the part 71 program, as States would do for part 70, EPA would provide quarterly notification to the public of such permit revisions and would provide a file accessible to the public containing information about the revisions.

In light of the general eligibility criteria described above, the EPA expects that many types of changes could be eligible for incorporation into the title V permit by means of a notice. Applicability of most NSPS and national emission standards for hazardous air pollutants (NESHAP) requirements, such as the application of a numerical emission limit to a boiler, would be straightforward and thus would be eligible. Many straightforward SIP requirements, such as source category-specific RACT requirements, would be eligible. Generically applicable requirements (e.g., those that apply identically to all units at a source such as opacity limits), would also be eligible for incorporation via this process, although a permit revision may not be necessary at all to apply such a requirement if such requirements are already addressed in the source's permit

and apply prospectively to all future changes that would be subject to the requirement. The EPA may also determine that certain MACT standards are eligible for this process if they do not require the establishment of source-specific requirements (e.g., emissions averaging or setting of compliance parameters). Incorporation of MACT compliance schedules would also be eligible.

Finally, as provided in part 70, part 71 would provide that the source may operate the change upon mailing a notice, provided that the change can be operated in compliance with the existing title V permit. In the notice, the source would describe the change, describe any new permit terms needed to assure compliance with all applicable requirements and relevant part 71 requirements, and certify that the change is eligible for this process. The title V permit would be revised upon mailing of the notice to EPA.

Similarly, EPA would adopt provisions like that in proposed §§ 70.7(f)(2)(v)(A)(1)–(5) and (B). Thus, part 71 would provide that the source may operate certain administrative changes upon mailing a notice, provided that the change can be operated in compliance with the existing title V permit. These changes described in proposed §§ 70.7(f)(2)(v)(A)(1)–(5) include correcting typographical errors, allowing for certain changes in ownership or operational control of a source, and making minor administrative changes. The proposed procedures of § 70.7(f)(2)(v)(B) would also be used in part 71 allowing either the permitting authority or the source to revise the title V permit by issuing a notice.

Significant Permit Revisions. Changes not subject to State review programs and that are more environmentally significant as defined under § 70.7(f)(1) of today's part 70 proposal would be processed as significant permit revisions. The significant permit revision process would also be used if a more environmentally significant change subject to a State review program was not eligible for automatic incorporation (i.e., the change had not previously been subject to an adequate opportunity for public comment and a public hearing, affected State review, and EPA review or the part 71 permit content requirements had not been adequately addressed by a State review program).

The significant permit revision process would utilize the same procedures as required for initial permit issuance, i.e., an opportunity for public

comment and a public hearing, review by affected States, and review by EPA (for delegated programs). Under part 71, a majority of these significant permit revisions would be completed within 6 months. The EPA expects that if the change had undergone a State review process that provided adequate input from the public, affected States, and EPA with respect to preconstruction requirements, but the preconstruction permit failed to appropriately address part 71 content requirements, then the permitting authority could in several instances process the part 71 permit revision in a much shorter timeframe than 6 months.

Part 71 Process for Other Less Environmentally Significant Changes. The EPA is not today proposing any specific part 71 permit revision process for less environmentally significant changes (as defined in today's proposed part 70) which do not qualify for notice-and-go treatment. The types of changes which represent this group are defined in proposed § 70.7(f)(1)(ii). With the possible exception of intra-monitoring approach changes, EPA does not expect the number of changes from this group to be significant, particularly in light of frequent options to combine such changes (see following discussion). The Agency, however, does solicit comment on the need to provide for a more expeditious permit revision procedure than the significant permit revision process to address less environmentally significant changes which do not qualify for notice-and-go or automatic incorporation. Where commenters do believe such a need exists, EPA solicits their suggestions for designing any appropriate change to the proposed permit revision system for part 71.

D. Combination Changes

"Combination changes" under part 71 would be handled the same way as EPA proposes to handle them for part 70 (see proposed § 70.7(f)(3)). The general rule would be that a combination change can be processed using the process for automatic incorporation of changes subject to State review programs, provided the change receives any necessary public, affected State, and EPA review in the State review process and address all part 71 permit content requirements. For example, where an emissions increase is subject to minor NSR, but the source also wants to incorporate a PAL into the title V permit, the change could be automatically incorporated into the title V permit after undergoing review under the State's minor NSR program, provided the State review process meets the procedural requirements applicable

to the establishment of a PAL (i.e., a 30-day opportunity for prior public, affected State, and EPA review). This review may be provided on a permit-by-permit basis. In addition, where a State takes delegation of a part 71 program, it could process minor NSR changes and section 112(g) or (j) actions as combination changes. The Agency believes this is appropriate because upon delegation of a part 71 program, delegate States should also be able to receive delegation to implement sections 112(g) and (j), provided they have adequate authority under State law to do so.

E. Opportunity for EPA to Object and Permit Shield

The opportunity for EPA review of proposed title V permit revisions and the corresponding availability of the permit shield will vary with the part 71 permit revision procedure employed and will partially depend on whether EPA or the State is the part 71 permitting authority. In general, the permit shield may be granted by the part 71 permitting authority if the permit revision is approved pursuant to a process which affords an adequate opportunity for public and affected State review and for EPA to object to the issuance of the permit revision. The scope of EPA's review where provided would be the same as under today's proposal for part 70, i.e., such review would extend to whether the appropriate procedures were followed with respect to the State review process determination or delegate agency permitting decision (including requirements for public participation opportunities), whether the decision is properly supported, and whether the terms of the permit are enforceable and consistent with all applicable requirements.

Delegated Programs. For changes not subject to an adequate State review program which must be processed as either significant or minor permit revisions, EPA proposes to continue the requirement in § 71.10 of the April 27, 1995 notice that EPA be given a 45-day opportunity to object before issuance of the part 71 permit revision. Since both the proposed significant permit revision and the minor permit revision procedures contain adequate public participation and EPA review requirements, EPA believes that the part 71 permitting authority may in such cases grant a permit shield to apply to the changes. On the other hand, changes which qualify for a "notice and go" process would not contain review procedures sufficient to warrant the availability of the permit shield prior to

permit renewal, at which point adequate public and EPA review opportunities would be provided for such changes.

More environmentally significant changes which are subject to a State review program which reviews these changes for title V purposes as well could be awarded the permit shield upon their automatic incorporation into the title V permit. As previously mentioned, EPA and the public must have been provided their review opportunity to review the adequacy of the change (including adequacy for title V purposes) in the State review process. For less environmentally significant changes subject to a State review program, EPA would depart from its April 27, 1995 proposal and follow today's proposed revisions for part 70 by not including an EPA review and objection opportunity for at least the first 5 years of the part 71 program for a particular State. Consequently, no permit shield would be available for the automatic incorporation of these changes. However, the part 71 permitting authority could at the source's request process the change as a minor permit revision, thus subjecting the change to public and EPA review, in order to establish a shield.

Non-Delegated Programs. For all changes not subject to a State review program and therefore processed by EPA under the minor or significant permit revision procedures, the Agency would have the option of granting the permit shield. Again, changes subject to a notice and go process with its abbreviated review procedures would not afford EPA the opportunity to grant a permit shield.

For changes subject to an adequate State review program which also reviews the changes for title V purposes, the preceding discussion regarding the availability of the permit shield under delegated part 71 programs would also apply (i.e., the permit shield is available for more environmentally significant changes). Where granted, EPA would incorporate the permit shield upon the automatic incorporation of the State review document addressing the approved change.

The EPA solicits comment on whether the revision processes outlined above are adequate and generally compatible with proposed part 70 and existing State permit revision procedures.

F. Other Part 71 Changes

For purposes of the part 71 program, EPA proposes to follow the approach of today's proposal for part 70 with respect to the definition of major source. For example, part 71 would take the same approach as part 70 with respect to non-

major R&D activities at major sources (see discussion in Section V. A. of this preamble). The EPA believes that it is important to use a consistent definition of "major source" to assure that R&D facilities are not faced with substantially different applicability requirements when EPA is the permitting authority. The EPA also proposes for part 71 that the definition of "major source" would require that fugitive emissions be included in determining major source applicability consistent with the definition proposed today for part 70.

Also for purposes of part 71, EPA proposes to provide an emergency defense for exceedances of technology-based limits established in title V permits as described in Section V. B. of this preamble, but does not intend to expand the concept of emergency defense to include start-up, shut-down, and preventive maintenance conditions. The EPA solicits comment on the proper scope of the affirmative defense provided by part 71. Also, EPA solicits comment on whether part 71 should authorize permitting authorities to grant a source temporary authorization to make a change without revising the permit, as needed to protect public health or welfare in emergencies, and whether part 71 should adopt the same approach as part 70 adopts regarding the scope, terms, and procedural safeguards for such authorization. Finally, EPA proposes to adopt for the part 71 program the standard certification language that is proposed for part 70 (discussed in Section V. C. of this preamble) to be used by responsible officials. The Agency believes that the same standard for preparing certifications should apply to the part 70 and part 71 programs.

With respect to the treatment of section 112(r) pollutants, part 71 would follow today's proposal for part 70. Accordingly, the definition of "regulated air pollutant" would be revised to delete the reference to section 112(r). Further, EPA would add a paragraph analogous to proposed § 70.6(a)(1)(iv) to clarify that part 71 permits containing the standard permit conditions that EPA expects to promulgate under part 68 would be considered in compliance with the requirement that permits contain terms that assure compliance with all applicable requirements. In addition, consistent with EPA's current interpretation of title I modification, (discussed at length in Section II. H. of this preamble), EPA intends to promulgate the definition of title I modification as proposed in the April 27, 1995 **Federal Register** except that the definition would not include the

reference to section 110(a)(2) of the Act. This would result in changes that are processed through State minor NSR programs being excluded from the definition.

Also, EPA proposes that part 71 follow today's proposal for part 70 with respect to EPA's interpretation of section 502(b)(10) of the Act, as discussed in Section II. G. of this preamble. Thus, all permitting authorities, including EPA under part 71 programs, would be subject to the same requirement to issue permits containing emissions caps under which sources could trade certain emissions increases and decreases without seeking permit revisions, consistent with applicable requirements. Therefore, EPA proposes to incorporate the changes proposed today to § 70.4(b)(12)(i) into the corresponding section of part 71 on operational flexibility, proposed § 71.6(p)(1). The EPA further proposes to adopt definitions for part 71 that are consistent with the definitions contained in proposed § 70.2 with respect to the following terms: Advance NSR, alternative scenarios, emissions cap permit, plantwide applicability limit, and State review program.

In addition, EPA today proposes three changes to EPA's prior proposal relating to permit fees under the part 71 program. First, EPA proposes that delegation agreements be required to include a condition that the delegate agency have sufficient resources to administer the part 71 program. Initially, EPA believed that it would be required to provide funds to delegate agencies to enable them to carry out the responsibilities outlined in the delegation agreements. This remains the case in many States, and for those States, the delegation agreement would acknowledge that EPA would impose fees on permitted sources sufficient to cover program costs. However, EPA has become aware that there are several States that have authority under existing State law to charge permit fees that EPA believes may be sufficient to fund a part 71 program. In the context of delegating part 71 administration to any specific State, EPA intends to assess the adequacy of the State's existing fee authority to determine whether it is sufficient to cover costs of running a part 71 program. If the delegate agency has adequate fee revenue from sources subject to title V to fund a fully-delegated part 71 program, EPA would grant delegation and would thereafter incur no program costs. However, EPA's decision to delegate and its assessment of the State's fee authority would in no way constitute EPA approval of the State's fee structure for purposes of part

70, or in any way prejudice EPA's evaluation of a State's submitted part 70 program. To provide sources in such States with relief from part 71 fee requirements, EPA proposes to revise § 71.9(c)(2) to provide that when EPA has fully delegated a part 71 program to a State that had adequate fee authority to receive delegation and EPA incurs no program costs to administer the program, sources would not be subject to the fee requirements of part 71. In situations where sources are already paying fees to the delegate agency that are adequate to fund the part 71 program, EPA believes that it would be inequitable to require sources to pay fees to EPA as well.

When a State seeks delegation of only a portion of the part 71 program, sources would not be relieved from the part 71 fee requirements because EPA would incur some costs in administering the portion of the program that was not delegated. In such a case, EPA would determine whether the fee structures provided in proposed §§ 71.9(c)(1)-(4) would reflect the costs of administering the part 71 program. If not, EPA would need to set appropriate fees through a separate rulemaking, as per proposed § 71.9(c)(7).

Second, the EPA proposes to eliminate the \$3 per ton surcharge for delegated and contractor administered programs from the fee formula in proposed § 71.9(c)(3) because EPA believes that for purposes of title V permit fees, the cost of EPA's oversight of State-administered programs should be treated the same regardless of whether the program has been delegated under part 71 or approved under part 70. The EPA's oversight costs of State part 70 programs are not covered by State permit fees and are not passed along to industry. The part 71 rule as proposed today would treat EPA oversight costs in delegated part 71 and approved part 70 programs consistently. For similar reasons, the cost of preparing guidance for the part 71 program would be deleted from the list of activities that comprise "program costs" in proposed § 71.9(b).

Third, EPA proposes to reduce the per ton fee amount in proposed § 71.9(c)(1) and § 71.9(c)(3) from \$45 to \$38, to reflect EPA's lower program costs resulting from the streamlined permit revision procedures proposed today. The data supporting the lower estimate of program costs are contained in a document entitled "Supplement to the Federal Operating Permits Program Fees and Cost Analysis" which is contained in the docket for this rulemaking.

The EPA solicits comments on whether the approach taken in the fee

provisions proposed today is appropriate and would result in adequate revenue being generated to offset program costs, and whether, in general, the fee provisions of proposed part 71 could be structured in a manner that more closely reflects the true costs of administering the part 71 program.

V. Other Changes and Clarifications

A. Rationale for Proposed Exemption for Non-Major R&D Activities

The Agency is today clarifying the reasoning behind its July 21, 1992 preamble discussion regarding R&D activities, and is proposing changes to the definition of "major source" in part 70 that better reflect this intent. As explained below, States have flexibility under part 70 regarding whether to consider R&D operations as part of the source with which it is sited for purposes of determining whether a major source is present.

The part 70 major source definition requires aggregation of "all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control)." Following NSR/PSD precedent, EPA chose the major (2-digit) Standard Industrial Classification (SIC) code categories established by the U.S. Department of Commerce to delineate an "industrial grouping."

In response to comments requesting exemption of R&D activities from title V, EPA stated in the preamble to the final part 70 rule that, "in many cases States will have the flexibility to treat an R&D facility * * * as though it were a separate source, and [the R&D facility] would then be required to have a title V permit only if the R&D facility itself would be a major source" (57 FR 32264 and 32269, July 21, 1992). Read consistently with the "major source" definition in the rule, however, this statement could be read as meaning that separate source treatment would occur only in situations where the R&D portion of a source has its own two-digit SIC code and is not a support facility.

In light of the uncertain meaning of the July 21, 1992 preamble statement, industry representatives have continued to express concerns over the permitting of R&D operations. The EPA recognizes that R&D operations typically entail the use of small quantities of chemicals⁶

⁶For example, a relatively very large R&D facility employing 3,000 people in a 2 million square foot complex was comprehensively tested for its air emissions. Approximately 40 stacks fed by 600 laboratories involving potentially over a thousand

manipulated and released in a highly variable manner, and that these attributes are present at R&D operations to a degree that distinguishes them from other source categories. The EPA further recognizes that, because of these unique combinations of attributes, bringing collocated non-major R&D facilities into part 70 permitting could potentially lead to difficult exercises in emissions estimating and tracking and impose additional monitoring and recordkeeping requirements (where the R&D operation is subject to an Act requirement).

In response to these continuing concerns, EPA is today offering a more detailed explanation of the SIC code approach as it affects R&D operations. In addition, EPA is proposing revisions to the part 70 major source definition to resolve any ambiguities that may derive from the SIC code manual, and to ensure that the same result obtains for purposes of section 112 if the changes to the major source definition proposed on August 29, 1994 are carried to finality. The EPA recognizes that parallel rule revisions would be required for part 63 (the section 112 General Provisions) and parts 51 and 52 (NSR and PSD). These other rules would be revised through a separate rulemaking action.

At the time of the July 1992 promulgation, EPA believed that R&D was not specifically addressed by the SIC code manual in any way. It would have followed that the question of whether and how R&D should be considered part of a source would be answered in light of the rules traditionally applied to determine the extent to which activities at a site are functionally integrated.

In general, to be considered a functional part of an industrial activity, a facility must contribute to that activity in a material, rather than merely conceptual, manner. The EPA believes that operations as proposed for definition in § 70.2 do not contribute to the product or service rendered at an industrial site in any relevant sense. By definition, the product of an R&D operation is information potentially useful to create a new industrial process or to improve the process ongoing at the facility, but not to directly support the process in which the industrial activity is currently engaged or capable of engaging in any significant commercial fashion. It follows that R&D would not

be considered part of the industrial activity with which it is located, despite its location, and must therefore be treated as if it were a separate source belonging to a separate 2-digit SIC code.

Under the Agency's support facility test, even where neighboring, commonly controlled sources have different 2-digit SIC codes, they should be aggregated to determine whether a major source is present if the output of one is more than 50 per cent devoted to support of another. However, EPA believes that R&D operations should not generally be considered support facilities, since the "support" provided is directed towards development of new processes or products and not to current production.

The limits of this interpretation should be self-evident. To the extent an activity bears some resemblance to R&D but in fact contributes to the ongoing product produced or service rendered at a facility in a more than de minimis manner, those activities should be considered part of the source. Pilot plants often present instances of activities that are conducted on a trial basis, but which are nevertheless dedicated to producing a product for commerce to a more than de minimis extent, and so would not be considered R&D. The EPA has spoken directly to the types of processes that qualify as R&D in the context of certain section 112 MACT standards. These descriptive statements address the question of whether R&D should be included in particular MACT source categories, rather than major source applicability, and so are not relevant to the principles discussed in this notice.

Since the July 1992 promulgation, EPA has learned that the SIC code manual itself presents an obstacle to this interpretation, because it provides that R&D should generally be grouped with the four-digit code activity with which it is most closely associated. Because this contrasts with EPA's understanding at the time of promulgation of part 70, EPA believes it appropriate to continue to implement the current rule to allow for separate consideration of R&D as described above. At the same time, EPA is today proposing to revise the major source definition to clarify that R&D should be treated as having its own industrial grouping for purposes of the title I and section 302(j) elements of the major source definition.

A parallel rule revision is also being proposed for the section 112 element. This is because the August 1994 proposal would change the part 70 definition to conform to the section 112 General Provisions, which do not use the SIC code approach to source aggregation. Today's notice proposes to

establish a narrow exception for R&D facilities. Because the major source definitions used under title V must be consistent with other Act programs, EPA plans to follow this revision to part 70 with conforming revisions to the major source definition in the section 112 General Provisions and other section 112 rules. In addition, a new definition for "research and development activities" is proposed for § 70.2.

The EPA's authority for this part 70 revision is the same as that which supported its adoption of the 2-digit SIC code limitation in parts C and D of title I and thus in title V. As EPA stated in its 1980 promulgation of PSD regulations, the 2-digit SIC code grouping embodies a common sense notion of a "plant" that is appropriate for the PSD program (45 FR 52694 (August 7, 1980)). For title I and section 302(j) purposes, the establishment of a separate industrial grouping for R&D simply represents a further refinement to that common sense approach.

The EPA chose not to adopt the SIC code approach in the section 112 context because it concluded that a definition that encompassed the entire contiguous commonly owned facility would be more consistent with the overall intent of section 112. However, the statutory language of section 112(a)(1), which refers to "any stationary source or group of stationary sources" (emphasis added), leaves EPA discretion to separate out discrete groups of stationary sources that are located together only for administrative convenience, rather than because they contribute to other activities at the site. That this same language appears in the various nonattainment "major source" definitions added by the 1990 Act Amendments, where EPA's historical practice has been to allow disaggregation by major industrial grouping, further supports this interpretation. The EPA now believes that a disaggregation of R&D operations makes sense in the context of section 112, as well as title I and thus in title V, because (1) they are operations which by definition could stand alone, but which are located with other sources primarily for administrative convenience, and (2) the inherent changeability of these operations.

The reasonableness of this separate treatment is further supported by section 112(c)(7), which states that, for section 112 purposes, "the Administrator shall establish a separate category covering research or laboratory facilities, as necessary to assure the equitable treatment of such facilities." Although this provision addresses

operations were sampled for a 6 to 8 hour duration over a 2 day period. Results of subsequent analyses showed that even if this level of operation as tested were maintained day and night for an entire year the predicted actual emissions of all VOC compounds would be less than 12 tpy.

source categorization for promulgation of standards rather than applicability, it clearly evidences a concern that R&D operations not be grouped with other types of operations in a way that overlooks the particular challenges associated with their regulation.

The EPA wishes to emphasize that R&D operations present a unique case under section 112. As noted above, EPA, after studying the matter, has concluded that R&D is unique in terms of the variability and unpredictability of processes. Also, as previously discussed, R&D operations are inherently divorced from the primary activity at a facility. While other types of activities may or may not support the primary activity depending upon the configuration at a particular site, R&D activities categorically do not (except, as the definition would provide, in a *de minimis* manner).

Today's notice does not define the term "*de minimis*" as used in the definition of R&D. The EPA solicits comment on whether it should attempt to further define *de minimis* in the final rule, and if so, what criteria would be appropriate. For instance, *de minimis* might be defined in absolute terms, in terms of the amount of the R&D product that is offered to the industrial activity relative to the total product from the R&D operation, or in terms of the amount of support from the R&D operation relative to the magnitude of that activity.

The EPA also solicits comment on whether the special treatment afforded by this proposal should be extended to laboratory activities that are not R&D. The proposal would exclude such laboratory activities. The reasoning is that other laboratory activities fall outside of the rationale supporting special treatment, since they are likely to be more predictable in their operations and to be functionally integrated with on-site industrial activities. The Agency solicits comment on whether there are other categories of laboratory activities for which this is typically not the case.

As noted above, several States interpreted the July 1992 preamble discussion of R&D activities as authorizing the creation of a separate applicability category for R&D, apart from the 2-digit SIC code approach. Most of these provisions have been identified as grounds for interim approval. The EPA notes that while these programs aim for a similar result, they are not uniform in their specifics. For instance, definitions of R&D may differ from EPA's definition or may be absent altogether. For this reason, EPA is not today commenting on whether the

clarification in today's notice merits a change in the approval status of any of these programs, but instead plans to address this on a case-by-case basis.

Notwithstanding the preceding approach which provides for separate treatment of the majority of R&D activities, two issues remain related to when such R&D activities would independently be considered to be major under part 70. Specifically, one issue concerns the effect of a facility that supports the R&D activity on the status of the R&D activity and the other issue concerns how the PTE for R&D activities is to be determined.

Industry has expressed concern about a stand-alone R&D activity (i.e., not located with a manufacturing facility) which is supported by another activity (e.g., a boiler) which on its own may exceed major source thresholds. This issue is not addressed by placing the R&D activity in a separate SIC category, which would only cause the R&D activity to be treated separately. The boiler would be considered part of the stand-alone R&D activity if it was functionally integrated with the R&D activity. The R&D activity together with the boiler would then be considered major. Industry has recommended that boilers and other support facilities not be considered part of an R&D activity.

The EPA recognizes that disparate treatment may result if an R&D activity at a major manufacturing facility would be considered separate and non-major, while another R&D activity of the same size standing alone would be considered a major source only because of its support facilities. The Agency, therefore, believes an R&D activity should be considered separate from major support facilities just as it would be separate from a major manufacturing source, and solicits comment on whether it should provide an exemption from major source determination rules in the case of facilities that support R&D activities. The EPA, however, recognizes the potential for this approach to apply in many other circumstances with a possible erosion of the concept of a source as the sum of functionally integrated parts, a result the Agency does not support. The Agency therefore suggests commenters provide rationale as to how the approach can be limited to R&D activities.

As noted, a source must calculate PTE from an R&D operation to determine whether it is major. In light of the previously mentioned difficulty of performing emission calculations, and the data gathered by EPA to date (discussed in footnote 6 above), which indicates that even large R&D facilities tend to have very low actual emissions,

EPA considers it of little benefit to require R&D facilities to go through extensive efforts in calculating PTE. Permitting authorities will bear primary responsibility for determining the PTE of individual R&D facilities, and EPA intends to generally defer to these judgments. Given the small likelihood that any R&D operation will be major, EPA believes permitting authorities should accept methods of calculating PTE from R&D operations that are not unduly burdensome on the source.

Some have claimed that deriving a numerical PTE calculation from an R&D activity is simply not possible, because experiments are typically performed only once or a few times, meaning that past emissions are at best a poor indicator of the future. The EPA is unsure whether this renders PTE calculations strictly impossible, but acknowledges a high degree of difficulty. The EPA believes R&D may present a case suitable for a *de minimis* exception from the statutory requirement to calculate PTE, because emissions are so low as to yield a gain of trivial or no value compared to the difficulty associated with their measurement. Comment is solicited on whether such an exception would be appropriate, and more generally on the availability of cost-effective means of calculating PTE from R&D activities.

B. Emergency Defense

Section 70.6(g) sets forth the terms of an emergency defense that States may include in part 70 permits at their discretion. It is available for violations of technology-based emission limits that are unavoidably caused by "any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God. . . ."

In the preamble to the final rule, EPA explained that it modeled the part 70 defense after the NPDES permit upset provision at 40 CFR 122.41. The NPDES provision was promulgated in response to several cases under the Clean Water Act (CWA) that held that EPA must provide an upset defense for technology-based effluent limits to take account of the fact that even properly operated technology can unexpectedly fail (*Marathon Oil v. EPA*, 564 F.2d 1253 (9th Cir. 1977)). The Agency extended the reasoning of these cases to technology-based air pollution control standards in promulgating an emergency defense in part 70. At the same time, EPA noted that other courts had ruled that EPA was not required to provide such a defense but could instead rely on the exercise of

enforcement discretion to address violations caused by emergencies.

The part 70 emergency defense was challenged by State and local government, environmental group, and industry petitioners in *CAIP v. EPA*. The governmental and environmental petitioners were concerned that the rule required States to provide the defense, despite the existence of potentially different State defenses. They also questioned EPA's legal authority to promulgate an across-the-board defense for violations of limits that may have been set in a manner that took into account the possibility of emergencies or upsets. Industry, on the other hand, objected to the narrowness of the defense and urged that the defense be made available for violations that may occur as a result of plant start-up, shut-down, malfunction, or preventative maintenance. Some industry petitioners also urged EPA to make the defense available to violations of limits based in whole or in part on health protection.

At the outset, EPA wants to make clear that the part 70 rule does *not* require that States adopt the emergency defense. A State may include such a defense in its part 70 program to the extent it finds appropriate, although it may not adopt an emergency defense less stringent than that set forth at section 70.6(g). As noted above, the part 70 defense is modeled on the NPDES upset provision, which States may omit if they desire to establish a more stringent water pollution control program than federal law requires (40 CFR § 123.25(a)(12); *Sierra Club v. Union Oil Co. of California*, 813 F.2d 1480, 1484 (9th Cir. 1987)). Like the CWA, the Act in sections 116 and 506(a) authorizes States to establish additional or more stringent air pollution control or permitting requirements. Consistent with that, States may decide to provide an emergency defense that is narrower in scope or more stringent in application than § 70.6(g) or no defense at all. Consistent with § 70.11(b), States may also provide for any affirmative defense that would be available in an enforcement action brought pursuant to section 113 of the Act.

The Agency has reviewed the legal basis for the § 70.6(g) defense. As noted above, the relevant CWA case law is split. While *Marathon Oil* and several other courts have required EPA to provide an upset defense, either through a permit program or in the underlying substantive requirement, to address the fallibility of technology, other courts have not out of concern that such a defense was inconsistent with Congress' intent that technology-based effluent limits force technological development

and that enforcement of such limits be "swift and direct" (*Corn Refiners Ass'n, Inc. v. Costle*, 594 F.2d 1223, 1226 (8th Cir. 1979), *Weyerhaeuser Co. v. Costle*, 590 F.2d 1011, 1057 (D.C. Cir. 1978)). Other courts have ruled that no upset provision is required or appropriate where EPA took the fallibility of technology into account in setting the technology-based standard for which an upset defense was sought (*CPC Int'l, Inc. v. Train*, 540 F.2d 1329, 1336-38 (8th Cir. 1976), *American Petroleum Inst. v. EPA*, 540 F.2d 1023, 1035-36 (10th Cir. 1976)). These cases counsel caution in the application of a uniform emergency defense to standards which were previously established under several different Act provisions. To determine the extent to which the part 70 defense may be appropriately applied, it is necessary to examine the basis and terms of the different Act technology-based standards to which it would apply.⁷

New source performance standards are established by EPA under section 111 of the Act based on the best system of emission reduction, considering costs and other relevant factors, that has been adequately demonstrated. The regulations that generally govern the implementation of NSPS provide that exceedances of NSPS during periods of start-up, shut-down, and malfunction are *not* violations of the applicable limit unless otherwise specified in the applicable standard⁸ (§ 60.8(c)). In other words, sources are not obligated to meet NSPS when starting up, shutting down, or experiencing malfunctions except to the extent EPA has required otherwise in setting a particular NSPS. There is thus no need for an affirmative defense for exceedances that occur under those circumstances. The NSPS general provisions do not address the availability of a defense for violations caused by emergencies, as defined in part 70, and the Agency has relied on enforcement discretion to address such situations.

National emission standards for hazardous air pollutants were established by EPA under section 112 of the Act prior to the 1990 Act amendments. Section 112 prior to the 1990 amendments required EPA to set

⁷ By technology-based standards, EPA means those standards the stringency of which are based on determinations of what is technologically feasible, considering relevant factors. The fact that technology-based standards contribute to the attainment of the health-based NAAQS or help protect public health from toxic air pollutants does not change their character as technology-based standards.

⁸ Certain NSPS, such as Part 60 Subpart D (electric utility steam generating units), apply during any period of operation.

NESHAP at the level which provides an ample margin of safety to protect the public health from the HAP being regulated. In promulgating NESHAP, EPA did not provide for affirmative defenses, since the standards were formulated largely without regard to the limits of technology. The Agency did not extend the part 70 emergency defense to NESHAP for the same reason.

The 1990 amendments to the Act changed the basis for setting standards for HAPs. Section 112 now requires the Agency to promulgate standards for more than 180 HAPs based on the maximum achievable control technology, taking into account costs and other relevant factors. The Agency has promulgated general provisions governing implementation of the so-called MACT standards, and those provisions, like the NSPS general provisions, do not require sources to comply with MACT standards when starting up or shutting down or when malfunctions occur (40 CFR 63.6(f)). Like NSPS, there is thus no need for a defense for exceedances that occur under those circumstances. Again like the NSPS regulations, the MACT general provisions do not address the availability of a defense for violations of MACT standards that occur as a result of an emergency.

States also establish technology-based limits pursuant to their SIP's, including those set pursuant to major and minor NSR programs. Many States' SIP's provide an affirmative defense for violations of SIP technology-based limits. The EPA has approved these where consistent with its 1983 SIP policy. The terms of these defenses vary somewhat with the State, but they are generally available for violations that occur as a result of malfunctions, and, for certain types of limits, for start-up and shut-down as well. In any event, States may be presumed to set technology-based limits with any approved SIP defenses in mind.

The foregoing description of the Act's major technology-based standards raises several questions about the appropriateness and terms of any part 70 defense. First, since at least most of these standards provide either an exemption from compliance or an affirmative defense for exceedances caused by start-up, shut-down, and malfunction conditions, a part 70 defense covering these conditions would be largely redundant. Second, to the extent that some NSPS or MACT standards do *not* provide relief for these conditions, it is because EPA has made a decision not to provide it (in the case of health-based standards) or, in case of many technology-based limits, because

EPA has taken account of the failures of technology in setting the numerical emissions limit. Similarly, to the extent a technology-based limit established by a State does *not* provide an affirmative defense for start-up, shut-down, or malfunctions, it may be because the State judged that such a defense was unnecessary or unwise. Under these circumstances, it would appear inappropriate for the Agency to allow a generic emergency defense because it could have the effect of decreasing the stringency of the previously established standard or undercutting a technology-forcing or enforcement strategy undertaken by the Agency or a State in establishing the standard.

As EPA has previously explained, the primary purpose of title V is to create for each covered source a permit that documents in one place all the Act requirements that apply to the source. Title V itself does not authorize changes to requirements established pursuant to other Act provisions. Section 504 requires that permits contain provisions as needed to assure the enforceability of the limits codified in the permit, but that does not authorize changes in the stringency of those limits. In keeping with the codification purpose of title V, EPA believes that its authority under title V to provide for affirmative defenses for violations of permit terms is limited. Where the rulemaking establishing a limit addresses the need for and terms of any affirmative defense, there is no basis for providing additional or different defenses under title V.

While the foregoing description of technology-based standards indicates there is little or no basis for providing a start-up, shut-down, preventative maintenance, or malfunction defense, the question still remains whether part 70 can and should provide an emergency defense. As noted above, the NSPS and MACT general provisions and apparently most SIP's do not provide an emergency defense *per se*. It is not entirely clear why that is the case. Most likely, prosecutorial discretion was considered an adequate and even preferable mechanism for addressing violations caused by emergencies. Several CWA cases also suggest that upset or emergency defenses could be unnecessary where standards were set taking into account the possibility of emergencies and could have the effect of slowing the development of technology or making enforcement slower and less sure.

The EPA is reluctant to retain a generally applicable emergency defense without completing further review of the appropriateness of such a defense

for the different Federal technology-based standards in light of the concerns with such a defense raised in the CWA cases. A review of the bases for setting these standards is necessary to ensure that the standards do not already take into account the possibility of emergencies. Beyond that, EPA wants to further consider the consequences of such a defense on the different types of federal technology-based standards for technology-forcing and enforcement.

For similar reasons, EPA also is concerned about establishing a generic emergency defense that would apply to State-established limits. The appropriateness of providing a defense is best judged by a State in light of its standard-setting methodologies and environmental and enforcement goals. As currently provided in § 70.6(g)(5), the emergency defense is in addition to any defense provided for in an applicable requirement. This includes any defense appropriately provided for in a technology-based SIP limit. Beyond that, an EPA decision not to retain an emergency defense in part 70 would not preclude a State from adopting a defense in its SIP for technology-based SIP limits consistent with its standard-setting methodologies. The SIP-based defense could then be referenced in the State's part 70 permits as appropriate.

The EPA has not reached a firm conclusion on whether to limit the availability of the emergency defense to part 70-only provisions. The Agency solicits comment on whether such a limitation is appropriate in light of EPA's goal of providing States flexibility in implementing their part 70 programs. The EPA's final decision on this issue will be based on the record developed through this proposal.

It may nevertheless be appropriate for EPA to provide relief under title V authority for exceedances of technology-based limits uniquely established in part 70 permits. Part 70 permitting will be the forum for establishing limits pursuant to section 112(j) and 112(i)(5); alternative limits pursuant to § 70.6(a)(1)(iii), including any substitute section 112 standards set under a program approved by EPA under section 112(l); and limits to a source's potential to emit for purposes of avoiding otherwise applicable Act requirements. Of these, at least section 112(j) limits will, and alternative limits under § 70.6(a)(1)(iii) and section 112(l) programs may, be technology-based. The EPA believes that in setting technology-based limits as part of title V permitting, States should have discretion to afford sources relief from exceedances that may occur as a result of start up, shut down, and

malfunctions as appropriate in view of the state's standard-setting methodology.

The EPA is considering using the start-up, shut-down, malfunction provisions of the MACT general provisions as the model for a part 70 counterpart. As noted earlier, the MACT (and NSPS) general provisions provide that those standards need not be met during periods of start-up, shut-down, and malfunction, as opposed to providing a defense to violations of the standards under those conditions. While EPA does not believe an outright exemption such as this would be appropriate in part 70, the Agency solicits comment on whether part 70 should authorize States to provide an affirmative defense for compliance with part 70-only technology-based limits under start-up, shut-down, and malfunction conditions. The EPA believes it appropriate to condition the availability of such relief on the submittal of and adherence to a plan like that required in § 63.6(e)(3), establishing a protocol for the source during those periods.

The Agency also believes that States should have discretion to provide an emergency defense for violations of part 70-only technology-based limits similar to that set forth in the current rule. Suggestions have been made that the Agency adopt a definition of emergency identical to that of "upset" under the NPDES regulations (§ 122.41(n)). The Agency notes that the current rule's definition of emergency was drafted to avoid any implication that emergencies could include start-up, shut-down, and preventative maintenance conditions. Since EPA is considering addressing those conditions with an exemption from compliance as described above, it is inclined to retain the current rule's definition of "emergency." The Agency solicits comment on the advantages and disadvantages of a uniform definition of upset or emergency across the water and air permitting programs.

Several States have also raised the question of whether part 70 should authorize permitting authorities to grant a source temporary authorization to make a change without revising permits as needed to protect public health or welfare in emergencies, such as natural disasters. The South Coast [California] Air Quality Management District (SCAQMD) has pointed out that local governments operating essential public services have had to respond to emergencies such as earthquakes, fires, and civil disturbances in ways that applicable permit terms might not have allowed. The State of New York has similarly noted instances when sources

have needed to make changes on short notice to respond to emergencies such as severe winter storms. Both jurisdictions have available as a matter of State law a mechanism for granting sources temporary authorizations to make changes without revising the source's permit under specified circumstances and in accordance with prescribed procedures. See SCAQMD's breakdown rule (Rule 430) and State law provisions regarding variances (Health & Saf. Code 42350-42364, particularly § 42352), and New York's regulations at Title 6, Section 621.12.

The Agency solicits comment on the need for a part 70 provision authorizing States to provide the kind of emergency authorizations described above. States could rely on the exercise of enforcement discretion to avoid penalizing sources for permit violations incurred as a result of State-sanctioned actions taken to safeguard the public from serious harm in times of emergencies. However, under title V and part 70, citizens may bring enforcement actions for violations of permit terms. While it would seem doubtful that anyone would seek to prosecute a violation caused by a source's actions to respond to a public health crisis, States and sources may well prefer that sources be relieved from the risk of liability under such circumstances.

The Agency also solicits comment on the proper scope and terms of any such authorization provision. The SCAQMD has limited its concerns to essential public services operated by local governments, while New York's regulations authorize changes at sources regardless of whether they are publicly or privately owned. For New York the only essential criterion is whether the change is needed to respond to an emergency, which its regulations define as "an event which presents an immediate threat to life, health, property, or natural resources." New York's regulations also limit the duration of such authorizations to at most two 30-day terms.

Procedural safeguards are important to the exercise of any such authority. New York's regulations require prior notification of a change by the source requesting emergency authorization unless prior notification is not possible. The regulations also require that the State permitting authority, prior to issuing an emergency authority, make a finding of an emergency, stating why immediate action is needed and the consequences if the action is not immediately taken. The permitting authority must also determine that the change is being made in a manner that

will cause the least change, modification, or adverse impact to life, health, property, or natural resources. The permitting authority is authorized to attach such conditions to the authorization as it deems appropriate. If the permitting authority finds that the change is no longer immediately necessary to protect life, health, property, or natural resources, it may issue an order requiring the source to immediately cease the action it has taken pursuant to the emergency authorization.

New York's regulations provide one potential model for a part 70 provision authorizing States to provide emergency authorizations. The extent of New York's procedural safeguards, however, may well be linked to the relatively broad scope of its emergency authorization, which, as noted earlier, extends to private as well as public sources and broadly defines emergency. More narrowly tailored emergency provisions would presumably require fewer procedural safeguards. The Agency requests that commenters addressing the proper scope of an emergency authorization also consider what procedural safeguards would be appropriate in light of the suggested scope. The Agency believes that providing after-the-fact public notification of changes made pursuant to an emergency authorization provision would be appropriate.

C. Certification Language

Section 70.5(d) of the current rule requires that any part 70 application form, report, or compliance certification contain a certification by a responsible official of the truth, accuracy, and completeness of the submission. It further requires that any certification required under part 70 state that, "based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete." The text of § 70.5(d) was adopted unchanged from the proposal. In the preamble to the proposed rule, EPA explained that the required statement regarding the truth, accuracy, and completeness of the submission was modeled after Rule 11 of the Federal Rules of Civil Procedure. Rule 11 provides that by presenting pleadings, motions, or other documents to Federal courts, a lawyer "is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances" that the documents are not presented for an improper purpose (e.g., to harass or cause delay); the claims made are warranted by existing law or by a non-

frivolous argument for the extension, modification, or reversal of established law or the establishment of new law; and that allegations or factual contentions have or are likely to have reasonable evidentiary support.

Among the issues raised by several State and local governments in their petitions for review of part 70 was the appropriateness of the certification language adopted by EPA. The governmental petitioners were concerned that EPA was requiring certification language different from that required by the National Pollutant Discharge Elimination System (NPDES) under the CWA. The NPDES regulations at § 122.22(d) require the following certification language:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

In light of the NPDES certification language, State and local government petitioners read the part 70 certification language as potentially establishing a less rigorous standard for the inquiries on which certifications were to be based, and they believed their reading was confirmed by EPA's reference to Rule 11 as the model for the part 70 language. Beyond that, they noted that the meaning of the NPDES language had been well established over the years of its use, and were concerned that the meaning of the different part 70 language would not be clear until it had been decided by the courts. The State and local petitioners therefore suggested that EPA revise its part 70 certification to be identical to the NPDES certification language.

The Agency agrees that Rule 11 is not an appropriate analog to the certification requirements of a permitting program. Rule 11 effectively requires lawyers to make a reasonable inquiry into the relevant facts and law so they may assess whether the claims or arguments they raise in court have a reasonable chance of success. Since courts' interpretation of the law can evolve as a result of a compelling factual case or argument, Rule 11 accords lawyers wide latitude in bringing cases. By contrast, an inquiry into the truth, accuracy, and completeness of a factual

submission should typically be a more straightforward exercise. The official signing the certification is being asked to take reasonable steps to ensure that what he or she signs is true, accurate, and complete, not whether it provides a sufficient basis for a court to decide a question of law in the official's favor. The Agency thus no longer believes that the part 70 certification language should be modeled on Rule 11.

In place of the current rule's certification language, EPA proposes to require the certification language found in the acid rain rule promulgated under title IV of the Act at 40 CFR 72.21(b)(2) and in the proposed enhanced monitoring rule at 58 FR 54689, col. 1 (proposed § 64.5(c)). Those provisions provide in relevant part:

The responsible official shall certify, by his or her signature, the following statement: "I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all of its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statement and information, including the possibility of fine or imprisonment."

This language is modeled on the NPDES language quoted above, but does not expressly require that there be a system designed to assure that qualified personnel properly gather and evaluate the submitted information. The Agency believes it is not necessary to include that express requirement, since EPA expects that certifying officials will establish such systems where needed to assure the adequacy and reasonableness of their inquiry. In addition, there is an economy in requiring use of the same certification language in the three Act programs. As the State and local petitioners pointed out, differences in language imply differences in meaning. The Agency has no reason to think that a different standard for preparing certifications should apply to the part 70 program than applies in the acid rain program. It thus proposes to adopt for the part 70 program the language now found in the acid rain rule.

D. Provisions Related to Tribal Programs

On August 25, 1994 (59 FR 43956), EPA proposed regulations specifying those provisions of the Act for which it is appropriate to treat Indian Tribes as States. Therein (59 FR 43971-72) EPA described expectations for Tribal programs in implementing various aspects of the part 70 program and how

they might differ from those expected for State part 70 programs. Today's proposal contains part 70 rule changes needed to conform part 70 to the August 25 proposal.

The reader should refer to the August 25, 1994 proposal for a more detailed description of the part 70 regulatory revisions proposed today to address Tribal programs (59 FR 43966-68, 43970-72, 43980-82). The EPA has received many comments on the August 25, 1994 proposed rules and EPA may make changes to the proposal that in turn necessitate conforming changes to the part 70 revisions proposed today. In today's action, EPA solicits comment on the limited issue of whether EPA has accurately proposed to implement the changes to part 70 previously described in the August 25, 1994 proposal. Comments addressing whether and how EPA should allow Indian Tribes to administer part 70 programs are outside the scope of today's action and should have been submitted in response to EPA's August 25, 1994 proposal.

VI. Administrative Requirements

A. Public Hearing

No public hearing will be held to discuss this supplemental proposal unless a hearing is requested in writing and sufficient reason for a hearing is included in the written request. The EPA has already engaged all interested groups in extensive public discussions on these topics and hopes to expedite the issuance of final regulatory revisions. If a public hearing is held, it will take place on the last day of the comment period. Persons wishing to attend a hearing, if held, should call (919) 541-5281 to determine if a hearing will be held and to obtain the time and location. Persons wishing to request a public hearing must submit a written request to EPA during the first 15 days of the comment period at the address given in the ADDRESSES section of this preamble.

B. Docket

The docket for this regulatory action pertaining to part 71 is A-93-50. For actions pertaining to part 71, the docket is A-93-51. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed rulemaking. The principal purposes of the docket are: (1) to allow interested parties a means to identify and locate documents so that they can effectively participate in the rulemaking process, and (2) to serve as the record in case of judicial review (except for interagency review materials)

(307(d)(7)(A)). The dockets for today's notice are available for public inspection at EPA's Air Docket, which is listed under the ADDRESSES section of this notice.

C. Office of Management and Budget (OMB) Review

Under Executive Order 12866 (E.O. 12866) (58 FR 51735 (October 4, 1993)), section 4(c), EPA is required for significant regulatory actions to prepare an assessment of the potential costs and benefits (referred to as a Regulatory Impact Analysis (RIA)) of the regulatory action. Sections 3(f)(1-4) of E.O. 12866 define "significant" regulatory actions as those that may:

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

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

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

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities,⁹ or the principles set forth in E.O. 12866.

Pursuant to the terms of Executive Order 12866, OMB and EPA consider this and other actions related to part 70 and part 71 permit revisions a "significant regulatory action" within the meaning of the Executive Order. The EPA has submitted this supplemental rulemaking proposal to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record. Any written comments from OMB to EPA, and any EPA responses to those comments, will be included in Docket A-93-50 for part 70 changes and Docket A-93-51 for part 71 actions.

To facilitate OMB review of the August 1994 proposed rulemaking, EPA prepared an analysis showing the marginal impacts of the proposed revisions to part 70. That analysis would also bound the costs associated with the supplemental proposal

⁹These priorities include economic growth while maintaining environmental quality, provide opportunities for domestic and international competitiveness, mitigate the impact of regulations on the innovation and dissemination of environmental technologies, and empower minority and poor communities in accordance with the Administration's primary goal for environmental equity.

contained herein. As stated in the August 1994 notice, the Agency is also in the process of updating the current ICR for part 70 which will be a comprehensive analysis of the final revised part 70. A draft of that revised ICR is in docket A-93-50. As noted under the DATES section of this notice, there is a 60-day comment period for the draft ICR.

After review of the current RIA for part 70, (EPA-450/2-91-011), the Agency has determined that the effect of the changes to part 70 which would result from today's action will be less than both the current RIA and the estimate provided for the August 1994 proposal. The estimates of the savings beyond the costs projected for the August 1994 proposal and the current rule are provided in the unfunded mandates section (Section V. F.) of this preamble. The final estimate would ultimately depend in part on how States would use the additional flexibility provided to them in today's proposal. However, considerable savings will occur as the State merges its preconstruction review program to also meet part 70 requirements. This will allow subsequent permit revisions needed to incorporate such changes to occur administratively instead of through the more costly de minimis, minor, or even significant permit revision tracks described in the August 1994 proposal. Analogous processes will be used under a part 71 program. Savings will depend on its duration and how the Agency will work with States to implement any Federal permit program that is required.

D. Regulatory Flexibility Act Compliance

Under the Regulatory Flexibility Act, whenever an Agency publishes any proposed or final rule in the **Federal Register**, it must prepare a Regulatory Flexibility Analysis (RFA) that describes the impact of the rule on small entities (i.e., small businesses, organizations, and governmental jurisdictions).

The EPA has established guidelines which require an RFA to accompany a rulemaking package. For any rule subject to the Regulatory Flexibility Act, the Agency's new policy requires a regulatory flexibility analysis if the rule will have any economic impact, however small, on any small entities that are subject to the rule, even though the Agency may not be legally required to do so.

A regulatory flexibility screening analysis of the impacts of the original part 70 rules revealed that the original rule did not have a significant and disproportionate adverse impact on

small entities. The resulting administrative costs of the August 1994 proposal and of today's supplemental proposal for both part 70 and part 71 affect larger part 70 sources which are not typically believed to be small business entities. Consequently, the Administrator certifies that the proposed revisions to part 70 and part 71 will not have a significant and disproportionate impact on small entities. The EPA, however, solicits any information or data which might affect these proposed certifications. The EPA will reexamine this issue and perform any subsequent analysis deemed necessary. Any subsequent analysis will be available in the respective dockets for part 70 and part 71 and will be taken into account before promulgation.

E. Paperwork Reduction Act

The ICR requirements for the part 70 regulations were submitted for approval to OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. The ICR was prepared by EPA in association with the promulgation of part 70 and a copy may be obtained from Sandy Farmer, Information Policy Branch (mail code 2136), U.S. Environmental Protection Agency, 401 M St. S.W., Washington D.C. 20460, (202) 260-2740.

The screening analysis for the revisions to part 70 indicates a need to revise the current burden estimate and, in addition, the current ICR is due to be updated since it was only for a period of 3 years after promulgation of part 70. However, EPA is preparing an ICR for the entire part 70 rule to reflect part 70 at the time the proposed revisions to part 70 are promulgated. This ICR will supersede or replace the update of the original part 70 ICR upon promulgation of the revisions to part 70. The draft ICR for the proposed part 71 rule will be amended as necessary upon promulgation of the part 71 rule. The draft ICR for the revised part 70 is in docket A-93-50 and subject to a 60-day comment period.

Send comments regarding the burden estimate in the draft ICR or any other aspect of this collection of information, including suggestions for reducing this burden by [60 DAYS AFTER PUBLICATION] to: Chief, Information Policy Branch (2136), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, marked "Attention: Desk Officer for EPA." The final rule revisions will respond to any OMB or public comments on the information

collection requirements contained in this proposal.

F. Unfunded Mandates

Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act") (signed into law on March 22, 1995) requires that the Agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year.

Section 203 of the Unfunded Mandates Act provides that if any small governments may be significantly or uniquely impacted by the rule, the agency must establish a plan for obtaining input from and informing, educating, and advising any such potentially affected small governments.

Under section 205 of the Unfunded Mandates Act, the Agency must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The Agency must select from those alternatives the least costly, most cost-effective, or least burdensome alternative for State, local, and tribal governments and the private sector, that achieves the objectives of the rule, unless the Agency explains why this alternative is not selected or unless the selection of this alternative is inconsistent with law.

The costs of implementing the system for revising operating permits in today's proposal were estimated to determine the burden on permitting authorities and industry of complying with the requirements. Since the regulatory revisions to part 70 would replace requirements now in place, however, the actual impact of promulgating today's proposed revisions should be viewed in terms of the difference in costs of implementing the current part 70 vs. the proposed requirements.

Costs were estimated in terms of the administrative burden on permitting authorities, EPA, and permitted sources. Administrative cost includes a range of costs which cover the source's preparing an application through EPA's and the permitting authority's effort to complete the process. The administrative costs of implementing today's proposed revisions to part 70 are estimated to be approximately \$33 million per year. In comparison, EPA estimates the administrative costs associated with implementing the current part 70 permit revision system to be approximately \$118 million per year in administrative burden. The actual impact of

implementing the proposed permit revision system in today's notice, therefore, represents a reduction in costs of 72 per cent over implementing the current part 70.

Today's proposal would reduce the overall explicit costs associated with the part 70 permitting program by 16 per cent from \$526 million to \$441 million annually. This reduction in explicit costs does not represent the complete universe of changes to the 1992 ICR. These changes, together with additional changes to the part 70 rule proposed in August 1994 and other more recent information received from the initial implementation of part 70, will be incorporated into the ICR update for part 70 due in October 1995.

The ICR for the proposed part 71 incorporated the basic approach proposed today for part 71 permit revisions. In this document EPA estimated that the total direct cost of part 71 implementation to the private sector would be no more than \$72 million in any one year. The estimate of direct costs to industry includes the costs that are over and above costs industry would have incurred by complying with State operating permits programs mandated by the Act, for which part 71 programs are substitutes. The specific cost of permit revisions would be only a small percent of this amount.

The Agency concludes that since the proposed revisions to part 70 would result in reductions in costs over implementation of the current part 70, and since the proposal for part 71 would result in a total cost to industry of no more than \$72 million in any one year, the requirement for a budgetary impact statement does not apply. As a result of extensive public comment on the August 1994 proposal, the Agency considered alternatives for a permit revision system and selected an approach that provides a streamlined and flexible system that is the most cost-effective and least burdensome while continuing to meet the requirements of title V. Because small governments will not be significantly or uniquely affected by this rule, other than to reduce costs of operating permit programs they have opted to administer, the Agency is not required to develop a plan with regard to small governments.

List of Subjects

40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations.

40 CFR Parts 70 and 71

Air pollution control, Prevention of significant deterioration, New source review, Fugitive emissions, Particulate matter, Volatile organic compounds, Nitrogen dioxide, Carbon monoxide, Hydrocarbons, Lead, Operating permits.

Dated: August 22, 1995.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is proposed to be amended as set forth below.

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

1. The authority citation for part 51 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

2. Section 51.160 is amended by adding a new paragraph (g) to read as follows:

§ 51.160 Legally enforceable procedures.

* * * * *

(g) All terms used in §§ 51.160 and 51.164 of this part shall have the same meaning as set forth elsewhere in relevant sections of subpart I of this part, or in the Act, as appropriate.

3. Section 51.161 is amended by adding the words "an adequate" between the words "provide" and "opportunity" in the first sentence of paragraph (a); by revising paragraphs (b), (c) and (d); and by adding a new paragraph (e) to read as follows:

§ 51.161 Public availability of information.

* * * * *

(b) The following requirements shall apply for purposes of paragraph (a) of this section.

(1) Opportunity for public comment as defined in paragraph (b)(2) of this section shall be provided for:

(i) The construction or modification of any stationary source that is subject to permitting requirements as a major source or major modification under part C or part D of title I; and

(ii) Any physical change or change in the method of operation of a part 70 source associated with a project where the prospective emissions increases from such changes, considered by themselves, would be a significant emissions increase of any pollutant subject to regulation under part C or D of the Act.

(2) The opportunity for public comment shall include, as a minimum:

(i) Availability for public inspection in at least one location in the area

affected of the information submitted by the owner or operator and of the State or local agency's analysis of the effect on air quality;

(ii) A 30-day period for submittal of public comment; and

(iii) A notice in the affected area specifying the location of the relevant source information.

(c) For other construction or modification activities subject to this section, but not subject to paragraph (b) of this section, the program may vary the procedures for, and timing of, public review in light of the environmental significance of the activity. The permitting authority may designate, subject to EPA approval under this paragraph or in the State's part 70 program, certain categories of changes as being de minimis. For such de minimis changes, the State may forego altogether review by the public.

(d) Availability of the notice required by paragraph (b) of this section must also be provided to the Administrator through the appropriate Regional Office, and to all other State and local air pollution control agencies having jurisdiction in the region in which such new or modified installation will be located. The notice also must be provided to any other agency in the region having responsibility for implementing the procedures required under this subpart.

(e) Notwithstanding the preceding paragraphs in this section, for changes constituting modification activities at part 70 sources subject to § 51.160 of this part, the requirements of paragraph (a) of this section shall be considered to be met for the change if the part 70 permit for the source is subject to revision procedures approved by EPA as meeting the public participation requirements of 40 CFR 70.7(e) for the change.

PART 70—STATE OPERATING PERMIT PROGRAMS

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

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

2. Section 70.2 is amended as follows:

a. Adding the words "except that research and development activities shall be treated as belonging to a separate industrial grouping" at the end of the last sentence in the first paragraph of the definition of "Major source;"

b. Removing the definitions of "Draft permit", "Part 70 program or State program", "Proposed Permit", and adding definitions for "Draft permit or draft permit revision", "Part 70 program, State program or program",

“Proposed permit or proposed permit revision; revising paragraphs (1), (2)(viii), and (2)(xxvii) of the definition of “Major source;” and the introductory text of paragraph (5) of the definition of “Regulated air pollutant;” and

c. Adding definitions of “Advance NSR,” “Alternative operating scenarios,” “Emissions Cap permit,” “Eligible Indian Tribe,” “Indian Tribe,” “Plantwide applicability limit (PAL),” “Research and development activities,” “State review program,” and “Title I modification” in alphabetical order.

§ 70.2 Definitions.

* * * * *

Advance NSR means terms or conditions in a part 70 permit setting forth requirements applicable to new units or modifications under applicable major or minor NSR programs or regulations implementing section 112(g) of the Act, so that such changes may be operated without having to obtain a part 70 permit revision.

* * * * *

Alternative operating scenarios means terms or conditions in a part 70 permit which assure compliance with different modes of operation for which a different applicable requirement applies and for which the source is designed to accommodate.

* * * * *

Draft permit or draft permit revision means the version of the permit or permit revision for which the permitting authority offers public participation as provided under § 70.7 of this part.

* * * * *

Eligible Indian Tribe means an Indian Tribe that EPA has determined to meet the requirements of section 301(d)(2) of the Act or 40 CFR part 49. [NOTE 40 CFR part 49 are proposed regulations (59 FR 43956 (August 25, 1994))]

Emissions Cap permit means a part 70 permit that contains one or more federally-enforceable emissions limitations that meets the requirement for permit content contained in § 70.4(b)(12) of this part, including a PAL and/or an advance NSR condition.

* * * * *

Indian Tribe has the meaning defined in section 302(r) of the Act.

Major source * * *

(1) * * *

(i) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant (HAP) (including any fugitive emissions of

such pollutant) which has been listed pursuant to section 112(b) of the Act, 25 tpy or more of any combination of such hazardous air pollutants (including any fugitive emissions of such pollutants), or such lesser quantity as the Administrator may establish by rule. Notwithstanding the preceding sentence:

(A) Emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; and

(B) Research and development activities may be considered separately for purposes of determining whether a major source is present, and need not be aggregated with collocated stationary sources unless the research and development activities contribute to the product produced or service rendered by the collocated sources in a more than de minimis manner; or

(ii) For radionuclides, “major source” shall have the meaning specified by the Administrator by rule.

(2) * * *

(viii) Municipal incinerators (or combinations thereof) capable of charging more than 50 tons of refuse per day;

* * * * *

(xxvii) Any other stationary source category regulated under section 111 or 112 of the Act and for which the Administrator has made an affirmative determination under section 302(j) of the Act.”

* * * * *

Part 70 program, State program, or program means a program approved by the Administrator under this part.

* * * * *

Plantwide applicability limit (PAL) means a federally-enforceable emissions limitation established for a source to limit its potential to emit for a particular pollutant to a level at or below which a particular applicable requirement would not apply.

* * * * *

Proposed permit or proposed permit revision means the version of a permit or permit revision that the permitting authority proposes to issue and forwards to the Administrator for review in compliance with § 70.8 of this part.

* * * * *

Regulated air pollutant * * *

(5) Any pollutant subject to a standard promulgated under section 112 or other requirements established under section

112 of the Act, including sections 112(g) and (j) of the Act, including the following:

* * * * *

Research and development activities means activities conducted to test more efficient production processes or methods for preventing or reducing adverse environmental impacts, provided that the activities do not include the production of an intermediate or final product for sale or exchange for commercial profit, and activities conducted at a research or laboratory facility that is operated under the close supervision of technically trained personnel the primary purpose of which is to conduct research and development into new processes and products and that is not engaged in the manufacture of products for sale or exchange for commercial profit, except in a de minimis manner.

* * * * *

State review program means a program established under section 112(g) of the Act, parts C and D of the Act (i.e., major NSR), or section 110(a)(2)(C) of the Act (i.e., minor NSR) and any other State program approved by EPA as such. A State review program need not entail review and approval of all source changes subject to the program, but may regulate categories of source changes by means of general rules or general permits as appropriate.

* * * * *

Title I modification or modification under any provision of title I of the Act means any modification under parts C and D of title I or sections 111(a)(4), 112(a)(5), or 112(g) of the Act; under regulations promulgated by EPA thereunder or in § 61.07 of part 61 of this chapter; or under State regulations approved by EPA to meet such requirements.

* * * * *

3. Section 70.4 is amended as follows:

- a. Revising the heading;
- b. Adding introductory text after the heading;
- c. Revising paragraphs (b) introductory text, (b)(3) introductory text, (b)(3)(x), (b)(6), (b)(11)(ii), (b)(12)(i), (d)(1), (d)(3)(iv), (e) introductory text, (e)(1), and (e)(2);
- d. Adding a new paragraph (b)(3)(xiv);
- e. Adding to the end of paragraph (a) the following sentence, “Indian Tribes are not required to submit part 70 programs to EPA for approval, but may elect to do so.”;
- f. Adding the phrase “, Tribal,” after the words “copies of all applicable State” in the first sentence of paragraph (b)(2);

g. Adding the words "or tribal" after the words "judicial review in State" in the first and second sentences of paragraph (b)(3)(xi);

h. Adding the words "Except for Tribal programs" to the beginning of the first sentence in paragraph (b)(12);

i. Removing paragraphs (b)(12)(iii), (b)(14), and (b)(15); and

j. Redesignating paragraph (b)(16) as (b)(14).

§ 70.4 State and Tribal program submittals and transition.

Eligible Indian Tribes may administer programs meeting the requirements of this section. Unless otherwise indicated, references to "States" and "Governors" in this section shall include, as appropriate, "Tribal programs," "Indian Tribes," and "Indian governing bodies."

* * * * *

(b) Elements of the initial program submission.

Any State or Indian Tribe that seeks to administer a program under this part shall submit to the Administrator a letter of submittal from the Governor or his or her designee or from the governing body of an Indian Tribe requesting EPA approval of the program and at least three copies of a program submission. The submission shall contain the following:

* * * * *

(3) A legal opinion from the Attorney General for the State, the Tribal attorney, or the attorney for those State, Tribal, local, or interstate air pollution control agencies that have independent legal counsel, stating that the laws of the State, locality, Indian Tribe, or interstate compact provide adequate authority to carry out all aspects of the program. This statement shall include citations to the specific statutes, administrative regulations, and, where appropriate, judicial decisions that demonstrate adequate authority. State statutes and regulations cited by the State Attorney General, Tribal attorney, or independent legal counsel shall be in the form of lawfully adopted State or Tribal statutes and regulations at the time the statement is signed and shall be fully effective by the time the program is approved. To qualify as "independent legal counsel," the attorney signing the statement required by this section shall have full authority to independently represent the State or Tribal agency in court on all matters pertaining to the State or Tribal program. The legal opinion shall also include a demonstration of adequate legal authority to carry out the requirements of this part, including authority to carry out each of the following:

* * * * *

(x) Provide an opportunity for judicial review in State or Tribal court of the final permit action by the applicant, any person who participated in the public participation process provided pursuant to § 70.7 and any other person who could obtain judicial review of such actions under State or Tribal laws.

* * * * *

(xiv) Issue emissions cap permits pursuant to paragraph (b)(12)(i) of this section including advance NSR conditions consistent with all applicable requirements.

* * * * *

(6) A showing of adequate authority and procedures to determine within 60 days of receipt whether applications (including renewal applications) are complete, to request such other information as needed to process the application, and to take final action on complete applications within 18 months of the date of their submittal, except for initial permit applications, for which the permitting authority may take up to 3 years, or up to 5 years for Tribal programs, from the effective date of the program to take final action on the application, as provided for in the transition plan.

* * * * *

(11) * * *

(ii) Final action shall be taken on at least one-third of such applications annually over a period not to exceed 3 years after such effective date, except for Tribal programs for which the transition period will be for a period agreed upon jointly by the Tribe and the appropriate EPA Regional Office not to exceed 5 years;

* * * * *

(12) * * *

(i) *Trading under permitted emissions caps.* The program shall require the permitting authority to include in a permit an emissions cap, pursuant to a request submitted by the applicant, consistent with any specific emissions limits or restrictions otherwise required in the permit by any applicable requirements, and permit terms and conditions for emissions trading solely for the purposes of complying with that cap, provided that the permitting authority finds that the request contains adequate terms and conditions, including all terms required under §§ 70.6(a) and (c) of this part, to determine compliance with the cap and with any emissions trading provisions. The permit shall also contain terms and conditions to assure compliance with all applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure

the emissions cap is enforceable and trades pursuant to it are quantifiable and enforceable. Any permit terms and conditions establishing such a cap or allowing such trading may be established only in procedures for permit issuance, renewal, or permit revision pursuant to § 70.7(e)(2)(vi). The permitting authority shall not be required to include in the cap or emissions trading provisions any emissions units where the permitting authority determines that the emissions are not quantifiable or where it determines that there are no replicable procedures or practical means to enforce the emissions trades.

(A) Under this paragraph (b)(12)(i) of this section, the written notification required by paragraph (b)(12) of this section shall state when the change will occur and shall describe how increases and decreases in emissions will comply with the terms and conditions of the permit. The written notification requirement for the first and all subsequent changes may be met by submitting a single notice at least 7 days in advance of the first change allowed by the terms of the emissions cap permit.

(B) The permit shield described in § 70.6(f) of this part may extend to terms and conditions that allow such increases and decreases in emissions.

* * * * *

(d) *Interim approval.* (1) If a program (including a partial permit program but not including Tribal programs) submitted under this part substantially meets the requirements of this part, but is not fully approvable, the Administrator may by rule grant the program interim approval.

* * * * *

(3) * * *

(iv) *Public participation.* The program must provide for adequate public notice of and an opportunity for public participation on draft permits, reopenings for cause, and revisions as required by § 70.7 of this part, except for:

(A) Modifications qualifying for minor permit modification procedures under § 70.7(e) of this part as promulgated July 21, 1992; and

(B) Permit revisions to incorporate changes subject to minor NSR processed under § 70.7(e)(2) of this part as promulgated [date of final rulemaking].

(e) *EPA review of permit program submittals.* Within 1 year after receiving a program submittal, the Administrator shall approve or disapprove the program, in whole or in part, by publishing a notice in the **Federal Register**, except that no Tribal program

will be disapproved. Prior to such notice, the Administrator shall provide an opportunity for public comment on such approval or disapproval. Any EPA action disapproving a program, in whole or in part, shall include a statement of the revisions or modifications necessary to obtain full approval. The Administrator shall approve State programs and programs to be administered by eligible Indian Tribes that conform to the requirements of this part.

(1) Within 60 days of receipt by EPA of a State program submission, EPA will notify the State or Indian Tribe whether its submission is complete enough to warrant review by EPA for either full, partial, or interim approval, except that no Tribal program will be considered for interim approval. If EPA finds that a State's or Indian Tribe's submission is complete, the 1-year review period (i.e., the period of time allotted for formal EPA review of a proposed State or Tribal program) shall be deemed to have begun on the date of receipt of the State's or Indian Tribe's submission. If EPA finds that a State's or Indian Tribe's submission is incomplete, the 1-year review period shall not begin until all the necessary information is received by EPA.

(2) If the State's or Indian Tribe's submission is materially changed during the 1-year review period, the Administrator may extend the review period for no more than 1 year following receipt of the revised submission.

3. Section 70.5 is amended by adding the following language to the end of paragraph (d) to read as follows:

§ 70.5 Permit applications.

(d) * * * The responsible official shall certify, by his or her signature, the following statement: "I certify under penalty of law that I above personally examined, and am familiar with, the statements and information submitted in this document and all of its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statement and information, including the possibility of fine or imprisonment."

4. Section 70.6 is amended by adding a new paragraph (a)(1)(iv); by adding the words "Except for Tribal programs" to the beginning of the first sentence in

paragraphs (a)(8), (a)(9), and (a)(10); and by revising paragraph (g)(2) to read as follows:

§ 70.6 Permit content.

(a) * * *
 (1) * * *
 (iv) With respect to applicable requirements under section 112(r)(7) of the Act, the inclusion of permit conditions in accordance with regulations promulgated under section 112(r) shall satisfy the requirements of paragraph (a)(1) of this section.

(g) * * *
 (2) A State may provide for an affirmative defense available in an action brought for noncompliance with technology-based emissions limitations established only in the part 70 permit. Such an affirmative defense may be available only if the conditions of paragraph (g)(3) of this section are met.

5. Section 70.7 is amended by redesignating paragraphs (f), (g), and (h) as paragraphs (i), (j), and (k) respectively; revising paragraphs (d) and (e); and adding new paragraphs (f), (g), and (h) to read as follows:

§ 70.7 Permit issuance, renewal, reopenings, and revisions.

(d) *General Requirements for Permit Revisions.*

(1) *Changes requiring permit revision.* Changes at a source requiring a revision of a part 70 permit are those that:

- (i) Could not be operated without violating an existing permit term; or
- (ii) Render the source subject to an applicable requirement to which the source has not been previously subject.

(2) *Program provisions.* The program shall provide for adequate, streamlined, and reasonable procedures for expeditiously processing permit revisions. The State or Indian Tribe may meet this obligation by adopting the procedures set forth in paragraphs (e) and (f) of this section or ones that are approved by EPA as substantially equivalent.

(3) *Exemption for acid rain.* A permit revision for purposes of the acid rain portion of the permit shall be governed by regulations promulgated under title IV of the Act.

(4) *Public notice and access.* For all part 70 permit revisions for which an opportunity for public comment is not provided prior to the change, the program shall provide in a general manner for periodic notification to the public on at least a quarterly basis and for public access to the records regarding such revisions.

(e) *Permit revisions for changes subject to a State review program.* (1) *Applicability.* The following changes shall be incorporated into part 70 permits using the permit revision procedures set forth in paragraph (e)(2) of this section as changes with prior review.

(i) *More environmentally significant changes subject to a State review program.* The more environmentally significant changes subject to a State review program shall be defined in the program and shall include at a minimum the following:

(A) Any change subject to major NSR;
 (B) Any physical change or change in the method of operation of a part 70 source associated with a project where the prospective emissions increases from such changes, considered by themselves, would be a significant emissions increase of any pollutant subject to regulation under part C or D of the Act;

(C) Any change subject to prior public and EPA review under regulations implementing section 112(g) of the Act; and

(D) Any other category of changes subject to prior public and EPA review the permitting authority determines in its program to have a similarly significant environmental impact.

(ii) *Less environmentally significant changes subject to a State review program.* Less environmentally significant changes in this category include all changes subject to the State's minor NSR program (established pursuant to 40 CFR 51.160), except for those changes described in paragraph (e)(1)(i)(B) of this section, all source-specific SIP revisions, and any other changes approved by EPA in the program as such.

(2) *Procedures.* The program shall provide that for each change subject to a State review program:

(i) In the context of the State review program, an adequate opportunity is afforded for review by the public, EPA, and affected States of any revisions to the part 70 permit.

(ii) Except as provided in paragraph (e)(2)(viii) of this section, a document or combination of documents is issued by the permitting authority that describes any new or different applicable requirement(s) to which the change is subject and any resulting changes or additions to existing part 70 permit terms necessary to meet the permit content requirements of §§ 70.6(a) and (c) of this part.

(iii) The permitting authority shall revise the part 70 permit upon issuance of any document described in paragraph (e)(2)(ii) of this section or receipt of any

notice described in paragraph (e)(2)(viii) of this section by immediately attaching the document to the part 70 permit. Such document may be any preconstruction permit under minor or major NSR, any source specific SIP revision, or any action subject to prior public and EPA review taken under regulations implementing section 112 (g) of the Act.

(iv) The provisions of paragraph (e)(2)(iii) of this section do not apply with respect to a unitary permit program provided the unitary permit has already incorporated all new or different applicable requirements and contains sufficient terms or conditions to meet the permit content requirements of §§ 70.6(a) and (c) of this part. For purposes of this part, a unitary permit means a single permit which contains all terms and conditions needed to meet the requirements of part 70 and the requirements of major or minor NSR or regulations implementing section 112(g) of the Act.

(v) Except as provided by paragraph (e)(2)(viii) of this section, the source may not operate a change until the permitting authority has revised the part 70 permit or issued a unitary permit, as applicable.

(vi) For the more environmentally significant changes subject to a State review program, the program shall ensure that:

(A) The public, EPA, and affected States receive notice of, and opportunity to comment on, the part 70 permit revision consistent with the provisions setting forth prior review to which the change is subject; and

(B) The opportunity for comment extends to the draft part 70 permit terms as needed to revise existing part 70 permit terms and to meet the permit content requirements of §§ 70.6(a) and (c) of this part.

(vii) For less environmentally significant changes described under paragraph (e)(1)(ii) of this section, and for the purpose of determining adequate opportunity for review for the purpose of paragraph (e)(2)(i) of this section with respect to such changes, the program may vary the procedures for, and timing of, public, EPA, and affected State review in light of the environmental significance of the change. The permitting authority may designate in its program certain categories of changes, subject to EPA approval, as de minimis changes. The permitting authority may postpone until renewal of the affected part 70 permit review by the public, EPA, and affected States for such de minimis changes.

(viii) For those changes which a State review program allows a source to make

in accordance with specified requirements without obtaining prior permitting authority review and approval, the source shall submit to the permitting authority upon operating the change a notice describing the change and setting forth the applicable requirement(s) to which the change is subject and the part 70 permit terms required by §§ 70.6 (a) and (c) of this part. The notice shall also state that the source upon making the change will meet all applicable requirements and that the relevant requirements of part 70 have been met. Upon submitting the notice, the source shall attach a copy of it to its part 70 permit. This action shall revise the permit to the extent that operation of the change does not conflict with any existing permit term. Where a conflict exists, the source may not revise its permit pursuant to this provision and may not operate the change until its permit is revised.

(3) *Program provisions.* The program may provide for changes that are reviewed under a State review program to be processed under the procedures in paragraph (e)(2) of this section pursuant to regulations implementing either title V or title I of the Act provided that any procedures under title V are concurrent with any procedures under title I.

(f) *Permit revisions for changes not subject to a State review program.* (1) *Applicability.* Changes not otherwise reviewed by a State shall be incorporated into part 70 permits using the permit revision procedures set forth in paragraph (f)(2) of this section.

(i) *More environmentally significant changes not subject to a State review program.* The more environmentally significant changes in this category shall be defined in the program and shall include at a minimum the establishment or revision of the following if they are not otherwise reviewed by the State.

(A) MACT determinations made under regulations implementing section 112(j) of the Act;

(B) Alternative emission limits established under regulations implementing section 112(i)(5) of the Act;

(C) Alternative requirements established under § 70.6(a)(1)(iii) of this part or under substitute section 112 standards established pursuant to a program approved by EPA for such purpose under section 112(l) of the Act;

(D) (Establishment only) restrictions on the potential to emit of an entire source including those for the purpose of establishing minor source status under title I of the Act; and

(E) Changes involving new or alternative monitoring methods that have not been authorized as adequate

for measuring compliance under major or minor NSR, under regulations implementing section 112(g) of the Act, or under any other equivalent procedures.

(ii) *Less environmentally significant changes not subject to a State review program.* Less environmentally significant changes in this category are those approved by EPA in the program as such and include as a minimum the establishment or revision of the following if they are not subject to a State review program.

(A) Alternative operating scenarios;

(B) Monitoring terms not made or addressed in association with the processing of changes pursuant to paragraph (e) of this section; and

(C) (Revision only) restrictions on the potential to emit of an entire source including those for the purpose of establishing minor source status under title I of the Act; and

(D) Emissions averaging restrictions to meet a standard set under section 112(d) of the Act.

(2) *Procedures.* For changes described in paragraph (f)(1) of this section, the program shall provide that for each change not subject to a State review program:

(i) An adequate opportunity occurs for review by the public, EPA, and affected States to address the change and any associated revisions to the source's part 70 permit.

(ii) The terms of the permit revision will be sufficient to assure compliance with all applicable requirements and the permit content requirements of §§ 70.6 (a) and (c) of this part.

(iii) Unless specified otherwise in this paragraph, the source may not operate the change until the permitting authority has revised the part 70 permit.

(iv) The more environmentally significant changes described in paragraph (f)(1)(i) of this section shall be reviewed pursuant to procedural requirements applicable to initial permit issuance in paragraph (a)(1) of this section, except that the permitting authority shall complete review of the majority of these changes within 6 months after receipt of a complete application.

(v) For other changes described in paragraph (f)(1)(ii) of this section, and for the purpose of determining adequate opportunity for review for the purpose of paragraph (f)(2)(i) of this section with respect to such changes, the program may vary the procedures for, and the timing of, public, EPA, and affected State review in light of the environmental significance of the change.

(A) The permitting authority may postpone until renewal of the affected part 70 permit review by the public, EPA, and affected States for changes that are approved by EPA in its part 70 program as being de minimis. The following changes may be incorporated into permits using the procedures in paragraph (f)(2)(v)(B) of this section:

(1) Correcting typographical errors;

(2) Making minor administrative changes, such as a change in the name, address, or phone number of any person identified in the permit;

(3) Requiring more frequent monitoring, recordkeeping, or reporting by the permittee;

(4) Allowing for a change in ownership or operational control of a source where the permitting authority determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permitting responsibility, coverage, and liability between the current and new permittee has been submitted to the permitting authority;

(5) Incorporating a compliance schedule from an applicable requirement with a future compliance date promulgated after permit issuance; or

(6) Incorporating any other type of change which the State determines, and the Administrator approves, as de minimis.

(B) For changes described in paragraph (f)(2)(v)(A) of this section, the permittee or the permitting authority may initiate the administrative incorporation into the permit by issuing a notice describing what information in the part 70 permit is affected by such a change and sending the notice to the permitting authority or the permittee as appropriate.

(1) Where the source issues a notice, the permit shall be revised upon mailing of the notice by the source to the permitting authority by certified mail.

(2) Where the permitting authority issues a notice, the permit shall be revised upon its attachment to the permit.

(3) The program may provide that changes described in paragraph (f)(2)(v)(A) of this section may be implemented prior to issuance of the notice or revision of the part 70 permit.

(C) For changes which trigger a new or different applicable requirement but which a source can make without obtaining permitting authority approval, the program shall provide that:

(1) The source shall submit to the permitting authority upon operating the change a notice that:

(A) Describes the change;

(B) Sets forth the applicable requirement(s) to which the change is subject;

(C) Sets forth the part 70 permit terms necessary to meet the permit content requirements of §§ 70.6 (a) and (c) of this part; and

(D) States that the source upon making the change will meet all applicable requirements and that the relevant requirements of part 70 have been met;

(2) The source's mailing of the notice by certified mail to the permitting authority shall revise the permit, provided that operation of the change does not conflict with any existing permit term. Where a conflict exists, the permitting authority shall not revise the permit pursuant to this provision and the source shall not operate the change until its permit is revised pursuant to applicable procedures in paragraph (f) of this section.

(3) *Combination changes.* Notwithstanding the provisions of paragraph (f)(2) of this section, changes described in paragraph (f)(1) of this section may be combined with changes described in paragraph (e)(1) of this section and processed using the procedures of paragraph (e)(2) of this section, provided the procedures to which the changes under paragraph (f)(1) of this section would have been subject under paragraph (f)(2) of this section are provided in procedures pursuant to paragraph (e)(2) of this section.

(g) *Permit shield.* The permit shield under § 70.6(f) of this part may be granted by the permitting authority prior to permit renewal only for:

(1) Any change defined pursuant to paragraph (e)(1)(i) or (f)(1)(i) of this section;

(2) Any change to which the Administrator has objected as a result of a petition filed under § 70.8(d) of this part, except that the permit shield may be granted only to permit terms that are revised or added as a result of EPA's objection; and

(3) Any change defined pursuant to paragraph (e)(1)(ii) or (f)(1)(ii) of this section for which public and EPA review has occurred.

6. Section 70.8 is amended by revising the title; by revising paragraphs (a)(1), (b), (c)(1), (c)(2), (c)(3)(iii), and (d); by adding introductory text to paragraph (c); by adding new paragraphs (c)(5) and (c)(6); and by revising the first sentence in paragraph (e) to read as follows:

§ 70.8 Permit review by EPA, affected States, and Indian Tribes.

(a) *Transmission of information to the Administrator.*

(1)(i) For permits and permit renewals, the part 70 program shall require that the permitting authority provide to the Administrator a copy of each permit application, each proposed permit, and each final part 70 permit.

(ii) For permit revisions for changes that are subject to a State review program and that meet the definition of more environmentally significant changes under § 70.7(e)(1)(i) of this part, the part 70 program shall require that the permitting authority provide to the Administrator a copy of each application submitted for purposes of the State review program and each proposed and final action under the State review program (including revisions to the part 70 permit).

(iii) For permit revisions for changes that are not subject to a State review program and that meet the definition of more environmentally significant under § 70.7(f)(1)(i) of this part, the part 70 program shall require that the permitting authority provide to the Administrator a copy of each permit revision application, and each proposed and final permit revision.

(iv) For permit revisions that are defined as de minimis under the part 70 program and approved by EPA under § 70.7 of this part, no permit applications or permit revisions are required to be submitted to the Administrator.

(v) For all permit revisions other than those referred to in paragraphs (a)(1) (ii) through (iv) of this section, the part 70 program shall require that the permitting authority provide to the Administrator a copy of each relevant permit application or summary thereof, and a copy of each final part 70 permit revision.

(vi) For any permit or permit revision, upon agreement with the Administrator, the permitting authority may submit to the Administrator an application summary form and any relevant portion of the application and compliance plan, in place of the complete application and compliance plan. To the extent practicable, information submitted to the Administrator shall be provided in computer readable format compatible with EPA's national database management system.

* * * * *

(b) *Review by affected States.*

Eligible Indian Tribes may be considered affected States under this paragraph. Indian Tribes are not required to submit a part 70 program for the limited purpose of being considered an affected State under this paragraph.

(1) For purposes of paragraph (b) of this section, an Indian Tribe will be

considered an affected State if it administers a tribal program and otherwise meets the definition of "affected State" set forth in § 70.2 of this part.

(2) The permit program shall provide that the permitting authority give notice of each draft permit or draft permit revision (including any proposed action pursuant to a prior State review program, as relevant) to any affected State on or before the time that the permitting authority provides this notice to the public under § 70.7 of this part. Where § 70.7 does not require prior public notice of a permit revision, the permitting authority shall give notice of the final permit revision on or before the time that the permitting authority provides this notice to the public under § 70.7.

(3) The permit program shall provide that the permitting authority, as part of the submittal of any proposed permit or proposed permit revision to the Administrator, shall notify the Administrator and any affected State in writing of any refusal by the permitting authority to accept all recommendations for the proposed permit that the affected State submitted during the public and affected State review period. The notice shall include the permitting authority's reasons for not accepting any such recommendation. The permitting authority is not required to accept recommendations that are not based on applicable requirements or the requirements of this part.

(c) *EPA objection.* For purposes of State programs approved under part 70 as promulgated on July 21, 1992, paragraph (c) of this section as promulgated on July 21, 1992 shall apply. For purposes of State programs approved under part 70 as revised on [date of final rulemaking], paragraph (c) of this section as promulgated on [date of final rulemaking] shall apply.

(1) Except as provided by paragraphs (c)(5) and (6) of this section, the Administrator will object to the issuance of any proposed permit or any permit revision determined by the Administrator not to be in compliance with applicable requirements or requirements under this part. No permit or permit revision for which an application must be transmitted to the Administrator under paragraph (a) of this section shall be issued if the Administrator objects to its issuance in writing during the 45-day period following:

(i) In the case of initial permit issuance, permit renewals, and permit revisions for changes as defined under § 70.7(f)(1)(i) of this part, receipt of the proposed permit or proposed permit

revision and all necessary supporting information; or

(ii) In the case of permit revisions for changes as defined under § 70.7(e)(1)(i) of this part, the beginning of the public comment period for such revisions (although the Administrator may object within 45 days of receipt of the final permit revision for defects that were not reasonably apparent in the draft permit submitted for public review).

(2) Any EPA objection under this section shall include a statement of the Administrator's reasons for objection and a description of the terms and conditions that the permit must include to respond to the objections. The Administrator will provide the permittee a copy of the objection.

(3) * * *

(iii) Process the permit or permit revision under the procedures approved to meet § 70.7 of this part.

* * * * *

(5) For 5 years following approval of the part 70 program implementing this paragraph, the Administrator shall not object to a permit revision for a change as defined under §§ 70.7 (e)(1)(ii) or (f)(1)(ii) of this part except where it is in response to a petition filed pursuant to paragraph (d) of this section, and the permit revision contains an error that would, either alone or in combination with other similar permit revisions likely to be issued, likely have a significant adverse environmental effect. A permit revision would be deemed to have a significant adverse environmental impact if it were employed as a device to limit potential to emit below major source or major modification thresholds (as set forth in title I of the Act) but in the Administrator's judgment would allow increases above those thresholds.

(6) The Administrator shall not object to any permit revision for a change approved by EPA in a part 70 program as de minimis.

(d) *Public petitions to the Administrator.* (1) The program shall provide that, if the Administrator does not object in writing by the expiration of the applicable 45-day review period specified in paragraph (c) of this section, any person may petition the Administrator to make such objection within 60 days after the expiration of the applicable review period, or, for all permit revisions for changes as defined under §§ 70.7(e)(1)(ii) or (f)(1)(ii) of this part (other than for de minimis changes as defined by the part 70 program and approved by EPA under § 70.7 of this part), within 60 days of the date the public is notified of the revision of the part 70 permit. The program shall also

provide that the public have access to information concerning the beginning and expiration of EPA's 45-day review period as required for permit issuance, revisions, reopenings, and renewals pursuant to § 70.7 of this part.

(2) Any petition shall be based only on objections to the permit that were raised with reasonable specificity during any public comment period provided for in § 70.7 of this part, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, no public comment period was provided, or the grounds for such objection arose after such period.

(3) If the Administrator objects to the permit as a result of a petition filed under this paragraph, the permitting authority shall not issue the permit until EPA's objection has been reviewed, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period specified in paragraph (c) of this section and prior to an EPA objection.

(4) If the permitting authority has issued a permit pursuant to the procedures in §§ 70.7(e)(1)(ii) or (f)(1)(ii) of this part prior to receipt of an EPA objection under this paragraph, the Administrator will modify, terminate, or revoke such permit, and shall do so consistent with the procedures in §§ 70.7(e)(2) or (f)(2) of this part as appropriate except in unusual circumstances, and the permitting authority may thereafter issue only a revised permit that satisfies EPA's objection. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

(e) *Prohibition on default issuance.* Consistent with § 70.4(b)(3)(ix) of this part, for the purposes of Federal law and title V of the Act, no State program may provide that a part 70 permit or a part 70 permit revision for a change as defined under §§ 70.7(e)(1)(i) or 70.7(f)(1)(i) will issue until affected States and EPA have had an opportunity to review the permit or permit revision as required under this section. * * *

8. Section 70.10 is amended by adding a new paragraph (a)(3) and by revising paragraphs (b)(1) and (c)(1) to read as follows:

§ 70.10 Federal oversight and sanctions.

(a) * * *

(3) The requirements of paragraphs (a)(1) and (a)(2) of this section shall not apply to Indian Tribes and Tribal programs.

(b) * * *

(1) Whenever the Administrator makes a determination that a permitting

authority is not adequately administering or enforcing a part 70 program, including a Tribal program, or any portion thereof, the Administrator will notify the permitting authority of the determination and the reasons therefore. The Administrator will publish such notice in the **Federal Register**.

* * * * *

(c) *Criteria for withdrawal of State or Tribal programs.* (1) The Administrator may withdraw program approval in whole or in part whenever the approved

program no longer complies with the requirements of this part and the permitting authority fails to take corrective action. Such circumstances, in whole or in part, include any of the following:

* * * * *

9. Section 70.11 is amended by revising the introductory text to read as follows:

§ 70.11 Requirements for enforcement authority.

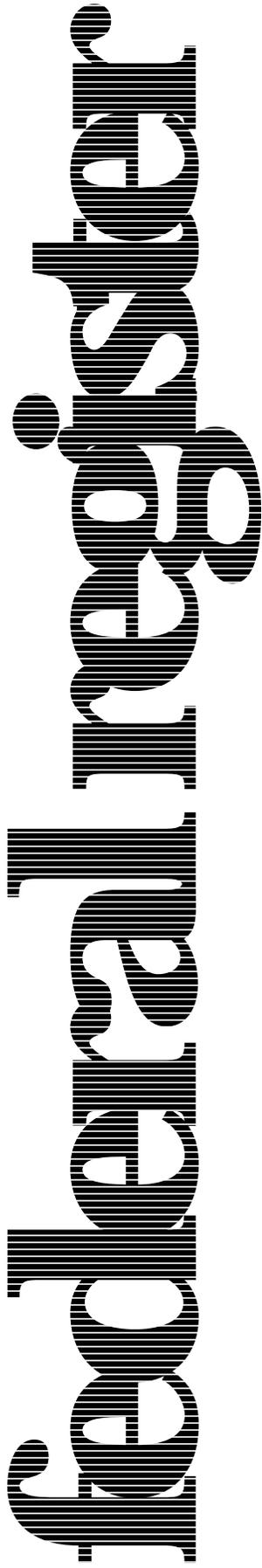
Except for Tribal programs, with respect to criminal enforcement matters

only, under which the Tribe shall enter into a formal Memorandum of Agreement with EPA to provide for the timely referral of criminal enforcement matters to the appropriate EPA Regional Administrator, all programs to be approved under this part must contain the following provisions:

* * * * *

[FR Doc. 95-21300 Filed 8-30-95; 8:45 am]

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Thursday
August 31, 1995

Part III

**Department of
Agriculture**

Agricultural Marketing Service

7 CFR Part 1040

**Milk in the Southern Michigan Marketing
Area; Order Amending Order; Final Rule**

DEPARTMENT OF AGRICULTURE**Agricultural Marketing Service****7 CFR Part 1040**

[Docket No. AO-225-A45-R01; DA-92-10]

Milk in the Southern Michigan Marketing Area; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Southern Michigan Federal milk marketing order based on industry proposals considered at public hearings. This rule adopts a multiple component pricing (MCP) plan for pricing milk on the basis of its butterfat and protein components and a "fluid carrier" residual. The plan includes adjustments to the producer protein price based on the somatic cell count of producer milk. This rule also adopts amendments to certain shipping percentages and increases the maximum allowable administrative and marketing service assessment rates. The amended order has been approved by more than two-thirds of the producers in the market who were eligible to have their milk pooled during the representative month for voting purposes.

EFFECTIVE DATE: October 1, 1995.

FOR FURTHER INFORMATION CONTACT:

Constance M. Brenner, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 720-4829.

SUPPLEMENTARY INFORMATION: This administrative rule 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.

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. The amended order will promote more orderly marketing of milk by producers and regulated handlers.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have a 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 Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) (the 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 is the handler's 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.

Prior documents in this proceeding:

Notice of Hearing: Issued December 3, 1992; published December 10, 1992 (57 FR 58418).

Supplemental Notice of Hearing: Issued January 19, 1993; published January 29, 1993 (58 FR 6447).

Recommended Decision: Issued November 29, 1993; published December 6, 1993 (58 FR 64176).

Notice of Reopened Hearing: Issued February 18, 1994; published February 24, 1994 (59 FR 8874).

Extension of Time for Filing Briefs: Issued April 6, 1994; published April 13, 1994 (59 FR 17497).

Emergency Partial Final Decision: Issued May 12, 1994; published May 23, 1994 (59 FR 26603).

Final Rule: Issued June 22, 1994; published June 29, 1994 (59 FR 33418).

Revised Recommended Decision: Issued December 2, 1994; published December 14, 1994 (59 FR 64464).

Extension of Time for Filing Exceptions: Issued January 18, 1995; published January 24, 1995 (60 FR 4571).

Final Decision: Issued August 11, 1995; published August 18, 1995 (60 FR 43066).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the Southern Michigan order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where

they may conflict with those set forth herein.

(a) *Findings upon the basis of the hearing record.* 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), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Michigan marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area. The minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held; and

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1040.85.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk which is marketed within the marketing area to sign a proposed marketing agreement tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Part 1040

Milk marketing orders.

Order Relative to Handling

It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Southern Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby further amended, as follows:

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

1. The authority citation for 7 CFR Part 1040 continues to read as follows:

Authority: 7 U.S.C. 601-674.

2. Section 1040.7 is amended by adding paragraphs (b)(5)(iii) and (b)(7) to read as follows:

§ 1040.7 Pool Plant.

* * * * *

- (b) * * *
- (5) * * *

(iii) Partially regulated distributing plants that are neither other order plants, producer-handler plants, nor exempt plants and from which there is route disposition in consumer-type packages or dispenser units in the marketing area during the month.

* * * * *

(7) The shipping percentages determined pursuant to paragraphs (b)(1) or (b)(6) of this section may be increased or decreased by the market administrator if the market administrator finds that such revision is necessary to encourage needed shipments or to prevent uneconomic shipments. Before making such a finding, the market administrator shall investigate the need for revision either on the market administrator's own initiative or at the request of interested parties. If the investigation shows that a revision of the shipping requirements might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and invite data, views, and arguments. Any request for revision of shipping percentages shall be filed with the market administrator no later than the 15th day of the month prior to the month for which the requested revision is desired to be effective.

* * * * *

3. Section 1040.30 is amended by revising paragraphs (a) and (c), and removing paragraph (d), to read as follows:

§ 1040.30 Reports of receipts and utilization.

* * * * *

(a) Each handler described in § 1040.9 (a), (b), and (c) shall report for each of its operations the following information:

(1) Product pounds, pounds of butterfat, pounds of protein, and the value of the somatic cell adjustment contained in or represented by:

(i) Receipts of producer milk, including producer milk diverted by the handler, and

(ii) Receipts of milk from handlers described in § 1040.9(c).

(2) Product pounds and pounds of butterfat contained in:

(i) Receipts by transfer or diversion of bulk fluid milk products;

(ii) Receipts of fluid milk products not included in (a)(1) or (a)(2)(i) of this section and bulk fluid cream products from any source;

(iii) Receipts of other source milk; and

(iv) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1040.40(b)(1).

(3) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(4) Such other information with respect to the receipts and utilization of skim milk, butterfat, milk protein, and somatic cell information, as the market administrator may prescribe.

* * * * *

(c) Each handler not specified in paragraphs (a) and (b) of this section shall report with respect to its receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

4. Section 1040.31 is amended by revising paragraph (a) to read as follows:

§ 1040.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1040.9(a), (b), and (c) shall report to the market administrator its producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) The producer's name and address;

(2) The total pounds of milk received from such producer, with its protein and butterfat percentage;

(3) The total pounds of butterfat contained in the producer's milk;

(4) The total pounds of protein contained in the producer's milk;

(5) The somatic cell count of the producer's milk;

(6) The amount, or the rate per hundredweight, or rate per pound of component, the somatic cell adjustment to the protein price, the gross amount due, the amount and nature of any deductions, and the net amount paid.

* * * * *

5. Section 1040.41 is amended by revising the second sentence of paragraph (c) to read as follows:

§ 1040.41 Shrinkage.

* * * * *

(c) * * * If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined by farm bulk tank calibration, with protein and butterfat tests and somatic cell counts determined from farm bulk tank samples, the applicable percentage for the cooperative association shall be zero.

6. Section 1040.50 is amended by revising the section heading, introductory text and paragraph (a), and adding paragraphs (e) through (l), to read as follows:

§ 1040.50 Class and component prices.

Subject to the provisions of § 1040.52, the class prices per hundredweight of milk containing 3.5 percent butterfat and the component prices per hundredweight or per pound for the month shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus \$1.75.

* * * * *

(e) *Class I differential price.* The Class I differential price shall be the difference between the current month's Class I and Class III price (this price may be negative).

(f) *Class II differential price.* The Class II differential price shall be the difference between the current month's Class II and Class III price (this price may be negative).

(g) *Class III-A differential price.* The Class III-A differential price shall be the difference between the current month's Class III-A and Class III price (this price may be negative).

(h) *Skim milk price.* The skim milk price per hundredweight, rounded to the nearest cent, shall be the Class III price less an amount computed by multiplying the butterfat differential by 35.

(i) *Butterfat price.* The butterfat price per pound, rounded to the nearest one-hundredth cent, shall be the Class III price plus an amount computed by multiplying the butterfat differential by

965 and dividing the resulting amount by one hundred.

(j) *Protein price.* The protein price per pound, rounded to the nearest one-hundredth cent, shall be 1.32 times the average monthly price per pound for 40-pound block Cheddar cheese on the National Cheese Exchange as reported by the Department.

(k) *Fluid carrier price.* The fluid carrier price per hundredweight, rounded to the nearest whole cent, shall be the Class III price, less the sum of the butterfat price times 3.5 and the protein price times the average protein test of the basic formula price as reported by the Department for the month (this price may be negative).

(l) *Somatic cell adjustment.* For each producer, an adjustment to the protein price for the somatic cell count of the producer's milk shall be determined by multiplying the constant associated with the appropriate somatic cell count interval in the following table by the simple average price for the month of 40-pound blocks of Cheddar cheese at the National Cheese Exchange as reported by the Department. If a handler has not determined a monthly average somatic cell count, it will be determined by the market administrator.

Somatic cell counts	Constants for computing the somatic cell adjustment
1 to 50,000078125
51,000 to 100,000062500
101,000 to 150,000046875
151,000 to 200,000031250
201,000 to 250,000015625
251,000 to 300,0000078125
301,000 to 350,000000000
351,000 to 400,000000000
401,000 to 450,000	-.0078125
451,000 to 500,000	-.015625
501,000 to 550,000	-.0234375
551,000 to 600,000	-.031250
601,000 to 650,000	-.0390625
651,000 to 700,000	-.046875
701,000 to 750,000	-.062500
751,000 and above	-.078125

7. Section 1040.53 is revised to read as follows:

§ 1040.53 Announcement of class and component prices.

On or before the 5th day of the month, the market administrator shall announce the following prices and any other price information deemed appropriate:

- (a) The Class I price for the following month;
- (b) The Class II price for the following month;
- (c) The Class III price for the preceding month;
- (d) The Class III-A price for the preceding month;

- (e) The skim milk price for the preceding month;
 - (f) The butterfat price for the preceding month;
 - (g) The protein price for the preceding month;
 - (h) The fluid carrier price for the preceding month;
 - (i) The butterfat differential for the preceding month;
8. The section heading in § 1040.60 and the undesignated centerheading preceding it, the introductory text, and paragraphs (a) and (f) are revised to read as follows:

Producer Price Differential

§ 1040.60 Handler's value of milk.

For the purpose of computing a handler's obligation for producer milk, the market administrator shall determine for each month the value of milk of each handler with respect to each of the handler's pool plants and of each handler described in § 1040.9 (b) and (c), as follows:

- (a) Calculate the following values:
 - (1) Multiply the total hundredweight of producer milk in Class I as determined pursuant to § 1040.44(c) by the Class I differential price for the month;
 - (2) Add an amount obtained by multiplying the total hundredweight of producer milk in Class II as determined pursuant to § 1040.44(c) by the Class II differential price for the month;
 - (3) Add an amount obtained by multiplying the total hundredweight of producer milk eligible to be priced as Class III-A by the Class III-A differential price for the month;
 - (4) Add an amount obtained by multiplying the hundredweight of skim milk in Class I as determined pursuant to § 1040.44(a) by the skim milk price;
 - (5) Add an amount obtained by multiplying the pounds of skim milk in Class II and Class III as determined pursuant to § 1040.44(a) by the average protein content of producer skim milk received by the handler, and multiplying the resulting pounds of protein by the protein price for the month computed pursuant to § 1040.50(j) and adjusted pursuant to § 1040.50(l) for the weighted average somatic cell content of the handler's receipts of milk; and
 - (6) Add a fluid carrier value calculated as follows: Subtract from the pounds of skim milk allocated to Class II and Class III pursuant to § 1040.44(a) the protein pounds contained therein, determined by multiplying the pounds of skim milk in Class II and Class III by the average protein content of producer skim milk received by the handler; then

multiply the resulting pounds (in hundredweight) of fluid carrier by the fluid carrier price.

* * * * *

(f) Add an amount obtained from multiplying the Class I differential price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat in receipts of concentrated fluid milk products assigned to Class I pursuant to § 1040.43(e) and § 1040.44(a)(7)(i) and the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1040.44(a)(11) and the corresponding steps of § 1040.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

* * * * *

9. Section 1040.61, including the section heading, is revised to read as follows:

§ 1040.61 Producer price differential.

For each month the market administrator shall compute a producer price differential per hundredweight of milk received from producers as follows:

- (a) Combine into one total for all handlers:
 - (1) The values computed pursuant to § 1040.60 (a)(1), (a)(2), (a)(3) and (b) through (i) for all handlers who made reports pursuant to § 1040.30 for the month and who made payments pursuant to § 1040.71 for the preceding month;
 - (2) Add the values computed pursuant to § 1040.60 (a)(4), (a)(5), and (a)(6); and subtract the values obtained by multiplying the handlers' total pounds of protein and total hundredweight of fluid carrier contained in such milk by their respective prices;
 - (3) Add an amount equal to the total value of the applicable location adjustments computed pursuant to § 1040.75(a)(1); and
 - (4) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund.
- (b) Divide the aggregate value computed pursuant to paragraph (a) of this section by the sum of the following:
 - (1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1040.60(f).

(c) Subtract not less than 6 cents nor more than 7 cents per hundredweight. The result shall be the "producer price differential."

10. Section 1040.62 is revised to read as follows:

§ 1040.62 Announcement of producer prices.

On or before the 11th day after the end of each month, the market administrator shall announce the following prices and information:

- (a) The producer price differential;
- (b) The protein price;
- (c) The fluid carrier price;
- (d) The butterfat price;
- (e) The average butterfat content and protein content of producer milk; and
- (f) The statistical uniform price for milk containing 3.5 percent butterfat, computed by combining the Class III price and the producer price differential.

11. A new section 1040.63 is added under the new center heading "Producer Price Differential" to read as follows:

§ 1040.63 Value of producer milk.

The value of producer milk shall be the sum of:

- (a) The producer price differential computed pursuant to § 1040.61 and adjusted for location pursuant to § 1040.75, multiplied by the total hundredweight of producer milk received from the producer;
- (b) The butterfat price computed pursuant to § 1040.50(i), multiplied by the total pounds of butterfat contained in the producer milk received from the producer;
- (c) The protein price computed pursuant to § 1040.50(j), adjusted for somatic cell count pursuant to § 1040.50(l), multiplied by the total pounds of protein contained in the producer milk received from the producer; and
- (d) The fluid carrier price computed pursuant to § 1040.50(k), multiplied by the total hundredweight of fluid carrier contained in the producer milk received from the producer.

12. Section 1040.71 is amended by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 1040.71 Payments to the producer-settlement fund.

- (a) * * *
 - (1) The total value of milk of the handler for such month as determined pursuant to § 1040.60.
 - (2) The sum of:

(i) An amount obtained by multiplying the total hundredweight of producer milk as determined pursuant to § 1040.44(c) by the producer price differential, excluding any applicable location adjustment pursuant to § 1040.75(a)(3);

(ii) An amount obtained by multiplying the total pounds of protein contained in producer milk by the protein price adjusted pursuant to § 1040.50(l) for the weighted average somatic cell content of the handler's receipts of milk;

(iii) An amount obtained by multiplying the total hundredweight of fluid carrier contained in producer milk by the fluid carrier price; and

(iv) An amount obtained by multiplying the pounds of skim milk and butterfat for which a value was computed pursuant to § 1040.60(f) by the producer price differential.

* * * * *

13. Section 1040.73 is amended by revising the first sentence of paragraph (a), paragraph (b)(1)(ii), and paragraph (c), to read as follows:

§ 1040.73 Payments to producers and to cooperative associations.

- (a) Except as provided by paragraph (b) of this section, on or before the 15th day of each month, each handler (except a cooperative association) shall pay each producer for milk received from the producer during the preceding month not less than the value determined pursuant to § 1040.63 adjusted by the location differential pursuant to § 1040.75, less the payment made pursuant to paragraph (d) of this section. * * *
- (b) * * *
 - (1) * * *
 - (ii) The total pounds of butterfat, total pounds of protein, and total pounds of fluid carrier contained in the producer's milk, and the average somatic cell count of the producer's milk;

* * * * *

(c) On or before the 13th day after the end of each month, each handler shall pay a cooperative association which is a handler with respect to milk received by the handler from a pool plant operated by such cooperative association, or by bulk tank delivery pursuant to § 1040.9(c), not less than an amount computed pursuant to § 1040.63.

* * * * *

14. Section 1040.74 is revised to read as follows:

§ 1040.74 Butterfat differential.

The butterfat differential, rounded to the nearest one-tenth cent, shall be 0.138 times the current month's butter

price less 0.0028 times the preceding month's average pay price per hundredweight, at test, for manufacturing grade milk in Minnesota and Wisconsin, using the "base month" series, adjusted pursuant to § 1040.51 (a) through (e), as reported by the Department. The butter price means the simple average for the month of the Chicago Mercantile Exchange, Grade A butter price as reported by the Department.

15. Section 1040.75 is amended by revising paragraphs (a)(1) and (c), to read as follows:

§ 1040.75 Plant location adjustments for producers and on nonpool milk.

(a) * * *

(1) May deduct from the producer price differential the rate per hundredweight applicable pursuant to § 1040.52(a)(1) or (2) for the location of the plant at which the milk was first physically received.

* * * * *

(c) For purposes of computation pursuant to §§ 1040.71 and 1040.72, the statistical uniform price shall be adjusted at the rates set forth in § 1040.52 applicable at the location of the nonpool plant from which the other source milk was received except that the statistical uniform price, so adjusted, shall not be less than the Class III price.

16. Section 1040.76 is amended by revising paragraph (a)(4) and the third sentence of paragraph (b)(1)(ii), to read as follows:

§ 1040.76 Payments by handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(4) Multiply the remaining pounds by the amount by which the Class I differential price exceeds the producer price differential, both prices to be applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price); and

* * * * *

(b) * * *

(1) * * *

(ii) * * * Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1040.60 shall be priced at the statistical uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such statistical uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers

of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

* * * * *

§ 1040.85 [Amended]

17. In § 1040.85 the introductory text is amended by removing the words “2 cents” and adding in their place the words “4 cents”.

§ 1040.86 [Amended]

18. In § 1040.86 paragraph (a) is amended by removing the words “5 cents” and adding in their place the words “7 cents”.

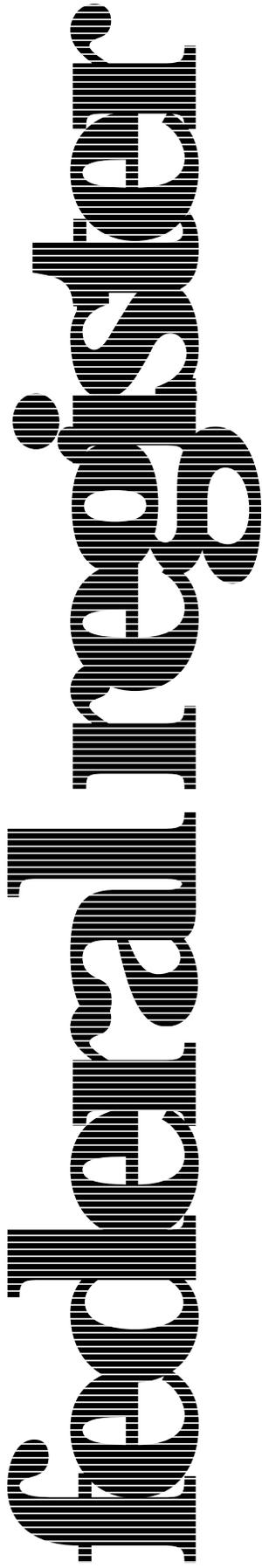
Dated: August 28, 1995

Patricia Jensen,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95-21653 Filed 8-30-95; 8:45 am]

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Thursday
August 31, 1995

Part IV

**Environmental
Protection Agency**

40 CFR Parts 80, 86, and 89
Control of Air Pollution From Heavy-Duty
Engines; Proposed Rule

**ENVIRONMENTAL PROTECTION
AGENCY**

40 CFR Parts 80, 86, and 89

[AMS-FRL-5288-4]

RIN 2060-AF76

Control of Air Pollution From Heavy-Duty Engines

AGENCY: Environmental Protection Agency.

ACTION: Advance notice of proposed rule.

SUMMARY: This advance notice of proposed rule (ANPRM) reviews the need and potential for additional reductions in emissions of oxides of nitrogen (NO_x), hydrocarbons (HC), and particulate matter (PM) from mobile source heavy-duty engines (HDEs), announces EPA's intent to establish new emission controls for highway heavy-duty engines, and also describes EPA's plans to work cooperatively with engine and equipment manufacturers to consider additional reductions from nonroad (off-highway) heavy-duty engines. Ozone pollution poses a serious threat to the health and well-being of millions of Americans and a large burden to the U.S. economy. Many ozone nonattainment areas face great difficulties in reaching and maintaining attainment of the ozone health-based air quality standards in the years ahead. Recognizing this challenge, states, local governments and others have called on EPA to promulgate additional national measures to reduce NO_x and HC in order to protect the public from the serious health effects of ozone pollution. The control of PM emissions from HDEs is also a priority for these stakeholders.

In response to the need for national pollution reduction measures, EPA has initiated discussions with engine manufacturers regarding future emission controls for HDEs. EPA, the California Air Resources Board (CARB), and HDE manufacturers recently signed a Statement of Principles (SOP) calling for significantly tighter NO_x and non-methane hydrocarbon (NMHC) standards for on-highway HDEs starting with model year 2004. The SOP calls on manufacturers to achieve these ozone precursor reductions without increasing PM emissions, even though current diesel technology typically results in increased PM (and HC) emissions when NO_x emissions are reduced. The parties plan to continue their discussions and to invite others to join them, with a goal of reaching a similar SOP for nonroad HDEs.

DATES: EPA requests comment on this ANPRM no later than October 2, 1995. Should a commenter miss the requested deadline, EPA will try to consider any comments that it receives prior to publication of the expected NPRM regarding additional highway heavy-duty engine emission controls. There will also be an opportunity to comment on any NPRM that EPA publishes.

ADDRESSES: Materials relevant to this ANPRM are contained in Public Docket A-95-27, located at room M-1500, Waterside Mall (ground floor), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The docket may be inspected from 8 a.m. until 5:30 p.m., Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials.

Comments on this ANPRM should be sent to Public Docket A-95-27 at the above address. EPA requests that a copy of comments also be sent to Tad Wysor, U.S. EPA, Regulation Development and Support Division, 2565 Plymouth Road, Ann Arbor, MI 48105.

This ANPRM is available electronically on the Technology Transfer Network (TTN), which is an electronic bulletin board system (BBS) operated by EPA's Office of Air Quality Planning and Standards. The service is free of charge, except for the cost of the phone call. Users are able to access and download TTN files on their first call using a personal computer and modem: TTN BBS, (919) 541-5742; Voice Helpline, (919) 541-5384.

FOR FURTHER INFORMATION CONTACT: Tad Wysor, U.S. EPA, Regulation Development and Support Division, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone: (313) 668-4332.

SUPPLEMENTARY INFORMATION: EPA is issuing this ANPRM to invite comment from all interested parties on the need and potential for additional reduction of NO_x, HC and PM emissions from HDEs and EPA's plans to achieve such reductions. After reviewing the comments, EPA intends to issue a Notice of Proposed Rulemaking (NPRM) proposing standards for Model Year 2004 and later heavy-duty highway engines in accordance with the SOP. In addition, comments received regarding reduction in emissions from nonroad HDEs will inform any EPA discussions with manufacturers regarding additional emission reductions.

I. Introduction

Poor air quality represents a serious threat to the health and well-being of millions of Americans and a large burden to the U.S. economy. This threat

exists despite the fact that, over the past two decades, great progress has been made at the local, state and national levels in controlling emissions from many sources of air pollution. As a result of this progress, many individual emission sources, both stationary and mobile, pollute at only a fraction of their pre-control rates. However, continued industrial growth and expansion of motor vehicle usage threaten to reverse these past achievements. Today, more than four years after the passage of major amendments to the Clean Air Act (CAA or Act),¹ many states are still finding it difficult to meet the air quality standards by the CAA deadlines. Furthermore, other states which are approaching or have reached attainment of National Ambient Air Quality Standards (NAAQS) may see those gains lost if current trends persist.

In recent years, efforts to improve air quality have focused largely on ground-level ozone and its main precursors, nitrogen oxides (NO_x) and volatile organic compounds (VOCs, consisting mostly of hydrocarbons, HC). In addition, airborne particulate matter (PM) has been a major air quality concern in many regions. As discussed below, NO_x, ozone, and PM have all been linked to a range of serious respiratory health problems and a variety of adverse environmental effects.

At this time, ozone levels remain unacceptably high in many areas across the country. For many years, control of VOCs was the main strategy employed in efforts to reduce ground-level ozone. VOC reductions were more cost effective (on a per-ton basis) and more readily achievable than NO_x reductions. In addition, it was generally believed that greater ozone benefits could be achieved through VOC reductions. More recently, it has become clear that NO_x controls are often the most effective strategy for reducing ozone, especially where ozone is high over a large region (as in the Midwest and Northeast). As a result, attention has turned to NO_x emissions as the key to improving air quality in many areas of the country.

Current projections show a slight decrease in total NO_x emissions during the next few years as stationary and mobile source control programs promulgated under the 1990 CAA are phased in. However, downward trends in NO_x pollution will begin to reverse and NO_x emission inventories begin to rise by the early 2000s, due to growth in stationary and mobile source activity, and emissions from heavy-duty highway and nonroad engines are projected to represent a significant fraction of mobile

¹ See 42 U.S.C. 7401 et seq.

source NO_x emissions by the middle of the next decade. In some areas, the rise in NO_x emissions can be expected to be accompanied by a significant increase in ground-level ozone. Levels of PM are also expected to rise, both because of the expected increase in numbers of PM sources and because in the atmosphere, NO_x is transformed into fine acidic nitrate particles which account for a substantial fraction of the airborne particulate in some areas of the country ("secondary particulate formation").

Given these expected trends, and in the absence of new emission control initiatives, some of the nation's hard-won air quality improvements will begin to be seriously threatened in the early 2000s. In response to widespread urging by states, municipalities, health officials, and concerned citizens in virtually every region of the country,² EPA has intensified its efforts to understand and respond to today's stubborn air quality challenges. Over the past decade, ambient air measurements and computer modeling studies have repeatedly demonstrated that ozone and its precursors, NO_x and VOC, are transported across large distances. Thus, while there is a role for all levels of government to address these issues, EPA's state and local partners generally agree that only with new initiatives at the regional and national level can long-term clean air goals be achieved.

States are assigned the jurisdiction by the CAA for implementing most stationary source emission controls. In most regions of the country, states are implementing stationary source NO_x control options (as well as stationary source VOC controls) for the control of acid rain, ozone, or both. However, in many areas these controls will not be sufficient for reaching and/or maintaining the ozone standard without significant additional NO_x reductions from mobile sources. California can establish emission control standards for new motor vehicles, and other states may adopt California's programs.³ Traditionally, however, nationwide VOC and NO_x control programs for new motor vehicles are initiated at the federal level. Similarly, mobile sources of PM emissions, especially the direct and indirect PM from diesel engines, are a major consideration to local and state officials in areas facing current and future air quality problems. Thus, those charged with delivering cleaner air to the citizens of their states are looking to

the national mobile source emission control program as a necessary complement to their efforts to reduce NO_x, PM, HC, and other emissions. Common emission standards for mobile sources across the nation are also strongly supported by manufacturers, which often face serious production inefficiencies when different requirements apply to engines/vehicles sold in different states or areas.

Motor vehicle emission control programs have a history of technological success that, in the past, has largely offset the pressure from constantly growing numbers of vehicles and miles traveled in the U.S. The per-vehicle rate of emissions from new passenger cars and light trucks has been reduced to very low levels. As a result, increasing attention is now being focused on heavy-duty trucks (ranging from large pickups to tractor-trailers), buses, and nonroad equipment. For purposes of this ANPRM, the Agency is primarily interested in the component of nonroad sources greater than 50 horsepower (37 kilowatts), which is termed "heavy-duty nonroad" in this Notice. (Nonroad engines greater than 50 hp represent the single largest contributor to total nonroad NO_x emissions.) EPA is addressing other off-highway sources, such as small nonroad engines, locomotives, aircraft and marine engines in separate actions.

Since the 1970s, manufacturers of heavy-duty engines for highway use have developed new technological approaches in response to increasingly stringent emission standards. However, the technological characteristics of heavy-duty engines, particularly diesel engines, have to date prevented the achievement of emission levels comparable to today's light-duty gasoline vehicles. While diesel engines provide advantages in terms of fuel efficiency, reliability, and durability, control of NO_x emissions is a much greater challenge for diesel engines than for gasoline engines. Similarly, control of PM emissions, which are at very low levels for gasoline engines, represents a substantial challenge for diesel engines.

Despite these technological challenges, there is emerging agreement that heavy-duty highway engines offer the potential for substantial additional emission reductions. In their successful efforts to reach lower NO_x and PM levels over the past 20 years, heavy-duty highway diesel engine manufacturers have identified new technologies and approaches that today offer promise for significant new reductions. New technological options are available to manufacturers of heavy-duty gasoline engines as well. The emerging

technological potential for much cleaner highway heavy-duty engines is discussed further in Section VIII below.

In addition, many engines used in highway trucks have similar counterparts that are used in certain nonroad equipment applications. The first emission control regulations covering these heavy-duty nonroad engines have been only recently established; these new standards are less stringent than current standards for similar heavy-duty engines intended for highway use. A strong potential exists for current highway engine emission control technology to be applied in many cases to heavy-duty nonroad engines (even though differences in application and usage complicate direct translation of the technology), representing a future avenue for additional mobile source emission reductions.

Recognizing the need for additional NO_x (and PM) control measures at the national level to address air quality concerns in a number of parts of the country and the growing contribution of the heavy-duty engine sector to ozone (and PM) problems, EPA recently held a series of discussions with the California Air Resources Board (CARB) and representatives of the heavy-duty engine manufacturing industry. The purpose of these discussions was to exchange views on the appropriateness and feasibility of new emission standards for heavy-duty engines. Based on these discussions, a Statement of Principles (SOP) regarding highway heavy-duty engines has been signed by these parties.

The SOP is described in more detail in Section VII of this notice and is attached as an Appendix. It addresses NO_x, PM, and NMHC standards for highway heavy-duty engines starting in model year 2004, the important role that fuel may play in achieving these standards, a procedure to reevaluate the appropriateness of these standards in 1999, the intent of the parties to undertake development of a joint industry/government research program aimed at meeting and exceeding the NO_x and PM levels discussed in the SOP, and the intent of the parties to continue discussions with others with the goal of signing a similar SOP with respect to nonroad heavy-duty engines. Other important elements of the SOP are also discussed in Section VII.

The main purposes of today's ANPRM are to provide an early focus for an open and comprehensive discussion of the issues involved in achieving additional emission reductions from heavy-duty engines and to make the SOP available to the public for comment on specific

² See Section VI for more detailed discussion of the comments received by EPA to date.

³ A similar relationship applies to new nonroad engines and vehicles, although states may not set standards for certain classes of these engines and vehicles. See Sections 209 and 213 of the Act.

emission reductions from highway heavy-duty engines.⁴ The rest of the ANPRM is organized as follows: Section II summarizes the public health and welfare needs for this initiative and trends in overall nationwide NO_x, VOC, and PM emissions; Section III describes the contribution of HDEs to overall emissions; Section IV summarizes the need for control of heavy-duty engines; Section V provides the history and status of highway heavy-duty engine emission standards; Section VI summarizes a range of requests for action that EPA has received to date; Section VII reviews the development and content of the Statement of Principles; Section VIII discusses some approaches to highway HDE emission control; and Section IX describes EPA's plans for involving the public in the upcoming rulemaking process. The complete text of the Statement of Principles is included as an Appendix to today's Notice.

II. Health Concerns and Air Quality Issues: NO_x, VOC, Ozone, and Particulate Matter

A. Health and Environmental Effects Related to NO_x, VOC, and Ozone⁵

Oxides of nitrogen comprise a family of highly reactive gaseous compounds that contribute to air pollution in both urban and rural environments. Because NO_x emissions are produced during the combustion of fuels at high temperatures, the primary sources of atmospheric NO_x include both stationary sources, such as power plants and industrial boilers, and mobile sources, such as light- and heavy-duty vehicles as well as construction, agricultural, and other nonroad equipment. NO_x is directly harmful to human health and the environment, contributes to particulate pollution, and plays a critical role in the formation of atmospheric ozone. The current primary (health-based) and secondary (welfare-based) national ambient air quality standards (NAAQS) for NO₂ are both set at a concentration of 0.053 parts per million (ppm), on an annual average.

Exposure to NO₂ can reduce pulmonary function and increase airway irritation in healthy subjects as well as people with pre-existing pulmonary conditions. In children, exposure to NO₂ at or near the level of the ambient standard appears to increase the risk of

respiratory illness.⁶ NO_x and its transformation products (e.g., nitric acid, peroxyacetyl nitrate (PAN) and nitrate particles) also contributes to a number of adverse environmental impacts such as the overgrowth of algae and oxygen depletion (eutrophication).⁷ NO_x and its products contribute to acid rain, which affects both terrestrial and aquatic ecosystems, including acidification of surface waters, reduction in fish populations, damage to forests and associated wildlife, soil degradation, damage to materials, monuments, buildings, etc., and reduced visibility.⁸

NO_x is also a primary precursor to atmospheric ozone (O₃). (Volatile organic compounds (VOC), composed of a very large number of different hydrocarbons (HC) and other organic compounds, are also primary precursors to ozone. Their effects as a class of compounds on health are generally considered in terms of ozone health effects; health implications of individual toxic compounds are not separately addressed in this Notice.) The rate of ozone creation depends on highly complex interactions between VOCs and NO_x in the presence of sunlight. However, in areas with high VOC to NO_x ratios, which includes most of the area covering the eastern United States, ozone formation is NO_x limited, and NO_x reductions will reduce ozone levels. Areas with lower VOC to NO_x ratios (particularly the core of many large highly urbanized nonattainment areas) are VOC limited and NO_x emissions will interact with ozone to reduce ozone levels. However, in NO_x limited areas, downwind of these same areas, NO_x reductions will reduce ozone levels.

Ozone is a highly reactive chemical compound which can affect both biological tissues and man-made materials. Ozone can affect human pulmonary and respiratory health—symptoms include chest pain, coughing, and shortness of breath.⁹ Studies, to date, indicate that at the current

standard these effects are reversible when exposure stops.

The presence of elevated levels of ozone is of concern in rural areas as well. Because of its high chemical reactivity, ozone causes damage to vegetation. Estimates based on experimental studies of the major commercial crops in the U.S. suggest that ozone may be responsible for significant agricultural crop yield losses. In addition, ozone causes noticeable leaf damage in many crops, which reduces marketability and value. Finally, there is evidence that exposures to ambient levels of ozone which exist in many parts of the country are also responsible for forest and ecosystem damage. Such damage may be exhibited as leaf damage, reduced growth rate, and increased susceptibility to insects, disease, and other environmental stresses and has been reported to occur in areas that attain the current standard. There are complexities associated with evaluating such effects due to the wide range of species and biological systems introduce significant uncertainties.

B. Health and Other Effects Related to Particulate Matter¹⁰

Air pollutants collectively called particulate matter (PM) include dust, dirt, soot, smoke and liquid droplets directly emitted into the air by sources such as factories, power plants, cars, trucks, woodstoves/fireplaces, construction activity, forest fires, agricultural activities such as tillage, and natural windblown dust. Particles formed secondarily in the atmosphere by condensation or the transformation of emitted gases such as SO₂, NO_x, and VOCs are also considered particulate matter.

Based on studies of human populations exposed to high concentrations of particles (sometimes in the presence of SO₂), and laboratory studies of animals and humans, there are major human health concerns associated with PM. These include deleterious effects on breathing and respiratory systems, aggravation of existing respiratory and cardiovascular disease, alterations in the body's defense systems against foreign materials, damage to lung tissue, carcinogenesis, and premature death. The major subgroups of the population that appear to be most sensitive to the effects of particulate matter include individuals with chronic obstructive pulmonary or cardiovascular disease,

¹⁰ Information cited in this section and other related information on the health effects of particulate matter are available for the public from Docket A-95-27.

⁴ Also, in a letter to certain organizations related to clean air issues in California, EPA agreed that it would issue an ANPRM regarding national standards for highway HDEs.

⁵ Information cited in this section and other related information on health effects of NO_x, VOC and Ozone are available from Docket A-95-27.

⁶ Air Quality Criteria Document for Oxides of Nitrogen, EPA-600/8-91/049aF-cF, August 1993 (NTIS #: PB92-17-6361/REB,-6379/REB-6387/REB).

⁷ Deposition of Air Pollutants Into the Great Waters: First Report to Congress, EPA-453/r-93-055, May 1994.

⁸ "Acid Deposition Standard Feasibility Study, A Report to Congress," prepared for the U.S. Environmental Protection Agency by the Cadmus Group, Inc., under Contract Number 68-D2-0168, February 1995.

⁹ Air Quality Criteria Document for Ozone and Related Photochemical Oxidants (External Review Draft), EPA-600/AP-93/004a-c, February, 1995 (NTIS #: PB94-17-3127, -3135, -3143).

those with influenza, asthmatics, the elderly, and children. Particulate matter also soils and damages materials, and fine particles are a major cause of visibility impairment in the United States.¹¹

C. Need for NO_x and VOC Control; Ozone and Other Air Quality Management Issues

States are obligated under the Clean Air Act to submit State Implementation Plans (SIPs) demonstrating how each nonattainment area will reach attainment of the ozone NAAQS. For nonattainment areas designated as serious or worse, this obligation involves the use of photochemical grid modeling (e.g., Urban Airshed Modeling, or UAM) for each nonattainment area. Although these attainment demonstrations were due November 15, 1994, the magnitude of this modeling task, especially for areas which are significantly affected by transport of ozone and precursors generated outside of the nonattainment area, has delayed many states in submitting complete modeling results.

Recognizing these challenges, EPA recently issued guidance on ozone demonstrations,¹² based on a two-phase approach for the submittal of ozone SIP attainment demonstrations. Under the first phase, the state is required to submit a plan implementing a set of specific control measures to obtain major reductions in ozone precursors along with limited UAM modeling. The second phase includes a two-year process during which EPA, the states, regional associations, and other interested parties can improve emission inventories and modeling and better assess regional and local impacts and control strategies on ozone attainment. These analyses are then to be used by states as their basis for demonstrating ozone attainment plans in their phase II SIPs.

Modeling results already available and the need for two-phased ozone attainment plans highlight the fact that ozone pollution is a regional problem, not simply a local or state problem. Ozone itself and its precursors are transported long distances by winds and meteorological events. Thus, achieving ozone attainment for an area and thereby protecting its citizens from ozone-related health effects often depends on the ozone and/or precursor

emission levels of upwind areas. Local stationary source NO_x and VOC controls will assist nonattainment areas toward their ozone reduction goals, but for many areas with persistent ozone problems, attainment of the ozone NAAQS will require broader control strategies for both NO_x and VOC. As a result, effective national ozone control requires an integrated strategy which combines cost-effective approaches in both the mobile and stationary source arenas at both the local and national levels.

The rate of ozone creation depends on highly complex interactions between VOCs and NO_x in the presence of sunlight. While regional concentrations and transport of precursor pollutants have a significant role in determining the rate of ozone production in many areas, local conditions are also important and may be predominant factors in some cases. Generally, the formation of ozone in locations with low VOC to NO_x ratios tends to be VOC limited. Low VOC to NO_x ratios are characteristic of the central core of many highly urbanized nonattainment areas, which may thus be dependent on VOC control for effective ozone reduction. On the other hand, in areas with higher VOC to NO_x ratios, ozone formation is NO_x limited, and NO_x reduction strategies are required for effective ozone control. Such conditions occur over broad regions of the U.S., including many areas downwind of large urban centers. As concluded in a recent report by the National Research Council (NRC), "the optimal set of controls relying on VOCs, NO_x, or, most likely, reductions of both, will vary from one place to the next."¹³

While both NO_x and VOC emissions are subject to various stationary and mobile source regulations, VOCs have often been the primary focus of past ozone abatement strategies, and specific air quality issues regarding NO_x emissions have received somewhat less attention. Accordingly, the next sections describe some of the key regional ozone and other air quality problems around the country for which additional NO_x controls will be beneficial.

1. Eastern United States

There is a growing body of evidence that reduction of regional ozone levels holds the key to the ability of a number of the most seriously polluted areas in the Eastern United States, in both the Southeast and the Northeast, to meet the

ozone NAAQS. Regional Oxidant Modeling (ROM) studies conducted by EPA (called the ROMNET and Matrix studies¹⁴) strongly suggest that reducing NO_x emissions is the most effective approach for reducing ozone over large geographical areas. (In contrast, as described below, local NO_x controls may or may not be helpful in individual nonattainment areas.) At the same time, these studies, as well as ongoing UAM modeling by states, suggest that reduction in VOC emissions may be key to reducing locally generated peak ozone concentrations. Additional NO_x control will also contribute to addressing the problems of year-round NO_x deposition in the Chesapeake Bay and other nitrogen-limited estuaries¹⁵ and acid rain in the eastern part of the country.

In its analysis supporting the approval of a Low Emission Vehicle program in the eastern and northeast states comprising the Ozone Transport Region (OTR),¹⁶ EPA reviewed existing work and performed new analysis to evaluate in detail the degree NO_x controls are needed.¹⁷ These studies showed that 50–75 percent reductions in NO_x from 1990 levels would be needed throughout the OTR. These studies also showed that 50–75 percent reductions in VOC would be needed in and near the portion of the OTR comprising the Northeast urban corridor. The studies also concluded that transport of ozone and precursors from upwind areas is a significant contributor to ozone exceedances downwind in essentially all nonattainment areas in the OTR.

More recently, three new studies have become available which confirm the conclusions of the earlier studies. In one of these, the Agency performed new ROM analyses evaluating the eastern third of the U.S. and southern Canada.¹⁸

¹⁴ See Regional Ozone Modeling for Northeast Transport (ROMNET), EPA Doc. EPA-450/4-91-002a (June 1991), and Chu, S.H., E.L. Meyer, W.M. Cox, R.D. Scheffe, "The Response of Regional Ozone to VOC and NO_x Emissions Reductions: An Analysis for the Eastern United States Based on Regional Oxidant Modeling," Proceedings of U.S. EPA/AWMA International Specialty Conference on Tropospheric Ozone: Nonattainment and Design Value Issues, AWMA TR-23, 1993.

¹⁵ Deposition of Air Pollutants Into the Great Waters: First Report to Congress, EPA-453/r-93-055, May 1994.

¹⁶ Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, and northern Virginia.

¹⁷ Environmental Protection Agency, Low Emission Vehicle Program for Northeast Ozone Transport Region; Final Rule, 60 FR 48673, January 24, 1995.

¹⁸ Environmental Protection Agency, "Summary of EPA Regional Oxidant Model Analyses of

¹¹ Air Quality Criteria for Particulate Matter (External Review Draft), EPA-600/AP-95/001a-c, April 1995 (NTIS #PB95-22-1727, -1735, -1743).

¹² Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, to EPA Regional Administrators, re Ozone Attainment Demonstrations, March 2, 1995.

¹³ National Research Council. Rethinking the Ozone Problem in Urban and Regional Air Pollution. National Academy Press, Washington, D.C., 1991.

Taken together, these studies strongly support the view that NO_x emission reductions in the range of 50–75 percent will be needed in each state in the OTR and VOC reductions in the range of 50–75 percent will be needed in and near the Northeast urban corridor to reach and maintain attainment.

2. Other Regions

A recent Southern Oxidant Study (SOS) report¹⁹ describes the results of research showing that, in the south, relatively high concentrations of ozone accumulate in both rural and urban areas. Although the rural ozone levels tend to be lower than in urban areas, and are generally in compliance with the current ozone NAAQS, the rural ozone concentrations are still high enough to inhibit photosynthesis, thus reducing agricultural yields and causing damage to forests and ornamental plants.

These rural concentrations of ozone and its precursors create a relatively high ozone background on which the ozone plumes from stationary and area sources in urban areas are superimposed. As a result, modeling in the Atlanta metropolitan area, designated as a serious ozone nonattainment area, suggests that a 90 percent decrease in NO_x emissions will be required to achieve the current NAAQS in Atlanta.

Modeling studies performed to date for the states surrounding Lake Michigan (Wisconsin, Illinois, Indiana, and Michigan) indicate that reducing ozone transported into this region has a significant effect on the number and stringency of local control measures likely to be needed to meet the ozone NAAQS. Without such reductions, these studies suggest that the necessary degree of local control will be very difficult to achieve. The EPA Matrix study referenced above also indicates that NO_x control will be effective in reducing regional ozone in the Midwest. This suggests that new reductions in NO_x emission will be helpful in meeting the NAAQS in the Lake Michigan area, even though NO_x control in the immediate vicinity of and within major nonattainment areas near Lake

Michigan do not appear to contribute to attainment in these areas.

The ozone SIP that the State of California has submitted to EPA for approval relies on NO_x and VOC reductions for most California nonattainment areas to demonstrate compliance with the NAAQS. Specifically, the revised SIP projects that the following NO_x reductions will be required: South Coast, 59 percent; Sacramento, 40 percent; Ventura, 51 percent; San Diego, 26 percent; and San Joaquin Valley, 40 percent. For VOC, the required reductions will be the following: South Coast, 79 percent; Sacramento, 38 percent; Ventura, 48 percent; San Diego, 26 percent; and San Joaquin Valley, 40 percent. Transported ozone and precursor emissions are also an important factor in California's need for additional NO_x controls.²⁰

The Agency requests comment on these studies and the application of their findings to the planned actions in this Notice as well as any additional data or analysis that would inform any future actions.

4. Waivers of Local Stationary Source NO_x Control Requirements

In some cases, states with nonattainment areas subject to NO_x Reasonably Available Control Technology (RACT) requirements for stationary sources have petitioned EPA for a waiver from these requirements. EPA guidance on such waivers provides that waivers may be granted if states show that reducing NO_x in a nonattainment area would not contribute to attainment of the ozone NAAQS within the same nonattainment area.²¹ EPA's policy is to limit the assessment of the petitions to the effect that NO_x reductions within a nonattainment area have on that specific area's ability to meet the NAAQS (i.e., an assessment of pollutant transport outside the area is not made). EPA has separate authority under the CAA to require a state to reduce emissions from sources where there is evidence showing that such emissions would contribute significantly to nonattainment or interfere with maintenance of attainment in other states.

²⁰In addition, the revised SIP concludes that secondary formation of nitrate particulate from NO_x (primarily ammonium nitrate) contributes to the particulate problem in the South Coast Air Basin and the San Joaquin Valley. Reduction of this fraction of the total PM will require additional NO_x emission reductions.

²¹"Section 182(f) Nitrogen Oxides (NO_x) Exemptions— Revised Process and Criteria." EPA Memo from John S. Seitz, Director, OAQPS, to Regional Air Directors, February 8, 1995.

EPA's approval of a NO_x exemption is granted on a contingent basis.²² That is, a monitoring-based exemption lasts for only as long as the area's monitoring data continue to demonstrate attainment and a modeling-based exemption lasts for only as long as the area's modeling continue to demonstrate attainment without NO_x reductions from major stationary sources.²³

Given these circumstances, EPA's approval of NO_x waivers for certain areas should not be viewed as contradictory to the consideration of regional and national measures to reduce NO_x emissions. As discussed above, new regional and/or national NO_x controls are needed to obtain the NAAQS designed to protect the public health.

5. National NO_x and VOC Emissions Trends²⁴

Figure 1 displays projected total NO_x emissions over the time period 1990 to 2020 as well as stationary and mobile source components over the same period. Figure 2 presents similar data for VOC emissions for the period 1990 to 2010 (later-year projections for VOC are under development).²⁵ As the figures show, a similar pattern is projected for both of these ozone precursor emissions. Initially, the projections indicate that the national inventories will decrease over the next few years as a result of continued implementation of existing CAA stationary and mobile-source NO_x control programs. After the year 2000, however, as the implementation of new CAA programs is completed and the

²²"Section 182(f) Nitrogen Oxides (NO_x) Exemptions— Revised Process and Criteria." EPA Memo from John S. Seitz, Director, OAQPS, to Regional Air Directors, May 27, 1994.

²³NO_x Supplement to the General Preamble, 57 FR 55628 (Nov. 25, 1992).

²⁴For today's notice, EPA has assembled data available to date projecting emissions from various sources into the future. The data comes from the EPA "Trends Document" (National Air Pollutant Emission Trends, 1900–1993, EPA-454/R-94-027, October 1994), MOBILE5 emissions modeling, and work performed under EPA's contract with E.H. Pechan and Associates. EPA expects to continue to revise and improve its projections of emissions and will discuss and rely on such updated information in future rulemakings.

²⁵The data in these and the succeeding figures in this ANPRM take into account the expected effects of various CAA control programs which have been promulgated to date, including Tier I tailpipe standards, new evaporative emission test procedures, enhanced inspection and maintenance requirements, reformulated gasoline, oxygenated fuels, and California LEV (Low Emission Vehicle) requirements. Nonroad NO_x emission projections also reflect the future effects of existing nonroad emission regulations. The potential effects of contemplated National LEV requirements are not reflected in the data. In these figures, nonroad emission data includes emissions from a broad range of off-highway sources including, locomotives, aircraft and marine vessels.

Various Regional Ozone Control Strategies," November 28, 1994; Kuruville, John et al., "Modeling Analyses of Ozone Problem in the Northeast," prepared for EPA, EPA Document No. EPA-230-R-94-108, 1994; Cox, William M. and Chu, Shao-Hung, "Meteorologically Adjusted Ozone Trends in Urban Areas: A Probabilistic Approach," Atmospheric Environment, Vol. 27B, No. 4, pp 425–434, 1993.

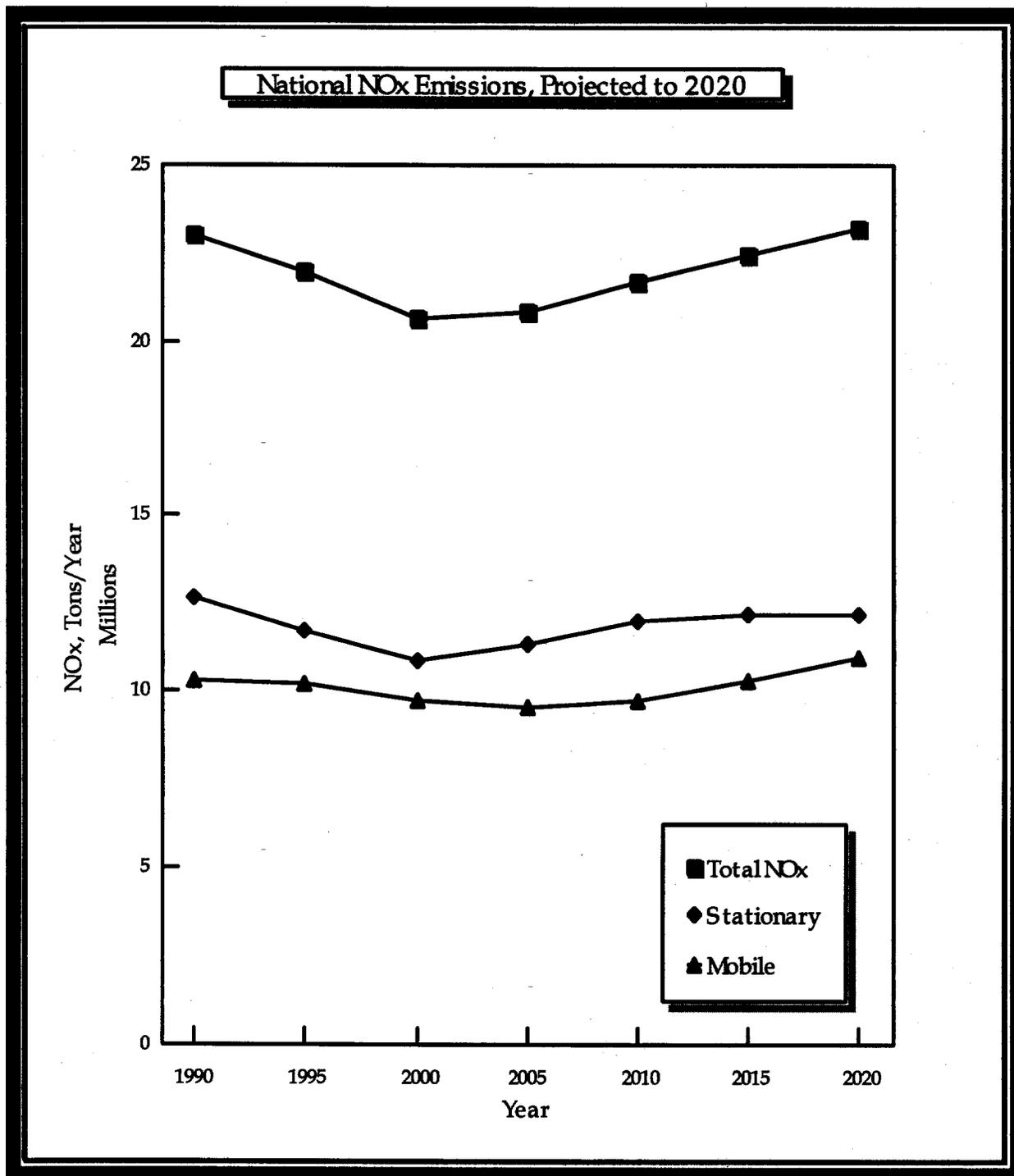
¹⁹The State of the Southern Oxidant Study (SOS): Policy-Relevant Findings in Ozone Pollution Research, 1988–1994. North Carolina State University, April 1995.

pressure of growth continues, these downward trends are expected to reverse, and national VOC and NO_x emissions are both expected to rise again.

Figures 1 and 2 present emissions data for the entire country. In nonattainment areas, the fraction of NO_x and VOC total emissions contributed by mobile sources on average is greater than in the nationwide assessment and is in excess of the stationary source contribution.

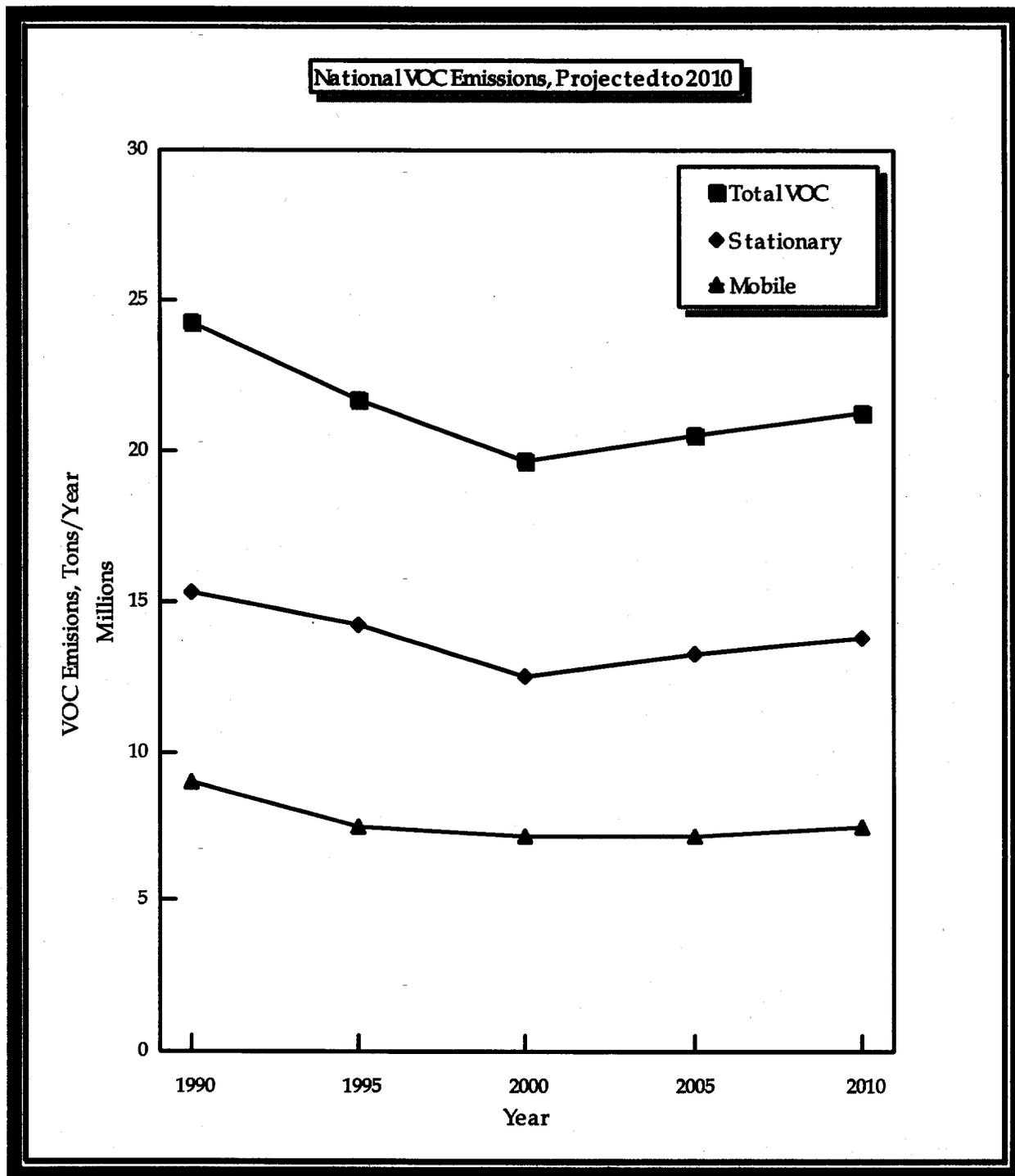
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Figure 1



Source: Contract No. EPA-68-D3-30035 (Pechan)

Figure 2



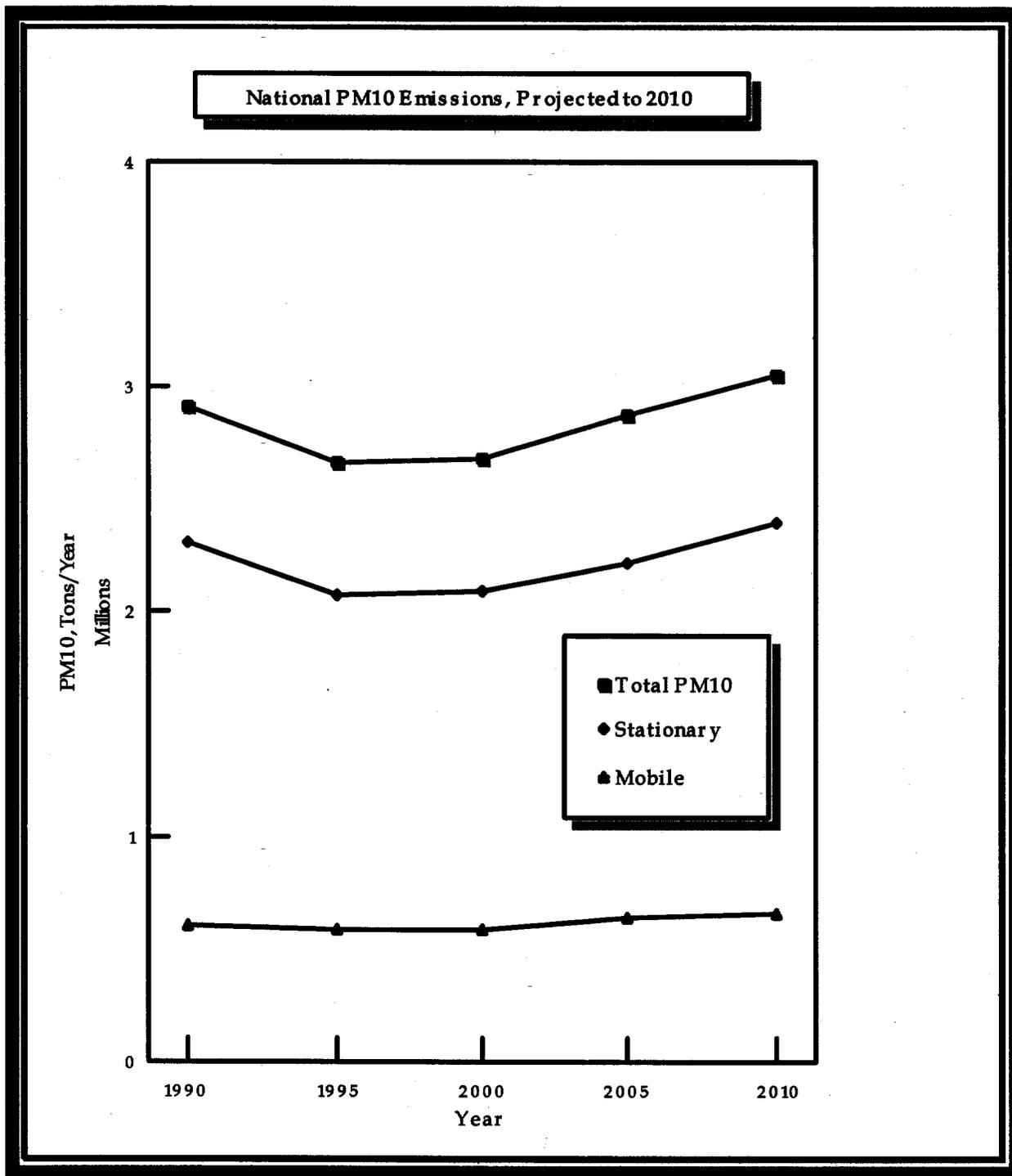
Source: National Air Pollutant Emission Trends, 1990-1993 (EPA 1994)

D. Need for PM Control; PM Air Quality Issues and Emission Trends

The overwhelming proportion of PM-10 emissions is created by wind erosion, accidental fires, fugitive dust emissions (from road surfaces, agricultural tilling, construction sites, etc.), and other miscellaneous sources. As much as 85 percent of PM-10 in nonattainment areas can be composed of these "crustal" and miscellaneous materials. Since these sources are not readily amenable to regulatory standards and controls, when considering the need for PM controls it is appropriate to focus on the "controllable" portion of the particulate pollution problem. The result is shown in Figure 3, which displays national trends in PM-10 levels from stationary and mobile sources, projected for the twenty year period 1990 to 2010. Similar to the pattern discussed above for VOC and NO_x emissions, the figure shows that total PM from these sources will decline slightly as the beneficial effects of the 1990 CAA Amendments continue to be felt. However, in the absence of additional controls, mobile source and industrial source emissions of PM-10 levels are expected to rise after 2000.

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Figure 3



Source: National Air Pollutant Emission Trends, 1900-1993 (EPA 1994)

Currently, there are 44 PM-10 nonattainment areas in 18 states. More generally, diesel emissions contribute significantly to higher than average PM levels that tend to occur in high-population, high-traffic urban settings. These areas frequently have elevated ambient levels of other air pollutants as well. To the extent that higher PM exposures result from these factors, control of PM emissions from diesel engines could be expected to provide public health and welfare benefits for a relatively large number of individuals.

III. Contribution of Heavy-Duty Engines to National NO_x, VOC, and PM Emissions

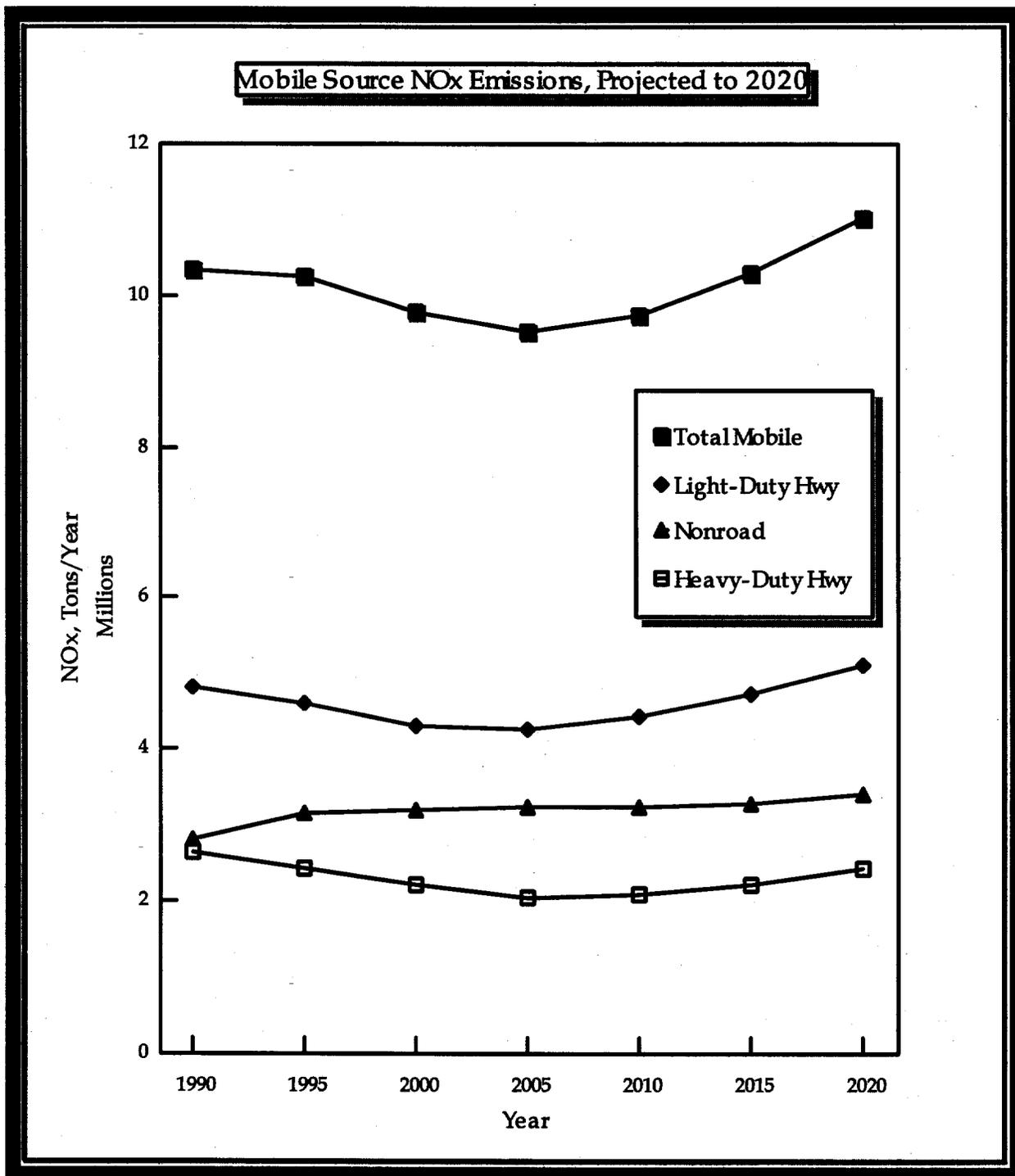
Heavy-duty highway and nonroad engines contribute significantly to levels of NO_x and are also an important source of VOC (as a result of HC emissions) and PM in most parts of the country. This section describes the current and expected future role of HDEs in contributing to the nation's major air pollution problems.

A. HDE Contribution to National NO_x Emissions

Figure 4 shows the total mobile source NO_x inventory by emission source (light-duty highway vehicles, heavy-duty highway vehicles, and nonroad engines), projected over the next 25 years.

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Figure 4



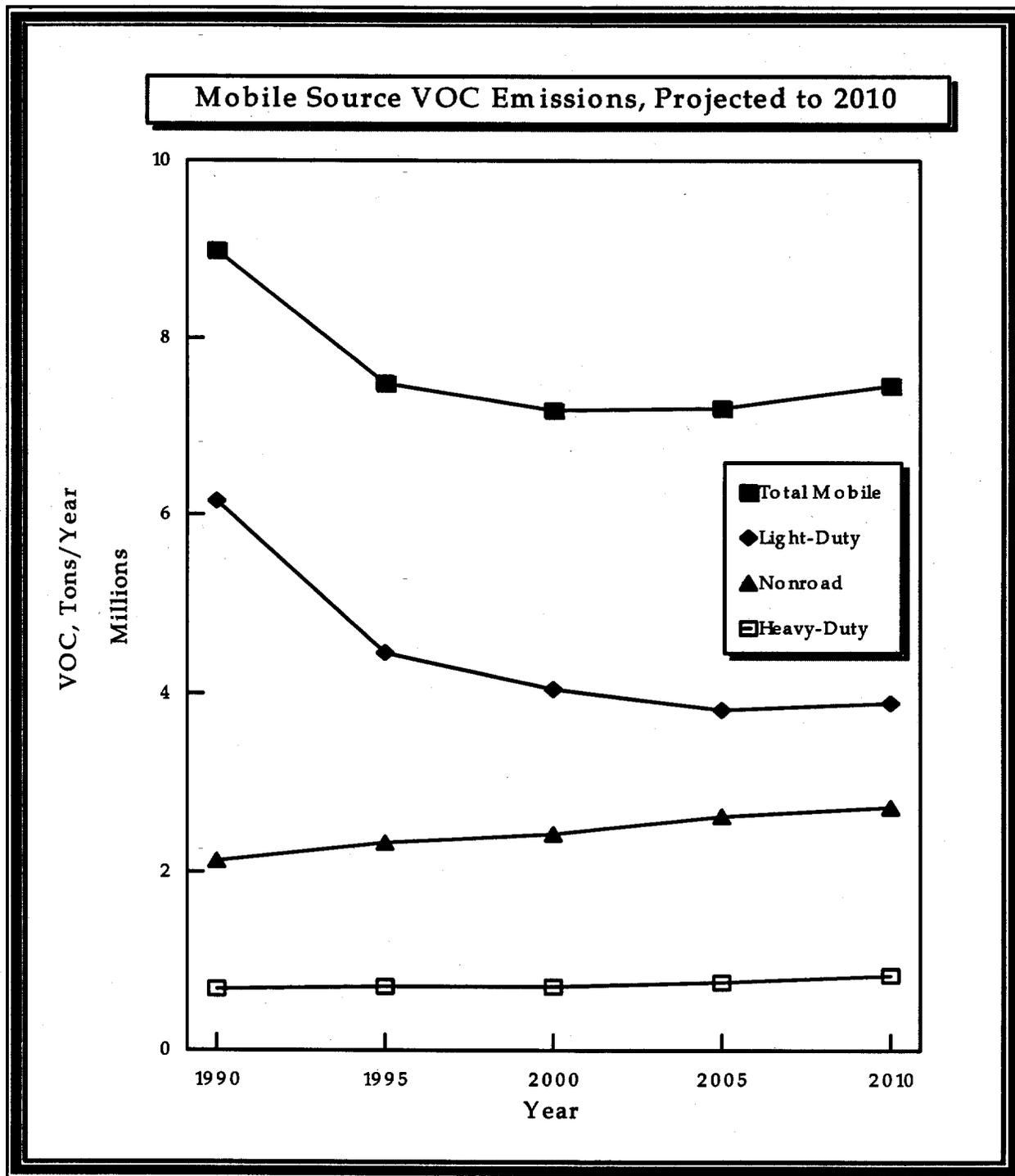
Source: Contract No. EPA-68-D3-30035 (Pechan)

B. HDE Contribution to National VOC Emissions

Figure 5 shows the total mobile source VOC inventory by emission source. The figure shows that light-duty vehicle emissions can be expected to decline for some years but then begin rising in the 2005 time frame. VOC emissions from highway heavy-duty engine and nonroad sources are projected to rise slightly throughout this period.

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Figure 5



Sources: 1) National Air Pollutant Emission Trends, 1900-1993
 2) Mobile5.0(a) mobile emissions model

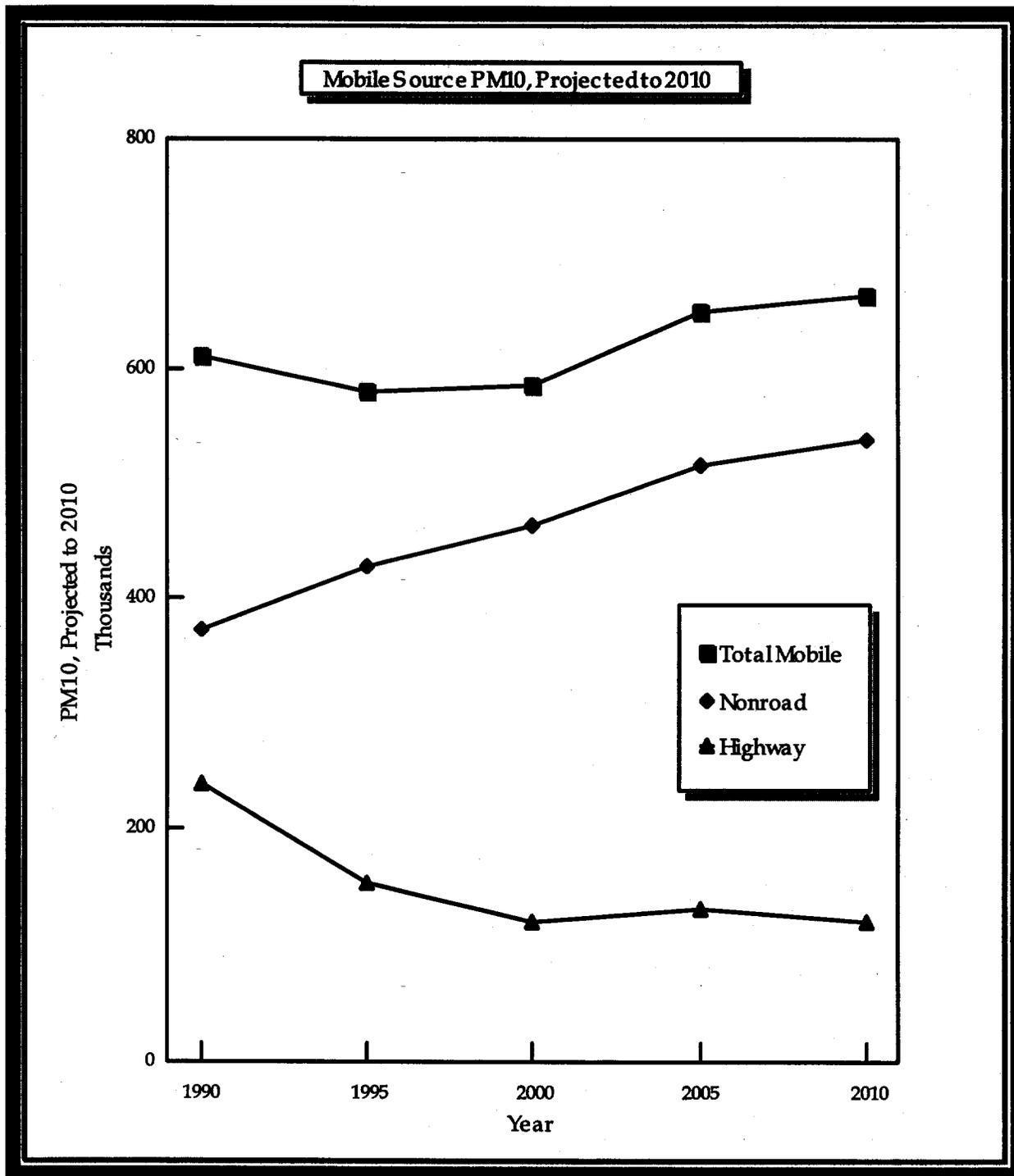
C. HDE Contribution to National PM Emissions

Projected mobile source trends for PM-10 are shown in Figure 6.²⁶ The figure shows that, over the next 15 years, the contribution of highway sources including HDEs to PM-10 emissions are expected to decrease and then remain relatively constant well into the next decade, while PM emissions from nonroad sources are expected to increase.

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²⁶ Environmental Protection Agency, "National Air Pollutant Emission Trends, 1900-1993," EPA-454/4-94-027, October 1994.

Figure 6



Source: National Air Pollutant Emission Trends, 1900-1993

IV. The Need for New Heavy-Duty Engine Emission Control

The Agency believes several factors combine to support rulemaking to reduce NO_x, HC, and PM emissions from highway and nonroad heavy-duty engines in the next decade. First, HDE emission controls offer a means to address at the national level the need for new approaches to NO_x, HC, and PM reductions that is described in Section II. As explained more fully above, local measures alone to control NO_x, HC and PM will prove insufficient if all areas of the country are to achieve and maintain attainment of the ozone and PM NAAQS in the years ahead. Heavy-duty engines, like other mobile sources, represent an emissions source that crosses attainment areas and state boundaries; trucks and buses often travel long distances while nonroad heavy-duty engines power a variety of equipment used in both urban and rural areas, and are often relocated to different regions of the country as needed.

Second, the projections in Section III above show that heavy-duty engines contribute in varying degrees to the national inventory of NO_x, HC, and PM emissions.²⁷ Third, an effort now to implement national HDE controls may prevent a patchwork of regulation where some states require HDE controls while other states do not. Indeed, engine manufacturers felt it was very important that the new program which EPA expects to propose regarding highway HDEs (see Section VII below) provide for the harmonization of requirements between EPA and CARB, resulting in a single set of heavy-duty standards applicable in all 50 states. A national program thus appears to offer the most efficient way for states, engine manufacturers, and EPA to implement additional HDE controls. Fourth, since states must soon finalize SIPs demonstrating attainment in the years ahead, action on additional HDE controls will allow states to incorporate the expected reductions from HDE controls in their SIPs.

²⁷ For PM emissions, the projections show that the mobile source contribution is growing; available data shows that heavy-duty highway and nonroad engines represent significant fractions of mobile source emissions.

Fifth, with respect to highway HDEs, cost effective technology options now appear to be within reach which can achieve very large NO_x emission reductions from new highway HDEs manufactured in model year 2004 and subsequent years (see Section VIII below for a more detailed discussion of this issue). The Agency is optimistic that, with continued investment in research and development by the highway HDE manufacturers, and with cooperation between EPA, CARB, the manufacturers, and the oil refining industry, technological barriers which have prevented NO_x emissions from diesel HDEs from reaching levels characteristic of gasoline engines will be overcome. For the benefits of these NO_x reductions to be realized to a significant degree in the next decade, the Agency believes that this work must begin soon.

Finally, with respect to nonroad heavy-duty engines, EPA believes that there is the potential to apply current highway HDE emission control technology to many nonroad HDEs, providing an avenue for significant additional mobile source emission reductions. Only recently have the first emission controls been applied to heavy-duty nonroad engines, and standards are currently set at levels significantly higher than current highway heavy-duty engine standards. While control of some or all nonroad heavy-duty engines raises special issues such as the lack of a vehicle registration system and the potential difficulty of "packaging" engines on a variety of equipment types, many engines used in highway trucks have similar counterparts that are used in nonroad equipment applications. It therefore makes sense to explore ways to apply highway HDE emission control technology to nonroad HDEs.

The Agency is interested in comment on the role of NO_x emissions in contributing to high ozone levels over broad areas and the need for national HDE controls to address NO_x and ozone levels. In addition the Agency solicits comment on other approaches such as local and regional controls.

V. Background on Highway Heavy-Duty Engine Standards

Under EPA's classification system, vehicles with a gross vehicle weight

rating (GVWR) over 8,500 pounds are considered heavy-duty vehicles. (The State of California classifies the lighter end of EPA's heavy-duty class as "medium-duty vehicles.") Heavy-duty engines are used in a wide range of heavy-duty vehicle categories, from small utility vans to large trucks. Because one type of heavy-duty engine may be used in many different applications, EPA emission standards for heavy-duty vehicles are based on the emissions performance of the engine (and any associated aftertreatment devices) separate from the vehicle chassis. Testing of a heavy-duty engine consists of exercising the engine over a prescribed duty cycle of engine speeds and loads using an engine dynamometer.

Emissions from heavy-duty engines are measured in grams of pollutant per brake horsepower-hour (g/bhp-hr) or, in more recent regulations, in grams per kilowatt hour (g/kw-hr). These units for emission rates recognize that the primary purpose of heavy-duty engines is to perform work and that there is a large variation in work output among the engines used in heavy-duty applications. Under this system, standards per unit of work are the same for all heavy-duty engines.

Emission standards have been in place for highway diesel and gasoline heavy-duty engines since the early 1970s. The first regulations focused on control of emissions of smoke. Subsequent regulations broadened emission control requirements to include gaseous and particulate emissions. The 1990 amendments to the Clean Air Act required EPA to set more stringent standards for NO_x emissions from all heavy-duty highway engines and for PM from buses. 42 U.S.C. 7521(a)(3), 7521(f), 7554(b).

The current exhaust emission standards for highway heavy-duty diesel and gasoline engines are presented in Table 1. Standards for "urban buses" (large transit buses), which specify more stringent PM levels than those applying to other heavy-duty engines, are displayed separately in the table.

TABLE 1.—HIGHWAY HEAVY-DUTY EMISSION STANDARDS

Year	Hydrocarbons (g/bhp-hr)	Carbon Monoxide (g/bhp-hr)	Oxides of nitrogen (g/bhp-hr)	Diesel particulate (g/bhp-hr)
Diesel:				
1991–93	1.3	15.5	5.0	0.25
1994–97	1.3	15.5	5.0	0.10
1998	1.3	15.5	4.0	0.10
Urban buses:				
1991–92	1.3	15.5	5.0	0.25
1993	1.3	15.5	5.0	0.10
1994–95	1.3	15.5	5.0	0.07
1996–97	1.3	15.5	5.0	*0.05
1998	1.3	15.5	4.0	*0.05
Gasoline:				
1991–97:				
(A)	1.1	14.4	5.0	4.0
(B)	1.9	37.1	5.0	4.0
1998:				
(A)	1.1	14.4	4.0	3.0
(B)	1.9	37.1	4.0	4.0

Note: “(A)” denotes the standard for engines in trucks \leq 14,000 lbs. GVWR.

“(B)” denotes the standard for engines in trucks \geq 14,000 lbs. GVWR.

*.07 g/bhp-hr in-use.

Under Section 202(a)(3), emission standards for heavy-duty highway engines are set at the “greatest degree of emission reduction achievable through the application of technology which the Administrator determines will be available for the model year to which such standards apply, giving appropriate consideration to cost, energy, and safety factors associated with the application of such technology” (42 U.S.C. 7521(a)(3)(A)). In addition, Section 202(a)(3) provides that highway heavy-duty engine manufacturers will have four model years of lead time before any new emission standards may be implemented (42 U.S.C. 7521(a)(3)(C)). The Act also provides that standards for heavy-duty engines apply for at least three model years to provide stability to any heavy-duty standards. *Id.* Finally, the Act precludes new NO_x emission standards for heavy-duty highway engines before the model year 2004. 42 U.S.C. 7521(b)(1)(C).

VI. Summary of Public Support for EPA To Take Action

Several states, public interest groups and environmental organizations, trucking associations, and others have strongly encouraged EPA to pursue additional NO_x, HC, and PM emissions reductions from HDEs through national programs. The Agency has received numerous letters encouraging EPA to move forward with a national program to reduce heavy-duty engine emissions. In December of 1994, several organizations including the American Lung Association and the Natural Resources Defense Council sent a letter to the EPA Assistant Administrator for

Air and Radiation requesting that EPA tighten the heavy-duty engine standards to 0.05 g/bhp-hr for particulates and 2.0 g/bhp-hr for NO_x.²⁸ Jim Edgar, Governor of Illinois, sent a letter to U. S. Senator Paul Simon in March of 1995, urging him to request that EPA implement national rules to reduce ozone precursor emissions from, among other sources, heavy-duty engines. The California Air Resources Board signed a Memorandum of Understanding with EPA in April, 1995 to undertake joint efforts in support of EPA’s development of a national program for the control of NO_x, PM, and HC emissions from heavy-duty engines. In addition, the ozone SIP submitted by the State of California relies on EPA to set national standards for highway heavy-duty engines at the level of 2.0 g/bhp-hr and requests such action. During May and June of 1995 the Administrator received letters from the State and Territorial Air Pollution Program Administrators/Association of Local Air Pollution Control Officials (STAPPA/ALAPCO), the Northeast States for Coordinated Air Use Management (NESCAUM), and the Mid-Atlantic Regional Air Management Association (MARAMA) on behalf of their member states, requesting that EPA implement new national controls for heavy-duty engine emissions. The Northeast Ozone Transport Commission adopted a resolution on June 13, 1995 supporting EPA’s efforts to control diesel engine emissions. EPA also received support for reducing the heavy-duty engine NO_x standard from the

²⁸ Copies of all letters cited and received to date can be obtained from Docket A–95–27, as described at the beginning of this Notice.

Manufacturers of Emission Controls Association (MECA). On June 22, 1995, the Appalachian Mountain Club, a conservation and recreation group with 65,000 members in eleven regional areas, sent a letter to the Administrator that supports EPA’s initiative as critical for controlling ozone, PM, acid deposition, and regional haze in the Northeast. In addition to written requests, EPA has received numerous positive comments from concerned individuals, municipalities, and other organizations endorsing a new national control program to reduce emissions from heavy-duty engines.

VII. Summary of Government/Industry Statement of Principles

EPA initiated discussions with engine manufacturers, California’s Air Resources Board (CARB), and others to begin to explore what additional controls could be implemented to further reduce emissions from heavy-duty engines. As a result of these discussions, EPA, individual members of the highway heavy-duty engine industry, and CARB have signed a Statement of Principles (SOP) regarding future highway HDE emission reductions. The manufacturer signatories²⁹ represent more than 95 percent of sales by the highway heavy-duty engine industry. With this SOP, presented in its entirety as an Appendix to this notice, the heavy-duty engine

²⁹ Caterpillar, Inc., Cummins Engine Company, Inc., Detroit Diesel Corporation, Ford Motor Company, General Motors Corporation, Hino Motors, Ltd., Isuzu Motors America, Inc., Mack Trucks, Inc., Mitsubishi Motors America, Inc., Navistar International, and Volvo Truck Corporation.

industry has stepped forward to become a leader in environmental protection, and industry and government will work as partners to bring about cleaner air. The following presents a summary of the key elements of this Statement of Principles.

The goal of all Signatories to the SOP is to reduce NO_x emissions from highway HDEs to levels approximating 2.0 g/bhp-hr beginning in model year (MY) 2004, while also achieving reductions in HC. Accordingly, the Signatories concur that EPA would issue a notice of proposed rulemaking (NPRM) proposing to implement (1) a combined NO_x plus non-methane hydrocarbon (NMHC) standard of 2.4 g/bhp-hr and (2) a combined NO_x plus NMHC standard of 2.5 g/bhp-hr together with a NMHC cap of 0.5 g/bhp-hr, with flexibility for an engine family to comply with either of these standards as the manufacturer determines. The Signatories expect that these standards will result in emissions comparable to a NO_x standard of 2.0 g/bhp-hr as well as reduced NMHC emissions. In order to facilitate the rulemaking process and solicit additional views, the SOP Signatories concur with EPA's desire to precede the issuance of the NPRM with this ANPRM.

The Signatories acknowledge that fuel composition³⁰ has a significant effect on emissions, and commit to making improvements in HDE fuel as appropriate under the CAA to meet the MY2004 emission standards, taking into consideration costs and other relevant factors. The Signatories also recognize that any changes to both certification and commercial fuel specifications would have to become effective no later than October 2003 to ensure fuel availability at the time the MY2004 engine standards would go into effect.

In accordance with the SOP, EPA would in 1999 review any rulemaking adopting the MY2004 standards by issuing a notice providing the

opportunity for public comment on whether or not the MY2004 standards are technologically feasible and otherwise appropriate under the CAA. EPA would review the need, feasibility, and cost of the standards under the criteria imposed by the CAA, and would assess whether any fuel improvements that are needed to assist heavy-duty engines in complying with the MY2004 standards would be available nationwide by the appropriate date. After receiving public comment, EPA would take final Agency action. Depending on the results of EPA's review, the MY2004 standards would remain at the levels described above or EPA would propose to adjust them. The Signatories expect any adjustment of the standards would not exceed (1) 2.9 g/bhp-hr NO_x plus NMHC and (2) 3.0 g/bhp-hr NO_x plus NMHC with a proportional increase in the NMHC cap (to 0.6 g/bhp-hr), unless improvements to fuel quality are needed but not made.

Both EPA and California recognize in the SOP the benefits of harmonizing state and federal regulations regarding highway HDEs. California confirms its intent to hold a public hearing regarding harmonization of its regulations for dynamometer-certified engines greater than 8500 lbs. GVWR with the federal regulations adopted under the SOP, provided such action would not compromise California's obligations to comply with state and federal law.

Neither PM nor CO emission standards change under the SOP. Also, the SOP is premised on the assumption that EPA will not alter federal test procedures for heavy-duty highway engines. With respect to durability, the Signatories commit to work to develop appropriate measures which ensure that emission gains are maintained in-use.

As part of the SOP, EPA and CARB commit to work cooperatively with industry to develop improved averaging, banking, and trading programs that will create more incentive for early introduction of cleaner engines. At a minimum EPA would, in the NPRM on the MY2004 standards, propose to eliminate any limitations on credit life, propose to eliminate all credit discounts, and solicit comment on the merits of allowing cross-fuel, cross-

subclass, and cross-category credit exchanges, to the extent permitted under the CAA.

A key purpose of the SOP is to provide the HDE industry with increased certainty and stability for their business planning. Without such certainty and stability, industry would not commit to the enormous investment that the SOP standards will require. EPA and CARB in turn acknowledge that industry will be making a commitment and investment that will require more than the minimum period of stability of three years set forth in the CAA.

The SOP also outlines a plan to undertake a joint industry/government research program with the goal of developing engine and fuel technologies which can meet and exceed the MY2004 standards. Pursuant to a separate research agreement, the SOP Signatories and possibly others will try to reduce NO_x emissions to 1.0 g/bhp-hr and PM emissions to 0.05 g/bhp-hr while maintaining current highway diesel engine attributes such as performance, reliability, durability, safety, and efficiency.

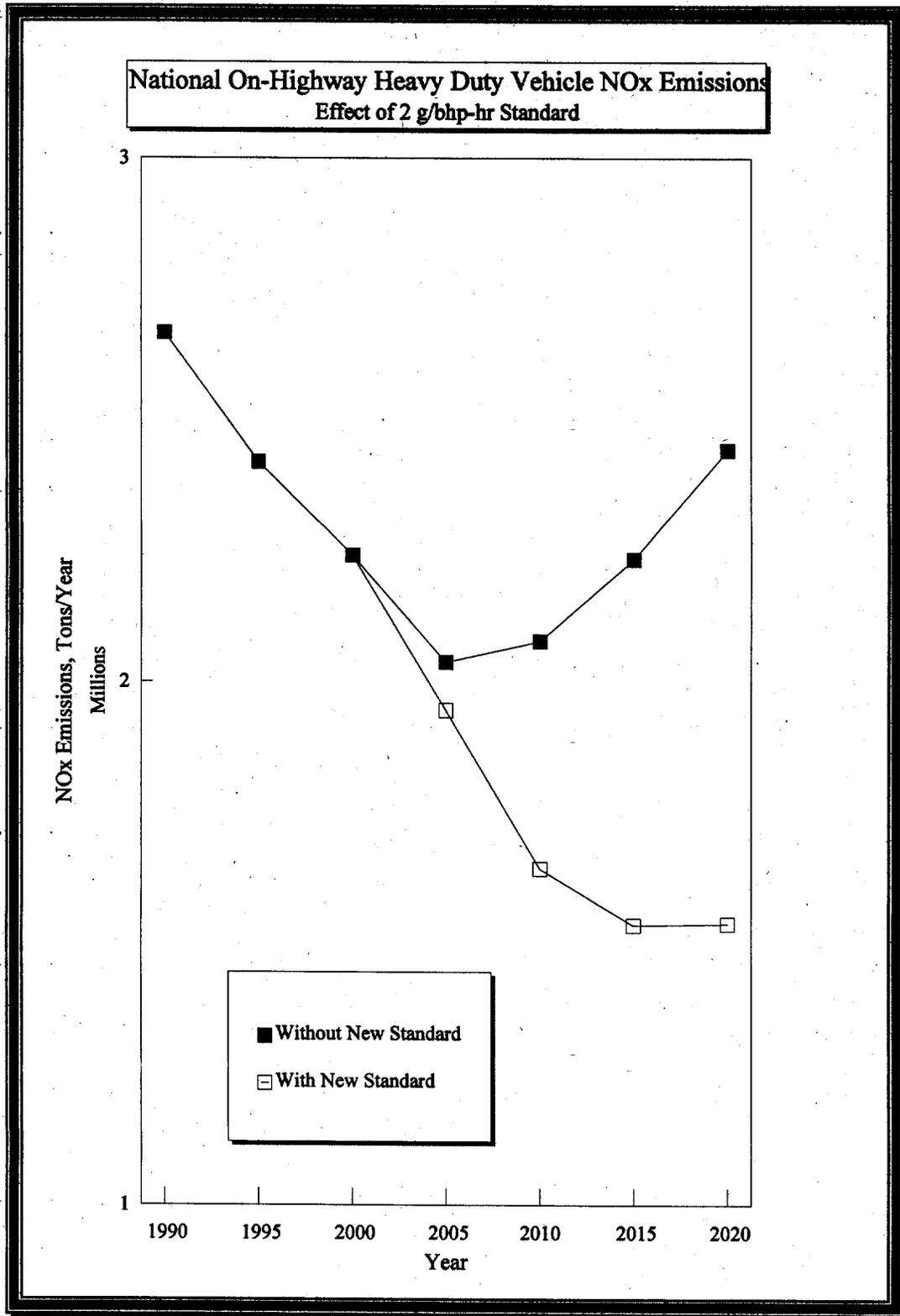
Finally, while the SOP focuses on highway HDEs, the SOP Signatories commit to participate in discussions with nonroad HDE and equipment manufacturers to develop a separate SOP by October 1995 addressing emission standards for nonroad HDEs.

The SOP plan offers a flexible means of achieving a 50 percent reduction in NO_x emissions from the 4.0 g/bhp-hr NO_x standard that goes into effect beginning in model year 1998. Figure 7 shows the estimated national NO_x inventory for highway heavy-duty engines with and without the potential control measures articulated in the SOP. These projections are based on preliminary analysis of available information and subject to revision as EPA continues to analyze such factors as the future growth and turnover of the heavy-duty fleet, in-use emission performance, expedited or delayed introduction of new emission reduction technology and other factors.

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³⁰ Representatives of the fuel industry are not parties to this agreement as noted above. EPA will continue to engage the fuel industry in discussions as we proceed to implement the SOP, including identifying formal ways to cooperate with all parties affected by potential heavy-duty engine changes.

Figure 7



For hydrocarbons, EPA expects the NMHC plus NO_x standards in the SOP to be equivalent to about half or less of the current HC standards (1.3 g/bhp-hr for diesel engines and 1.1–1.9 g/bhp-hr for gasoline engines). Further, the standards ensure continued control of PM emissions from highway HDEs at current levels (0.1 g/bhp-hr), despite a tendency for PM emissions from diesel HDEs to increase when NO_x emissions decrease. Ambient PM reductions may also result from the NO_x emission reductions, since NO_x contributes to secondary particulate.

EPA will actively seek to work with both the Signatories to the SOP and the oil refining industry to evaluate the role of fuel improvements in achieving the MY2004 standards. EPA believes the joint industry/government research program with the goal of achieving highway HDE emissions of just 1.0 g/bhp-hr NO_x and 0.05 g/bhp-hr PM offers an unusual opportunity to work collaboratively for the benefit of the environment. EPA will also continue discussions with the Signatories and others with the aim of achieving an SOP on nonroad heavy-duty engines comparable to this SOP regarding highway heavy-duty engines.

VIII. Approaches to Highway Heavy-Duty Engine Emission Control

Highway heavy-duty engine manufacturers are engaged in ongoing efforts to design and produce the cleaner engines envisioned in the SOP. As with any motor vehicle engine technology, control of emissions from heavy-duty highway engines can come from changes in the design of engines and related hardware, changes to fuels, or some combination of the two. While EPA and the engine manufacturing industry are not yet certain which types of technologies in which combinations might be necessary for manufacturers to reach the standards under consideration, several promising approaches have been identified to date. EPA has prepared a document that describes the causes of highway HDE emissions and several engine-based approaches and exhaust aftertreatment devices to control emissions. This document is available in Docket A-95-27.

Changes in engine technology or aftertreatment which can reduce HC, NO_x and PM emissions must be evaluated with respect to, and bear a close relationship to, the fuel composition the engines will be using. The petroleum industry has changed fuels a number of times in the past either to reduce the emissions from existing vehicles (e.g., gasoline

volatility, reformulated gasoline) or to make it possible for engine manufacturers to employ new engine designs or emission control technologies that are sensitive to fuel characteristics (e.g., unleaded gasoline to facilitate the use of catalytic converters, low-sulfur diesel). EPA intends to work jointly with the petroleum industry and the highway HDE manufacturers to develop emission and cost data to help EPA assess the potential role of fuel changes in achieving the standards set forth in the SOP (Section VII above). EPA request comment on the planned approach for assessing the potential role of fuels. In addition, engines designed to use non-petroleum alternative fuels may provide another avenue for manufacturers to comply with more stringent standards.

EPA is interested in exploring programs and approaches which have the potential to help achieve the goals of the planned regulatory program in the most effective ways, including cost considerations. The Agency expects to continue a broad and open discussion of such potential approaches. The sections below briefly discusses an initial set of ideas which may improve this program; EPA solicits comments on these ideas and encourages suggestions for others.

A. In-Use Emissions Control Elements

Historically, EPA has viewed in-use emissions deterioration as a problem associated more with gasoline engines than diesel engines. EPA believes that deterioration of emissions for diesel engines, especially NO_x, has tended to be less than that of gasoline engines because diesel engines currently use fewer aftertreatment or other devices susceptible to in-use degradation. Diesel engine emissions standards have historically been met mainly through overall improvements to the engine and fuel system. These improvements have provided performance, fuel economy, and durability benefits as well.

As standards are reduced and diesel HDE manufacturers introduce new technologies such as catalysts and exhaust gas recirculation (EGR) solely for emissions control purposes, long-term emissions performance becomes a greater concern. The controls may not function as long as the engines and there may be little incentive for vehicle owners to conduct the repairs on these items needed to ensure emissions control during the very long life of the engines. The HDE engine market has demanded longer-lasting engines, and manufacturers have been successful in increasing engine life. It has been brought to EPA's attention that some current engines accumulate in excess of

600,000 miles before the first rebuild and are often rebuilt many times; the current regulatory "useful life" is 290,000 miles. Failure of emissions controls early in the engine's life would offset much of the benefit associated with the expected more stringent standards.

Programs which encourage manufacturers to design and build engines with very durable emission controls and programs to encourage the proper maintenance and repair of engines and emissions controls are important in achieving the full benefit of emissions standards. The goal is for engines to maintain "new" engine performance throughout their in-use operation. EPA is considering changes to current manufacturer emissions durability-related programs to further encourage the design and production of durable emission control systems. Possible changes include extending the period over which manufacturers are responsible for meeting emissions standards (the "useful life") and adjusting the regulations relating to the emission-related maintenance that is required of owners by manufacturers to maintain the engine's emissions warranty. EPA is also interested in exploring a program where manufacturers would perform in-use compliance testing and could take advantage of an averaging, banking, and trading program to help achieve in-use compliance. Under such a program, manufacturers would test a set percentage of their in-use engine families each year and could potentially generate emission credits (or take on liabilities) depending on the results of in-use tests relative to the Family Emission Limits established for the engine families involved. EPA believes such a program could offer a cost-effective means of achieving better assurance that standards are being met in-use.

Proper maintenance and repairs are likely to be important for durable emissions controls, especially for engines designed for a million or more miles. Therefore, EPA is also interested in approaches that involve increased responsibility of the vehicle owner. One approach EPA is considering and on which it invites comment is whether the incorporation of onboard diagnostic systems for emissions monitoring into heavy-duty engine designs would be appropriate. With the increasing availability of sophisticated computer controls, there is a potential to monitor emission control performance and components. EPA is also considering establishing requirements relating to the rebuilding of HDEs as a way of ensuring

that engines and emission controls remain in their proper working condition throughout their full operating life. See 42 U.S.C. 7521(a)(3)(D).

B. Elements to Add Compliance Flexibility

EPA desires to implement any new regulatory programs in ways that minimize the complexity and cost of compliance and maximize flexibility for the regulated industry in complying with the requirements. EPA's chief goal with such approaches would be to encourage the early introduction of cleaner engines whenever possible. EPA may explore a number of options for increasing flexibility to comply with more stringent emissions standards for highway HDEs. The following presents some of the ideas that EPA may consider.

Averaging, Banking and Trading Program. Currently, an averaging, banking, and trading (ABT) program is in place for heavy-duty highway engines which allows heavy-duty highway engine manufacturers to average the emissions of their various engine families and to generate credits when they introduce cleaner engine families than are required by law. Under this program, a manufacturer may choose to certify an engine family slightly higher or lower than the standard so long as the average emission level for all engine families produced by the manufacturer is at or below the standard. Credit for selling engines that are cleaner than is required can be used immediately, "banked" for later use, or traded to another manufacturer.

Along with the standards discussed above, EPA expects to propose an expanded ABT program that would apply for these new standards. Because exceeding the requirements of the standards under consideration will be very challenging, EPA will propose revisions to the current program which are expected to encourage aggressive emission control development efforts on the part of manufacturers and the early implementation of new technology. EPA will propose changes to the ABT program which would eliminate the discounting of credits over time and would extend the life of the credits indefinitely. EPA will also seek comment on other changes to the ABT programs such as trading between highway and nonroad engines, among the four heavy-duty diesel subclasses, and between heavy-duty diesel and gasoline engines, to the extent permitted under the Act. Such approaches could be difficult to develop in an equitable way given the very different emissions

characteristics of these engine types and the fact that the manufacturers' product lines vary.

Non-Conformance Penalties. In addition to the ABT program described above, another existing program which serves to increase the flexibility for manufacturers of heavy-duty highway engines facing new emission standards is non-conformance penalties (NCPs). The Clean Air Act (Section 206(g)) requires EPA to allow a heavy-duty engine manufacturer to receive a certificate of compliance for an engine which exceeds the standard (but does not exceed an upper limit) if the manufacturer pays an NCP established by EPA through rulemaking. NCPs increase periodically to discourage long-term nonconformance. EPA expects to consider establishing NCPs related to the new heavy-duty emission standards that EPA plans to propose.

Incentive-Based Approaches. EPA is aware of several program initiatives that could potentially supplement the emission reductions from improved design of new heavy-duty engines. Some of these are described briefly in the following paragraphs. EPA encourages these activities, and in some cases will be supporting their development. Any actions to develop these initiatives, however, will progress in parallel with the planned rulemaking to revise highway heavy-duty engine emission standards, rather than being incorporated into that rule directly.

Incentive-based approaches to emission control generally seek to provide some credit or reward to encourage businesses to make voluntary changes in operations or procedures to reduce air emissions. In the case of heavy-duty engines, EPA desires incentives that would encourage early introduction of cleaner engines. The ongoing effort to establish these policies must focus on designing a program to ensure that a business's emission reductions are voluntary, quantifiable, and enforceable. Open market trading, which is currently under development by EPA, could be designed to include the credits generated under these programs.

One potential incentive program would encourage fleets to buy cleaner truck engines earlier than required or buy cleaner engines than otherwise required and make these credits available as Mobile Emissions Reduction Credits. Another idea is to design a program to encourage truck fleet owners to accelerate the turnover of their fleets to newer engines. Typically, this would involve an encouragement to scrap old engines and purchase new lower-emitting engines.

Another possibility is to rebuild heavy-duty engines with upgraded components so the "new" engine has the emission control capability of a more recent model year.

Other Approaches. Changes to vehicle operation may also reduce emissions. For example, trucks are frequently allowed to idle for several hours to power accessories such as air conditioners during extended stops. The potential for electrical hookup at truck stops, rest areas, etc., in combination with changes to engine and vehicle designs, could reduce the contribution of extended idling to engine emissions without inconveniencing drivers. Similarly, a program to limit the operating speeds of heavy-duty vehicles, through engine design or other changes, would reduce the excess NOx emissions caused by vehicle operation at high speeds. The reduced fuel consumption associated with these measures would represent a secondary benefit to fleet owners.

Finally, EPA is working with the freight transportation industry to identify potential infrastructure or regulatory changes that could increase system efficiencies. Any move to improve the efficiency of freight transportation, while reducing costs to industry, would reduce emissions by decreasing the total mileage driven by heavy-duty trucks.

IX. Public Participation

EPA intends for this Notice to provide the basis for the beginning of a broad-based public discussion of the issues surrounding more stringent standards for heavy-duty highway engines presented in the Statement of Principles signed by EPA, CARB, and heavy-duty engine manufacturers. Specifically, the Agency requests comment on the need for heavy-duty engine controls, the proposed timing for Agency action, and on whether the standards and other regulatory provisions planned in the SOP are reasonable and appropriate. EPA also requests comment on the planned approach for dealing with fuels. The Agency requests comment on the plan and need to pursue nonroad heavy-duty engine standards through cooperative discussions with engine and equipment manufacturers and CARB. The Agency also requests any emissions data, technical information, or analyses of technical feasibility which can be used to inform the planned actions. Finally, the Agency requests comment and information on the economic feasibility, including cost considerations for the planned actions.

EPA expects to issue a Notice of Proposed Rulemaking in the near future

proposing new emission standards for highway heavy-duty engines in accordance with the SOP. The Agency is committed to a full and open regulatory process and looks forward to input from a wide range of interested parties as the rulemaking process develops. These opportunities will likely include meetings and workshops in addition to the minimum required process involving a formal public comment period and a public hearing. EPA encourages all interested parties to become involved in this process as it develops.

X. Statutory Authority

Section 202(a)(3) authorizes EPA to establish emissions standards for new heavy-duty motor vehicle engines. See 42 U.S.C. 7521(a)(3). These standards are to reflect the greatest reduction achievable through the application of technology which the Administrator determines will be available, giving appropriate consideration to cost, energy, and safety factors associated with the application of such technology. This provision also establishes the lead time and stability requirements for these standards, and in addition authorizes EPA to establish requirements to control rebuilding practices for heavy-duty engines. Pursuant to Sections 202(a)(1) and 202(d), these emissions standards apply for the useful life period established by the Agency. See 42 U.S.C. 7521(a)(1), 7521(d).

Section 213 authorizes EPA to establish emissions standards for new heavy-duty nonroad engines where EPA determines that they cause or contribute to ozone or carbon monoxide air pollution in more than one area that is in nonattainment for ozone or carbon monoxide, or where EPA determines that emissions of other pollutants significantly contribute to air pollution which may reasonably be anticipated to endanger public health or welfare. As with heavy-duty motor vehicle engines, the emissions standards apply for the useful life established by the Agency. See 42 U.S.C. 7547.

Section 211(c) authorizes EPA to establish controls or prohibitions on fuels and fuel additives for use in highway and nonroad vehicles and engines. EPA may issue such regulations if it determines that (1) any emission product of the fuel or fuel additive causes or contributes to air pollution which may reasonably be anticipated to endanger the public health or welfare, or (2) emissions products of a fuel or fuel additive will impair to a significant degree the performance of any emissions control device or system which is in general use

or which the Administrator finds has been developed to a point where in a reasonable time it would be in general use were such regulation promulgated. See 42 U.S.C. 7545(c).

EPA's authority to issue a certificate of conformity upon payment of a non-compliance penalty established by regulations is found in Section 206(g) of the Act. See 42 U.S.C. 7525(g). Other provisions of Title II of the Act, along with Section 301, are additional authority for the measures discussed in this ANPRM.

XI. Unfunded Mandates Reform Act

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("UMRA"), P.L. 104-4, EPA must prepare a budgetary impact statement to accompany any general notice of proposed rulemaking or final rule that includes a Federal mandate which may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of \$100 million or more. Under Section 205, for any rule subject to Section 202 EPA generally must select the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Under Section 203, before establishing any regulatory requirements that may significantly or uniquely affect small governments, EPA must take steps to inform and advise small governments of the requirements and enable them to provide input.

EPA has determined that the requirements of UMRA do not extend to advance notices of proposed rulemaking such as this notice regarding potential controls for heavy-duty engines.

XII. Administrative Designation and Regulatory Analysis

Under Executive Order 12866 (58 FR 51735 (Oct. 4, 1993)), the Agency must determine whether this regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The order defines "significant regulatory action" as any regulatory action (including an advanced notice of proposed rulemaking) that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan

programs or the rights and obligations of recipients thereof; or,

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

This Advance Notice was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12866. Any written comments from OMB and any EPA response to OMB comments are in the public docket for this Notice.

List of Subjects in 40 CFR Parts 80, 86, and 90

Environmental protection, Administrative practice and procedure, Air pollution control, Diesel fuel, Motor vehicles, Motor vehicles pollution, Reporting and recordkeeping requirements, Research.

Dated: August 24, 1995.

Carol M. Browner,
Administrator.

Appendix: Statement of Principles

Statement of Principles

Members of the heavy-duty engine industry, the U.S. Environmental Protection Agency ("EPA"), and the California Air Resources Board ("CARB") (collectively, the "Signatories") recognize the importance of preserving the environment while maintaining a strong industry. This Statement of Principles ("SOP") increases certainty and stability for the heavy-duty engine industry which is vital for their business planning. It also ensures cleaner air in a manner which is both realistic for industry and responds to environmental needs. With this SOP, the heavy-duty engine industry has stepped forward to become a leader in environmental protection, and industry and government will work as partners to bring about cleaner air.

This SOP outlines the joint understanding of all Signatories, including issuance by EPA of a Notice of Proposed Rulemaking ("NPRM") which would be consistent with the points outlined in this document. EPA intends to issue the NPRM in 1995 and plans to promulgate a final rule by the end of 1996. However, this SOP does not change the importance of EPA demonstrating the need for the standards described below and EPA's obligation to meet the criteria of the Clean Air Act (the "Act" or "CAA") in finalizing any rule, including complying with all applicable rulemaking procedures. In order to facilitate the rulemaking process and to solicit additional views, EPA will precede the issuance of the NPRM with an Advanced Notice of Proposed Rulemaking ("ANPRM") announcing this SOP.

1. National Standards for On-Highway Heavy-Duty Engines: For more than two decades, as public concerns about air pollution and smog caused by emissions from heavy-duty trucks and buses have increased, both the industry and the government have responded to protect public health and the environment. Standards have

dropped from levels of 16.0 grams per brake-horsepower/hour ("g/bhp-hr") for Hydrocarbons ("HC")+Oxides of Nitrogen ("NO_x") in 1974 to just 5.0 g/bhp-hr NO_x and 1.3 g/bhp-hr HC for heavy-duty diesel engines today. The NO_x standard will fall again to 4.0 g/bhp-hr in 1998. California also has NO_x standards of 5.0 g/bhp-hr for these engines today and plans to adopt the federal 4.0 g/bhp-hr standard for 1998 models.

Much of the recent focus on improving emissions from diesel engines has centered around reducing smoke and soot from the exhaust. Particulate matter ("PM") standards for heavy-duty diesel engines have dropped from 0.6 g/bhp-hr in 1988 to just 0.1 g/bhp-hr today. The current PM standards represent a 90% reduction from unregulated levels. The 0.1 g/bhp-hr standard applies both in the California and federal programs. Urban buses have even tighter standards.

Heavy-duty engine manufacturers have certified vehicles to operate on clean alternative fuels such as natural gas and methanol and continue to research the emissions benefits of alternative and renewable fuels. Clearly, the industry has worked hard to improve technology and provide cleaner vehicles and engines.

However, in recent years, concern over the role of NO_x and HC emissions in causing ozone formation has grown considerably, and reducing both has become an important goal. The opportunity to reduce overall emissions of these pollutants by producing cleaner heavy-duty engines is significant.

The goal of all Signatories to this SOP is to reduce NO_x emissions from on-highway heavy-duty engines to levels approximating 2.0 g/bhp-hr beginning in 2004. The Signatories also recognize the need to reduce HC emissions. Because of the air quality importance of reducing hydrocarbon emissions to the maximum extent feasible and in order to maximize industry's ability to achieve low NO_x levels, EPA will propose for all heavy-duty engines as part of the NPRM: (1) a combined Non-methane Hydrocarbon ("NMHC")+NO_x standard of 2.4 g/bhp-hr and (2) a combined NMHC+NO_x standard of 2.5 g/bhp-hr together with a NMHC cap of 0.5 g/bhp-hr (collectively, the "Standards"), with flexibility for an engine family to comply with either one of these Standards as the manufacturer determines. It is expected that the Standards would result in emissions comparable to a NO_x standard of 2.0 g/bhp-hr (i.e., half of the 1998 NO_x standard), and also significant reductions in HC emissions.

While this SOP focuses on NO_x and NMHC emissions, the Signatories recognize it does not affect other existing emission or safety standards which pertain to heavy-duty engines. Specifically, all Signatories concur that the feasibility of the Standards would be affected by any changes in PM standards. Thus, this SOP is premised on EPA not changing the 0.1 g/bhp-hr diesel particulate standard currently in effect (or the lower PM standards for urban buses). Further, all Signatories concur that any changes in Carbon Monoxide ("CO") standards could affect compliance for spark-ignited engines. Thus, this SOP is premised on EPA not changing the CO standards currently in effect for heavy-duty engines.

2. Fuel Improvements: All Signatories acknowledge that fuel composition has a significant effect on emissions and that changes in the composition and improvements in the quality of fuel may be needed to make the Standards technologically feasible and otherwise appropriate under the Act. As part of the focus on reducing NO_x, and in cooperation with the fuels industry, the Signatories are committed to making improvements in diesel fuel (and other fuels used in heavy-duty engines) as appropriate under the Act to meet the 2004 Standards, taking into consideration costs and other relevant factors. Such efforts may include evaluation of the contribution of fuel parameters to heavy-duty engine emissions, including a higher cetane number and lower levels of aromatics and sulfur. The Signatories recognize fuel improvements are important and may be essential in reaching low NO_x levels in the most efficient manner, considering costs and other factors. The Signatories also recognize that any changes to both the certification and commercial fuel specification would have to become effective no later than October 2003 to ensure fuel availability at the time the Standards take effect.

3. Feasibility: To assess the progress of industry efforts to meet the Standards set forth in this SOP and to assure the lowest appropriate standards in 2004, in 1999 EPA shall review any rulemaking adopting the Standards discussed herein by issuing a notice providing the opportunity for public comment on whether or not the Standards are technologically feasible and otherwise appropriate under the CAA. After receiving public comment, EPA shall take final Agency action on the review under § 307 of the CAA, and shall revise the rule if the Agency determines that the Standards are not technologically feasible or are otherwise not appropriate under the CAA. The evaluation will consider the status of heavy-duty engine technology in that year and its projection to 2004. In addition, the evaluation will include an assessment of whether any fuel improvements (see item #2) that are needed to assist heavy-duty engines in complying with the Standards will be available nationwide.

In reviewing the rulemaking as set forth above, EPA shall review the need, feasibility and cost of the Standards under the criteria imposed on EPA by the Act, including, without limitation, the need to provide engine manufacturers no less than four full model years of lead-time. If EPA determines compliance with the Standards in 2004 is not technologically feasible or is otherwise not in accordance with the Act, then the Administrator will adjust the standard. If an adjustment is deemed necessary, the Standards for 2004 are not expected to be raised beyond a cap of: (1) 2.9 g/bhp-hr NMHC+NO_x and (2) 3.0 g/bhp-hr NMHC+NO_x with a proportional increase in the NMHC cap. However, if improvements to fuel quality are needed but not made, the Standards are not expected to be raised beyond a cap of: (1) 3.4 g/bhp-hr NMHC+NO_x and (2) 3.5 g/bhp-hr NMHC+NO_x with a proportional increase in the NMHC cap.

The Signatories shall meet periodically to provide updates on their efforts and progress in complying with the SOP.

4. California Standards: The California State Implementation Plan ("SIP") includes a proposed control measure to establish a 2.0 g/bhp-hr NO_x emission standard for new engines used in on-highway trucks sold in California in 2002 and thereafter. Both EPA and California recognize the benefits of harmonizing state and federal regulations. California confirms its intent to notice a public hearing to consider action to harmonize its regulations for dynamometer-certified engines greater than 8,500 lbs. GVWR with the federal regulations adopted under this SOP, provided such action would not compromise California's obligations to comply with state and federal law including the SIP. The Signatories recognize that California regulations establishing separate emission standards and test procedures for gasoline chassis-certified vehicles are not affected by this SOP.

5. Test Procedures: While there has been some discussion of current test procedures for heavy-duty engines, the SOP and the subsequent NPRM are premised on EPA not altering federal test procedures. It is possible that the Agency may evaluate changes for testing heavy-duty engines in the future, but it is recognized that the SOP is made in the context of current test procedures. Further, all Signatories recognize that any test cycle changes or additions would likely complicate and delay industry's ability to research, design, test, and produce engines that comply with the Standards by 2004. Any changes to test procedures used to determine compliance with the Standards for purposes of EPA certification or enforcement programs could also affect industry's ability to meet the Standards.

6. Durability: All Signatories recognize that it is important that emissions from cleaner heavy-duty engines be maintained throughout the life of the engine. To meet this goal, the Signatories will work to develop appropriate measures which ensure that emission gains are maintained in-use.

7. Averaging, Banking, and Trading Incentives: As part of this SOP, EPA and CARB will work cooperatively with industry to develop improved national averaging, banking, and trading ("AB&T") programs that will create more incentive for the early introduction of cleaner engines. At a minimum, EPA will propose to modify the existing AB&T program to eliminate any limitations on credit life and to eliminate all credit discounts. The Signatories acknowledge that an improved AB&T program may be critical in making the Standards feasible in 2004, and would provide an incentive for early introduction of cleaner technology.

In addition, EPA shall solicit comments in the NPRM on the merits of allowing cross-fuel, cross-subclass, and cross-category (e.g. on-highway and nonroad) credit exchanges, to the extent permitted under the Act.

8. Scope: These standards will apply to all on-highway heavy-duty engines, including those operating on diesel, gasoline, or alternative fuels or fuel blends. It is recognized that EPA and California place a

high priority on the need for additional nonroad heavy-duty engine standards, and that additional nonroad heavy-duty engine standards may be required. The Signatories intend to participate in discussions with nonroad heavy-duty engine and equipment manufacturers to develop a separate SOP by approximately October 1995 addressing emissions standards for heavy-duty nonroad engines.

9. *Stability*: One of the key principles of the SOP is to provide industry with increased certainty and stability for their business planning. Without such certainty and stability, industry would not commit to the enormous investment that the Standards will require. And, without such certainty and stability, those investments might never be recouped. EPA and California recognize the huge investment that will be required of industry. Under the Act, the minimum period of stability that EPA must provide for new on-highway heavy-duty engine emissions standards is three years. However, EPA and California acknowledge that under

this SOP industry will be making a commitment and investment that will require more than the minimum period of stability.

10. *Research Agreement*: The Signatories recognize the benefits of a joint industry/government research program with the goal of developing engine and fuel technologies which can meet and exceed the standards for heavy-duty on-highway engines outlined in this SOP. The Signatories will undertake development of a separate research agreement with goals of reducing NO_x emissions to 1.0 g/bhp-hr and PM emissions to 0.05 g/bhp-hr while maintaining attributes of current on-highway diesel engines such as performance, reliability, durability, safety, and efficiency. These characteristics have allowed current diesel engines to serve as the pillar of the international trucking industry. This research agreement would include certain of the industry signatories below, EPA, CARB, and other organizations, such as the U.S. Department of Energy, as approved by the participants.

Signed July 11, 1995, Chicago, Illinois.

Mary D. Nichols,

U.S. Environmental Protection Agency.

John D. Dunlap,

California Air Resources Board.

Members of the Engine Manufacturer Association

Caterpillar, Inc.

Cummins Engine Company

Detroit Diesel Corporation

Ford Motor Company

General Motors Corporation

Hino Motors, Ltd.

Mack Trucks, Inc.

Mitsubishi Motors America, Inc.

Navistar International

Volvo Truck Corporation

Environmental Protection Agency (Mary D.

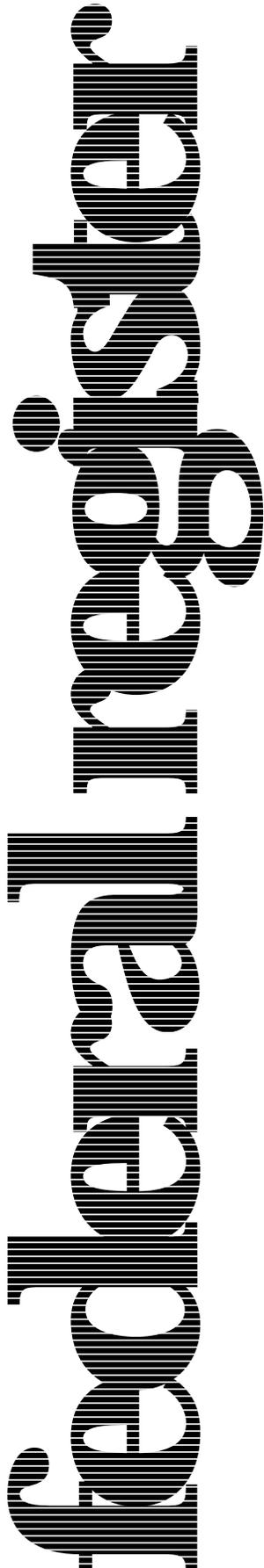
Nichols)

California Air Resources Board (John Dunlap)

[FR Doc. 95-21525 Filed 8-30-95; 8:45 am]

BILLING CODE 6560-50-P

Thursday
August 31, 1995



Part V

**Federal Deposit
Insurance
Corporation**

12 CFR Part 325
Capital Maintenance; Interim Rule

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 325

RIN 3064-AB57

Capital Maintenance

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Interim rule with request for comment.

SUMMARY: The FDIC is amending its capital adequacy standards for FDIC-supervised banks with regard to the regulatory capital treatment of certain transfers with recourse. This amendment is being adopted to implement section 208 of the Riegle Community Development and Regulatory Improvement Act of 1994 (Riegle Act). Section 208 provides that a qualifying insured depository institution that transfers small business loans and leases on personal property with recourse need include only the amount of retained recourse in its risk-weighted assets when calculating its capital ratios, provided that certain conditions are met. This rule will have the effect of lowering the capital requirements for small business loans and leases on personal property that have been transferred with recourse by qualifying insured depository institutions that are supervised by the FDIC.

DATES: The interim rule is effective August 31, 1995. Comments on this interim rule must be received by October 30, 1995.

ADDRESSES: All comments should be submitted to Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429. Comments may be hand delivered to Room F-402, 1776 F Street, N.W., Washington, D.C. 20429, on business days between 8:30 a.m. and 5:00 p.m. (Fax number: (202)898-3838; Internet address: comments@fdic.gov) Comments will be available for inspection at the FDIC's Reading Room, Room 7118, 550 17th Street, N.W., Washington, D.C. between 9:00 a.m. and 4:30 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: For supervisory issues, Stephen G. Pfeifer, Examination Specialist, Accounting Section, Division of Supervision (202/898-8904); for legal issues, Dirck A. Hargraves, Attorney, Legal Division (202/898-7049).

SUPPLEMENTARY INFORMATION:

I. Background

The FDIC's current regulatory capital standards are intended to ensure that insured depository institutions that transfer assets and retain the credit risk inherent in those assets maintain adequate capital to support that risk. This is generally accomplished by requiring that assets transferred with recourse continue to be reported on the institution's balance sheet when the institution files its quarterly Reports of Condition and Income (Call Report) with the FDIC. Thus, these amounts are included in the calculation of the risk-based and leverage capital ratios for FDIC-supervised institutions.

This regulatory reporting and capital treatment differs from how sales of assets with recourse are reported under generally accepted accounting principles (GAAP), which generally permit most such transactions to be reported as sales, thereby allowing the assets to be removed from the balance sheet.¹

Section 208 of the Riegle Act, which Congress enacted last year, directs the federal banking agencies to revise the current regulatory capital treatment applied to depository institutions engaging in recourse transactions involving small business obligations. Specifically, the Riegle Act indicates that a qualifying insured depository institution that transfers small business loans and leases on personal property with recourse need include only the amount of retained recourse in its risk-weighted assets when calculating its capital ratios, provided two conditions are met. First, the transaction must be treated as a sale under GAAP and, second, the depository institution must establish a non-capital reserve sufficient to meet the institution's reasonably estimated liability under the recourse arrangement. The aggregate amount of recourse retained in accordance with the provisions of the Riegle Act may not exceed 15 percent of an institution's total risk-based capital or a greater amount established by the appropriate federal banking agency. The Act also states that the preferential capital

¹ The GAAP treatment focuses on the transfer of benefits rather than the retention of risk and, thus, allows a transfer of receivables with recourse to be accounted for as a sale if the transferor: (1) Surrenders control of the future economic benefits of the assets, (2) is able to reasonably estimate its obligations under the recourse provision, and (3) is not obligated to repurchase the assets except pursuant to the recourse provision. In addition, the transferor must establish a separate liability account equal to the estimated probable losses under the recourse provision (GAAP recourse liability account).

treatment set forth in section 208 is not to be applied for purposes of determining an institution's status under the prompt corrective action statute (section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o) (FDI Act)).

The Riegle Act defines a small business as one that meets the criteria for a small business concern established by the Small Business Administration under section 3(a) of the Small Business Act.² This Act also defines a qualifying institution as one that is well capitalized or, with the approval of the appropriate federal banking agency, adequately capitalized, as these terms are set forth in the prompt corrective action statute. For purposes of determining whether an institution is qualifying, its capital ratios must be calculated *without regard* to the preferential capital treatment that section 208 sets forth for small business obligations.

II. Interim Rule

To implement the requirements of section 208 of the Riegle Act, the FDIC is amending its risk-based and leverage capital standards. In general, the FDIC's interim rule reduces the amount of capital that some depository institutions are required to hold against recourse transactions involving small business obligations.

Under the FDIC's interim rule, qualifying institutions that transfer small business obligations with recourse are required to maintain capital only against the amount of recourse retained (rather than against the full amount of assets transferred with recourse), provided two conditions are met. First, the transactions must be treated as sales under GAAP and, second, the transferring institutions must establish, pursuant to GAAP, a non-capital reserve sufficient to meet the reasonably estimated liability under their recourse arrangements. Consistent with section 208 of the Riegle Act, the interim rule applies only to transfers of obligations of small businesses that meet the criteria for a small business as established by the Small Business Administration. The FDIC also notes that the capital treatment specified in section 208 and in this interim rule for transfers of small business obligations with recourse takes

² See 15 U.S.C. 631. The Small Business Administration has implemented regulations setting forth the criteria for a small business concern at 13 C.F.R. 121.101 through 121.2106. For most industry categories, the regulation defines a small business concern as one with 500 or fewer employees. For some industry categories, a small business concern is defined in terms of a greater or lesser number of employees or in terms of a specified threshold of annual receipts.

precedence over the capital requirements recently implemented for transactions involving low level recourse (60 FR 15858, March 28, 1995) to the extent that they also involve small business obligations. In this regard, the capital requirements under Section 208 for qualifying institutions that transfer small business obligations with recourse are more preferential than those specified in the low level recourse rule.

The FDIC's interim rule extends the preferential capital treatment for transfers of small business obligations with recourse only to qualifying institutions. An institution will be considered qualifying if, pursuant to the FDIC's prompt corrective action regulation (12 CFR part 325—subpart B),³ it is well capitalized. By order of the FDIC, a bank that is adequately capitalized also may be deemed a qualifying institution. In determining whether a bank meets the qualifying institution criteria, the well capitalized and adequately capitalized definitions set forth in the FDIC's prompt corrective action regulation will be used, except that the bank's capital ratios must be calculated without taking into consideration the preferential capital treatment the interim rule provides for transfers of small business obligations with recourse.

Under the interim rule, the total outstanding amount of recourse retained by a qualifying institution on transfers of small business obligations receiving the preferential capital treatment cannot exceed 15 percent of the institution's total risk-based capital.⁴ By order, the FDIC may approve a higher limit. If an

institution is no longer a qualifying institution (e.g., it becomes less than well capitalized) or exceeds the established limit, the institution will not be able to apply the preferential capital treatment to any new transfers of small business loans and leases of personal property with recourse. However, those transfers of small business obligations with recourse that were completed while the institution was qualified and before it exceeded the established limit of 15 percent of total risk-based capital will continue to receive the preferential capital treatment even if the institution is no longer qualified or the amount of retained recourse on such transfers subsequently exceeds the capital limitation.

Section 208(f) of the Riegle Act provides that the capital of an insured depository institution shall be computed without regard to section 208 when determining whether an institution is adequately capitalized, undercapitalized, significantly undercapitalized, or critically undercapitalized under section 38 of the FDI Act.

The caption to section 208(f), "Prompt Corrective Action Not Affected", and the legislative history indicate section 208 was not intended to affect the operation of the prompt corrective action system. See S. Rep. No. 103-169, 103d Cong., 1st Sess. 38, 69 (1993). However, the statute does not include "well capitalized" in the list of capital categories not affected. The prompt corrective action system under section 38 of the FDI Act deals primarily with imposing corrective sanctions on institutions that are less than adequately capitalized. Therefore, allowing an institution that is adequately capitalized without regard to the section 208 preferential capital treatment to use section 208 for purposes of determining whether the bank is well capitalized generally would not affect the application of the prompt corrective action sanctions to the institution.⁵ Other statutes and regulations treat an institution more favorably if it is well

capitalized as defined under the prompt corrective action statute, but these provisions are not part of the prompt corrective action system of sanctions. Permitting an institution to be treated as well capitalized for purposes of these other provisions also will not affect the imposition of prompt corrective action sanctions.

There is one provision of the prompt corrective action system that could be affected by treating an institution as well capitalized rather than as adequately capitalized. In this regard, if the institution is in an unsafe and unsound condition or is engaging in an unsafe or unsound practice, § 325.103(d) of the FDIC's regulations (12 CFR 325.103(d)) authorizes the FDIC to: (1) Reclassify a well capitalized institution as adequately capitalized; and (2) require an adequately capitalized institution to comply with certain prompt corrective action provisions as if that institution were undercapitalized. Because the text and legislative history of section 208 of the Riegle Act indicate that it was not intended to affect prompt corrective action sanctions, the FDIC believes that the provisions of section 208 do not affect the capital calculation for purposes of reclassifying an institution from one capital category to a lower capital category, regardless of the bank's capital level.

Thus, in general, an institution may use the capital treatment described in section 208 of the Riegle Act when determining whether it is well capitalized for purposes of prompt corrective action as well as for other regulations that reference the well capitalized capital category.⁶ An institution may not use the capital treatment described in section 208 when determining whether it is adequately capitalized, undercapitalized, significantly undercapitalized, or critically undercapitalized for purposes of prompt corrective action or other regulations that directly or indirectly reference the prompt corrective action capital categories.⁷ Furthermore, the

³ Under 12 CFR Part 325—Subpart B, an institution is deemed to be well capitalized if it: (1) Has a total risk-based capital ratio of 10.0 percent or greater; (2) has a Tier 1 risk-based capital ratio of 6.0 percent or greater; (3) has a leverage ratio of 5.0 percent or greater; and (4) is not subject to any written agreement, order, capital directive or prompt corrective action directive issued by the FDIC pursuant to section 8 of the FDI Act (12 U.S.C. 1818), the International Lending Supervision Act of 1983 (12 U.S.C. 3907), or section 38 of the FDI Act (12 U.S.C. 1831o) or any regulation thereunder, to meet and maintain a specific capital level for any capital measure. An institution is deemed to be adequately capitalized if it: (1) has a total risk-based capital ratio of 8.0 percent or greater; (2) has a Tier 1 risk-based capital ratio of 4.0 percent or greater; (3) has a leverage ratio of 4.0 percent or greater or a leverage ratio of 3.0 percent or greater if the institution is rated composite 1 under the CAMEL rating system in its most recent examination and is not experiencing or anticipating significant growth; and (4) does not meet the definition of a well capitalized institution.

⁴ Thus, a transfer of small business loans with recourse that results in a qualifying institution retaining recourse in an amount greater than 15 percent of its total risk-based capital would not be eligible for the preferential capital treatment, even though the institution's amount of retained recourse before the transfer was less than 15 percent of capital.

⁵ It is very unlikely but theoretically possible for a bank that is undercapitalized without using the preferential capital treatment in section 208 to become well capitalized if the section 208 capital treatment is applied. Section 208 was not intended to affect prompt corrective action, and allowing an undercapitalized institution (without regard to section 208) to be treated as well capitalized (with regard to section 208) would affect prompt corrective action. The FDIC therefore believes it is inappropriate to allow an undercapitalized institution to use the section 208 preferential capital treatment to become well capitalized for prompt corrective action purposes. Accordingly, such an institution would continue to be treated as undercapitalized for purposes of applying the prompt corrective action sanctions.

⁶ An institution that is subject to a written agreement or capital directive as discussed in the FDIC's prompt corrective action regulation would not be considered well capitalized. Also, an institution that is undercapitalized without regard to the preferential Section 208 capital treatment would continue to be treated as undercapitalized for purposes of prompt corrective action (see footnote 5).

⁷ Under the provisions of section 208, the capital calculation used to determine whether an institution is well capitalized differs from the calculation used to determine whether an institution is adequately capitalized. As a result, it is possible that an institution could be well capitalized using one calculation (i.e., one that considers the preferential capital treatment under

capital ratios of an institution are to be determined without regard to the preferential capital treatment described in section 208 of the Riegle Act for purposes of applying the reclassification provisions set forth in § 325.103(d).

Section 208(g) of the Riegle Act directed the federal banking agencies to promulgate final regulations implementing section 208 not later than 180 days after the date of the statute's enactment—that is, not later than March 22, 1995. It can be fairly implied from the statutory directive that Congress intended for qualifying institutions to reap the benefits of the Section 208 capital treatment no later than March 22, 1995. In order to meet the spirit of the statute, the FDIC will raise no objection if an FDIC-supervised bank that is a qualifying institution under the interim rule hereafter chooses to apply the provisions of this interim rule to small business obligations that were transferred with recourse between March 22, 1995, and the effective date of this interim rule.

The FDIC also notes that section 208(a) of the Riegle Act provides that accounting principles applicable to the transfer of small business obligations with recourse contained in reports or statements required to be filed with the Federal banking agencies by a qualified insured depository institution shall be consistent with GAAP.⁸ The FDIC, in consultation with the other agencies and under the auspices of the Federal Financial Institutions Examination Council, intends to ensure that appropriate revisions are made to the Call Report and the Call Report instructions to implement Section 208(a) of the Riegle Act.

The FDIC is seeking comments on all aspects of this interim rule.

section 208) and adequately capitalized using the other (i.e., one that is calculated "without regard" to section 208). In this situation, the institution would be considered well capitalized. This preferential capital treatment will be applied in a similar fashion for purposes of determining whether an institution is well capitalized under the FDIC's brokered deposit (12 CFR 337.6) and insurance assessment (12 CFR part 327) regulations. These rules have definitions for well capitalized and adequately capitalized institutions that employ the same capital ratios that are used in the FDIC's prompt corrective action regulation.

⁸Transfers of small business obligations with recourse that are consummated at a time when the transferring institution does not qualify for the preferential capital treatment will continue to be reported in accordance with the instructions of the Consolidated Reports of Condition and Income (Call Reports) for sales of assets with recourse. These instructions generally require banks transferring assets with recourse to continue to report the assets on their balance sheets.

III. Regulatory Flexibility Act

This interim rule reduces the regulatory capital requirement on transfers with recourse of small business loans and leases on personal property and there will be no adverse economic effect on small business entities from the adoption of this interim rule.

The Board of Directors of the FDIC hereby certifies that adoption of this amendment to part 325 will not have a significant economic impact on a substantial number of small business entities within the meaning of the Regulatory Flexibility Act requirements (5 U.S.C. 601 et seq.).

This amendment will not necessitate the development of sophisticated recordkeeping or reporting systems by small institutions nor will small institutions need to seek out the expertise of specialized accountants, lawyers, or managers to comply with this regulation. In light of this certification, the Regulatory Flexibility Act requirements (at 5 U.S.C. 603, 604) to prepare initial and final regulatory flexibility analyses do not apply.

IV. Administrative Procedure Act

Section 208(g) of the Riegle Act requires that the federal bank regulatory agencies promulgate final rules implementing Section 208 no later than March 22, 1995. The FDIC Board of Directors (Board) has determined that the notice and public participation that are ordinarily required by the Administrative Procedure Act (5 U.S.C. 553) before a regulation may take effect would, in this case, be impracticable due to the time constraints imposed by Section 208(g). In addition, in the Board's view, advanced public notice and comment is unnecessary, as the interim rule merely restates the statute. Further, the interim rule would permit qualifying institutions to reduce their capital levels, thereby providing these institutions with greater lending flexibility. Consequently, the added delay that would result from seeking advanced notice and public participation could potentially adversely impact credit availability.

The interim rule will be immediately effective upon publication in the **Federal Register**. This action is being taken pursuant to section 553(d) of the Administrative Procedure Act which permits the waiver of the 30-day delayed effective date requirement for good cause and/or where a rule relieves a restriction. The Board views the limitations of time and the potential loss of benefit to affected parties during the pendency of this rulemaking as good cause to waive the customary 30-day

delayed effective date. In addition, as the rule relieves a restriction, the 30-day delayed effective date may be waived. Nevertheless, the Board desires to have the benefit of public comment before adoption of a permanent final rule on this subject. Accordingly, the Board invites interested persons to submit comments during a 60-day comment period. In adopting a final regulation, the Board will make such revisions to the interim rule as may be appropriate based on the comments received on the interim rule.

V. Paperwork Reduction Act and Regulatory Burden

The FDIC has determined that this interim rule will not increase the regulatory paperwork burden of state nonmember banks pursuant to the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). Consequently, no information has been submitted to the Office of Management and Budget for review.

Section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 (Pub. L. 103-325, 108 Stat. 2160) requires that new regulations and amendments to regulations which impose additional reporting, disclosures, or other new requirements take effect on the first day of the calendar quarter following publication of the rule unless, among other things, the agency determines, for good cause, that the regulation should become effective on a day other than the first day of the next quarter. The FDIC believes that an immediate effective date is appropriate since the interim rule relieves a regulatory burden on qualifying FDIC-supervised institutions that transfer small business obligations with recourse by significantly reducing the capital requirements on such obligations. This immediate effective date will permit qualifying institutions to reduce the amount of capital they must maintain to support the risk retained in these sales. Moreover, the FDIC does not anticipate that immediate application of the rule will present a hardship to qualifying institutions in terms of compliance. Also, there is a statutory requirement for the banking agencies to promulgate final regulations implementing the provisions of section 208 by March 22, 1995. For these reasons, the FDIC has determined that an immediate effective date is appropriate.

List of Subjects in 12 CFR Part 325

Bank deposit insurance, Banks, banking, Capital adequacy, Reporting and recordkeeping requirements,

Savings associations, State nonmember banks.

For the reasons set forth in the preamble, the Board of Directors of the Federal Deposit Insurance Corporation amends part 325 of title 12 of the Code of Federal Regulations as follows:

PART 325—CAPITAL MAINTENANCE

1. The authority citation for Part 325 is revised to read as follows:

Authority: 12 U.S.C. 1815(a), 1815(b), 1816, 1818(a), 1818(b), 1818(c), 1818(t), 1819(Tenth), 1828(c), 1828(d), 1828(i), 1828(n), 1828(o), 1831o, 1835, 3907, 3909, 4808; Pub. L. 102-233, 105 Stat. 1761, 1789, 1790 (12 U.S.C. 1831n note); Pub. L. 102-242, 105 Stat. 2236, 2355, 2386 (12 U.S.C. 1828 note).

2. In part 325, § 325.3 is amended by adding a new paragraph (e) to read as follows:

§ 325.3 Minimum leverage capital requirement.

* * * * *

(e) *Small business loans and leases on personal property transferred with recourse.* (1) Notwithstanding other provisions of this part, for purposes of calculating its leverage ratio, a qualifying institution that has transferred small business loans and leases on personal property (small business obligations) with recourse shall exclude from its total assets the outstanding principal amount of the loans and leases transferred with recourse, provided two conditions are met. First, the transaction must be treated as a sale under generally accepted accounting principles (GAAP) and, second, the qualifying institution must establish pursuant to GAAP a non-capital reserve sufficient to meet the institution's reasonably estimated liability under the recourse arrangement. Only loans and leases to businesses that meet the criteria for a small business concern established by the Small Business Administration under section 3(a) of the Small Business Act (12 U.S.C. 631) are eligible for this capital treatment.

(2) For purposes of this part, a qualifying institution is a bank that is well capitalized. In addition, by order of the FDIC, a bank that is adequately capitalized may be deemed a qualifying institution. In determining whether a bank meets the qualifying institution criteria, the prompt corrective action

well capitalized and adequately capitalized definitions set forth in § 325.103 shall be used, except that the bank's capital ratios must be calculated *without regard* to the preferential capital treatment for transfers of small business obligations with recourse specified in paragraph (e)(1) of this section. The total outstanding amount of recourse retained by a qualifying institution on transfers of small business obligations receiving the preferential capital treatment cannot exceed 15 percent of the institution's total risk-based capital. By order, the FDIC may approve a higher limit.

(3) If a bank ceases to be a qualifying institution or exceeds the 15 percent of capital limit under paragraph (e)(2) of this section, the preferential capital treatment will continue to apply to any transfers of small business obligations with recourse that were consummated during the time the bank was a qualifying institution and did not exceed such limit.

(4) The leverage capital ratio of a bank shall be calculated *without regard* to the preferential capital treatment for transfers of small business obligations with recourse specified in paragraph (e)(1) of this section for purposes of:

- (i) Determining whether a bank is adequately capitalized, undercapitalized, significantly undercapitalized, or critically undercapitalized under the prompt corrective action capital category definitions specified in § 325.103; and
- (ii) Applying the prompt corrective action reclassification provisions specified in § 325.103(d), regardless of the bank's capital level.

* * * * *

3. Appendix A to part 325 is amended by adding a new paragraph 6 to section II.B. to read as follows:

Appendix A to Part 325—Statement of Policy on Risk-Based Capital

* * * * *

II. * * *
B. * * *

6. *Small Business Loans and Leases on Personal Property Transferred with Recourse.*—(a) Notwithstanding other provisions of this appendix A, a qualifying institution that has transferred small business loans and leases on personal property (small business obligations) with recourse shall include in risk-weighted assets only the amount of retained recourse, provided two conditions are met. First, the transaction must be treated as a sale under generally accepted accounting principles (GAAP) and,

second, the qualifying institution must establish pursuant to GAAP a non-capital reserve sufficient to meet the institution's reasonably estimated liability under the recourse arrangement. Only loans and leases to businesses that meet the criteria for a small business concern established by the Small Business Administration under section 3(a) of the Small Business Act are eligible for this capital treatment.

(b) For purposes of this appendix A, a qualifying institution is a bank that is well capitalized. In addition, by order of the FDIC, a bank that is adequately capitalized may be deemed a qualifying institution. In determining whether a bank meets the qualifying institution criteria, the prompt corrective action well capitalized and adequately capitalized definitions set forth in § 325.103 shall be used, except that the bank's capital ratios must be calculated *without regard* to the preferential capital treatment for transfers of small business obligations with recourse specified in section II.B.6.(a) of this appendix A. The total outstanding amount of recourse retained by a qualifying institution on transfers of small business obligations receiving the preferential capital treatment cannot exceed 15 percent of the institution's total risk-based capital. By order, the FDIC may approve a higher limit.

(c) If a bank ceases to be a qualifying institution or exceeds the 15 percent of capital limit under section II.B.6.(b) of this appendix A, the preferential capital treatment will continue to apply to any transfers of small business obligations with recourse that were consummated during the time the bank was a qualifying institution and did not exceed such limit.

(d) The risk-based capital ratios of a bank shall be calculated *without regard* to the preferential capital treatment for transfers of small business obligations with recourse specified in paragraph (a) of this section for purposes of:

- (i) Determining whether a bank is adequately capitalized, undercapitalized, significantly undercapitalized, or critically undercapitalized under the prompt corrective action capital category definitions specified in § 325.103; and
- (ii) Applying the prompt corrective action reclassification provisions specified in § 325.103(d), regardless of the bank's capital level.

* * * * *

By the order of the Board of Directors.

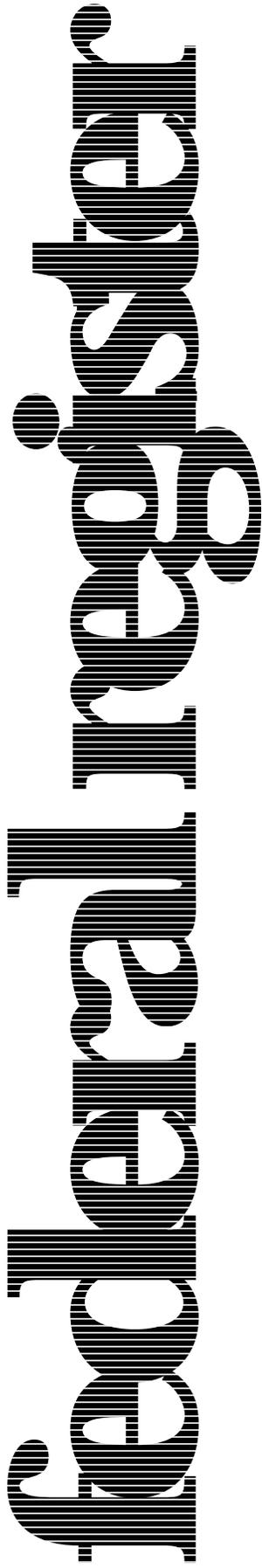
Dated at Washington, D.C. this 25th day of August, 1995.

Federal Deposit Insurance Corporation.

Jerry L. Langley,
Executive Secretary.

[FR Doc. 95-21567 Filed 8-30-95; 8:45 am]

BILLING CODE 6714-01-P



Thursday
August 31, 1995

Part VI

**Federal Reserve
System**

12 CFR Parts 208 and 225
Capital; Capital Adequacy Guidelines;
Final Rule

FEDERAL RESERVE SYSTEM**12 CFR Parts 208 and 225**

[Regulations H and Y; Docket No. R-0870]

Capital; Capital Adequacy Guidelines**AGENCY:** Board of Governors of the Federal Reserve System.**ACTION:** Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is amending its risk-based and leverage capital adequacy guidelines for state member banks and bank holding companies (collectively, banking organizations) to implement section 208 of the Riegle Community Development and Regulatory Improvement Act of 1994 (Riegle Act). Section 208 states that a qualifying insured depository institution that transfers small business loans and leases on personal property with recourse shall include only the amount of retained recourse in its risk-weighted assets when calculating its capital ratios, provided that certain conditions are met. This rule will have the effect of lowering the capital requirements for small business loans and leases on personal property that have been transferred with recourse by qualifying banking organizations.

EFFECTIVE DATE: September 1, 1995.**FOR FURTHER INFORMATION CONTACT:**

Rhoger H Pugh, Assistant Director (202/728-5883); Norah Barger, Manager (202/452-2402); Thomas R. Boemio, Supervisory Financial Analyst (202/452-2982); or David A. Elkes, Senior Financial Analyst (202/452-5218), Division of Banking Supervision and Regulation. For the hearing impaired only, Telecommunication Device for the Deaf (TDD), Dorothea Thompson (202/452-3544), Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION:**Background**

The Board's current regulatory capital guidelines are intended to ensure that banking organizations that transfer assets and retain the credit risk inherent in those assets maintain adequate capital to support that risk. For banks, this is generally accomplished by requiring that assets transferred with recourse continue to be reported on the balance sheet in their regulatory reports. Thus, these assets are included in the calculation of banks' risk-based and leverage capital ratios. For bank holding companies, transfers of assets with recourse are reported in accordance with generally accepted accounting

principles (GAAP). GAAP treats most such transactions as sales, allowing the assets to be removed from the balance sheet.¹ For purposes of calculating bank holding companies' risk-based capital ratios, however, assets sold with recourse that have been removed from the balance sheet in accordance with GAAP are included in risk-weighted assets. Accordingly, banking organizations are generally required to maintain capital against the full amount of assets transferred with recourse.

Section 208 of the Riegle Act, which Congress enacted last year, directs the federal banking agencies to revise the current regulatory capital treatment applied to depository institutions engaging in recourse transactions that involve small business obligations. Specifically, the Riegle Act states that a qualifying insured depository institution that transfers small business loans and leases on personal property (small business obligations) with recourse need include only the amount of retained recourse in its risk-weighted assets when calculating its capital ratios, rather than the full amount of the transferred small business loans with recourse generally required, provided two conditions are met. First, the transaction must be treated as a sale under GAAP and, second, the depository institution must establish a non-capital reserve in an amount sufficient to meet the institution's reasonably estimated liability under the recourse arrangement. The aggregate amount of recourse retained in accordance with the provisions of the Act may not exceed 15 percent of an institution's total risk-based capital or a greater amount established by the appropriate federal banking agency. The Act also states that the preferential capital treatment set forth in section 208 is not to be applied for purposes of determining an institution's status under the prompt corrective action statute (section 38 of the Federal Deposit Insurance Act).

The Riegle Act defines a qualifying institution as one that is well capitalized or, with the approval of the appropriate federal banking agency, adequately capitalized, as these terms

¹The GAAP treatment focuses on the transfer of benefits rather than the retention of risk and, thus, allows a transfer of receivables with recourse to be accounted for as a sale if the transferor (1) surrenders control of the future economic benefits of the assets, (2) is able to reasonably estimate its obligations under the recourse provision, and (3) is not obligated to repurchase the assets except pursuant to the recourse provision. In addition, the transferor must establish a separate liability account equal to the estimated probable losses under the recourse provision (GAAP recourse liability account).

are set forth in the prompt corrective action statute. For purposes of determining whether an institution is qualifying, its capital ratios must be calculated *without regard* to the preferential capital treatment that section 208 sets forth for small business obligations. The Riegle Act also defines a small business as one that meets the criteria for a small business concern established by the Small Business Administration under section 3(a) of the Small Business Act.²

To meet the statutory requirements of section 208 of the Riegle Act, the Board issued a proposed rule amending its risk-based and leverage capital guidelines for state member banks (60 FR 6042, February 1, 1995). Although section 208 pertains only to insured depository institutions, the Board also proposed amending its risk-based capital guidelines for bank holding companies in order to maintain consistency among banking organizations in the calculation of regulatory capital ratios.³

The proposal noted that in view of the requirement that the preferential capital treatment set forth in section 208 be disregarded for prompt corrective action purposes, the Board expected that it also would disregard the preferential capital treatment for purposes of determining limitations on an institution's ability to borrow from the discount window and that it would consider disregarding this treatment for purposes of determining a correspondent's capital level under the limitations of the Board's Regulation F (limitations on interbank liabilities). The regulations governing these matters are based in part on regulations implementing the prompt corrective action statute. The comment period on the Board's proposal ended on February 27, 1995.

Comments Received

In response to its proposal, the Board received letters from four public commenters consisting of three banking organizations and one banking trade association. All four organizations

²See 15 U.S.C. 631 et seq. The Small Business Administration has implemented regulations setting forth the criteria for a small business concern at 13 CFR 121.101-121.2106. For most industry categories, the regulation defines a small business concern as one with 500 or fewer employees. For some industry categories, a small business concern is defined in terms of a greater or lesser number of employees or in terms of a specified threshold of annual receipts.

³The Board did not propose amending its leverage capital guidelines for bank holding companies since all transfers with recourse that are treated as sales under GAAP are already removed from a transferring bank holding company's balance sheet and, thus, are not included in the calculation of its leverage ratio.

supported the Board's proposal to lower the capital requirements for both state member banks and bank holding companies on recourse transactions associated with transfers of small business loans and leases. Three respondents favored extending the preferential capital treatment to other types of assets. Two commenters argued that not applying the preferential capital treatment for purposes of determining an institution's prompt corrective action category, its ability to borrow from the discount window, or limitations on interbank liabilities would diminish the benefits of the proposed capital treatment.

Three respondents noted that under the proposal, capital would be required to be maintained for the entire amount of recourse retained while further requiring that a liability reserve be established for expected future losses associated with the recourse arrangements. These commenters stated that this requirement would result in a partial duplication of capital charges and, accordingly, argued that the retained recourse liability should be reduced by the amount of the reserve before calculating capital requirements.

Final Rule

After consideration of the comments received and further deliberation on the issues involved, the Board is implementing section 208 of the Riegle Act by adopting a final rule amending the risk-based and leverage capital guidelines for state member banks. In general, the final rule reduces the amount of capital that banking organizations are required to hold against small business obligations transferred with recourse. The final rule provides that qualifying institutions that transfer small business obligations with recourse are required, for risk-based capital purposes, to maintain capital only against the amount of recourse retained and, for leverage ratio purposes, are not required to maintain any capital at all against such obligations transferred with recourse, provided two conditions are met. First, the transaction must be treated as a sale under GAAP and, second, the transferring institutions must establish, pursuant to GAAP, a non-capital reserve sufficient to meet the reasonably estimated liability under their recourse arrangements.

As proposed, to maintain consistency in regulatory capital calculations among the banking organizations, the Board is also issuing a parallel final amendment to its risk-based capital guidelines for bank holding companies. The Board notes that the final rule, consistent with

section 208 and its proposal, applies only to transfers of obligations of small businesses that meet the criteria for a small business as established by the Small Business Administration. The Board also notes that the capital treatment specified in section 208 and in this final rule for transfers of small business obligations with recourse takes precedence over the capital requirements recently implemented for transactions involving low levels of recourse.

In setting forth this final rule, the Board has considered the arguments made by commenters for reducing the amount of retained recourse against which capital would be assessed by the amount of the recourse liability reserve that is established pursuant to GAAP. Section 208, however, requires qualifying institutions selling small business obligations with recourse to establish and maintain a reserve equal to the amount of its reasonable estimated liability under the recourse arrangement *and* maintain capital against the amount of retained recourse. The Board notes that the reserve required under GAAP for the reasonable estimated liability on assets transferred with recourse is established to cover expected losses while regulatory capital is maintained to absorb unexpected losses beyond those that were estimated and expected. Thus, the Board believes that it is appropriate to assess risk-based capital against the full amount of recourse, as well as require the establishment of a liability reserve pursuant to GAAP.

However, the final rule does not, as proposed, amend the leverage capital guidelines for state member banks to require that the off-balance sheet amount of retained recourse on small business loans sold with recourse be included in the calculation of the leverage ratio. The Board has concluded that the leverage ratio should continue to be based primarily on the amount of average total on-balance-sheet assets as reported in the Call Report.

The Board's final rule extends the preferential capital treatment for transfers of small business obligations with recourse only to qualifying institutions. A state member bank will be considered qualifying if, pursuant to the Board's prompt corrective action regulation (12 CFR 208.30), it is well capitalized or, by order of the Board, adequately capitalized.⁴ Although bank

holding companies are not subject to the prompt corrective action regulation, they will be considered qualifying under the Board's final rule if they meet the criteria for well capitalized or, by order of the Board, for adequately capitalized as those criteria are set forth for banks. In order to qualify, an institution must be determined to be well capitalized or adequately capitalized without taking into account the preferential capital treatment the rule provides for any previous transfers of small business obligations with recourse.

Under the final rule, the total outstanding amount of recourse retained by a qualifying banking organization on transfers of small business obligations receiving the preferential capital treatment cannot exceed 15 percent of the institution's total risk-based capital.⁵ By order, the Board may approve a higher limit. If a banking organization is no longer qualifying (i.e., becomes less than well capitalized) or exceeds the established limit, it will not be able to apply the preferential capital treatment to any transfers of small business obligations with recourse that occur while the institution is not qualified or above the capital limit. However, those transfers of small business obligations with recourse that were completed while the banking organization was qualified and before it exceeded the established limit of 15 percent of total risk-based capital will continue to receive the preferential capital treatment even when the institution is no longer qualified or the amount of retained recourse on such transfers subsequently exceeds the capital limitation.

Section 208(f) provides that the capital of an insured depository institution shall be computed without regard to section 208 when determining

agreement, order, capital directive, or prompt corrective action directive issued by the Board pursuant to section 8 of the FDI Act, the International Lending Supervision Act of 1983, or section 38 of the FDI Act or any regulation thereunder, to meet and maintain a specific capital level for any capital measure.

A state member bank is deemed to be adequately capitalized if it: 1) has a total risk-based capital ratio of 8.0 or greater; 2) has a Tier 1 risk-based capital ratio of 4.0 percent or greater; 3) has a leverage ratio of 4.0 percent or greater or a leverage ratio of 3.0 percent or greater if the bank is rated composite 1 under the CAMEL rating system in its most recent examination and is not experiencing or anticipating significant growth; and 4) does not meet the definition of a well capitalized bank.

⁵Thus, a transfer of small business obligations with recourse that results in a qualifying banking organization retaining recourse in an amount greater than 15 percent of its total risk-based capital would not be eligible for the preferential capital treatment, even though the organization's amount of retained recourse before the transfer was less than 15 percent of capital.

⁴Under 12 CFR 208.30, a state member bank is deemed to be well capitalized if it: 1) has a total risk-based capital ratio of 10.0 percent or greater; 2) has a Tier 1 risk-based capital ratio of 6.0 percent or greater; 3) has a leverage ratio of 5.0 percent or greater; and 4) is not subject to any written

whether an institution is adequately capitalized, undercapitalized, significantly undercapitalized, or critically undercapitalized for purposes of prompt corrective action under the Board's prompt corrective action regulation (12 CFR 208.33(b)).

The caption to section 208(f) of the Riegle Act, "Prompt Corrective Action Not Affected," and the legislative history indicate section 208 was not intended to affect the operation of the prompt corrective action system. See S. Rep. No. 103-169, 103d Cong., 1st Sess. 38, 69 (1993). However, the statute does not include "well capitalized" in the list of capital categories not affected. The prompt corrective action system deals primarily with imposing corrective sanctions on institutions that are less than adequately capitalized. Therefore, allowing a bank that is adequately capitalized without regard to section 208 to use the section's capital provisions for purposes of determining whether the bank is well capitalized generally would not affect the application of the prompt corrective action sanctions to the bank.⁶ Other statutes and regulations treat a bank more favorably if it is well capitalized as defined under the prompt corrective action statute, but these provisions are not part of the prompt corrective action system of sanctions. Permitting an institution to be treated as well capitalized for purposes of these other provisions also will not affect the imposition of prompt corrective action sanctions.

There is one provision of the prompt corrective action system that could be affected by treating an institution as well capitalized rather than adequately capitalized. In this regard, if the institution's condition is unsafe and unsound or it is engaging in an unsafe or unsound practice, section 208.33(c) of the Board's prompt corrective action regulation (12 CFR 208.33(c)) authorizes the Board to reclassify a well capitalized institution as adequately capitalized and require an adequately capitalized institution to comply with certain prompt corrective action provisions as if

⁶ It is very unlikely but theoretically possible for a banking organization that is undercapitalized without using the preferential capital treatment in section 208 to become well capitalized if the provisions of section 208 are applied. Since, in the Board's view, section 208 was not intended to affect prompt corrective action sanctions, allowing an undercapitalized institution (without taking into account section 208) to be treated as well capitalized (taking into consideration section 208) would be an inappropriate application of the preferential capital treatment permitted under section 208. Thus, undercapitalized banking organizations will not be able to use the capital provisions of section 208 for purposes of improving their prompt corrective action capital category.

that institution were undercapitalized. Because the text and legislative history of section 208 of the Riegle Act clearly indicate that Congress did not intend to affect prompt corrective action sanctions, the Board believes that the provisions of section 208 do not affect the capital calculation for purposes of reclassifying a bank from one capital category to a lower capital category, regardless of the bank's capital level.

Thus, an institution may use the capital treatment described in section 208 of the Riegle Act when determining whether it is well capitalized for purposes of prompt corrective action as well as for other regulations that reference the well capitalized capital category.⁷ An institution may not use the capital treatment described in section 208 when determining whether it is adequately capitalized, undercapitalized, significantly undercapitalized, or critically undercapitalized for purposes of prompt corrective action or other regulations that directly or indirectly reference the prompt corrective action capital categories.⁸ Furthermore, the capital ratios of an institution are to be determined without regard to the preferential capital treatment described in section 208 of the Riegle Act for purposes of being reclassified from one capital category to a lower category as described in the Board's prompt corrective action regulation (12 CFR 208.33(c)).

Section 208(g) of the Riegle Act required that final regulations implementing the provisions of section 208 be promulgated not later than 180 days after the date of the statute's enactment, i.e., by March 22, 1995. In order to meet the spirit of the statute, the preferential capital treatment may be applied by qualifying banking organizations for those transfers of small business obligations with recourse that occurred on or after March 22, 1995, provided certain conditions are met.

⁷ A institution that is subject to a written agreement or capital directive as discussed in the Board's prompt corrective action regulation would not be considered well capitalized. Also, undercapitalized banking organizations will not be able to use the capital provisions of section 208 for purposes of improving their prompt corrective action capital category. (See footnote 6.)

⁸ Under the provisions of section 208, the capital calculation used to determine whether an institution is well capitalized differs from the calculation used to determine whether an institution is adequately capitalized. As a result, it is possible that an institution could be well capitalized using one calculation (i.e., one that considers the preferential capital treatment) and adequately capitalized using the other (i.e., one that is calculated without regard to the preferential capital treatment). In this situation, the institution would be considered well capitalized.

The Board also notes that Section 208(a) of the Riegle Act provides that the accounting principles applicable to the transfer of small business obligations with recourse contained in reports or statements required to be filed with the federal banking agencies by a qualified insured depository institution shall be consistent with GAAP.⁹ The Board, in consultation with the other agencies and under the auspices of the Federal Financial Institutions Examinations Council, intends to ensure that appropriate revisions are made to the Consolidated Reports of Condition and Income (Call Reports) and the Call Report instructions to implement the accounting provisions of section 208.

Regulatory Flexibility Act

This rule reduces the capital requirements on transfers with recourse of small business loans and leases of personal property. Therefore, pursuant to section 605(b) of the Regulatory Flexibility Act, the Board hereby certifies that this rule will not have a significant economic impact on a substantial number of small business entities (in this case, small banking organizations). Accordingly, a regulatory flexibility analysis is not required. The risk-based capital guidelines generally do not apply to bank holding companies with consolidated assets of less than \$150 million; thus, the rule will not affect such companies.

Paperwork Reduction Act and Regulatory Burden

The Board has determined that this rule will not increase the regulatory paperwork burden of banking organizations pursuant to the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Section 302 of the Riegle Community Development and Regulatory Improvement Act of 1994 (Pub. L. 103-325, 108 Stat. 2160) requires that new regulations take effect on the first day of the calendar quarter following publication of the rule, unless the agency determines, for good cause, that the regulation should become effective on a day other than the first day of the next quarter. October 1, 1995 would be

⁹ Transfers of small business obligations with recourse that are consummated at a time when the transferring banking organization does not qualify for the preferential capital treatment or that result in the organization exceeding the 15 percent capital limitation will continue to be reported in accordance with the instructions of the Consolidated Reports of Condition and Income (Call Reports) for sales of assets with recourse. The Call Report instructions generally require banks transferring assets with recourse to continue to report the assets on their balance sheets.

the first day of the calendar quarter following publication of the rule that would also satisfy the requirements of the Administrative Procedures Act (5 U.S.C. 553(d)). The Board has decided that the final rule should be effective immediately since the rule relieves a regulatory burden on banking organizations that transfer small business obligations with recourse by significantly reducing the capital requirements on such obligations. This immediate effective date will permit banks to treat transfers of small business obligations as sales and to reduce the capital requirement for any such sales. Also, there is a statutory requirement for the banking agencies to promulgate final regulations implementing the provisions of section 208 by March 22, 1995. For these same reasons, in accordance with 5 U.S.C. 553(d) (1) and (3), the Board finds there is good cause not to follow the 30-day notice requirements of 5 U.S.C. 553(d) and to make the final rule effective immediately.

List of Subjects

12 CFR Part 208

Accounting, Agriculture, Banks, banking, Confidential business information, Crime, Currency, Federal Reserve System, Flood insurance, Mortgages, Reporting and recordkeeping requirements, Securities.

12 CFR Part 225

Administrative practice and procedure, Banks, banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

For the reasons set forth in the preamble, the Board amends 12 CFR parts 208 and 225 as set forth below:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

1. The authority citation for part 208 continues to read as follows:

Authority: 12 U.S.C. 36, 248(a), 248(c), 321–338a, 371d, 461, 481–486, 601, 611, 1814, 1823(j), 1828(o), 1831o, 1831p–l, 3105, 3310, 3331–3351, and 3906–3909; 15 U.S.C. 78b, 781(b), 781(g), 781(i), 780–4(c)(5), 78q, 78q–1 and 78w; 31 U.S.C. 5318; 42 U.S.C. 4012a, 4104a, 4104b.

2. In part 208, appendix A, section III.B. is amended by adding a new paragraph 5. to read as follows:

Appendix A to Part 208—Capital Adequacy Guidelines for State Member Banks: Risk-Based Measure

* * * * *
III. * * *

B. * * *
5. *Small Business Loans and Leases on Personal Property Transferred with Recourse.*

a. Notwithstanding other provisions of this appendix A, a qualifying bank that has transferred small business loans and leases on personal property (small business obligations) with recourse shall include in weighted-risk assets only the amount of retained recourse, provided two conditions are met. First, the transaction must be treated as a sale under GAAP and, second, the bank must establish pursuant to GAAP a non-capital reserve sufficient to meet the bank's reasonably estimated liability under the recourse arrangement. Only loans and leases to businesses that meet the criteria for a small business concern established by the Small Business Administration under section 3(a) of the Small Business Act are eligible for this capital treatment.

b. For purposes of this appendix A, a bank is qualifying if it meets the criteria set forth in the Board's prompt corrective action regulation (12 CFR 208.30) for well capitalized or, by order of the Board, adequately capitalized. For purposes of determining whether a bank meets the criteria, its capital ratios must be calculated without regard to the preferential capital treatment for transfers of small business obligations with recourse specified in section III.B.5.a. of this appendix A. The total outstanding amount of recourse retained by a qualifying bank on transfers of small business obligations receiving the preferential capital treatment cannot exceed 15 percent of the bank's total risk-based capital. By order, the Board may approve a higher limit.

c. If a bank ceases to be qualifying or exceeds the 15 percent capital limitation, the preferential capital treatment will continue to apply to any transfers of small business obligations with recourse that were consummated during the time that the bank was qualifying and did not exceed the capital limit.

d. The risk-based capital ratios of the bank shall be calculated without regard to the preferential capital treatment for transfers of small business obligations with recourse specified in section III.B.5.a. of this appendix A for purposes of:

(i) Determining whether a bank is adequately capitalized, undercapitalized, significantly undercapitalized, or critically undercapitalized under prompt corrective action (12 CFR 208.33(b)); and

(ii) Reclassifying a well capitalized bank to adequately capitalized and requiring an adequately capitalized bank to comply with certain mandatory or discretionary supervisory actions as if the bank were in the next lower prompt corrective action capital category (12 CFR 208.33(c)).

* * * * *

3. In part 208, appendix B, section II. is amended by redesignating paragraph c. as paragraph g. and adding new paragraphs c., d., e., and f to read as follows:

Appendix B to Part 208—Capital Adequacy Guidelines for State Member Banks: Tier 1 Leverage Measure

* * * * *

II. * * *

c. Notwithstanding other provisions of this appendix B, a qualifying bank that has transferred small business loans and leases on personal property (small business obligations) with recourse shall, for purposes of calculating its tier 1 leverage ratio, exclude from its average total consolidated assets the outstanding principal amount of the small business loans and leases transferred with recourse, provided two conditions are met. First, the transaction must be treated as a sale under generally accepted accounting principles (GAAP) and, second, the bank must establish pursuant to GAAP a non-capital reserve sufficient to meet the bank's reasonably estimated liability under the recourse arrangement. Only loans and leases to businesses that meet the criteria for a small business concern established by the Small Business Administration under section 3(a) of the Small Business Act are eligible for this capital treatment.

d. For purposes of this appendix B, a bank is qualifying if it meets the criteria set forth in the Board's prompt corrective action regulation (12 CFR 208.30) for well capitalized or, by order of the Board, adequately capitalized. For purposes of determining whether a bank meets these criteria, its capital ratios must be calculated without regard to the preferential capital treatment for transfers of small business obligations with recourse specified in section II.c. of this appendix B. The total outstanding amount of recourse retained by a qualifying bank on transfers of small business obligations receiving the preferential capital treatment cannot exceed 15 percent of the bank's total risk-based capital. By order, the Board may approve a higher limit.

e. If a bank ceases to be qualifying or exceeds the 15 percent capital limitation, the preferential capital treatment will continue to apply to any transfers of small business obligations with recourse that were consummated during the time that the bank was qualifying and did not exceed the capital limit.

f. The leverage capital ratio of the bank shall be calculated without regard to the preferential capital treatment for transfers of small business obligations with recourse specified in section II of this appendix B for purposes of:

(i) Determining whether a bank is adequately capitalized, undercapitalized, significantly undercapitalized, or critically undercapitalized under prompt corrective action (12 CFR 208.33(b)); and

(ii) Reclassifying a well capitalized bank to adequately capitalized and requiring an adequately capitalized bank to comply with certain mandatory or discretionary supervisory actions as if the bank were in the next lower prompt corrective action capital category (12 CFR 208.33(c)).

* * * * *

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (REGULATION Y)

1. The authority citation for part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1828o, 1831i, 1831p-1, 1843(c)(8), 1844(b), 1972(l), 3106, 3108, 3310, 3331-3351, 3907, and 3909.

2. In part 225, appendix A, section III.B. is amended by adding a new paragraph 5. to read as follows:

Appendix A to Part 225—Capital Adequacy Guidelines for Bank Holding Companies: Risk-Based Measure

* * * * *

III. * * *

B. * * *

5. *Small Business Loans and Leases on Personal Property Transferred with Recourse.*

a. Notwithstanding other provisions of this appendix A, a qualifying banking

organization that has transferred small business loans and leases on personal property (small business obligations) with recourse shall include in weighted-risk assets only the amount of retained recourse, provided two conditions are met. First, the transaction must be treated as a sale under GAAP and, second, the banking organization must establish pursuant to GAAP a non-capital reserve sufficient to meet the organization's reasonably estimated liability under the recourse arrangement. Only loans and leases to businesses that meet the criteria for a small business concern established by the Small Business Administration under section 3(a) of the Small Business Act are eligible for this capital treatment.

b. For purposes of this appendix A, a banking organization is qualifying if it meets the criteria for well capitalized or, by order of the Board, adequately capitalized, as those criteria are set forth in the Board's prompt corrective action regulation for state member banks (12 CFR 208.30). For purposes of determining whether an organization meets these criteria, its capital ratios must be calculated without regard to the capital

treatment for transfers of small business obligations with recourse specified in section III.B.5.a. of this appendix A. The total outstanding amount of recourse retained by a qualifying banking organization on transfers of small business obligations receiving the preferential capital treatment cannot exceed 15 percent of the organization's total risk-based capital. By order, the Board may approve a higher limit.

c. If a bank holding company ceases to be qualifying or exceeds the 15 percent capital limitation, the preferential capital treatment will continue to apply to any transfers of small business obligations with recourse that were consummated during the time that the organization was qualifying and did not exceed the capital limit.

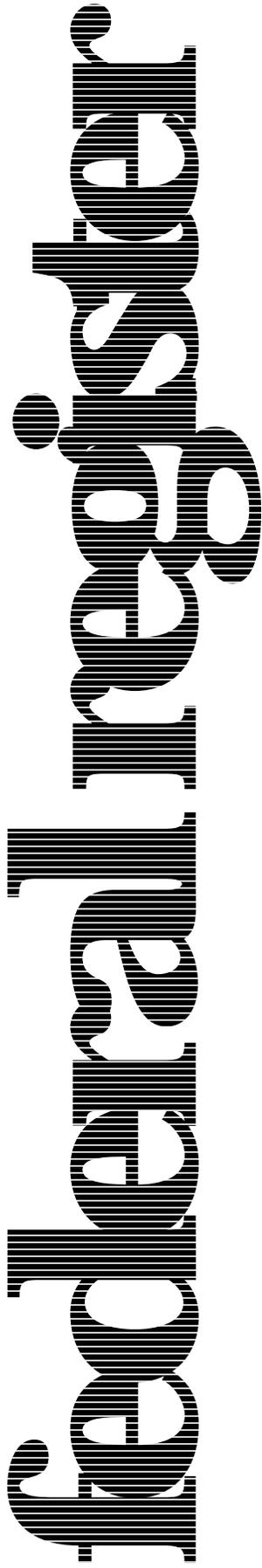
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By order of the Board of Governors of the Federal Reserve System, August 25, 1995.

Jennifer J. Johnson,
Deputy Secretary of the Board.

[FR Doc. 95-21607 Filed 8-30-95; 8:45 am]

BILLING CODE 6210-01-P



Thursday
August 31, 1995

Part VII

**Department of the
Treasury**

Office of Thrift Supervision

12 CFR 567

**Risk-Based Capital Requirements Transfer
of Assets With Recourse; Final Rule**

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 567

[No. 95-159]

RIN 1550-AA81

**Risk-Based Capital Requirements
Transfer of Assets With Recourse**AGENCY: Office of Thrift Supervision,
Treasury.ACTION: Interim rule with request for
comment.

SUMMARY: The Office of Thrift Supervision (OTS) is amending its risk-based capital standards as required by sections 208 and 350 of the Riegle Community Development and Regulatory Improvement Act of 1994 (the Riegle Act).

Section 208 of the Riegle Act is intended to facilitate the origination and sale of small business loans and leases of personal property by providing a more favorable risk-based capital treatment for transfers of such loans and leases with recourse. The OTS is amending 12 CFR Part 567 to permit qualifying institutions to elect to use this more favorable capital treatment.

Because the OTS capital rules already incorporate the requirements of section 350 of the Riegle Act, the agency does not propose regulatory revisions implementing this provision.

DATES: The interim rule is effective August 31, 1995. Comments on this interim rule must be received by October 30, 1995.

ADDRESSES: Written comments should be submitted to Chief, Dissemination Branch, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, Attention: Docket No. 95-159. These submissions may be hand delivered to 1700 G Street NW., from 9:00 a.m. to 5:00 p.m. on business days; they may be sent by facsimile transmission to FAX number (202) 906-7755. Comments will be available for inspection at 1700 G Street NW., from 1:00 p.m. until 4:00 p.m., on business days.

FOR FURTHER INFORMATION CONTACT: John F. Connolly, Senior Program Manager for Capital Policy (202/906-6465), Supervision; or Karen Osterloh, Counsel, Banking and Finance (202/906-6639), Regulations and Legislation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

I. Background

The OTS is amending its risk-based capital requirements, as necessary, to implement sections 208 and 350 of the Riegle Community Development and Regulatory Improvement Act of 1994, Pub. L. 103-325, 108 Stat 2160 (Riegle Act). These sections address the treatment of recourse obligations under the risk-based capital rules. A recourse obligation arises, for example, when a savings association transfers a loan or mortgage-related security subject to an agreement to repurchase or replace the loan or security if the underlying borrower defaults.

The Office of the Comptroller of the Currency, the Federal Reserve Board and the Federal Deposit Insurance Corporation¹ are also in the process of developing and issuing rules implementing sections 208 and 350 of the Riegle Act.

II. Current Treatment of Recourse Obligations Under OTS Risk-Based Capital Regulations

Under current OTS risk-based capital regulations, the full value of assets sold with recourse must be included in total assets and multiplied by the appropriate risk-weight percentage. Savings associations are required to hold capital equal to 8 percent of the risk-weighted value of the assets sold.²

However, an alternative rule (commonly called the "low-level recourse rule") applies whenever the foregoing requirements would result in a capital charge greater than the savings association's maximum recourse liability on the assets sold. Under these circumstances, instead of including the assets sold in an association's risk-weighted assets, the savings association's risk-based capital requirement is simply increased by an amount equal to the association's maximum recourse liability.³

Additionally, if the association is required under generally accepted accounting principles (GAAP) to establish a recourse liability account to absorb estimated probable losses from the recourse obligation, the amount of capital required is reduced.⁴ When the low-level recourse rule applies, the amount of the recourse obligation would be deducted from the maximum contractual obligation. When the low-level recourse rule does not apply, the amount of the recourse liability account

would be deducted from the amount of the transferred assets.

The following example illustrates how the foregoing rules work. If an association transfers a \$1,000 pool of small business loans with unlimited recourse, it would be required to hold capital equal to 8 percent of \$1,000 (an \$80 capital charge). However, if the association limits its maximum contractual recourse obligation to \$30, the capital requirement would be limited to \$30 under the low-level recourse rule. Moreover, if the association is required to establish a recourse liability account of \$10 under GAAP, the capital charge would be reduced to \$20.

III. Section 350 of the Riegle Act

Section 350(b)(1) of the Riegle Act provides that "[t]he amount of risk-based capital required to be maintained, under regulations prescribed by the appropriate Federal banking agency, by any insured depository institution with respect to assets transferred with recourse by such institution may not exceed the maximum amount of recourse for which such institution is contractually liable under the recourse agreement." The OTS capital rule, described above, already incorporates this "low-level recourse" approach at 12 CFR 567.6(a)(2)(i)(C).

Section 350(b)(2) permits the OTS to impose a higher capital charge if it determines that a higher capital requirement is necessary for the savings association's safety and soundness. Consistent with this section, the OTS has retained the authority to increase this capital charge under appropriate circumstances.⁵

Accordingly, the OTS has determined that it does not need to take further action to implement section 350 of the Riegle Act.

The OTS, however, solicits comment on its current approach for factoring associations' capital requirements under the low-level recourse approach into their total risk-based capital ratio and Tier 1 (core) risk-based capital ratio. The numerator in these ratios is the actual amount of risk-based or core capital, respectively, held by an association. The denominator is the total risk-weighted assets held by an association. These ratios are used to assess associations' capital positions and to determine capital categories for purposes of the prompt corrective action (PCA) provisions of section 38(b) of the Federal Deposit Insurance Act. 12 U.S.C. 1831o.⁶ As OTS regulations are

¹ These agencies with the OTS are collectively referred to as "the Banking Agencies."

² 12 CFR 567.6(a)(2)(i)(C).

³ 12 CFR 567.6(a)(2)(i)(C).

⁴ 59 FR 27116, 27122, n.17 (May 25, 1994).

⁵ 12 CFR 567.3.

⁶ See 12 CFR Part 565.

currently worded, an association that utilizes the low-level recourse rule merely adds the amount of its maximum contractual recourse obligation to its capital requirement. Furthermore, the amount of assets sold subject to the low-level recourse is not included in the association's total risk-weighted assets. Thus, when the aforementioned capital ratios under the PCA provisions are computed, adjustments must be made to ensure that the ratios take into account a savings association's low-level recourse exposure.

The OTS currently permits associations to use the more favorable of two adjustment computations. A savings association may either: (1) Deduct its aggregate low-level recourse capital requirement from the capital amount (*i.e.*, the numerator) in calculating these ratios; or (2) add its low-level recourse capital requirement multiplied by 12.5 (*i.e.*, the reciprocal of the 8 percent capital requirement) to its risk-weighted assets (*i.e.*, the denominator) in calculating the ratios. These alternative methods for calculating an association's Tier 1 risk-based capital ratio and total risk-based capital ratio are set forth in Appendix B to section 120, "Capital Adequacy," of the OTS Regulatory Handbook: Thrift Activities (January, 1994). The Banking Agencies are considering other alternatives including requiring all institutions to follow option (2) described above. The OTS specifically requests comment on this approach.

IV. Section 208 of the Riegle Act

Section 208 of the Riegle Act prescribes accounting principles and establishes modified capital rules for transfers of small business loans and leases of personal property with recourse (small business obligations) by qualified insured depository institutions. The term "small business" means a business that meets the criteria for a small business concern established by the Small Business Administration under section 3(a) of the Small Business Act.⁷ Under section 208(c), an insured depository institution is a qualified institution, if it: (1) Is well capitalized for PCA purposes, or (2) is adequately capitalized for PCA purposes and has obtained approval to apply the modified capital rules from the appropriate Federal banking agency.⁸ The OTS solicits comments on how it should

determine whether an adequately capitalized association should be permitted to use the modified capital rule under section 208.

Under section 208(a), accounting principles applicable to the transfer of a small business loan or lease of personal property with recourse and contained in reports or statements required to be filed with the appropriate Federal banking agency by a qualified insured depository institution, must be consistent with GAAP. The OTS currently requires savings associations to comply with GAAP in their financial reports and statements, including the reporting of transfers of assets with recourse.⁹ Accordingly, no regulatory amendments are required to implement section 208(a).

Section 208(b) prescribes modified risk-based capital requirements for transfers of small business loans or leases of personal property with recourse that are sales under GAAP. This modified risk-based capital treatment permits a qualified insured depository institution to include in its risk-weighted assets, for the purposes of applicable capital standards and other capital measures, only the amount of the retained recourse multiplied by the appropriate risk-weight percentage. For example, if an association sold a \$1,000 pool of small business loans with recourse, but limited its recourse liability to the first \$100 dollars of loss on the pool, section 208(b) would limit the applicable capital charge to \$8.00 (8 percent of the \$100 of retained recourse).

By contrast, current OTS risk-based capital regulations require savings associations to include in risk-weighted assets the full value of assets transferred with recourse multiplied by the appropriate risk-weight percentage. If the current rule were applied to the foregoing example, the association's capital charge would be 8 percent of the \$1,000 pool of transferred assets resulting in an \$80 capital charge, rather than the \$8.00 capital charge under section 208(b).

To be eligible for the preferential capital treatment under section 208(b), a qualified institution must "establish and maintain a reserve equal to an amount sufficient to meet the reasonable estimated liability of the institution under the recourse arrangement." The OTS capital rule follows GAAP in determining when to treat transfers with recourse as sales and how those sales must be accounted for. Accordingly, the OTS already requires transferors of assets with recourse to accrue, as a

separate liability, an amount sufficient to absorb their estimated probable losses under the recourse provision for the life of the assets transferred.

Section 208(d) limits the aggregate amount of recourse that may be retained by a qualified insured depository institution with respect to transactions that are accorded the modified capital treatment. Under this provision, the total outstanding amount of recourse retained by the institution and accorded the modified capital treatment may not exceed 15 percent of the association's risk-based capital or such greater amount as may be established by the appropriate Federal banking agency by regulation or order. The rule sets the limit under section 208(d) at 15 percent of the association's total capital under 12 CFR 567.5(c)(4).

Furthermore, section 208(e) provides that if an institution exceeds the aggregate limit or if it loses its qualified status, transactions completed while the institution was qualified continue to receive the favorable capital treatment. This provision is incorporated in the rule at 12 CFR 567.6(a)(3)(iv).

Section 208 contains two provisions that permit the agency, by regulation, to modify the requirements specified in the statute. As noted above, section 208(d)(2) permits the agency to increase the 15 percent aggregate limit. In addition, section 208(h) authorizes the OTS to establish an alternative system governing the amount of capital and reserves for small business obligations. The OTS has elected not to implement these discretionary alternative provisions at this time.

Section 208(f) states, "The capital of an insured depository institution shall be computed without regard [to section 208] in determining whether the institution is adequately capitalized, undercapitalized, significantly undercapitalized, or critically undercapitalized under section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o)." Section 1831o addresses prompt corrective action.

The caption to section 208(f), "Prompt Corrective Action Not Affected," and the legislative history indicate that section 208 was not intended to affect the prompt corrective action system.¹⁰ However, the statute does not include "well capitalized" in the list of capital categories not affected.

The prompt corrective action system deals primarily with imposing corrective sanctions on associations that are less than adequately capitalized. Therefore, allowing an association that

⁷ See 15 U.S.C. 632(a) and 13 CFR Part 121 (1995).

⁸ See Section 208(i)(1) and (7). Determinations as to whether a savings association is a qualified institution are made without regard to the accounting principles or capital requirements set forth in section 208(a) and (b). See Section 208(c).

⁹ 12 CFR 562.2(b)(1995).

¹⁰ See S. Rep. No. 103-169, 103d Cong., 1st Sess. 38, 69 (1993).

is adequately capitalized without section 208¹¹ to use the modified capital treatment under section 208 for purposes of determining whether it is well capitalized generally would not affect the application of the prompt corrective action sanctions to the association. Other statutes and regulations treat an association more favorably if it is well capitalized (as defined under the prompt corrective action statute), but these provisions are not part of the prompt corrective action system of sanctions. Permitting an association be treated as well capitalized for purposes of these other provisions also will not affect the imposition of prompt corrective action sanctions.

There is one provision of the prompt corrective action system that could be affected by treating an association as well capitalized, rather than adequately capitalized. If the OTS determines that an association is in an unsafe or unsound condition or is engaging in an unsafe or unsound practice, section 1831o(g) authorizes the OTS—(1) to reclassify a well capitalized association as adequately capitalized, and (2) to require an adequately capitalized association to comply with certain prompt corrective action provisions as if the association were undercapitalized. Because the text and legislative history of section 208 clearly indicate that Congress did not intend to affect prompt corrective action, the OTS believes that section 208 does not affect the capital calculation for purposes of section 1831o(g), regardless of the association's capital level.

Thus, an association may use the capital treatment described in section 208 when determining whether it is well capitalized for purposes of prompt corrective action (except 12 U.S.C. 1831o(g)), as well as for other regulations that reference the well capitalized capital category.¹² An association may not use the capital treatment described in section 208 when determining whether it is adequately capitalized, undercapitalized,

significantly undercapitalized, or critically undercapitalized for purposes of prompt corrective action or other regulations that directly or indirectly reference the prompt corrective action capital categories.¹³ No association may use the capital treatment under section 208 for purposes of 12 U.S.C. 1831o(g). The following is a summary of the applicable rules:

(1) *Associations that are well capitalized without using section 208.* These associations are "qualifying" and may apply section 208 to any transfers of small business obligations with recourse (up to the 15% of capital limit), for all purposes except 12 U.S.C. 1830o(g).

(2) *Associations that are adequately capitalized without using section 208, but have written permission from the OTS to use section 208.* These associations are also "qualifying" and may apply section 208 to any transfers of small business obligations with recourse (up to the 15% of capital limit), for all purposes except 12 U.S.C. 1830o(g).

(3) *All other associations.* Other types of associations are not "qualifying" and cannot apply section 208 to new obligations. However, if the association qualified in the past, it may continue to apply section 208 to obligations arising out of transfers that occurred while the association was qualified, for purposes of determining capital under Part 567.¹⁴ However, section 208 may not be used by these associations for purposes of prompt corrective action or other regulations that directly or indirectly reference prompt corrective action capital categories.

The OTS will not object if an association decides to apply the capital treatment described in this rule as of March 22, 1995, because this is the date by which the regulatory changes prescribed by the Riegle Act were to have become effective.

The OTS solicits comment on all aspects of this rule and any other issues related to its implementation of sections 208 and 350.

The Banking Agencies are in the process of reviewing other regulations and written policies relating to transfers

of assets with recourse. They intend to make comprehensive revisions of their regulations and written policies addressing the exposure of insured depository institutions to credit risk from transfers of assets with recourse. A notice of proposed rulemaking and advance notice of proposed rulemaking were published in the **Federal Register** on May 25, 1994.¹⁵ The Banking Agencies are working together on this rulemaking and intend to take further action as quickly as feasible.

V. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, the OTS hereby certifies that this interim rule will not have a significant economic impact on a substantial number of small entities. The changes are required by statute and will not affect savings associations' risk-based capital for prompt corrective actions purposes. Accordingly, a regulatory flexibility analysis is not required.

VI. Executive Order 12866

The OTS has determined that this interim rule is not a significant regulatory action as defined in Executive Order 12866. Under the interim rule, some associations' measured risk-based capital ratios may improve. This change, however, should have no material effect on the safety and soundness of affected associations and will not affect their measured risk-based capital for prompt corrective action purposes.

VII. Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, 104 Pub. L. 104-4 (signed into law on March 22, 1995), requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector of \$100 million or more in one year. If the budgetary impact statement is required, section 205 of the Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. As discussed in the preamble, the interim rule authorizes an alternative method of calculating capital that permits savings associations to elect to hold less capital for certain recourse obligations. The OTS has therefore determined that the interim rule will not result in expenditure by State, local, or tribal governments or by the private

¹¹ It is very unlikely, but theoretically possible that an association that is undercapitalized without section 208 would become well capitalized if it applied the modified capital treatment under section 208. Because section 208 was not intended to affect prompt corrective action and because allowing an undercapitalized association to become well capitalized would affect prompt corrective action, the OTS believes that section 208 does not allow an undercapitalized association to use the modified capital treatment to become well capitalized for the purposes of prompt corrective action.

¹² An association that is subject to a written agreement or capital directive as discussed in the OTS's prompt corrective action regulation would not be considered to be well capitalized.

¹³ Under section 208, the capital calculation used to determine whether an association is well capitalized differs from the calculation used to determine whether an association is adequately capitalized. As a result, it is possible that an institution could be well capitalized using one calculation and adequately capitalized using the other. In this situation, the institution would be considered well capitalized.

¹⁴ E.g., 12 CFR 567.2 (minimum capital requirements) and other regulations keyed to the OTS minimum capital requirements rather than the prompt corrective action categories.

¹⁵ See 59 FR 27116 (May 25, 1994).

sector of more than \$100 million. Accordingly, sections 202 and 205 do not apply.

VIII. Paperwork Reduction Act and Regulatory Burden

The OTS has determined that this interim rule will not increase the regulatory paperwork burden on savings associations under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Consequently, no information has been submitted to the Office of Management and Budget for review.

Section 302 of the Riegle Act requires that new regulations and amendments to regulations that impose additional reporting, disclosures, or other new requirements take effect on the first date of the calendar quarter following publication of the rule unless, among other things, the agency determines, for good cause, that the regulations should become effective on a day other than the first day of the next quarter. The OTS believes that an immediate effective date is appropriate since the interim rule relieves a regulatory burden on qualifying savings associations that transfer small business obligations with recourse by significantly reducing the capital requirements on such obligations. This immediate effective date will permit qualifying institutions to reduce the amount of capital they must maintain to support the risk retained in these transfers. Moreover, the OTS does not anticipate that the immediate application of the rules will present a hardship to institutions in terms of compliance. Also, there is a statutory requirement for the OTS to promulgate final regulations implementing the provisions of section 208 by March 22, 1995. For these reasons, the OTS has determined that this effective date is appropriate.

IX. Administrative Procedure Act

Section 208(g) of the Riegle Act requires that the OTS promulgate final rules implementing section 208 no later than March 22, 1995. The OTS has determined that the notice and public participation that are ordinarily required by the Administrative Procedure Act (5 U.S.C. 553) (the APA) before a regulation may take effect would, in this case, be impracticable due to the time constraints imposed by section 208(g). In addition, advance public notice and comment is unnecessary because the interim rule substantially restates the provisions of the statute. Further, the interim rule would permit qualifying institutions to reduce their capital levels, thereby providing these institutions with greater lending flexibility. Consequently, the

added delay that would result from seeking advance notice and public participation could potentially adversely impact credit availability.

Section 553(d) of the APA permits the waiver of the 30-day delayed effective date requirement for good cause, or where a rule relieves a restriction. The OTS believes that the limitations of time and the potential loss of benefit to affected parties during the pendency of this rulemaking constitutes good cause to waive the 30-day delayed effective date requirement. The OTS further believes that the 30-day effective date may be waived because the rule relieves a restriction. Accordingly, the interim rule will be immediately effective upon publication in the **Federal Register**. Nevertheless, the OTS seeks the benefit of public comment before adopting a final rule on this subject. Accordingly, the OTS invites interested persons to submit comments during the 60-day comment period. The OTS will revise the interim rule as appropriate based on these comments.

List of Subjects in 12 CFR Part 567

Capital, Reporting and recordkeeping requirements, Savings associations.

For the reasons set forth in the preamble, the Office of Thrift Supervision hereby amends Part 567, chapter V, title 12, Code of Federal Regulation as set forth below:

Subchapter D—Regulations Applicable to All Savings Associations

PART 567—CAPITAL

1. The authority citation for part 567 is revised to read as follows:

Authority: 12 U.S.C. 1462, 1462a, 1463, 1464, 1467a, 1835, 1848 (note), 4808.

2. Section 567.6(a) is revised by adding a fourth and fifth sentence between the phrase “recourse servicing’.” and the parenthetical in (a)(2)(i)(C), and by adding a new paragraph (a)(3) to read as follows:

§ 567.6 Risk-based capital credit risk-weight categories.

- (a) * * *
- (2) * * *
- (i) * * *

(C) * * * This category also includes transfers of small business loans or leases of personal property with recourse. Such transfers, however, may be subject to the alternative capital computation set forth in paragraph (a)(3) of this section. * * *

(3) *Alternative capital computation for small business obligations—* (i) *Definitions.* For the purposes of this paragraph (a)(3):

(A) *Qualified savings association* means a savings association that:

(1) Is well capitalized as defined in 12 CFR 565.4 without applying the capital treatment described in paragraph (a)(3)(ii) of this section; or

(2) Is adequately capitalized as defined in 12 CFR 565.4 without applying the capital treatment described in paragraph (a)(3)(ii) of this section and has received written permission from the OTS to apply that capital calculation.

(B) *Small business* means a business that meets the criteria for a small business concern established by the Small Business Administration in 12 CFR 121 pursuant to 15 U.S.C. 632.

(ii) *Capital requirement.* With respect to a transfer of a small business loan or lease of personal property with recourse that is a sale under generally accepted accounting principles, a qualified savings association may elect to include only the amount of its retained recourse in its risk-weighted assets for the purposes of paragraph (a)(2)(i)(C) of this section. To qualify for this election, the savings association must establish and maintain a reserve under generally accepted accounting principles sufficient to meet the reasonable estimated liability of the savings association under the recourse arrangement.

(iii) *Aggregate amount of recourse.* The total outstanding amount of recourse retained by a qualified savings association with respect to transfers of small business loans and leases of personal property and included in the risk-weighted assets of the savings association as described in paragraph (a)(3)(ii) of this section, may not exceed 15 percent of the association’s total capital computed under § 567.5(c)(4).

(iv) *Savings association that ceases to be a qualified savings association or that exceeds aggregate limits.* If a savings association ceases to be a qualified savings association or exceeds the aggregate limit described in paragraph (a)(3)(iii) of this section, the savings association may continue to apply the capital treatment described in paragraph (a)(3)(ii) of this section to transfers of small business loans and leases of personal property that occurred when the association was a qualified savings association and did not exceed the limit.

(v) *Prompt corrective action not affected.* (A) A savings association shall compute its capital without regard to this paragraph (a)(3) of this section for purposes of prompt corrective action (12 U.S.C. 1831o), unless the savings association is adequately or well capitalized without applying the capital

treatment described in this paragraph (a)(3) and would be well capitalized after applying that capital treatment.

(B) A savings association shall compute its capital without regard to this paragraph (a)(3) for the purposes of applying 12 U.S.C. 1831o(g), regardless of the association's capital level.

* * * * *

Dated: August 21, 1995.

By the Office of Thrift Supervision.

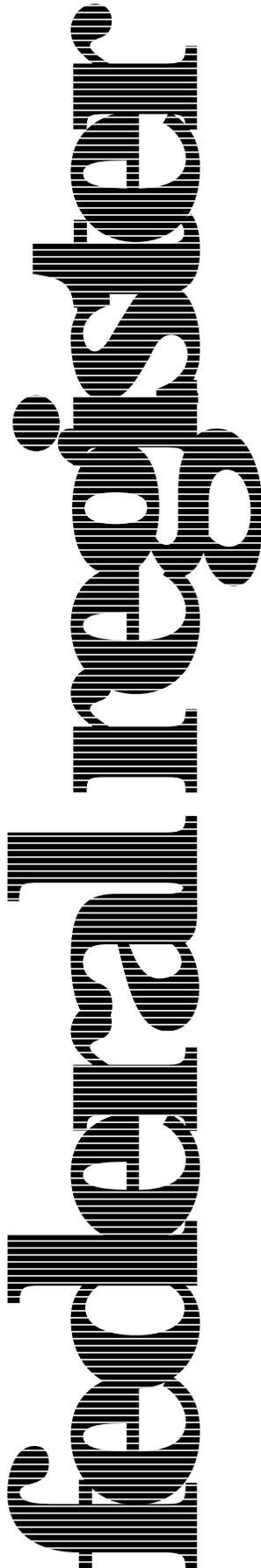
John F. Downey,

Director, Supervision.

[FR Doc. 95-21564 Filed 8-30-95; 8:45 am]

BILLING CODE 6720-01-P

Thursday
August 31, 1995



Part VIII

**Federal Retirement
Thrift Investment
Board**

5 CFR Part 1653

**Legal Process for the Enforcement of a
Participant's Legal Obligations to Provide
Child Support or Make Alimony
Payments; Interim Rule**

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD**5 CFR Part 1653****Legal Process for the Enforcement of a Participant's Legal Obligations to Provide Child Support or Make Alimony Payments**

AGENCY: Federal Retirement Thrift Investment Board.

ACTION: Interim rule with request for comment.

SUMMARY: The Executive Director of the Federal Retirement Thrift Investment Board (Board) is publishing interim regulations which explain the Board's procedures for responding to legal process for the enforcement of a participant's legal obligations to provide child support or make alimony payments.

DATES: This interim rule is effective August 31, 1995. Comments must be received on or before October 30, 1995.

ADDRESSES: Comments may be sent to: Patrick J. Forrest, Federal Retirement Thrift Investment Board, 1250 H Street, NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Patrick J. Forrest (202) 942-1662.

SUPPLEMENTARY INFORMATION: The Board administers the Thrift Savings Plan (TSP), which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Pub. L. No. 99-335, 101 Stat. 514, which has been codified, as amended, largely at 5 U.S.C. 8401-8479. The TSP is a tax-deferred retirement savings plan for Federal employees that is similar to cash or deferred arrangements established under section 401(k) of the Internal Revenue Code. Sums in a TSP participant's account are held in trust for that participant. 5 U.S.C. 8437(g).

Under 5 U.S.C. 8437(e)(3), payments from the TSP that would otherwise be made to any participant "shall be subject to legal process for the enforcement of the individual's legal obligations to provide child support or make alimony payments as provided in section 459 of the Social Security Act (42 U.S.C. 659)." These regulations explain the Board's procedures for responding to legal process for the enforcement of a participant's legal obligations to make alimony or child support payments.

These regulations address only legal process for the enforcement of a participant's legal obligations to provide child support or make alimony payments. The Board also must honor a court decree of divorce, annulment, or

legal separation or a court order or court-approved property settlement agreement incident to such decree that expressly awards a portion of a participant's TSP account to a spouse, former spouse, child or other dependent of the participant, or to the attorney for the spouse, former spouse, child or other dependent of the participant for attorney fees. 5 U.S.C. 8467 and 8435(C). The Board refers to these documents as "retirement benefits court orders," and regulations governing them can be found at 60 FR 13604 (to be codified at 5 CFR part 1653, subpart A).

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities. They will affect only internal Board procedures relating to the processing of and payment pursuant to legal process for the enforcement of a participant's legal obligations to make alimony or child support payments.

Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act of 1980.

Waiver of Notice of Proposed Rulemaking and 30-Day Delay of Effective Date

Under 5 U.S.C. 553 (b)(3)(B) and (d)(3), I find that good cause exists for waiving the general notice of proposed rulemaking and for making these regulations effective in less than 30 days. The Board wishes to have these procedures in effect at the earliest possible date in order to provide guidance to persons submitting an increasing volume of alimony and child support garnishment orders.

Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, Pub. L. No. 104-4, section 201, 109 Stat. 48, 64, the effects of this regulation on State, local and tribal governments, and the private sector have been assessed. This regulation will not compel the expenditure in any one year of \$100 million or more by any State, local and tribal governments, in the aggregate, or by the private sector. Therefore, a statement under section 202, 109 Stat. 48, 64-65, is not required.

List of Subjects in 5 CFR Part 1653

Alimony, Child support, Employment benefit plans, Government employees, Retirement, Pensions.
Federal Retirement Thrift Investment Board.

Dated: August 24, 1995.

Roger W. Mehle,
Executive Director.

For the reasons set out in the preamble, 5 CFR Chapter VI is to be amended as set forth below:

PART 1653—DOMESTIC RELATIONS ORDERS AFFECTING THRIFT SAVINGS PLAN ACCOUNTS

1. The authority citation for part 1653 is revised to read as follows:

Authority: 5 U.S.C. 8435, 8436(b), 8437(e)(3), 8467, 8474(b)(5) and 8474(c)(1).

2. Subpart B is added to part 1653 to read as follows:

Subpart B—Legal Process for the Enforcement of a Participant's Legal Obligations to Provide Child Support or Make Alimony Payments

Sec.

1653.20 Purpose and scope.

1653.21 Definitions.

1653.22 Service of legal process.

1653.23 Requirements for "qualifying" legal process.

1653.24 Processing legal process.

1653.25 Payment pursuant to qualifying legal process.

Subpart B—Legal Process for the Enforcement of a Participant's Legal Obligations to Provide Child Support or Make Alimony Payments**§ 1653.20 Purpose and scope.**

This subpart contains regulations prescribing the Board's procedures for responding to legal process for the enforcement of a participant's legal obligations to make alimony or child support payments, as required by 5 U.S.C. 8437(e)(3).

§ 1653.21 Definitions.

As used in this subpart:

Alimony means the payment of funds for the support and maintenance of a spouse or former spouse. Alimony includes separate maintenance, alimony *pendente lite*, maintenance, and spousal support. Alimony also can include attorney's fees, interest, and court costs, but only if these items are expressly made recoverable by qualifying legal process as described in § 1653.23.

Child support means payment of funds for the support and maintenance of a child or children. Child support includes payments to provide for health care, education, recreation, clothing, or to meet other specific needs of such a child or children. Child support also can include attorney's fees, interest, and court costs, but only if these items are expressly made recoverable by qualifying legal process as described in § 1653.23.

Legal obligation means an obligation to pay alimony or child support, or both, that is currently enforceable under appropriate State or local law. A "legal obligation" may include currently payable, as well as past due, alimony or child support. However, "legal obligation" does not mean any future obligation to make alimony or child support payments.

§ 1653.22 Service of legal process.

The Thrift Savings Plan will only review legal process for the enforcement of a participant's legal obligations to provide child support or make alimony payments upon receipt of that process. Receipt by an employing agency or any other office of the government shall not constitute receipt by the Thrift Savings Plan. Legal process should be submitted to the Thrift Savings Plan Recordkeeper at the following address: TSP Service Office, National Finance Center, P.O. Box 61500, New Orleans, LA 70161-1500. Receipt by the recordkeeper will be considered receipt by the Thrift Savings Plan.

§ 1653.23 Requirements for "qualifying" legal process.

(a) The TSP will only honor legal process if it meets each requirement of paragraph (b) of this section and one of the requirements of paragraph (c) of this section.

(b) Legal process must meet each of the following requirements in order to be qualifying:

(1) The legal process must be a writ, order, summons, or other similar process in the nature of a garnishment that is issued by:

(i) a court or competent jurisdiction within any State, the District of Columbia, territory, or possession of the United States, or an Indian court; or

(ii) a court of competent jurisdiction in any foreign country with which the United States has entered into an agreement which requires the United States to honor such process; or

(iii) an authorized official pursuant to an order of such a court of competent jurisdiction or pursuant to State or local law; or

(iv) A State agency authorized to issue income withholding notices pursuant to State or local law or pursuant to the requirements of 42 U.S.C. 666(b).

(2) The legal process must "expressly relate" to the Thrift Savings Plan account of a current participant. This means that it must express a clear intent to deal with the TSP as distinct from other Federal Government retirement benefits or non-Federal retirement benefits.

(3) The legal process must demonstrate that its purpose is to

enforce a current legal obligation of the participant to provide child support or make alimony payments.

(c) In addition to the requirements of paragraph (b) of this section, legal process also must meet one of the following requirements:

(1) The legal process must require the Board to pay a stated dollar amount from a participant's TSP account; or

(2) The legal process must require the Board to freeze the participant's account in anticipation of an order to pay over the account.

(d) The TSP will presume the competence or authority of any of the entities described in paragraph (b)(1) of this section if presented with a document from that entity that appears regular on its face.

(e) Notwithstanding paragraphs (a), (b), (c) and (d) of this section, the following legal process will be considered nonqualifying:

(1) Legal process relating to a TSP account that contains only non-vested money, unless the money will become vested within 90 days of the date of receipt of the order if the participant were to remain in Federal service;

(2) Legal process that requires an amount to be paid at the future date; or

(3) Legal process that requires a series of payments.

§ 1653.24 Processing legal process.

(a) Upon receipt of a document which purports to be qualifying legal process, the participant's account will be frozen. After an account is frozen, no withdrawal or loans will be allowed until the account is unfrozen. All other account activity, including contributions, adjustments, and interfund transfers, will be permitted.

(b) The following documents will not be treated as purporting to be qualifying legal process. Therefore, accounts of participants to whom such orders relate will not be frozen and these documents will not be reviewed by the Board:

(1) A document that pertains to a TSP account that has been closed.

(2) A document that does not indicate that it relates either to the TSP or to the participant's retirement benefits.

(3) A document that does not appear to have been issued by a proper authority as described in § 1653.23(b)(1).

(c) The Board will review a document that purports to be qualifying legal process to determine whether it is complete.

(d) If the Board determines that the document is incomplete, it will request a complete copy of the document from the party that submitted the document. If a complete copy is not received by the

Board within 30 days of the Board's request, the participant's account will be unfrozen and no further action will be taken by the Board with respect to the document.

(e) Upon receipt of a complete document, the Board will review it to determine whether it is qualifying legal process.

(f) The Board will advise the submitting party and the TSP participant of the determination. The Board's decision letter will contain the following information:

(1) A statement of the applicable statute and regulations.

(2) A decision regarding whether the document is qualifying legal process, as defined in § 1653.23 (b) and (c).

(3) If the document is determined to be qualifying legal process, the effect that compliance with the terms of the document will have on the participant's account.

(4) If the order requires payment, the amount that will be paid pursuant to the qualifying legal process; and to whom the payment will be made.

(5) If the order requires payment, tax reporting and withholding information will be sent to the party as to whom the payment will be reported to the Internal Revenue Service as income.

(g) The Board's decision constitutes the final administrative action by the Board. There is no appeal right within the Board.

(h) An account frozen under this section will be unfrozen:

(1) If a complete document has not been received within 30 days from the date of a request described in paragraph (d) of this section, upon the expiration of the 30-day period;

(2) If the account was frozen pursuant to legal process requiring the Board to Freeze the participant's account in anticipation of an order to pay over the account, the account will be unfrozen upon the occurrence of any one of the following events:

(i) As soon as practicable after receipt of a complete copy of an order vacating or superseding such order (unless the order vacating or superseding the preliminary order itself warrants placing a freeze on the account); or

(ii) Upon payment pursuant to the order to pay over the account, if the Board determines that the order is qualifying; or

(iii) As soon as practicable after the Board issues a decision letter informing the parties that the order to pay over the account is not qualifying legal process requiring payment from the participant's account; or

(3) If the account was frozen upon receipt of a document that purports to

be legal process requiring payment from the participant's account, the account will be unfrozen upon the occurrence of any one of the following events:

(i) Upon payment pursuant to the document, if the Board determines that the document is qualifying legal process requiring payment from the participant's account; or

(ii) As soon as practicable after the Board issues its decision letter informing the parties that the document is not qualifying legal process requiring payment from the participant's account.

§ 1653.25 Payment pursuant to qualifying legal process.

(a) Payment will be made pursuant to qualifying legal process no sooner than 30 days after the Board's decision has been issued and the appropriate tax withholding notification has been provided.

(b) A payment made pursuant to qualifying legal process will be made only to the persons or entities specified in the process. If payment is to be made to the spouse or former spouse of the participant, he or she may request that the TSP transfer all or a portion of his or her payment to an Individual Retirement Arrangement (IRA) or other eligible retirement plan. Such a request must be made by filing Form TSP-13-S, "Spouse Election to Transfer to IRA or Other Eligible Retirement Plan", which must be received before payment.

(c) In no case may a payment made pursuant to qualifying legal process exceed the participant's vested account balance, excluding any outstanding loan amount as of the end of the month preceding the date of payment. If the

amount to be paid exceeds the participant's vested account balance (excluding any outstanding loan amount), then only the vested amount in the account (excluding the outstanding loan balance) will be paid.

(d) The entire amount to be paid pursuant to qualifying legal process must be disbursed at one time. A series of payments will not be made even if the process provides for such a method of payment. A payment made pursuant to qualifying legal process extinguishes all further rights to any payment under that legal process even if the entire amount specified could not be paid. Any further payment must be made pursuant to separate legal process.

(e) Multiple legal processes pending before the Board will be honored as follows:

(1) As between conflicting legal processes relating to the same spouse, same former spouse, or same children of the participant, the Board will pay only the legal process bearing the latest date of issuance.

(2) As between conflicting legal processes relating to two or more former spouses or to different children of the participant, the Board will pay the legal processes in the order of their dates of issuance starting with the legal process bearing the earliest date and continuing until the account is exhausted.

(f) Payment cannot be made jointly to more than one person. If payment is to be made to more than one person, the legal process must separately indicate the amount to be paid to each.

(g) In order to make payment pursuant to a qualifying legal process, the TSP

recordkeeper must be provided with the full name and mailing address of the payee, even if the payment is being mailed to another address. In addition, if the payee is a spouse or former spouse of the participant, the payee must provide his or her Social Security number.

(h) If the payee dies before a payment is made pursuant to a qualifying legal process, payment will be made to the estate of the payee, unless otherwise specified by the legal process. If the participant dies before payment is made pursuant to qualifying legal process, the process will be honored as long as it is received by the TSP before payment of the account, regardless of whether the order was received before the participant's death.

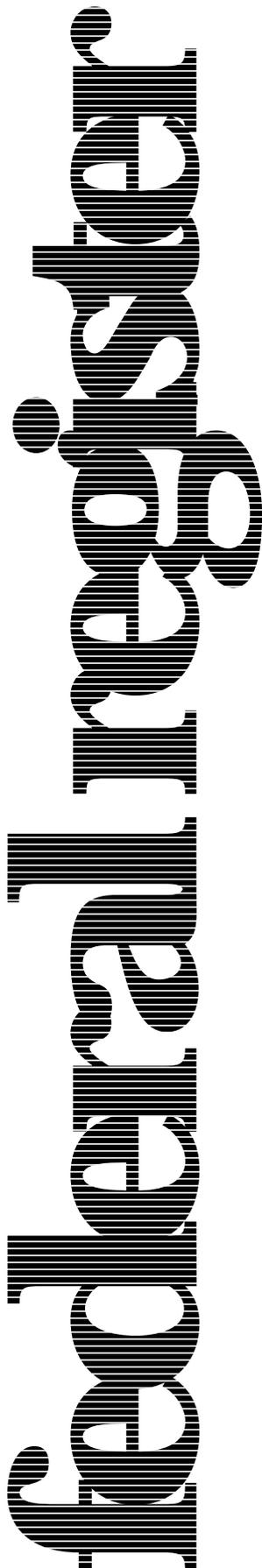
(i) A payment made pursuant to qualifying legal process in accordance with this subpart bars recovery by any other person or entity pursuant to that qualifying legal process.

(j) Payments made pursuant to qualifying legal process will be paid *pro rata* from the TSP investment funds in which the participant is invested, on the date as of which the payment is made. The TSP will not honor provisions of legal process that require payment to be made from specific investment funds.

(k) Unless the qualifying legal process specifically provides, interest or earnings will not be paid on the amount paid to a party or parties pursuant to the qualifying legal process.

[FR Doc. 95-21588 Filed 8-30-95; 8:45 am]

BILLING CODE 6760-01-M



Thursday
August 31, 1995

Part IX

**Department of the
Interior**

Fish and Wildlife Service

50 CFR Part 20

**Migratory Bird Hunting: Seasons, Limits,
and Shooting Hours; Establishment, etc.;
Final Rule**

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 20**

[RIN 1018-AC79]

Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes the hunting seasons, hours, areas, and daily bag and possession limits of mourning, white-winged, and white-tipped doves; band-tailed pigeons; rails; moorhens and gallinules; woodcock; common snipe; sandhill cranes; sea ducks; early (September) waterfowl seasons; migratory game birds in Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and some extended falconry seasons. Taking of migratory birds is prohibited unless specifically provided for by annual regulations. This rule will permit taking of designated species during the 1995-96 season.

EFFECTIVE DATE: August 31, 1995.

FOR FURTHER INFORMATION CONTACT:

Paul R. Schmidt, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634-ARLSQ, 1849 C Street, NW, Washington, DC 20240 (703) 358-1714.

SUPPLEMENTARY INFORMATION:**Regulations Schedule for 1995**

On March 24, 1995, the Service published for public comment in the **Federal Register** (60 FR 15642) a proposal to amend 50 CFR part 20, with comment periods ending July 21, 1995, for early-season proposals and September 4, 1995, for late-season proposals. Due to some unforeseen and uncontrollable publishing delays in the proposed early-season regulations frameworks, the Service had to extend the public comment period to July 31, 1995. On June 16, 1995, the Service published for public comment a second document (60 FR 31890) which provided supplemental proposals for early- and late-season migratory bird hunting regulations frameworks. On June 22, 1995, a public hearing was held in Washington, DC, as announced in the March 24 and June 16 **Federal Registers** to review the status of migratory shore and upland game birds. Proposed

hunting regulations were discussed for these species and for other early seasons. On July 21, 1995, the Service published in the **Federal Register** (60 FR 37754) a third document in the series of proposed, supplemental, and final rulemaking documents which dealt specifically with proposed early-season frameworks for the 1995-96 season. On August 3, 1995, a public hearing was held in Washington, DC, as announced in the March 24, June 16, and July 21 **Federal Registers**, to review the status of waterfowl. Proposed hunting regulations were discussed for late seasons. The fourth document in the series, published August 28, 1995 (60 FR 44463), dealt specifically with proposed frameworks for the 1995-96 late-season migratory bird hunting regulations. On August 29, 1995, the Service published a fifth document (60 FR 45020) containing final frameworks for early migratory bird hunting seasons from which wildlife conservation agency officials from the States, Puerto Rico, and the Virgin Islands selected early-season hunting dates, hours, areas, and limits. The final rule described here is the sixth in the series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations and deals specifically with amending subpart K of 50 CFR 20 to set hunting seasons, hours, areas, and limits for mourning, white-winged, and white-tipped doves; band-tailed pigeons; rails; moorhens and gallinules; woodcock; common snipe; sandhill cranes; sea ducks; early (September) waterfowl seasons; mourning doves in Hawaii; migratory game birds in Alaska, Puerto Rico, and the Virgin Islands; and some extended falconry seasons.

NEPA Consideration

NEPA considerations are covered by the programmatic document, "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (SEIS 88-14)," filed with EPA on June 9, 1988. Notice of Availability was published in the **Federal Register** on June 16, 1988 (53 FR 22582). The Service's Record of Decision was published on August 18, 1988 (53 FR 31341). Copies of these documents are available from the Service at the address indicated under the caption **ADDRESSES**.

Endangered Species Act Consideration

In August 1995, the Division of Endangered Species concluded that the proposed action is not likely to jeopardize the continued existence of listed species or result in the

destruction or adverse modification of their critical habitats. Hunting regulations are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species and their habitats. The Service's biological opinions resulting from its consultation under Section 7 are considered public documents and are available for inspection in the Division of Endangered Species and the Office of Migratory Bird Management.

Regulatory Flexibility Act; Executive Order 12866 and the Paperwork Reduction Act

In the **Federal Register** dated March 24, 1995 (60 FR 15642), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing an Analysis of Regulatory Effects and an updated Final Regulatory Impact Analysis (FRIA), and publication of a summary of the latter. Although a FRIA is no longer required, the economic analysis contained in the FRIA was reviewed and the Service determined that it met the requirements of E.O. 12866. In addition, the Service prepared a Small Entity Flexibility Analysis, under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), which further document the significant beneficial economic effect on a substantial number of small entities. This rule was reviewed under E.O. 12866.

These regulations contain no information collections subject to OMB review under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). However, the Service does utilize information acquired through other various information collections in the formulation of migratory game bird hunting regulations. These information collection requirements have been approved by OMB and assigned clearance numbers 1018-0005, 1018-0006, 1018-0008, 1018-0009, 1018-0010, 1018-0015, 1018-0019, and 1018-0023.

Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, the Service intends that the public be given the greatest possible opportunity to comment on the regulations. Thus, when the preliminary proposed rulemaking was published, the Service established what it believed were the longest periods possible for

public comment. In doing this, the Service recognized that when the comment period closed time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the States and Territories would have insufficient time to establish and publicize the necessary regulations and procedures to implement their decisions. The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these regulations will, therefore, take effect immediately upon publication.

Accordingly, with each conservation agency having had an opportunity to participate in selecting the hunting

seasons desired for its State or Territory on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, certain sections of title 50, chapter I, subchapter B, part 20, subpart K, are hereby amended as set forth below.

Authorship

The primary author of this rule is Ron W. Kokel of the Office of Migratory Bird Management.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Dated: August 29, 1995.

George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

For the reasons set out in the preamble, title 50, chapter I, subchapter B, part 20, subpart K is amended as follows:

PART 20—[AMENDED]

1. The authority citation for part 20 is revised to read as follows:

Authority: 16 U.S.C. 703–711, 16 U.S.C. 712, and 16 U.S.C. 742a–j.

BILLING CODE 4310–55–P

Note - The following annual hunting regulations provided for by §§20.101 through 20.106 and 20.109 of 50 CFR 20 will not appear in the Code of Federal Regulations because of their seasonal nature.

2. Section 20.101 is revised to read as follows:

§20.101 Seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset.

CHECK COMMONWEALTH REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

(a) Puerto Rico

	Season Dates	Limits	
		Bag	Possession
Doves and Pigeons Zenaida, white-winged, and mourning doves	Sept. 2-Oct. 30	10	10
Scaly-naped pigeons	Sept. 2-Oct. 30	5	5
Ducks	Nov. 11-Dec. 18 & Jan. 13-Jan. 29	5	10
Common Moorhens	Nov. 11-Dec. 18 & Jan. 13-Jan. 29	6	12
Common Snipe	Nov. 11-Dec. 18 & Jan. 13-Jan. 29	8	16

Restrictions: In Puerto Rico, the season is closed on the ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, masked duck, purple gallinule, American coot, and Caribbean coot.

Closed Areas: Closed areas are described in the August 29, 1995, Federal Register (60 FR 45020).

(b) Virgin Islands

	Season Dates	Limits	
		Bag	Possession
Zenaida doves	Sept. 1-Sept. 30	10	10
Ducks	CLOSED		

Restrictions: In the Virgin Islands, the seasons are closed for ground or quail doves, pigeons, ruddy duck, white-cheeked pintail, West Indian whistling duck, fulvous whistling duck, masked duck, and purple gallinule.

Closed Areas: Ruth Cay, just south of St. Croix, is closed to the hunting of migratory game birds.

3. Section 20.102 is revised to read as follows:

§20.102 Seasons, limits, and shooting hours for Alaska.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset. Area descriptions were published in the August 29, 1995, Federal Register (60 FR 45020).

CHECK STATE REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

Area Seasons	Dates
North Zone	Sept. 1-Dec. 16
Gulf Coast Zone	Sept. 1-Dec. 16
Southeast Zone	Sept. 1-Dec. 16
Pribilof & Aleutian Islands Zone	Oct. 8-Jan. 22
Kodiak Zone	Oct. 8-Jan. 22

Daily Bag and Possession Limits				
Area	Ducks(1)	Geese(2)	Brant	Sandhill Cranes(3)
North Zone	10-30	6-12	2-4	3-6
Gulf Coast Zone	8-24	6-12	2-4	2-4
Southeast Zone	7-21	6-12	2-4	2-4
Pribilof and Aleutian Islands Zone	7-21	6-12	2-4	2-4
Kodiak Zone	7-21	6-12	2-4	2-4

(1) In State Game Management Units (Units) 1-26 (Statewide), the basic bag limits may include not more than 1 canvasback daily, 3 in possession. In addition to the basic daily bag and possession limits, a daily bag limit of 15 and a possession limit of 30 is permitted singly or in the aggregate of the following species: scoter, king and common eider, oldsquaw, harlequin ducks, and common and red-breasted mergansers. The season is closed for Siskin's and spectacled eiders. In Units 6(D) and 7, the season for harlequin ducks will be October 1 through December 15, and bag limits are 2 daily, 6 in possession.

(2) No more than 4 daily, 8 in possession, may be any combination of Canada and/or white-fronted geese, except in Units 9(E) and 18 the bag limits for Canada geese are 1 daily and 2 in possession. In Units 5 and 6, the taking of Canada geese is only permitted from September 21 through December 18. In Units 8 and 10 (except Unimak Island), the taking of Canada geese is prohibited. In Units 1-26 (Statewide), the taking of Aleutian Canada geese and emperor geese is prohibited.

(3) In Unit 17, the daily bag limit for sandhill cranes is 2 and the possession limit is 4.

Falconry: The total combined bag and possession limit for migratory game birds taken with the use of a falcon under a falconry permit is 3 per day, 6 in possession, and may not exceed a more restrictive limit for any species listed in this subsection.

Special Tundra Swan Season: In Unit 22, there will be a tundra swan season from September 1 through October 31 with a season limit of 1 tundra swan per hunter. This season is by registration permit only. Up to 300 permits may be issued. In Unit 18, there will be a tundra swan season from September 1 through October 31 with a limit of 1 tundra swan per permit. More than 1 permit per season may be issued to a hunter, with issuance one at a time upon filing a harvest report. Up to 500 permits may be issued.

4. Section 20.103 is revised to read as follows:

§20.103 Seasons, limits, and shooting hours for doves and pigeons.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset except as otherwise noted. Area descriptions were published in the August 29, 1995, Federal Register (50 FR 45020).

CHECK STATE REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

(a) Doves

Note: Unless otherwise specified, the seasons listed below are for mourning doves only.

	Season Dates	Bag	Possession
EASTERN MANAGEMENT UNIT			
Alabama			
North Zone	Sept. 16 only & Oct. 1-Oct. 29 & Dec. 26-Jan. 10	15	15
		15	15
		15	15
South Zone	Sept. 17-Sept. 30	15	15
	Oct. 7-Nov. 24 & Dec. 26-Jan. 15	12	12
		12	12
Delaware			
Northwest Zone	Sept. 2-Sept. 23	12	24
	Oct. 18-Oct. 28 & Dec. 11-Jan. 13	12	24
		12	24
Florida (1)			
Northwest Zone	Sept. 16-Oct. 9	12	24
	1/2 hour before sunrise to sunset	12	24
	Nov. 11-Nov. 26 & Dec. 9-Jan. 7	12	24
South Zone	Oct. 7-Oct. 30	12	24
	1/2 hour before sunrise to sunset	12	24
	Nov. 11-Nov. 26 & Dec. 9-Jan. 7	12	24

	Season Dates	Limits	
		Bag	Possession
Georgia			
Zone 1			
12 noon to sunset	Sept. 2 only	12	24
1/2 hour before sunrise to sunset	Sept. 3-Oct. 1 & Nov. 23-Nov. 25 & Dec. 10-Jan. 15	12	24
Zone 2			
12 noon to sunset	Sept. 23 only	12	24
1/2 hour before sunrise to sunset	Sept. 24-Oct. 22 & Nov. 23-Nov. 25 & Dec. 10-Jan. 15	12	24
Illinois			
sunrise to sunset	Sept. 1-Oct. 30	15	30
Indiana			
sunrise to sunset	Sept. 1-Oct. 16 & Nov. 10-Nov. 19 & Nov. 23-Nov. 26	15	30
Kentucky			
11 a.m. to sunset	Sept. 1-Sept. 30 & Oct. 7-Oct. 30	15	30
sunrise to sunset	Nov. 23-Nov. 28	15	30
Louisiana			
12 noon to sunset	Sept. 2-Sept. 3 & Oct. 21-Oct. 22 & Dec. 16-Dec. 17	12	24
1/2 hour before sunrise to sunset	Sept. 4-Sept. 10 & Oct. 23-Nov. 20 & Dec. 18-Jan. 14	12	24
Maryland			
12 noon to sunset	Sept. 1-Oct. 21	12	24
1/2 hour before sunrise to sunset	Nov. 18-Nov. 24 & Dec. 25-Jan. 6	12	24
Mississippi			
North Zone			
12 noon to sunset	Sept. 2-Sept. 24 & Oct. 7-Nov. 5 & Dec. 28-Jan. 1	15	30
Mississippi (cont)			
South Zone			
12 noon to sunset	Sept. 23-Oct. 14 & Nov. 18-Dec. 3 & Dec. 23-Jan. 13	15	30
1/2 hour before sunrise to sunset	Sept. 2-Sept. 9	12	24
1/2 hour before sunrise to sunset	Sept. 10-Sept. 30 & Nov. 20-Nov. 25 & Dec. 11-Jan. 13	12	24
Ohio			
12 noon to sunset	Sept. 15-Oct. 21 & Nov. 3-Nov. 25 & Dec. 23-Jan. 1	12	24
Pennsylvania			
12 noon to sunset	Sept. 1-Oct. 11	12	24
1/2 hour before sunrise to sunset	Oct. 28-Nov. 25	12	24
Rhode Island			
12 noon to sunset	Sept. 18-Oct. 1	12	24
1/2 hour before sunrise to sunset	Oct. 14-Nov. 19 & Dec. 23-Jan. 10	12	24
South Carolina			
12 noon to sunset	Sept. 2-Sept. 4 & Sept. 5-Oct. 7 & Nov. 18-Nov. 25 & Dec. 21-Jan. 15	12	24
1/2 hour before sunrise to sunset	Sept. 1 only	15	30
Tennessee			
12 noon to sunset	Sept. 2-Sept. 27 & Oct. 14-Oct. 28 & Dec. 23-Jan. 9	15	30
1/2 hour before sunrise to sunset	Sept. 2-Sept. 30	12	24
Virginia			
12 noon to sunset	Oct. 2-Oct. 31 & Dec. 23-Jan. 2	12	24
1/2 hour before sunrise to sunset	Sept. 2-Sept. 30	12	24

	Season Dates	Limits	
		Bag	Possession
Wyoming	Sept. 1-Oct. 15	15	30
WESTERN MANAGEMENT UNIT			
Arizona (5)	Sept. 1-Sept. 10 & Nov. 26-Jan. 14	10 10	20 20
California (6)	Sept. 1-Sept. 15 & Nov. 11-Dec. 25	10 10	20 20
Idaho	Sept. 1-Sept. 30	10	20
Nevada (6)	Sept. 1-Sept. 30	10	20
Oregon	Sept. 1-Sept. 30	10	20
Utah	Sept. 1-Sept. 30	10	20
Washington	Sept. 1-Sept. 15	10	20
OTHER POPULATIONS			
Hawaii (7)	Nov. 4-Jan. 1 & Jan. 2-Jan. 7	10 10	10 10

(1) In Florida, the daily bag limit is 12 mourning and white-winged doves in the aggregate, of which not more than 4 may be white-winged doves. The possession limit is twice the daily bag limit.

(2) In New Mexico, the daily bag limit is 15 and the possession limit is 30 mourning and white-winged doves in the aggregate.

(3) In South Dakota, shooting hours are from sunrise to sunset.

(4) In Texas, the daily bag limit is 15 mourning, white-winged, and white-tipped doves in the aggregate, of which no more than 6 may be white-winged doves and 2 may be white-tipped doves. Possession limits are twice the daily bag limit.

During the special season in the Special White-winged Dove Area of the South Zone, the daily bag limit is 10 mourning, white-winged, and white-tipped doves in the aggregate, of which no more than 5 may be mourning doves and 2 may be white-tipped doves. Possession limits are twice the daily bag limit.

(5) In Arizona, during September 1 through 10, the daily bag limit is 10 mourning and white-winged doves in the aggregate, of which no more than 6 may be white-winged doves. During November 26 through January 14, the daily bag limit is 10 mourning doves. The possession limit is twice the daily bag limit. See State regulations for restrictive shooting hours in certain areas.

	Season Dates	Limits	
		Bag	Possession
West Virginia 12 noon to sunset 1/2 hour before sunrise to sunset	Sept. 1 only Sept. 2-Oct. 7 & Oct. 23-Nov. 4 & Dec. 18-Jan. 6	12 12 12	24 24 24
CENTRAL MANAGEMENT UNIT			
Arizona	Sept. 2-Oct. 1 & Dec. 2-Dec. 31	15 15	30 30
Colorado	Sept. 1-Oct. 30	15	30
Kansas	Sept. 1-Oct. 30	15	30
Missouri	Sept. 1-Oct. 30	15	30
Montana	Sept. 1-Oct. 30	15	30
Nebraska	Sept. 1-Oct. 30	15	30
New Mexico (2)	Sept. 1-Sept. 30 & Dec. 1-Dec. 30	15 15	30 30
North Dakota	Sept. 1-Oct. 30	15	30
Oklahoma	Sept. 1-Oct. 30	15	30
South Dakota (3)	Sept. 1-Oct. 20	15	30
Texas (4)			
North Zone	Sept. 1-Oct. 30	15	30
Central Zone	Sept. 1-Oct. 17 & Dec. 26-Jan. 7	15 15	30 30
South Zone Special Area (Special Season) 12 noon to sunset	Sept. 22-Nov. 1 & Dec. 26-Jan. 9 Sept. 2-Sept. 3 & Sept. 9-Sept. 10	15 15 10 10	30 30 20 20
Remainder of the South Zone	Sept. 22-Nov. 5 & Dec. 26-Jan. 9	15 15	30 30

Note: States with deferred seasons may select those seasons at the same time they select waterfowl seasons in August. Consult late-season regulations for further information.

	Sora and Virginia Rails	Clapper and King Rails	Woodcock	Common Snipe
Daily bag limit	25 (1)	15 (2)	5 (3)	8
Possession limit	25 (1)	30 (2)	10 (3)	16
ATLANTIC BLYWAY				
Connecticut (4)	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 21-Dec. 4	Oct. 21-Dec. 4
Delaware	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 16-Nov. 4 & Nov. 20-Dec. 14	Nov. 20-Jan. 31
Florida	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Dec. 9-Jan. 22	Nov. 1-Feb. 15
Georgia	Sept. 23-Dec. 1	Sept. 23-Dec. 1	Dec. 9-Jan. 21	Nov. 15-Feb. 28
Maine	Sept. 1-Nov. 9	Closed	Oct. 2-Nov. 15	Sept. 1-Dec. 16
Maryland	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 23-Nov. 24 & Dec. 11-Dec. 22	Sept. 20-Nov. 24 & Dec. 11-Jan. 20
Massachusetts (5)	Sept. 1-Nov. 9	Closed	Deferred	Sept. 1-Dec. 16
New Hampshire	Closed	Closed	Oct. 1-Nov. 14	Sept. 15-Nov. 30
New Jersey (6)	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 14-Nov. 17	Sept. 30-Jan. 13
North Zone	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Nov. 6-Dec. 2 & Dec. 16-Dec. 23	Sept. 30-Jan. 13
South Zone	Sept. 1-Nov. 9	Closed	Oct. 1-Nov. 14	Sept. 1-Dec. 16
New York (7)	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Dec. 7-Jan. 20	Nov. 14-Feb. 28
North Carolina	Sept. 1-Nov. 9	Closed	Oct. 28-Nov. 11	Oct. 28-Nov. 25
Pennsylvania	Sept. 1-Nov. 4	Sept. 11-Nov. 19	Oct. 18-Dec. 1	Sept. 11-Dec. 1 & Dec. 11-Jan. 4
Rhode Island (8)	Sept. 26-Nov. 26 & Dec. 19-Dec. 26	Sept. 26-Nov. 26 & Dec. 19-Dec. 26	Nov. 23-Dec. 9 & Dec. 23-Jan. 19	Nov. 10-Feb. 24
South Carolina	Deferred	Deferred	Deferred	Deferred
Vermont	Sept. 11-Oct. 14 & Oct. 21-Nov. 25	Sept. 11-Oct. 14 & Oct. 21-Nov. 25	Oct. 30-Nov. 25 & Dec. 20-Jan. 6	Oct. 11-Oct. 14 & Oct. 21-Jan. 31
Virginia	Sept. 1-Nov. 9	Closed	Oct. 14-Nov. 27	Sept. 1-Dec. 16
West Virginia	Sept. 1-Nov. 9	Closed		

(6) In the areas of California and Nevada open to white-winged dove hunting, the daily bag limit is 10 and the possession limit is 20 mourning and white-winged doves in the aggregate.

(7) In Hawaii, the season is only open on the island of Hawaii. The daily bag and possession limits are 10 mourning and leuc-necked doves in the aggregate. Shooting hours are from one-half hour before sunrise through one-half hour after sunset. Hunting is only permitted on weekends and holidays.

(b) Band-tailed Pigeon

Seasons in:	Season Dates	Limits	
		Bag	Possession
Arizona (1)	Oct. 18-Oct. 27	5	10
California			
North Zone	Sept. 16-Sept. 24	2	2
South Zone	Dec. 16-Dec. 24	2	2
Colorado (1)	Sept. 1-Sept. 30	5	10
New Mexico (1)			
North Zone	Sept. 1-Sept. 20	5	10
South Zone	Oct. 1-Oct. 20	5	10
Oregon	Sept. 15-Sept. 23	2	2
Utah (1)	Sept. 1-Sept. 30	5	10

(1) Each band-tailed pigeon hunter must have either a band-tailed pigeon hunting permit or a special bird permit stamp issued by the respective State.

5. Section 20.104 is revised to read as follows:

§20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset except as otherwise noted. Area descriptions were published in the August 28, 1985, Federal Register (60 FR 45020).

CHECK STATE REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

	Sora and Virginia Rails	Clapper and King Rails	Woodcock	Common Snipe
MISSISSIPPI FLYWAY				
Alabama (9)	Sept. 9-Sept. 17 & Nov. 21-Jan. 20	Sept. 9-Sept. 17 & Nov. 21-Jan. 20	Nov. 25-Jan. 28	Nov. 14-Feb. 28
Arkansas	Sept. 1-Nov. 9	Closed	Nov. 4-Dec. 10 & Dec. 30-Jan. 28	Nov. 11-Feb. 25
Illinois	Sept. 9-Nov. 17	Closed	Oct. 1-Dec. 4	Sept. 9-Dec. 24
Indiana (10)	Sept. 1-Nov. 9	Closed	Sept. 23-Nov. 28	Sept. 1-Dec. 16
Iowa (11)	Sept. 2-Nov. 10	Closed	Sept. 16-Nov. 19	Sept. 2-Nov. 30
Kentucky	Sept. 1-Nov. 9	Closed	Oct. 14-Dec. 17	Sept. 13-Oct. 27 & Nov. 23-Jan. 23
Louisiana	Sept. 16-Sept. 24 & Nov. 11-Jan. 10	Sept. 16-Sept. 24 & Nov. 11-Jan. 10	Nov. 28-Jan. 31	Nov. 4-Feb. 18
Michigan (12)	Sept. 15-Nov. 14	Closed	Sept. 15-Nov. 14	Sept. 15-Nov. 14
Minnesota	Sept. 1-Nov. 4	Closed	Sept. 1-Nov. 4	Sept. 1-Nov. 4
Mississippi	Oct. 14-Dec. 22	Oct. 14-Dec. 22	Nov. 28-Jan. 31	Nov. 14-Feb. 28
Missouri	Sept. 1-Nov. 9	Closed	Oct. 15-Dec. 18	Sept. 1-Dec. 18
Ohio	Sept. 1-Nov. 9	Closed	Sept. 22-Nov. 25	Sept. 1-Nov. 25 & Dec. 11-Dec. 31
Tennessee	Deferred	Closed	Oct. 14-Dec. 17	Nov. 14-Feb. 28
Wisconsin	Deferred	Closed	Sept. 16-Nov. 19	Deferred
CENTRAL FLYWAY				
Colorado	Sept. 1-Nov. 9	Closed	Closed	Sept. 1-Dec. 16
Kansas	Sept. 1-Nov. 9	Closed	Oct. 7-Dec. 10	Sept. 1-Dec. 16
Montana	Closed	Closed	Closed	Sept. 1-Dec. 16
Nebraska (13)	Sept. 1-Nov. 9	Closed	Sept. 15-Nov. 18	Sept. 1-Dec. 16
New Mexico	Deferred	Deferred	Deferred	Deferred
North Dakota	Closed	Closed	Closed	Sept. 8-Nov. 28
Oklahoma	Sept. 1-Nov. 9	Closed	Nov. 1-Jan. 4	Oct. 1-Jan. 15
South Dakota (14)	Closed	Closed	Closed	Sept. 1-Oct. 31
Texas	Sept. 16-Sept. 24 & Nov. 18-Jan. 17	Sept. 26-Sept. 24 & Nov. 18-Jan. 17	Deferred	Deferred
Wyoming	Sept. 15-Nov. 18	Closed	Closed	Sept. 15-Dec. 17
PACIFIC FLYWAY				
Colorado	Sept. 1-Nov. 9	Closed	Closed	Sept. 1-Dec. 16
Idaho	Closed	Closed	Closed	Oct. 7-Jan. 19
Montana	Closed	Closed	Closed	Sept. 1-Dec. 16
New Mexico	Deferred	Deferred	Deferred	Deferred
Wyoming	Sept. 15-Nov. 18	Closed	Closed	Sept. 15-Dec. 17

NOTE: For all other States in the Pacific Flyway, snipe seasons have been deferred and no seasons are prescribed for woodcock and rails.

- (1) The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these species.
- (2) All bag and possession limits for clapper and king rails apply singly or in the aggregate of the two species and, unless otherwise specified, the limits are in addition to the limits on sora and Virginia rails in all States in Connecticut, Delaware, Maryland, and New Jersey; the limits for clapper and king rails are 10 daily and 20 in possession.
- (3) In States of the Atlantic Flyway, the woodcock bag limit is 3 daily and 6 in possession.
- (4) In Connecticut, the daily bag and possession limits may not contain more than 1 king rail.
- (5) In Massachusetts, the sora bag limit is 5 daily and 10 in possession; the Virginia rail bag limit is 10 daily and 20 in possession.
- (6) In New Jersey, the season for king rails is closed by State regulation.
- (7) In New York, seasons for sora and Virginia rails and common snipe are closed on Long Island.
- (8) In Rhode Island, the sora and Virginia rails bag limit is 5 daily and 10 in possession, singly or in the aggregate; the clapper and king rail bag limit is 5 daily and 10 in possession, singly or in the aggregate; the common snipe bag limit is 5 daily and 10 in possession.

- (9) In Alabama, the rail limits are 15 daily and 15 in possession, singly or in the aggregate.
- (10) In Indiana, the core and Virginia rail limits are 15 daily and 15 in possession, singly or in the aggregate.
- (11) In Iowa, the limits for core and Virginia rails are 12 daily and 24 in possession.
- (12) In Michigan, the season opens concurrently with the duck season in certain areas.
- (13) In Nebraska, the rail limits are 10 daily and 20 in possession.
- (14) In South Dakota, the snipe limits are 5 daily and 15 in possession.

6. Section 20.105 is amended by revising paragraphs (a) through (d) to read as follows:
 §20.106 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and harvesting hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and harvesting hours are one-half hour before sunrise until sunset, except as otherwise noted. Area descriptions were published in the August 29, 1995, Federal Register (60 FR 45020).

CHECK STATE REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

Note: States with deferred seasons may select those seasons at the same time they select waterfowl seasons in August. Consult late-seasons regulations for further information.

(a) Common Moorhens and Purple Gallinules

	Season Dates	Bag	Limits Possession
ATLANTIC FLYWAY			
Delaware	Sept. 1-Nov. 9	15	30
Florida (1)	Sept. 1-Nov. 9	15	30
Georgia	Deferred	-	-
Maine	Sept. 1-Nov. 9	15	30
New Jersey	Sept. 1-Nov. 9	15	30
New York	Closed	-	-
Long Island	Sept. 1-Nov. 9	15	30
Remainder of State			

	Season Dates	Bag	Limits Possession
North Carolina	Sept. 1-Nov. 9	15	30
Pennsylvania	Sept. 1-Nov. 4	15	30
South Carolina	Sept. 26-Nov. 26 & Dec. 19-Dec. 26	15	30
Virginia	Deferred	-	-
West Virginia	Deferred	-	-
MISSISSIPPI FLYWAY			
Alabama	Sept. 9-Sept. 17 & Nov. 21-Jan. 20	15	15
Arkansas	Sept. 1-Nov. 9	15	30
Indiana	Sept. 1-Nov. 9	10	20
Kentucky	Sept. 1-Nov. 9	15	30
Louisiana	Sept. 16-Sept. 24 & Nov. 11-Jan. 10	15	30
Michigan	Deferred	-	-
Minnesota	Deferred	-	-
Mississippi	Oct. 14-Dec. 22	15	30
Ohio	Sept. 1-Nov. 9	15	30
Illinois	Deferred	-	-
Wisconsin	Deferred	-	-
CENTRAL FLYWAY			
New Mexico	Deferred	-	-

	Season Dates	Limits	
		Bag	Possession
South Carolina	Deferred	-	-
Virginia	Deferred	-	-

NOTE: Notwithstanding the provisions of this Part 20, the shooting of crippled waterfowl from a motorboat under power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia and Maryland in those areas described, delineated, and designated in their respective hunting regulations as special sea duck hunting areas.

(c) **Early (September) Duck Seasons.**

NOTE: Unless otherwise specified, the seasons listed below are for teal only.

	Season Dates	Limits	
		Bag	Possession
ATLANTIC FLYWAY			
Florida (1)	Sept. 23-Sept. 27	4	8
MISSISSIPPI FLYWAY			
Alabama	Sept. 9-Sept. 17	4	8
Arkansas (2)	Sept. 16-Sept. 24	4	8
Missis (2)	Sept. 9-Sept. 17	4	8
Indiana (2)	Sept. 1-Sept. 9	4	8
Iowa (3)			
North Zone	Sept. 23-Sept. 27	-	-
South Zone	Sept. 23-Sept. 25	-	-
Kentucky (4)	Sept. 13-Sept. 17	4	8
Louisiana	Sept. 16-Sept. 24	4	8
Mississippi	Sept. 16-Sept. 24	4	8
Missouri (2)	Sept. 9-Sept. 17	4	8
Ohio (2)	Sept. 2-Sept. 10	4	8

	Season Dates	Limits	
		Bag	Possession
Oklahoma	Sept. 1-Nov. 9	15	30
Texas	Sept. 16-Sept. 24 & Nov. 18-Jan. 17	15 16	30 30
Wyoming	Deferred	-	-

PACIFIC FLYWAY

All States

Deferred

(1) The season applies to common moorhens only.

(b) **Sea Ducks (scoter, eider, and oldsquaw ducks in Atlantic Flyway).**

Within the special sea duck areas, the daily bag limit is 7 scoter, eider, and oldsquaw ducks, singly or in the aggregate, of which no more than 4 may be scoters. Possession limits are twice the daily bag limit. These limits may be in addition to regular duck bag limits only during the regular duck season in the special sea duck hunting areas.

	Season Dates	Limits	
		Bag	Possession
Connecticut	Deferred	-	-
Delaware	Sept. 30-Jan. 13	7	14
Georgia	Deferred	-	-
Maine	Deferred	-	-
Maryland	Deferred	-	-
Massachusetts	Deferred	-	-
New Hampshire	Sept. 15-Dec. 30	7	14
New Jersey	Sept. 30-Jan. 13	7	14
New York	Oct. 6-Jan. 20	7	14
North Carolina	Deferred	-	-
Rhode Island	Oct. 6-Jan. 20	7	14

	Season Dates	Bag	Limits Possession
North Carolina	Sept. 6-Sept. 20	3	6
Northeast Hunt Unit			
Rest of State	Sept. 16-Sept. 30	3	6
Pennsylvania	Sept. 1-Sept. 15	3	6
Rhode Island	Sept. 6-Sept. 15	5	10
Virginia	Sept. 5-Sept. 15	5	10
West Virginia	Sept. 1-Sept. 9	3	6
MISSISSIPPI FLYWAY			
Illinois	Sept. 1-Sept. 14	5	10
Northwest Canada Goose Zone			
Indiana	Sept. 1-Sept. 15	5	10
Michigan	Sept. 1-Sept. 10	5	10
Upper Peninsula	Sept. 1-Sept. 15	5	10
Lower Peninsula (1)			
Minnesota (2)	Sept. 2-Sept. 11	5	10
Ohio	Sept. 2-Sept. 15	4	8
Tennessee	Sept. 9-Sept. 13	2	4
Middle Tennessee Zone	Sept. 5-Sept. 15	5	10
Cumberland Plateau Zone	Sept. 5-Sept. 15	5	10
East Tennessee Zone	Sept. 1 only & Sept. 5-Sept. 13	5	10
Wisconsin		5	10
PACIFIC FLYWAY			
Oregon	Sept. 1-Sept. 14	3	6
Northwest Oregon Early-Season Canada Goose Zone			
Washington	Sept. 1-Sept. 15	3	6
Lower Columbia River Zone			
Wyoming (3)(4)	Sept. 2-Sept. 4	2 per season	

	Season Dates	Bag	Limits Possession
Tennessee (4)	Sept. 9-Sept. 13	4	8
CENTRAL FLYWAY			
Colorado	Sept. 9-Sept. 17	4	8
Kansas	Sept. 16-Sept. 24	4	8
New Mexico	Sept. 9-Sept. 17	4	8
Oklahoma	Sept. 9-Sept. 17	4	8
Texas	Sept. 16-Sept. 24	4	8
<p>(1) In Florida, the daily bag limit is 4 wood ducks and teal in the aggregate. The possession limit is twice the daily bag limit.</p> <p>(2) Shooting hours are from sunrise to sunset.</p> <p>(3) In Iowa, the September season is part of the regular season, and limits will conform to those set for the regular season.</p> <p>(4) In Kentucky and Tennessee, the daily bag limit is 4 wood ducks and teal in the aggregate, of which no more than 2 may be wood ducks. The possession limit is twice the daily bag limit.</p>			
(d) Special Early-Canada Goose Seasons:			
	Season Dates	Bag	Limits Possession
ATLANTIC FLYWAY			
Delaware	Sept. 1-Sept. 15	5	10
Maine	Sept. 5-Sept. 15	3	6
Massachusetts	Sept. 5-Sept. 15	5	10
New Jersey	Sept. 6-Sept. 15	5	10
New York	Sept. 6-Sept. 15	5	10

(1) In Michigan, the season is closed in Huron, Saginaw, and Tuscola Counties.

(2) In Minnesota, the bag and possession limits for Canada geese will be 2 and 4, respectively, in the Fergus Falls-Benson Zone and Southwest Zone.

(3) Shooting hours are sunrise to sunset.

(4) State permit required.

(e) Regular Goose Seasons.

Note: Bag and possession limits will conform to those set for the remainder of the regular season.

Season Dates

MISSISSIPPI FLYWAY

Michigan
Upper Peninsula

Sept. 23-Sept. 30

Wisconsin

Sept. 23-Sept. 30

7. Section 20.106 is revised to read as follows:

§ 20.106 Seasons, limits, and shooting hours for sandhill cranes.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting and Hawking hours are one-half hour before sunrise until sunset, except as otherwise noted. Area descriptions were published in the August 29, 1985 Federal Register (60 FR 45020).

CHECK STATE REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

Note: States with deferred seasons may select those seasons at the same time they select waterfowl seasons in August. Consult late-season regulations for further information.

	Season Dates	Bag	Limits	Possession
CENTRAL FLYWAY				
Colorado (1)	Sept. 30-Nov. 26	3	3	6
Kansas (1)(2)	Nov. 4-Dec. 31	2	2	4
Montana Regular Season Area (1)	Sept. 23-Nov. 19	3	3	6

	Season Dates	Bag	Limits	Possession
New Mexico Regular Season Area (1)	Oct. 31-Jan. 31	3	3	6
Middle Rio Grande Valley Area (3)(4)(5)	Oct. 28-Oct. 29 & Dec. 9-Dec. 10 & Jan. 6-Jan. 7	2 2 2	2 2 2	4 4 4
Southwest Area (3)(4)(5)	Dec. 16-Dec. 17	2	2	4
North Dakota (1)	Sept. 9-Nov. 5	3	3	6
Oklahoma (1)	Deferred	-	-	-
South Dakota (1)	Sept. 23-Nov. 19	3	3	6
Texas (1)	Deferred	-	-	-
Wyoming Regular Season Area (1)	Sept. 14-Nov. 10	3	3	6
Riverton-Boysen Unit (3)(5)	Sept. 23-Sept. 30	2	2	per season
PACIFIC FLYWAY				
Arizona (3)	Nov. 3-Nov. 5 & Nov. 7-Nov. 9 & Nov. 11-Nov. 13 & Nov. 15-Nov. 17	2 2 2 2	2 2 2 2	per season per season per season per season
Montana Special-season Area (3)	Sept. 9-Sept. 10 & Sept. 16-Sept. 17	1 1	1 1	per season per season
Utah (3)(5)(6)	Sept. 2-Sept. 3 & Sept. 9-Sept. 10	1 1	1 1	per season per season
Wyoming Bear River Area (3)(5) Salt River Area (3)(5) Eden-Ferson Area (3)(5)	Sept. 2-Sept. 4 Sept. 2-Sept. 4 Sept. 2-Sept. 4	2 2 2	2 2 2	per season per season per season

(1) Each hunter participating in a regular sandhill crane hunting season must obtain and carry in his possession while hunting sandhill cranes a valid Federal sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to any authorized law enforcement official upon request.

(2) Shooting hours are sunrise to 2:00 p.m.

(3) Hunting is by State permit only.

(4) The seasonal bag limit is 4.

(5) Shooting hours are sunrise to sunset.

(6) In Utah, the season is open in Rich County only.

8. Section 20.108 is revised to read as follows:

20.108 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Hawking hours are one-half hour before sunrise until sunset except as otherwise noted. Area descriptions were published in the August 29, 1995, *Federal Register* (60 FR 45020). For those extended seasons for Ducks, Mergansers, and Coots, area descriptions were published in the September 27, 1994, *Federal Register* (59 FR 49304) and will be published again in a September 1995 *Federal Register*.

CHECK STATE REGULATIONS FOR AREA DESCRIPTIONS AND ANY ADDITIONAL RESTRICTIONS.

Daily bag limit 3 migratory birds, singly or in the aggregate.

Possession limit 6 migratory birds, singly or in the aggregate.

These limits apply to falconry during both regular hunting seasons and extended falconry seasons — unless further restricted by State regulations. The falconry bag and possession limits are not in addition to regular season limits. Unless otherwise specified, extended falconry for ducks does not include sea ducks within the special sea duck areas. Only extended falconry seasons are shown below. Many States permit falconry during the gun seasons. Please consult State regulations for details.

For ducks, mergansers, coots, pease, and some moorhen seasons; additional season days occurring after September 30 will be published with the late-season selections. Some States have deferred selections. Consult late-season regulations for further information.

Extended Falconry Dates

ATLANTIC FLYWAY

Florida

Mourning and white-winged doves
Northwest Zone

Oct. 17-Nov. 10 &
Nov. 27-Dec. 8

South Zone

Oct. 31-Nov. 10 &
Nov. 27-Dec. 8 &
Jan. 8-Jan. 21

Rails and common moorhens

Nov. 10-Dec. 16

Woodcock

Nov. 24-Dec. 8 &
Jan. 23-Mar. 9

Maryland

Mourning doves

Oct. 22-Nov. 17 &
Dec. 16-Dec. 25

Rails

Nov. 10-Dec. 16

Woodcock

Oct. 5-Oct. 22 &
Nov. 26-Dec. 9 &
Dec. 23-Jan. 21

Pennsylvania

Mourning doves

Oct. 12-Oct. 27 &
Nov. 27-Dec. 16

Virginia

Doves

Oct. 1 only &
Dec. 9-Dec. 22 &
Jan. 3-Jan. 24

Rails

Oct. 15-Oct. 20 &
Nov. 26 only &
Dec. 23-Jan. 2

Woodcock

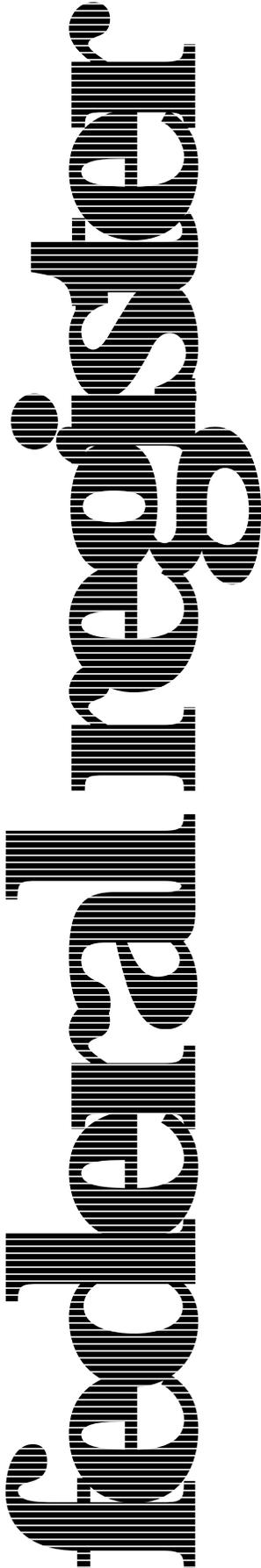
Nov. 26-Dec. 19 &
Jan. 7-Jan. 31

	Extended Falconry Dates
Tennessee	
Mourning doves	Sept. 28-Oct. 13 & Oct. 29-Nov. 28
Ducks (1)	Sept. 14-Sept. 30
Wisconsin	
Rails, snipe, moorhens, and gallinules (1)	Sept. 1-Sept. 30
Woodcock	Sept. 1-Sept. 15
Ducks, mergansers, and coots (1)	Sept. 1-Sept. 30
North Zone	
South Zone	Sept. 15-Sept. 30
CENTRAL FLYWAY	
Colorado	
Ducks, mergansers and coots (1)	Sept. 18-Sept. 22
Montana (2)	
Ducks, mergansers, and coots (1)	Sept. 18-Sept. 29
New Mexico	
Doves	Oct. 1-Nov. 5 & Nov. 28-Nov. 30 & Dec. 31-Jan. 7
Band-tailed pigeons	
North Zone	Sept. 21-Dec. 16
South Zone	Oct. 21-Jan. 15
Sandhill cranes	
Regular Season Area	Oct. 17-Oct. 30
North Dakota	
Ducks, mergansers, and coots	Sept. 1-Sept. 30
Snipe (1)	Sept. 1-Sept. 8

	Extended Falconry Dates
MISSISSIPPI FLYWAY	
Illinois	
Mourning doves	Oct. 31-Dec. 16
Rails	Nov. 18-Dec. 24
Woodcock	Sept. 1-Sept. 30
Indiana	
Mourning doves	Oct. 17-Nov. 8 & Jan. 1-Jan. 23
Woodcock	Sept. 1-Sept. 22 & Nov. 27-Dec. 16
Ducks, mergansers, and coots (1)	Sept. 24-Sept. 30
North Zone	
Iowa	
Ducks, mergansers, and coots (1)	Sept. 28-Sept. 30
North Zone	
South Zone	Sept. 28-Sept. 30
Michigan	
Rails, snipe, and woodcock	Sept. 7-Sept. 14 & Nov. 15-Dec. 12 & Mar. 1-Mar. 10
Ducks, mergansers, coots, and moorhens (1)	Sept. 7-Sept. 30
Minnesota	
Rails, snipe, and woodcock	Nov. 5-Dec. 16
Ducks, mergansers, coots, and moorhens (1)	Sept. 1-Sept. 30
Missouri	
Mourning doves	Oct. 31-Dec. 16
Ducks, mergansers, and coots	Sept. 9-Sept. 17

	Extended Falconry Dates	Extended Falconry Dates
Oklahoma		
Ducks, mergansers, and coots (1) High Plains	Sept. 18-Sept. 30	
South Dakota		
Ducks, mergansers, and coots (1)	Sept. 4-Sept. 30	
Texas		
Mourning and white-winged doves	Nov. 13-Dec. 19	
Rails and gallinules	Oct. 12-Nov. 17	
Wyoming		
Rails	Sept. 1-Sept. 14	
Ducks, mergansers, and coots (1)	Sept. 1-Sept. 29	
PACIFIC RLYWAY		
Arizona		
Doves	Sept. 11-Oct. 27	
Idaho		
Mourning Doves	Nov. 1-Jan. 16	
Ducks, mergansers, and coots Areas 1 & 2	Sept. 8-Sept. 14 & Mar. 4-Mar. 10	
Area 3	Sept. 23-Oct. 6	
New Mexico		
Doves		Oct. 1-Nov. 5 & Nov. 28-Nov. 30 & Dec. 31-Jan. 7
Band-tailed pigeons North Zone		Sept. 21-Dec. 16
South Zone		Oct. 21-Jan. 15
Oregon (3)		
Mourning doves		Oct. 1-Dec. 16
Band-tailed pigeons		Sept. 1-Sept. 14 & Sept. 24-Dec. 16
Ducks and coots Zone 2		Sept. 23-Sept. 30
Utah		
Mourning doves and band-tailed pigeons		Oct. 1-Dec. 16
Washington		
Mourning doves		Oct. 1-Dec. 31
Wyoming		
Rails and snipe		Sept. 1-Sept. 14
Ducks, mergansers, and coots (1)		Sept. 1-Sept. 29

(1) Additional days occurring after Sept. 30 will be published with the late-season selections.
 (2) In Montana and New Mexico, the bag limit is 2 and the possession limit is 6.
 (3) In Oregon, no more than 1 pigeon daily in bag or possession.



Thursday
August 31, 1995

Part X

The President

Proclamation 6818—National POW/MIA
Recognition Day, 1995

Presidential Documents

Title 3—**Proclamation 6818 of August 29, 1995****The President****National POW/MIA Recognition Day, 1995****By the President of the United States of America****A Proclamation**

Throughout our proud history, America's sons and daughters have answered the call to defend our fundamental liberties and to safeguard the freedoms of peace-seeking countries around the globe. Representing the finest this Nation has to offer, the members of our Armed Forces have given everything of themselves in defense of the independence and democracy that we hold so dear. This year we have a special opportunity to honor their service as we commemorate the 50th anniversary of the end of World War II, the dedication of the Korean War Veterans Memorial, and the unveiling of the POW and MIA postage stamp.

In remembering these heroic men and women, it is with profound respect and solemn appreciation that we single out those who paid the heaviest price. Among them are the Prisoners of War and those Missing in Action. Their courage and devotion to duty, honor, and country—often in the face of brutal treatment and torture by their captors—will never be forgotten by the American people.

Our Nation also recognizes that the families of these brave citizens have suffered and made great sacrifices for our country. For it is in the name of both the missing and their loved ones that we aggressively pursue the release of any United States service member held against his or her will, that we search tirelessly for information about the missing, and that we seek the repatriation of recoverable American remains.

On September 15, 1995, the flag of the National League of Families of American Prisoners of War and Missing in Southeast Asia, a black and white banner symbolizing America's missing, will be flown over the White House, the Capitol, the United States Departments of State, Defense, and Veterans Affairs, the Selective Service System Headquarters, the Vietnam Veterans and Korean War Veterans Memorials, and national cemeteries across the country. This flag is a symbol of our Nation's covenant with those who defend us and with the loved ones they leave behind—the brave individuals who have earned our everlasting gratitude and their families who deserve our deepest sympathy and our national pledge to achieve the fullest possible accounting of American troops.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 15, 1995, as "National POW/MIA Recognition Day." I urge State and local officials, private organizations, and citizens everywhere to join in honoring all Prisoners of War and Missing in Action still unaccounted for as a result of their dedicated service to our great country. I also encourage the American people to recognize and acknowledge the steadfast vigil the families of the missing maintain in their quest for answers and a conclusion to their struggle. Finally, I call upon all Americans to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of August, in the year of our Lord nineteen hundred and ninety-five, and of the Independence of the United States of America the two hundred and twentieth.

William Clinton

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